



# Logan-Union-Champaign regional planning commission

Director: Bradley J. Bodenmiller

**\*\*\*This meeting will take place by remote access only. Please see page 2 of this agenda for information required to join this virtual meeting.\*\*\***

## Zoning & Subdivision Committee

Thursday, April 8, 2021, 12:15 pm

- Minutes from last meeting of March 11, 2021
- 1. Review of Darby Braeside Phase 3 Final Plat (Union County) – Staff Report by Brad Bodenmiller
- 2. Review of Adams Township Zoning Parcel Amendment (Champaign County) – Staff Report by Aaron Smith
- 3. Review of Jerome Township Zoning Text Amendment (Union County) – Staff Report by Aaron Smith
- 4. Review of Leesburg Township Zoning Text Amendment (Union County) – Staff Report by Aaron Smith

### Members:

Tyler Bumbalough – City of Urbana Engineer  
Scott Coleman – Logan County Engineer  
Weston R. Dodds – City of Bellefontaine Code Enforcement  
Ashley Gaver – City of Marysville  
Steve Robinson – Union County Commissioner  
Steve McCall – Champaign County Engineer  
Bill Narducci – Union County Engineer's Office  
Tammy Noble – City of Dublin Planning  
Tom Scheiderer – Jefferson & Zane Township Zoning Inspector  
Jeff Stauch – Union County Engineer  
Robert A. Yoder – North Lewisburg Administrator  
Brad Bodenmiller – LUC  
Heather Martin – LUC  
Aaron Smith – LUC

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Access to anyone wishing to attend this meeting  
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Participant ID	N/A
Passcode	701006

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**Staff Report – Darby Braeside Phase 3**

<b>Applicant:</b>	<p><b>Darby Braeside, LLC</b> c/o Wayne Ballantyne 1119 Regency Drive Columbus, OH 43220 <a href="mailto:wayneballant@gmail.com">wayneballant@gmail.com</a></p> <p><b>The Mannik &amp; Smith Group, Inc.</b> c/o Randy Van Tilburg, PE 1160 Dublin Road Columbus, OH 43215 <a href="mailto:rvantilburg@manniksmithgroup.com">rvantilburg@manniksmithgroup.com</a></p>
<b>Request:</b>	Approval of Darby Braeside, Phase 3 – Final Plat.
<b>Location:</b>	Located west of State Route 736, east of the Big Darby Creek, and between Robinson Road and US Hwy 42 in Jerome Township, Union County.

<b>Staff Analysis:</b>	<p>This Final Plat involves 61.621 acres of land and proposes 28 single-family residential lots.</p> <p>Acreages:</p> <ul style="list-style-type: none"><li>○ 5.525 acres in right-of-way</li><li>○ 52.071 acres in single-family residential lots</li><li>○ 4.025 acres in open space</li></ul> <p>Proposed utilities:</p> <ul style="list-style-type: none"><li>○ Water service proposed is private, on-site wells</li><li>○ Sanitary service proposed is private, on-site septic systems</li></ul> <p>Preliminary Plat:</p> <ul style="list-style-type: none"><li>○ The original Preliminary Plat was approved in June 2015 with a subsequent Extension in April 2017.</li><li>○ The Phase 1 Final Plat was approved in October 2015.</li><li>○ The 1<sup>st</sup> Amended Preliminary Plat was approved in December 2017 with a subsequent Extension in November 2019.</li><li>○ The Phase 2 Final Plat was approved in April 2018.</li><li>○ The 2<sup>nd</sup> Amended Preliminary Plat was approved in November 2020.</li></ul>
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• **Union County Engineer's Office**

- The Engineer's Office submitted comments in a letter dated 03-30-21. The Engineer's Office reported the Construction Drawings are approved, and the surety was approved by the Commissioners. The Engineer's Office recommended denial due to outstanding technical comments, but reserved the right to change its recommendation, should its comments be addressed prior to the LUC meetings.
  1. Sheet 1: Remove the Darby Township signature line.
  2. Sheet 1: Label Reserve "D" throughout the plat as referenced in Note 32.
  3. Sheet 1: Provide a dedication note and description of the Drainage Easements.
  4. Sheet 2: Include a Drainage Easement over entirety of Reserve "E".
  5. Sheet 3: Include a Drainage Easement of the entirety of Reserve "C".
  6. The scale bar doesn't appear to be accurate on any of the sheets.
  7. Sheet 3: There is a 25' Drainage Easement shown on Lot 30, but the annotation is directed to the 30' setback line; please clarify. Also, the easement should extend southwest of Lot 30 to encompass the proposed storm sewer within Reserve "D".

• **Union County Soil & Water Conservation District**

- No comments received as of 03-31-21.

• **Union County Health Department**

- No comments received as of 03-31-21. Standard comments from the Health Department are below:
  1. "All efforts should be made to provide a point of connection (via easements and/or service lines) to both water and sewer to any adjacent home, business, or any other facility that is serviced by a private water system (PWS) and/or sewage treatment system (SWS)."
  2. Any home, business, or other structure that is currently being serviced by a private sewage treatment system (STS) and ends up being situated within 200' of a sanitary sewer easement,



	<p>shall be brought to the attention of the Union County Health Department.”</p> <p>3. “If at any time during development of the subdivision a private water system (PWS) (well, cistern, etc.) or sewage treatment system (STS) is found, our office shall be immediately contacted for inspection. Proper permitting must be obtained for sealing and/or abandonment of a private water system (PWS) and sewage treatment system (STS).”</p> <p>• <b>City of Marysville</b></p> <ul style="list-style-type: none"><li>○ The City emailed on 03-23-21, that it has no comments.</li></ul> <p>• <b>Village of Plain City</b></p> <ul style="list-style-type: none"><li>○ No comments received as of 03-31-21.</li></ul> <p>• <b>Jerome Township</b></p> <ul style="list-style-type: none"><li>○ The Township submitted comments in a letter dated 04-01-21. <b>Some</b> of those comments are listed below and summarized for reference. (Please refer to letter for all comments.)<ol style="list-style-type: none"><li>1. The proposed lots meet the minimum area and width.</li><li>2. Note 27 should not include any reference to the 80’ private front building setback; this is not a zoning regulation. Please create a Note 27a to address this item and clarify that it is not a zoning regulation.</li></ol></li></ul> <p>• <b>Darby Township</b></p> <ul style="list-style-type: none"><li>○ No comments received as of 03-31-21.</li></ul> <p>• <b>ODOT District 6</b></p> <ul style="list-style-type: none"><li>○ No comments received as of 03-31-21.</li></ul> <p>• <b>Union Rural Electric</b></p> <ul style="list-style-type: none"><li>○ URE submitted comments in a letter dated 03-31-21.<ol style="list-style-type: none"><li>1. Sheet 2 &amp; 3: URE noted several easements 15’ in width. URE also provided its easement width requirement, which is 20’. Facilities can be located within a 10’ easement if adjacent property has additional easements or right-of-way for</li></ol></li></ul>
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## Staff Report – Darby Braeside Phase 3

	<p>ingress/egress totaling 20'. When on a property line, a 10' easement on each side is required.</p> <ul style="list-style-type: none"><li>• <b>LUC Regional Planning Commission</b><ol style="list-style-type: none"><li>1. Sheet 1: Paragraph 1 of the Surveyor's Certificate references Darby Township. Does it make sense to include Darby Township if nothing is happening in Darby Township (Article 8)?</li><li>2. Sheet 1: Note 34 references the roads from Phase 2. Does it make sense to update the road names to Ballantyne Court, Fitzhamon Drive, and Claverhouse Court (§323, 12.)?</li><li>3. Sheet 2: At the rear of Lot 24, is the drainage easement label correct (§323, 7.)?</li><li>4. Sheet 2: At the east line of Lot 41, are the arrows pointing to the utility easement in the correct location (§323, 7.)?</li><li>5. Sheet 2: Is the shared dimension between lot 41/42 correct? It seems short (§323, 8.).</li><li>6. Sheet 2: At the west line/right-of-way of Lot 49, is the easement line is missing (§323, 7.)?</li><li>7. Sheet 3: The drainage easement in the south west corner of Lot 30 is open-ended. Where does it end in Phase 3 (§323, 7.)?</li><li>8. Sheet 3: Do the most southern dimensions (including the southern edge of lots 30 and 31) sum to 1301.13' (§323, 3.)?</li><li>9. Sheet 3: The 80' private setback label is missing from lots 37-40 (§323, 5.).</li><li>10. Sheet 3: The length of C26, which is at the west line of Lot 40, seems long (§323, 8.).</li><li>11. Sheet 3: The west line of Lot 39 shows a drainage easement, but one of the two arrows indicating the width/sides of the easement is missing (§323, 7.).</li></ol></li></ul>
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<b>Staff Recommendations:</b>	Staff recommends <b>APPROVAL</b> of the Darby Braeside, Phase 3 – Final Plat, <b>pending</b> all minor technical items mentioned by reviewing agencies and staff are incorporated into the Final Plat Mylar.
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Logan-Union-Champaign  
regional planning commission

**Staff Report – Darby Braeside Phase 3**

<b>Z&amp;S Committee Recommendations:</b>	
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# Logan-Union-Champaign regional planning commission

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## Application for Final Plat Approval

Date: February 18, 2021

Name of Subdivision: Darby Braeside

Section/Phase: Phase 3 Block \_\_\_\_\_

Location: 8673 SR 736, Plain City, OH 43064

Township: Jerome Military Survey: VMS 3484

Complete Parcel(s) Identification Number (PIN): 1500160020000

Has a Preliminary Plat been approved for this subdivision?: Yes ☒ No ☐ Date: \_\_\_\_\_

Name of Applicant: Darby Braeside, LLC

Address: 1119 Regency Drive

City: Columbus State: OH Zip: 43220

Phone: 614-406-7514 Fax: \_\_\_\_\_ Email: WayneBallant@gmail.com

Name of Owner of property to be subdivided: Darby Braeside, LLC

Address: 1119 Regency Drive

City: Columbus State: OH Zip: 43220

Phone: 614-406-7514 Fax: \_\_\_\_\_ Email: WayneBallant@gmail.com

Name of Applicant's Surveyor or Engineer: The Mannik & Smith Group, Inc.

Address: 1160 Dublin Road

City: Columbus State: OH Zip: 43215

Phone: 614-441-4222 Fax: \_\_\_\_\_ Email: RVanTilburg@manniksmithgroup.com

Proposed Acreage to be Subdivided: 61.62 acres

Current Zoning Classification: U1

Proposed Zoning Changes: U1

Proposed Land Use: Single Family Residential

### Development Characteristics

Acreage w/in Approved Preliminary Plat: 61.62 Acres

Acreage w/in Section and/or Block: 61.62 Acres

Number of **APPROVED** lots from Preliminary Plat 28

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Number of Lots **PROPOSED** w/in this Section: 28

Number of **APPROVED** units from Preliminary Plat: 28

Number of Units **PROPOSED** w/in this Section: 28

Typical Lot Width: 200 Feet Typical Lot Area: 90000 SF

Single Family Units: 28 Sq. ft Multi-Family Units: 0

Acreage to be devoted to recreation, parks or open space: 7.83 acres

Recreation facilities to be provided: N/A

Approved method of Supplying Water Service: On-Site Wells

Approved method of Sanitary Waste Disposal: On-Site Septic Fields

Were any Requests for Variance(s) from the Subdivision Regulations approved by the County Commissioners? N/A

Construction improvements have achieved satisfactory completion and has been Certified by the County Engineer in accordance with Section 326 and 330 of the Subdivision Regulation? *If no, continue to next question.* Yes

If no to the above question, please submit a Performance Bond in accordance with the following:

Has estimated construction cost been submitted by the responsible design engineer?                     

Has estimated construction cost been approved by the County Engineer?                     

Bond has been submitted to County Engineer?                     

Bond approved by County Commissioners?                     

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## For Official Use

Date filed:                                      Filing Fee:                                     

Date of Meeting of Planning Commission:                                     

Action by Planning Commission:                                     

If rejected, reason(s) for:                                     

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## Final Plat Review Checklist

#	Required Item Description	Have	Need
0	Drawn at a scale not less than 1:100 and shall be on one or more sheets 24" X 36"; drawn in India ink or photographically reproduced on Mylar or other materials of equal permanence.	X	
1	Name of the Subdivision, location by section, range or township, or Virginia Military Survey (VMS) number; date, north point, written and graphic scale and acreage.	X	
2	Names and addresses of the subdivider and the professional surveyor who prepared the Final Plat	X	
3	Plat boundaries, based on accurate traverse, with directional and lineal dimensions.	X	
4	Bearings and distances to nearest established street lines or other recognized permanent monuments.	X	
5	Exact locations, right-of-way widths, and names of all streets within and adjoining the plat; building setback lines.	X	
6	Radii, internal angles, points of curvature, tangent bearings, lengths of arcs, and lengths and bearings of chords.	X	
7	All easements and rights-of-ways provided for public services or utilities. All plats shall contain a restriction that no permanent structures or plantings, etc. shall be permitted in the easement areas.	X	
8	All lot numbers and lines with accurate dimensions in feet and hundredths. House numbers may be required to be shown.	X	
9	Accurate location and description of all monuments. The plat shall clearly indicate which monuments are in place at the time of certification of the Final Plat by the surveyor. The plat shall also clearly indicate which monuments will be placed, if any, after construction of the improvements and before the completion date.	N/A	
10	Accurate outlines of areas to be dedicated or reserved for public use, or any area to be reserved for common uses of all property owners.	X	
11	The limits of all Flood Hazard Areas (show the FEMA map number and date). Base Flood Elevations and minimum first floor elevations shall be shown for all lots located within Flood Hazard Areas.	X	
12	Certain restrictions and covenants the subdivider intends to include in the deeds to the lots in the subdivision including any restrictions required by the County.	X	
13	Certification by a professional surveyor to the effect that the plat represents an actual field survey performed by him; that all dimensional details are correct, and that the monuments shown thereon were or will be placed by the established completion date or prior to the sale of each lot, whichever occurs first (See Section 326).	X	
14	Notarized certification by the owner or owners of the authorization of the plat and the dedication of streets and other public areas.		X



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15	A vicinity map at a scale of generally not more than six thousand feet to an inch (6,000:1) shall be shown on, or shall accompany the Final Plat.	X	
16	If a zoning change or variance is involved, a letter from the Township Zoning Inspector shall be required indicating that the change or variance has been approved and is in effect.	N/A	
17	A letter from the County Engineer shall be required showing that all required improvements have been either installed and approved by the proper officials or agencies, or that a bond or other surety has been furnished assuring installation of the required improvements.	X	
18	Written certification from the Board of County Commissioners for operation and maintenance of the wastewater or water treatment plant, if applicable.	N/A	
19	Certification by a registered surveyor to the effect that the plat represents a survey completed by the surveyor and that the monuments shown thereon exist as located in all dimensional details are correct.	X	
20	A notarized acknowledgement of all owners and lien holders to the plat and its restrictions including dedication to the public uses of streets, alleys, parks and other spaces shown thereon and granting required easements.	X	
21	Approval and acceptance clause for the signatures of a representative of the Logan-Union-Champaign County Regional Planning Commission, the County Engineer, the County Health Department, the Board of County Commissioners, the County Auditor, the County Recorder, and a representative of the Township Trustees in which the subdivision is located.		X
22	Final Plat Fees: Payment/Check made out to LUC Regional Planning Commission, based on the current fee schedule.	X	

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STANDARD DEED RESTRICTIONS FOR UNION COUNTY

RESIDENTIAL and COMMERCIAL

1. THERE SHALL BE NO DISCHARGE IN TO ANY STREAMS OR STORM WATER OUTLETS OF ANY WASTE MATERIALS IN VIOLATION OF APPLICABLE LOCAL, STATE, OR FEDERAL REGULATIONS.
2. NO PERMANENT STRUCTURES, PLANTINGS, ETC. SHALL BE PERMITTED IN EASEMENT AREAS.
3. GRADING OF THE STORM WATER DETENTION AREAS SHALL NOT BE CHANGED.
4. MAINTENANCE OF DRAINAGE DITCHES, DETENTION AREAS, AND/OR DRAINAGE SWALES SHALL BE THE RESPONSIBILITY OF UNION COUNTY ENGINEER'S OFFICE, AND USWCD THROUGH THE DITCH MAINTENANCE PROGRAM. REPAIRS SHALL BE MADE IMMEDIATELY EXISTING DRAIN TILES IN THE SUBDIVISION SHALL BE RE-ROUTED SO THAT DRAINAGE ENTERING TILES WILL CONTINUE TO FLOW FREELY.
5. THE LOT OWNER AND HIS SUCCESSORS AND ASSIGNS AGREE TO ASSUME ANY AND ALL DITCH MAINTENANCE CHARGES WHICH ARE ESTABLISHED BY THE UNION COUNTY COMMISSIONERS FOR THIS SUBDIVISION.

6b. NO CONSTRUCTION MAY BEGIN OR BUILDING STARTED WITHOUT THE INDIVIDUAL LOT OWNER OBTAINING ZONING, BUILDING, SEPTIC SEWAGE DISPOSAL, WATER WELL, AND DRIVEWAY PERMITS. ZONING PERMITS ARE OBTAINED FROM THE TOWNSHIP ZONING INSPECTOR, BUILDING PERMITS ARE OBTAINED FROM THE UNION COUNTY BUILDING REGULATION DEPARTMENT AND DRIVEWAY PERMITS ARE OBTAINED FROM THE UNION COUNTY ENGINEER'S OFFICE. SEPTIC SEWAGE DISPOSAL AND WATER WELL PERMITS ARE OBTAINED FROM THE UNION COUNTY HEALTH DEPARTMENT.

8. ALL CONSTRUCTION SHALL MEET THE REQUIREMENTS OF THE TOWNSHIP, UNION COUNTY, AND OTHER APPLICABLE CODE AUTHORITIES.

9. FOR ANY BUILDING PROPOSED TO BE BUILT WITHIN THE 100-YEAR FLOOD ZONE, THE STANDARDS OF THE UNION COUNTY FLOOD DAMAGE PREVENTION RESOLUTION MUST BE MET. NO CONSTRUCTION MAY BEGIN OR BUILDING STARTED WITHIN A DESIGNATED FLOOD HAZARD AREA PRIOR TO THE ISSUANCE OF A FLOOD HAZARD PERMIT BY THE UNION COUNTY BUILDING REGULATION DEPARTMENT.

RESIDENTIAL ONLY

11. DOWNSPOUT DRAINS SHALL NOT BE CONNECTED DIRECTLY TO THE ROADWAY UNDER DRAINS.

14a. REGULAR MAINTENANCE OF THE STORM WATER DETENTION AREAS IS THE RESPONSIBILITY OF THE UNION COUNTY ENGINEER'S OFFICE AND USWCD THROUGH THE DITCH MAINTENANCE PROGRAM. UPON WHICH THE EASEMENT FOR THE DETENTION AREA IS LOCATED .

15. WHEN DRIVEWAYS FOR EACH LOT ARE CONSTRUCTED, A DRIVE PIPE SHALL BE INSTALLED PER THE SCHEDULE ON THE FINAL ENGINEERING PLAN. THE DRIVE PIPE SHALL BE APPROVED AND INSPECTED BY THE UNION COUNTY ENGINEER'S OFFICE.

MISCELLANEOUS RESTRICTIONS/NOTES

24. THIS SUBDIVISION IS LOCATED ADJACENT TO LAND WHICH MAY BE USED FOR AGRICULTURAL/FARMING PURPOSES. LOT OWNERS CAN EXPECT NOISE FROM FARM MACHINERY, DUST FROM FARMING OPERATIONS, THE APPLICATION OF CHEMICALS TO THE SOIL AND CROPS, ODORS AND NOISE FROM LIVESTOCK, AND OTHER TYPICAL FARMING OR RURAL USES. OWNERS CAN EXPECT FARMING OPERATIONS TO HAPPEN DAY OR NIGHT. YOU CAN EXPECT HUNTING ON AGRICULTURAL LAND, DO NOT EXPECT TO USE AGRICULTURAL LAND FOR YOUR PURPOSES WITHOUT FIRST GETTING PERMISSION FROM THE LANDOWNER. DO NOT ALLOW YOUR CHILDREN OR YOUR PETS TO PLAY ON AGRICULTURAL LAND. DO NOT DISCARD CLIPPINGS AND TRIMMINGS FROM LAWN, TREES, BUSHES, PLANTS, ETC. OR OTHER WASTES THAT YOU MAY GENERATE ON AGRICULTURAL LAND. DISPOSE OF ALL WASTES APPROPRIATELY. ADDITIONALLY, THERE MAY BE EXISTING DITCHES, SURFACE SWALES OR UNDERGROUND TILES THAT DRAIN WATER FROM ADJACENT LAND ON TO OR THROUGH YOUR PROPERTY. YOU HAVE A LEGAL RESPONSIBILITY TO ALLOW THE REASONABLE FLOW OF WATER ON TO OR THROUGH YOUR PROPERTY FROM UP GROUND PROPERTIES. YOU ALSO HAVE A LEGAL RESPONSIBILITY TO MAINTAIN AND REPAIR ANY EXISTING DITCHES, SURFACE SWALES OR UNDERGROUND TILE ON YOUR PROPERTY.

26. FEMA ZONE: AT THE TIME OF PLATTING, ALL OF THE SUBDIVISION IS IN ZONE X (areas determined to be out of the 500-year floodplain) AS SAID ZONE IS DESIGNATED AND DELINEATED ON THE FEMA FLOOD INSURANCE RATE MAP FOR UNION COUNTY, OHIO AND UNINCORPORATED AREAS, MAP NUMBERS 39159C0370D WITH EFFECTIVE DATE OF DECEMBER 16, 2008.

27. MINIMUM SETBACKS: ZONING REGULATIONS FOR DARBY BRAESIDE PHASE 3 SUBDIVISION IN EFFECT AT THE TIME OF PLATTING OF DARBY BRAESIDE PHASE 1 SUBDIVISION SPECIFY THE FOLLOWING DIMENSIONS FOR THE MINIMUM FRONT, SIDE AND REAR YARD SETBACKS FOR EACH LOT:

- 80' PRIVATE FRONT BUILDING SETBACK
- 50' ZONING FRONT BUILDING SETBACK
- SIDE 20 FEET
- REAR 30 FEET

SAID ZONING REGULATIONS AND ANY AMENDMENTS THERETO PASSED SUBSEQUENT TO ACCEPTANCE OF THIS PLAT, SHOULD BE REVIEWED TO DETERMINE THE THEN CURRENT REQUIREMENTS. THIS NOTICE IS SOLELY FOR THE PURPOSE OF NOTIFYING THE PUBLIC OF THE EXISTENCE, AT THE TIME OF PLATTING, OF CERTAIN ZONING REGULATIONS APPLICABLE TO THIS PROPERTY. THIS NOTICE SHALL NOT BE INTERPRETED AS CREATING PLAT OR SUBDIVISION RESTRICTIONS, PRIVATE USE RESTRICTIONS, COVENANTS RUNNING WITH THE LAND OR TITLE ENCUMBRANCES OF ANY NATURE, AND IS FOR INFORMATION PURPOSES ONLY.

28. UTILITY PROVIDERS: BUYERS OF THE LOTS IN THIS SUBDIVISION ARE HEREBY NOTIFIED THAT, AT THE TIME OF PLATTING, UTILITY SERVICE TO THIS SUBDIVISION FOR ELECTRIC POWER IS PROVIDED BY UNION RURAL ELECTRIC, TELEPHONE SERVICE IS PROVIDED BY FRONTIER COMMUNICATIONS.

29. SCHOOL DISTRICT: AT THE TIME OF PLATTING, ALL OF THE SUBDIVISION IS IN THE JONATHAN ALDER LOCAL SCHOOL DISTRICT.

31. THE CONSERVATION EASEMENT AREAS ARE PART OF INDIVIDUAL LOT(S). IN SUCH CASES, THE OWNER(S) OF THE LOT(S) AFFECTED BY THE CONSERVATION EASEMENT SHALL BE RESPONSIBLE FOR DOING AND/OR REFRAINING FROM DOING CERTAIN ACTS WITHIN THE CONSERVATION EASEMENT IN ORDER TO PRESERVE IT IN ITS NATURAL STATE. WITHIN SAID CONSERVATION EASEMENT ON LOTS THERE SHALL BE NO BUILDINGS, EXCAVATING, REMOVAL OR QUARRYING OF TOP SOIL, SAND, GRAVEL, ROCK, MINERALS AND/OR MATERIALS OR CHANGE IN THE TOPOGRAPHY OF THE GRADE WITHIN THE CONSERVATION EASEMENT IN ANY MANNER, OTHER THAN THAT CAUSED BY THE FORCES OR NATURE OR AS RESERVED WITHIN THE CONSERVATION EASEMENT.

32. RESERVE D HAS BEEN CREATED FOR THE PURPOSE OF PRESERVING, PROTECTING, AND CONSERVING THOSE AREAS OF THE SUBDIVISION ADJACENT TO THE BIG DARBY CREEK WHILE ALLOWING FOR PASSIVE ENJOYMENT OF THE RESERVE BY THE HOMEOWNERS. THIS RESERVE SHALL BE KEPT IN ITS ACTUAL STATE. AS HEREIN USED, THE TERM NATURAL STATE IS INTENDED TO MEAN THAT NO BUILDINGS, BILLBOARDS, SIGNS OR OTHER STRUCTURES MAY BE CONSTRUCTED WITHIN THE RESERVE, PROVIDED, HOWEVER, TWO STRUCTURES MAY BE CONSTRUCTED WITHIN THE RESERVE: A CANOE STORAGE AND PICNIC SHELTER. THE HOMEOWNERS ASSOCIATION MAY MOVE DIRT, EXCAVATE OR BRING IN FILL OR MATERIAL FOR THE PRESERVATION OF EXISTING PATHWAYS THROUGH CONSERVATION EASEMENT.

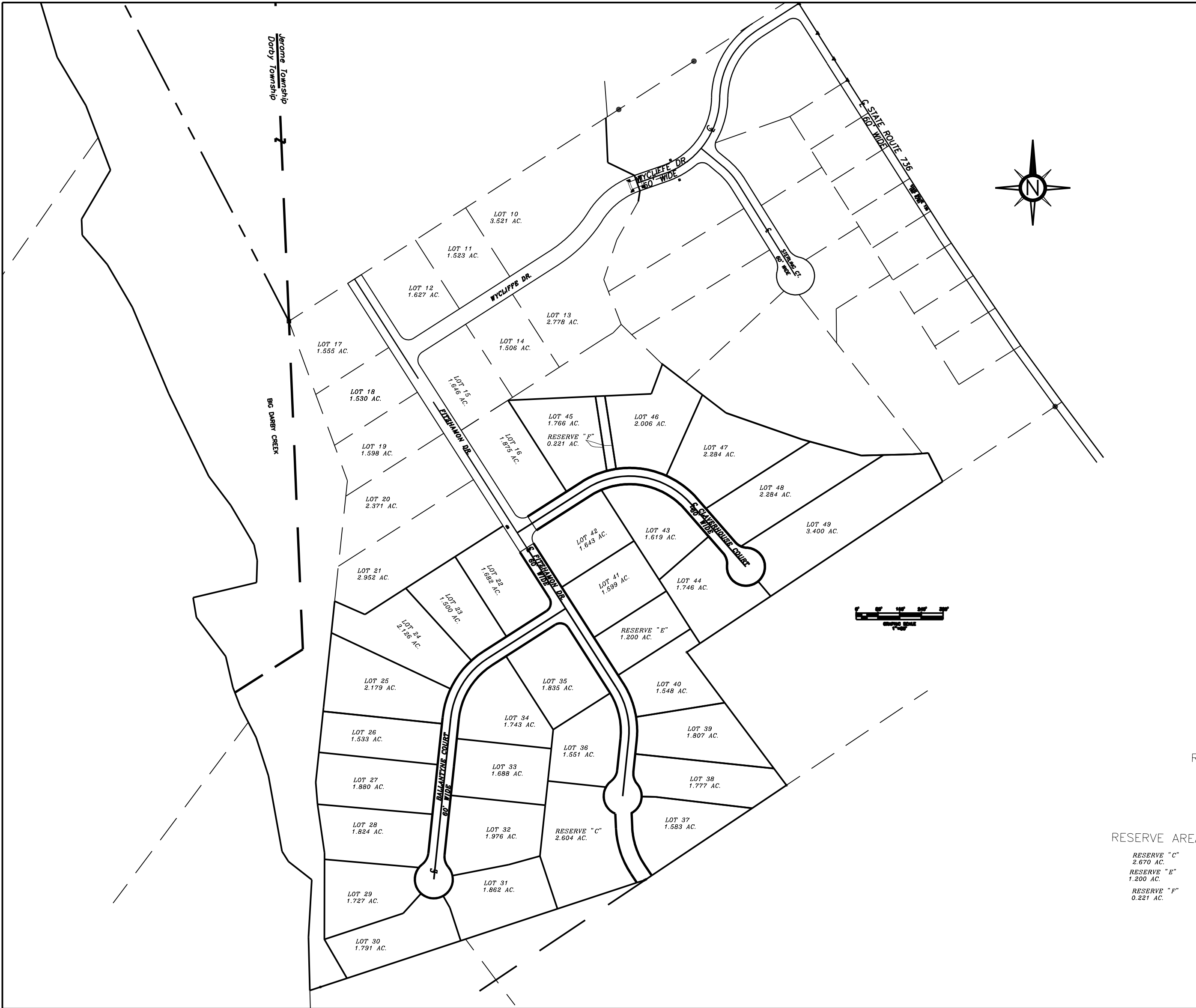
33. OTHER RESERVE AREAS (C, E, AND F) SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.

34. THE UNDERSIGNED OWNERS DARBY BRAESIDE, LLC GRANTOR OF THE WITHIN PLATTED LAND, DO HEREBY GRANT UNTO ELECTRIC PROVIDER UNION RURAL ELECTRIC COOPERATIVE, PHONE, CABLE, FIBER (FRONTIER COMMUNICATIONS, CHARTER COMMUNICATIONS, WOW) AND THEIR SUCCESSORS AND ASSIGNS (GRANTEES), A PERMANENT EASEMENT ("UTILITY EASEMENT"), UNDER, OVER AND THROUGH ALL SUB LOTS AND ALL LANDS OWNED BY THE GRANTOR SHOWN HEREON AND PARALLEL WITH THE CONTIGUOUS RIGHT-OF-WAY FOR WYCLIFF DRIVE AND FITZHAMON DRIVE AND ALSO UPON LAND BETWEEN LOTS AS TO THE SERVICE METER TO BE INSTALLED UPON THE GRANTOR PROPERTY ("UTILITY EASEMENT"); THE CENTERLINE OF WHICH SHALL BE THE LOCATION OF THE INSTALLATIONS (AS DEFINED), DEPICTED HEREON TO CONSTRUCT, PLACE, OPERATE, MAINTAIN, REPAIR, RECONSTRUCT OR RELOCATE SUCH UNDERGROUND ELECTRIC, PHONE, FIBER AND CABLE, DUCTS, CONDUITS, PIPES, SURFACE MOUNTED TRANSFORMERS AND PEDESTALS OR BELOW GROUND MOUNTED, CONCRETE PADS AND (OTHER FACILITIES AS NAMED) FOR PUBLIC AND PRIVATE USE AT SUCH LOCATIONS AS THE GRANTEE MAY DETERMINE UPON, WITHIN, AND ACROSS SAID EASEMENT PREMISES (UTILITY EASEMENTS), NO PERMANENT STRUCTURES, PLANTINGS, ETC. SHALL BE PERMITTED IN THE EASEMENT AREAS. SAID EASEMENT RIGHTS SHALL INCLUDE THE RIGHT, WITHOUT LIABILITY THEREFORE TO REMOVE TREES AND LANDSCAPING, INCLUDING LAWN WITHIN AND WITHOUT SAID EASEMENT PREMISES, WHICH MAY INTERFERE WITH THE INSTALLATION AND MAINTENANCE, RIGHT TO INSTALL, REPAIR, AUGMENT, AND MAINTAIN SERVICE CABLES, AND PIPE LINES OUTSIDE THE ABOVE DESCRIBED EASEMENT PREMISES OR THE RIGHT OF ACCESS, INGRESS AND EGRESS TO AND FROM ANY OF THE WITHIN DESCRIBED PREMISES FOR EXERCISING ANY OF THE RIGHT-OF-WAY AND EASEMENT GRANT.

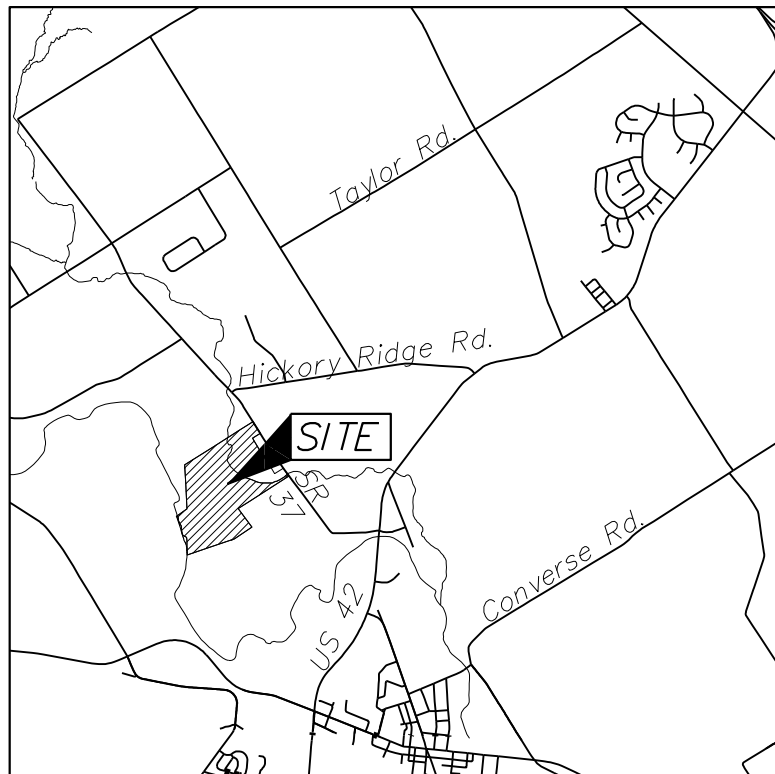
35. FITZHAMON RIGHT OF WAY EXTENSION, AS DESIGNATED AND DELINEATED HEREON, SHALL BE OWNED BY UNION COUNTY AND MAINTAINED BY DARBY BRAESIDE, LLC HOMEOWNERS ASSIATION, COMPRISED OF THE OWNERS OF THE FEE SIMPLE TITLES TO THE LOTS IN THE DARBY BRAESIDE SUBDIVISION IN PERPETUITY UNLESS/UNTIL A PUBLIC ROADWAY EXTENSION IS CONSTRUCTED.

# SUBDIVISION PLAT FOR DARBY BRAESIDE PHASE 3

## JEROME TOWNSHIP, UNION COUNTY, OHIO V.M.S. 3484



### AREA MAP NOT TO SCALE



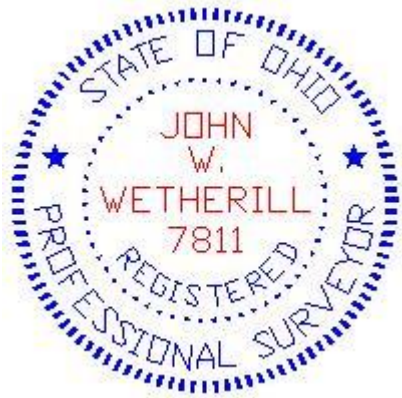
### LOCATION MAP NO SCALE

#### OWNER

DARBY BRAESIDE, LLC  
1119 REGENCY DRIVE  
COLUMBUS, OHIO 43220

#### SURVEYOR

J&J SURVEYING SERVICES, INC.  
JOHN W. WETHERILL, P.S.  
7509 E. MAIN ST., SUITE 104  
REYNOLDSBURG, OH 43068  
(614) 866-9158



#### SURVEYOR'S CERTIFICATE

THE ACCOMPANYING PLAT REPRESENTS A SUBDIVISION OF LAND IN THE VIRGINIA MILITARY SURVEY No. 3484, JEROME TOWNSHIP AND DARBY TOWNSHIP, UNION COUNTY, OHIO.

THE TRACT HAS AN AREA OF 5.525 ACRES IN RIGHT OF WAYS, 4.025 ACRES IN RESERVES AND 52.071 ACRES IN LOTS FOR A TOTAL OF 61.621 ACRES.

ALL MEASUREMENTS ARE IN FEET AND DECIMALS OF A FOOT. ALL MEASUREMENTS ON CURVES ARE ARC DISTANCES.

THE SUBDIVISION IS WITHIN FLOOD ZONE X PER FIRM RATE MAP 39159C0370D, EFFECTIVE DATE DECEMBER 16, 2008 UNLESS OTHERWISE SHOWN.

I HEREBY CERTIFY THAT THE ACCOMPANYING PLAT IS A CORRECT REPRESENTATION OF DARBY BRAESIDE PHASE 3 AS SURVEYED MARCH, 2017.

MONUMENTS HAVE BEEN PLACED AS INDICATED. MONUMENTS SHOWN THUS "O" WILL BE SET AT ALL LOT CORNERS AND ALL POINTS OF CURVATURE AND TANGENCY ALONG THE STREET RIGHT-OF-WAY LINE AFTER CONSTRUCTION AND PRIOR TO THE SALE OF ANY LOTS. ALL SAID MONUMENTS SET WILL BE 5/8" REBAR 30 INCHES LONG WITH A YELLOW PLASTIC CAP STAMPED "J&J SURVEYING".

*John W. Wetherill*

JOHN W. WETHERILL, P.S.  
PROFESSIONAL SURVEYOR PS-7811

02/16/2021

DATE

#### DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT DARBY BRAESIDE LLC, OWNER OF THE LAND INDICATED ON THE ACCOMPANYING PLAT, HAS AUTHORIZED THE PLATTING THEREOF AND DOES HEREBY DEDICATE THE STREETS, EASEMENTS AND RESERVE AREAS TO THE PUBLIC USE FOREVER.  
WITNESS:

OWNER

STATE OF OHIO  
COUNTY OF UNION

BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY PERSONALLY CAME

WHO ACKNOWLEDGED THE SIGNING OF THE FOREGOING INSTRUMENT TO BE THEIR VOLUNTARY ACT AND DEED FOR THE USE AND PURPOSES THEREIN EXPRESSED. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THIS \_\_\_\_ DAY OF , 2021.

BY  
NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_

RIGHTS-OF-WAY FOR PUBLIC STREETS AND ROADS HEREIN DEDICATED TO PUBLIC USE ARE HEREBY APPROVED THIS \_\_\_\_ DAY OF , 2021 FOR THE COUNTY OF UNION, STATE OF OHIO. STREET IMPROVEMENTS WITHIN SAID DEDICATED RIGHTS-OF-WAY SHALL NOT BE ACCEPTED FOR PUBLIC USE UNLESS AND UNTIL CONSTRUCTION IS COMPLETED AND ACCEPTED AS SUCH BY UNION COUNTY. IN ADDITION, STREET IMPROVEMENTS WITHIN SAID DEDICATED RIGHTS-OF-WAY SHALL NOT BE ACCEPTED FOR PUBLIC MAINTENANCE UNTIL THE MAINTENANCE PERIOD TRANSPIRES AND THE STREET IMPROVEMENTS ARE ACCEPTED FOR PUBLIC MAINTENANCE BY UNION COUNTY.

#### AUDITOR'S PARCEL ACREAGE

THIS PLAT CONSISTS OF 61.621 ACRES FROM AUDITOR'S PARCEL NO. 1500160020000 (DARBY BRAESIDE INCORPORATED, 1 NST.# 201511250009701)

#### BASIS OF BEARINGS

Bearings are based on the centerline of State Route 736 as being S 32°08'12" E, based on GPS observations using the State of Ohio Department of Transportation VRS System, the State Plane Coordinate System, Ohio North Zone, North American Datum of 1983, also known as NAD83 (2011 Adjustment)

#### APPROVALS

Reviewed this \_\_\_\_ day of \_\_\_\_\_, 2021 \_\_\_\_\_ Chairman, Jerome Township Trustees.

Reviewed this \_\_\_\_ day of \_\_\_\_\_, 2021 \_\_\_\_\_ Chairman, Darby Township Trustees.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2021 \_\_\_\_\_ County Engineer

Approved this \_\_\_\_ day of \_\_\_\_\_, 2021 \_\_\_\_\_ County Health Dept.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2021 \_\_\_\_\_ Logan-Union-Champaign

Commission \_\_\_\_\_ Regional Planning

Approved this \_\_\_\_ day of \_\_\_\_\_, 2021 \_\_\_\_\_

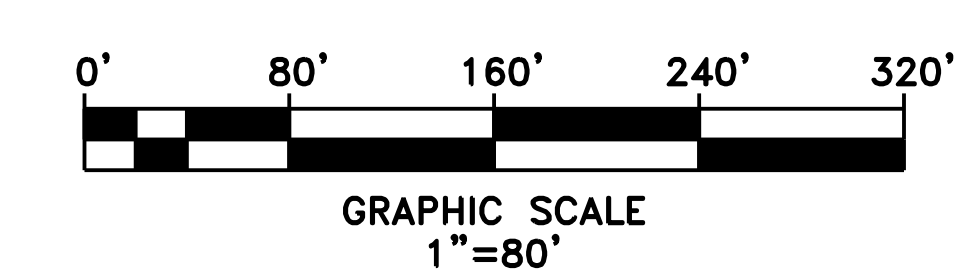
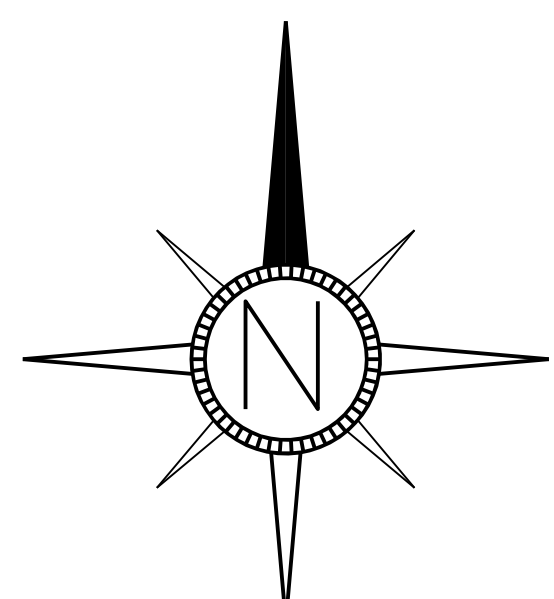
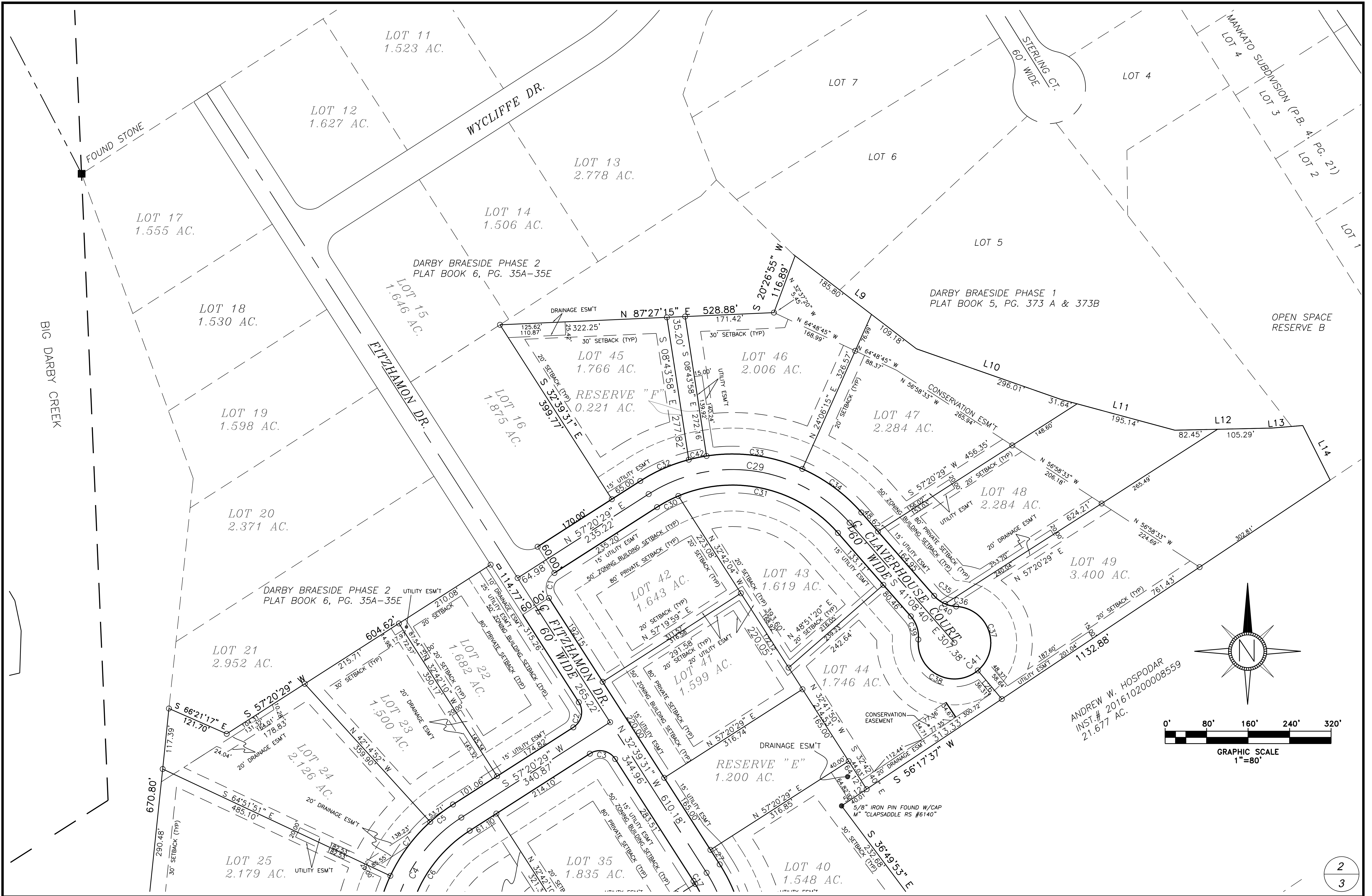
County Commissioners

Transferred this \_\_\_\_ day of \_\_\_\_\_, 2021 \_\_\_\_\_ County Auditor

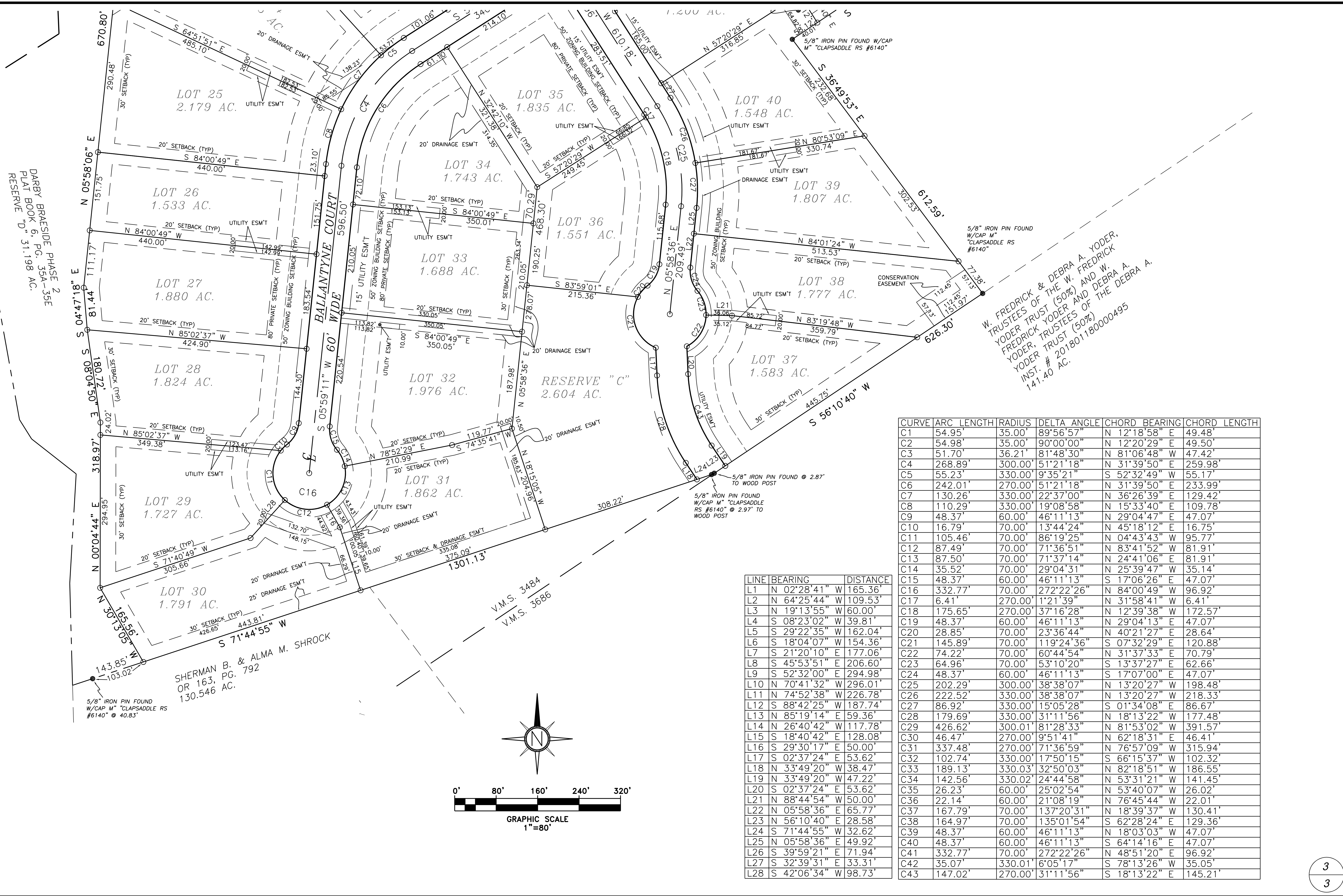
Filed for Record this \_\_\_\_ day of \_\_\_\_\_, 2021, at \_\_\_\_ m.

Recorded this \_\_\_\_ day of \_\_\_\_\_, 2021 in Plat Cabinet \_\_\_\_\_ slide

County Recorder



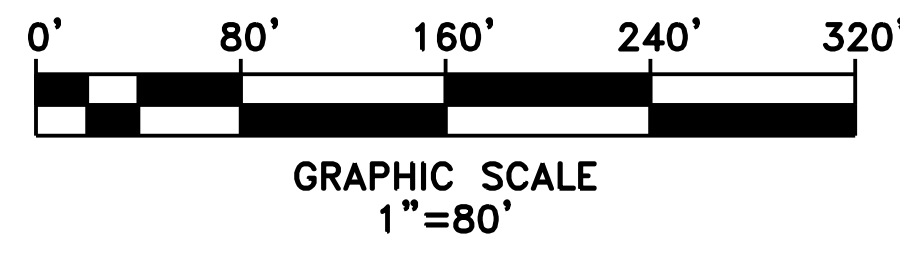
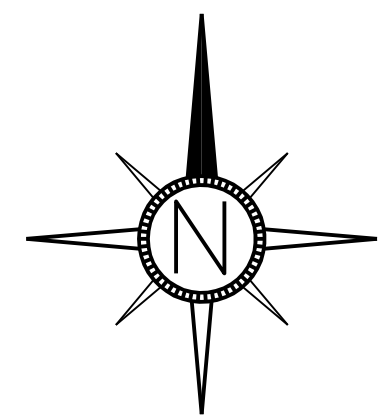
ANDREW W. HOSPODAR  
INST. # 201610200008559  
21.677 AC.



W. FREDRICK & DEBRA A. YODER,  
TRUSTEES OF THE W. FREDRICK  
YODER TRUST (50%) AND W.  
FREDRICK YODER AND DEBRA A.  
YODER, TRUSTEES OF THE DEBRA A.  
YODER TRUST (50%)  
INST. # 201801180000495  
141.40 AC.

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	54.95'	35.00'	89°56'57"	N 12°18'58" E	49.48'
C2	54.98'	35.00'	90°00'00"	N 12°20'29" E	49.50'
C3	51.70'	36.21'	81°48'30"	N 81°06'48" W	47.42'
C4	268.89'	300.00'	51°21'18"	N 31°39'50" E	259.98'
C5	55.23'	330.00'	9°35'21"	S 52°32'49" W	55.17'
C6	242.01'	270.00'	51°21'18"	N 31°39'50" E	233.99'
C7	130.26'	330.00'	22°37'00"	N 36°26'39" E	129.42'
C8	110.29'	330.00'	19°08'58"	N 15°33'40" E	109.78'
C9	48.37'	60.00'	46°11'13"	N 29°04'47" E	47.07'
C10	16.79'	70.00'	13°44'24"	N 45°18'12" E	16.75'
C11	105.46'	70.00'	86°19'25"	N 04°43'43" W	95.77'
C12	87.49'	70.00'	71°36'51"	N 83°41'52" W	81.91'
C13	87.50'	70.00'	71°37'14"	N 24°41'06" E	81.91'
C14	35.52'	70.00'	29°04'31"	N 25°39'47" W	35.14'
C15	48.37'	60.00'	46°11'13"	S 17°06'26" E	47.07'
C16	332.77'	70.00'	272°22'26"	N 84°00'49" W	96.92'
C17	6.41'	270.00'	1°21'39"	N 31°58'41" W	6.41'
C18	175.65'	270.00'	37°16'28"	N 12°39'38" W	172.57'
C19	48.37'	60.00'	46°11'13"	N 29°04'13" E	47.07'
C20	28.85'	70.00'	23°36'44"	N 40°21'27" E	28.64'
C21	145.89'	70.00'	119°24'36"	S 07°32'29" E	120.88'
C22	74.22'	70.00'	60°44'54"	N 31°37'33" E	70.79'
C23	64.96'	70.00'	53°10'20"	S 13°37'27" E	62.66'
C24	48.37'	60.00'	46°11'13"	S 17°07'00" E	47.07'
C25	202.29'	300.00'	38°38'07"	N 13°20'27" W	198.48'
C26	222.52'	330.00'	38°38'07"	N 13°20'27" W	218.33'
C27	86.92'	330.00'	15°05'28"	S 01°34'08" E	86.67'
C28	179.69'	330.00'	31°11'56"	N 18°13'22" W	177.48'
C29	426.62'	300.01'	81°28'33"	N 81°53'02" E	391.57'
C30	46.47'	270.00'	9°51'41"	N 62°18'31" E	46.41'
C31	337.48'	270.00'	71°36'59"	N 76°57'09" W	315.94'
C32	102.74'	330.00'	17°50'15"	S 66°15'37" W	102.32'
C33	189.13'	330.03'	32°50'03"	N 82°18'51" W	186.55'
C34	142.56'	330.02'	24°44'58"	N 53°31'21" W	141.45'
C35	26.23'	60.00'	25°02'54"	N 53°40'07" W	26.02'
C36	22.14'	60.00'	21°08'19"	N 76°45'44" W	22.01'
C37	167.79'	70.00'	137°20'31"	N 18°39'37" W	130.41'
C38	164.97'	70.00'	135°01'54"	S 62°28'24" E	129.36'
C39	48.37'	60.00'	46°11'13"	N 18°03'03" W	47.07'
C40	48.37'	60.00'	46°11'13"	S 64°14'16" E	47.07'
C41	332.77'	70.00'	272°22'26"	N 48°51'20" E	96.92'
C42	35.07'	330.01'	6°05'17"	S 78°13'26" W	35.05'
C43	147.02'	270.00'	31°11'56"	S 18°13'22" E	145.21'

LINE	BEARING	DISTANCE
L1	N 02°28'41" W	165.36'
L2	N 64°25'44" W	109.53'
L3	N 19°13'55" W	60.00'
L4	S 08°23'02" W	39.81'
L5	S 29°22'35" W	162.04'
L6	S 18°04'07" W	154.36'
L7	S 21°20'10" E	177.06'
L8	S 45°53'51" E	206.60'
L9	S 52°32'00" E	294.98'
L10	N 70°41'32" W	296.01'
L11	N 74°52'38" W	226.78'
L12	S 88°42'25" W	187.74'
L13	N 85°19'14" E	59.36'
L14	N 26°40'42" W	117.78'
L15	S 18°40'42" E	128.08'
L16	S 29°30'17" E	50.00'
L17	S 02°37'24" E	53.62'
L18	N 33°49'20" W	38.47'
L19	N 33°49'20" W	47.22'
L20	S 02°37'24" E	53.62'
L21	N 88°44'54" W	50.00'
L22	N 05°58'36" E	65.77'
L23	N 56°10'40" E	28.58'
L24	S 71°44'55" W	32.62'
L25	N 05°58'36" E	49.92'
L26	S 39°59'21" E	71.94'
L27	S 32°39'31" E	33.31'
L28	S 42°06'34" W	98.73'





**County Engineer  
Environmental Engineer  
Building Department**  
233 W. Sixth Street  
Marysville, Ohio 43040  
P 937. 645. 3018  
F 937. 645. 3161  
[www.co.union.oh.us/engineer](http://www.co.union.oh.us/engineer)

**Marysville Operations Facility**  
16400 County Home Road  
Marysville, Ohio 43040  
P 937. 645. 3017  
F 937. 645. 3111

**Richwood Outpost**  
190 Beatty Avenue  
Richwood, Ohio 43344

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*Public Service with integrity*

March 30, 2021

Bradley Bodenmiller  
LUC Regional Planning Commission  
PO Box 219  
East Liberty, Ohio 43319

Re: Darby Braeside – Phase 3  
Final Subdivision Plat Review

Brad,

We have completed our review for the above final plat, received by our office on March 22, 2021. The construction drawings have been approved by our office. Construction work has commenced on site but has not been completed. As such, we required and received a performance surety for 100% of the cost of public improvements. This surety was approved by the Union County Board of Commissioners on March 3, 2021. In addition, we have the following technical comments on the subdivision plat:

1. Sheet 1 – Remove the Darby Township Trustee signature line, as the entirety of the platted area is within Jerome Township.
2. Sheet 1 – Label Reserve “D” throughout the plat as referenced in Note #32.
3. Sheet 1 – Provide a dedication note and description of the Drainage Easements dedicated as part of this plat, similar to the utility easement description provided in Note #34. A sample is enclosed.
4. Sheet 2 – Include a drainage easement over entirety of Reserve “E” to provide for access and maintenance of the retention basin.
5. Sheet 3 – Include a drainage easement over entirety of Reserve “C” to provide for access and maintenance of the retention basin.
6. The scale bar doesn’t appear to be accurate on any of the sheets.
7. Sheet 3 – There is a 25’ drainage easement called out on lot #30, but the annotation is directed to the 30’ setback line. Please Clarify. Also, the easement should extend southwest of lot #30 to encompass the proposed storm sewer within Reserve “D”.

Due to the above outstanding items, we recommend denial of the plat. Should these items be revised to our satisfaction prior to next Thursday’s Zoning and Subdivision Committee meeting and Executive Committee meeting, we reserve the right to change our recommendation.

Should you have any questions or concerns, feel free to contact me at (937) 645-3165.

*Bill Narducci*

Bill Narducci, P.E.  
Assistant County Engineer  
Union County Engineer

Enc: Sample drainage easement language

Cc: Chris Clapsaddle, Union County Engineer's Office (via email)

through all sublots and all lands owned by the grantor shown hereon and parallel with and contiguous to Shortleaf Drive, Bellflower Drive, Tupelo Way, Pearl Creek Drive and Foxglove Drive and also upon land as depicted hereon to construct, place, operate, maintain, repair, reconstruct or relocate such waterlines, sewer lines, underground electric, gas and communication cable, ducts, conduits, pipes, gas pipe lines, surface or below ground mounted transformers and pedestals, concrete pads and other facilities as deemed necessary or convenient by the grantees for distributing, transporting, and transmitting electricity, gas and communication signals for public and private use at such locations as the grantees may determine upon, within, and across said easement premises. Said easement rights shall include the right, without liability therefore to remove trees and landscaping, including lawns within and without said easement premises which may interfere with the installation and maintenance, right to install, repair, augment, and maintain service cables, and pipe lines outside the above described easement premises or the right of access, ingress and egress to and from any of the within described premises for exercising any of the purposes of this right-of-way and easement grant.

#### Drainage Easements

We the undersigned owners of the platted land, do here by grant unto Union County and their successors and assigns (hereinafter referred to as grantees), a permanent easement within areas designated "Drainage Easement, "Utility Easement" and "Drainage and Utility Easement " to construct, operate, maintain, repair, reconstruct or relocate drainage facilities such as storm sewers, drainage swales or courses and other facilities as deemed necessary or convenient by the grantees for drainage required for public and private use at such locations as the grantees may determine upon, within, and across said easement premises. Said easement rights shall include the right, without liability therefore to remove trees and landscaping, including lawns or any other structure within said easement premises which may interfere with the installation and maintenance of drainage facilities.



9777 Industrial Parkway  
Plain City, Ohio 43064  
614-873-4480

## Jerome Township Zoning Department

April 1, 2021

Bradley J. Bodenmiller, Director  
LUC Regional Planning Commission  
10820 St. Rt. 347  
East Liberty, Ohio 43319

Re.: Darby Braeside Phase 3 – Final Plat

Dear Mr. Bodenmiller,

I have received your notification of application for approval of the final plat known as Darby Braeside Phase 3 – Final Plat. Based on the provisions of the Township Zoning Resolution, my comments are as follows:

- 1) This development is zoned RU, Rural Residential District. The required building setbacks are as follows:
  1. Front Yard Setback – 50ft
  2. Side Yard Setback – 20ft
  3. Rear Yard Setback – 30ft
- 2) Upon review of those setbacks and the other development standards of the RU, Rural Residential District, the proposed lots meet the minimum lot area and width.
- 3) Note 27 should not include any reference to the 80ft private front building setback given that the two paragraphs within this note reference the Township's Zoning Resolution. This is not a zoning regulation. Please create a note 27a to address this item and clarify that it is not a zoning regulation.

As per usual practice, I plan to attend the meeting of the Commission's Zoning & Subdivision Committee, and will be available to answer any additional questions at that time.

Sincerely,

**Eric Snowden**  
Zoning Inspector/Coordinator  
Jerome Township, Union County, Ohio

## Brad Bodenmiller

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**From:** Kyle Hoyng <khoyng@marysvilleohio.org>  
**Sent:** Tuesday, March 23, 2021 4:01 PM  
**To:** Brad Bodenmiller  
**Cc:** Chad Green; Heather Martin  
**Subject:** Marysville Comments for April LUC Meeting - Darby Braeside

Brad

The City of Marysville has no comments for the Darby Braeside Phase 3 Final Plat on April's LUC agenda.

Thanks and have a great week.

**Kyle Hoyng, P.E.**

*City Engineer*

**City of Marysville, Ohio**

209 South Main Street

Marysville, Ohio 43040

(937) 645-7358 (office)





March 31, 2021

Bradley Bodenmiller  
LUC Regional Planning Commission  
10820 St. Rt. 347, PO BOX 219  
East Liberty, OH 43319

RE: URE comments for Darby Braeside Phase 3 – Final Plat

Brad,

Noted comments per paper drawings received 03/23/21. Drawing set of 3 sheets issued for Darby Braeside Phase 3, Dated: 03/05/21:

- 1) Sheet 1 – Area Map
  - a. No Comments
- 2) Sheet 2 – Lot Layout
  - a. Noted 15 ft Utility Easement for front lot feed for all lots. 15 ft Utility Easement between lots 22-23 & 45-46, 20 ft Utility Easement between lots 24-25, 41-42 & 43, 47-48.
  - b. URE has easement requirements of 20 feet for underground primary and secondary facilities. Actual location of electrical facilities can be located within a 10 feet easement if adjacent property has additional easements or right of way for ingress and egress totaling a minimum of 20 feet. When on property line require 10 ft easement on each of the adjacent properties.
- 3) Sheet 3 – Lot Layout
  - a. Noted 15 ft Utility Easement for front lot feed for all lots and 20 ft Utility Easement between lots.
  - b. URE has easement requirements of 20 feet for underground primary and secondary facilities. Actual location of electrical facilities can be located within a 10 feet easement if adjacent property has additional easements or right of way for ingress and egress totaling a minimum of 20 feet. When on property line require 10 ft easement on each of the adjacent properties.

Please contact me with questions or concerns.

Regards,

Ed Peper  
Engineer II  
Union Rural Electric Cooperative, Inc.  
15461 US Hwy 36, Marysville, Ohio 43040  
Direct: (937) 645-9246



April 6, 2021

Bradley Bodenmiller  
LUC Regional Planning Commission  
10820 St. Rt. 347, PO BOX 219  
East Liberty, OH 43319

RE: URE comments for Darby Braeside Phase 3 – Final Plat - Revised

Brad,

Noted comments per paper drawings received 03/23/21. Drawing set of 3 sheets issued for Darby Braeside Phase 3, Dated: 03/05/21:

- 1) Sheet 1 – Area Map
  - a. No Comments
- 2) Sheet 2 – Lot Layout
  - a. Noted 15 ft Utility Easement for front lot feed for all lots. 15 ft Utility Easement between lots 22-23 & 45-46, 20 ft Utility Easement between lots 24-25, 41-42 & 43, 47-48.
  - b. URE has agreed to the reduced easement size of 15ft.
- 3) Sheet 3 – Lot Layout
  - a. Noted 15 ft Utility Easement for front lot feed for all lots and 20 ft Utility Easement between lots.
  - b. URE has agreed to the reduced easement size of 15ft.

Please contact me with questions or concerns.

Regards,

Ron McGlone  
Engineer I  
Union Rural Electric Cooperative, Inc.  
15461 US Hwy 36, Marysville, Ohio 43040  
Direct: (937) 645-9263



**Staff Report – Adams Township Zoning Amendment**

<b>Jurisdiction:</b>	<p><b>Adams Township Zoning Commission</b> c/o Jon Marquis (937) 441-1819 <a href="mailto:Jsm6450@embarqmail.com">Jsm6450@embarqmail.com</a> Mary Jo Kies (937) 726-3299 <a href="mailto:mjkies715@gmail.com">mjkies715@gmail.com</a></p> <p><b>Robert &amp; Brittany Phillips</b> 6102 St Rt 235 N Conover, OH 45317 (740) 885-1021</p>
<b>Request:</b>	<p>The Zoning Commission received an application to rezone a single parcel from Low-Density Residential (R-1) to Local Business District (B-2).</p> <p>Parcel(s) involved:</p> <ul style="list-style-type: none"><li>• A01-01-12-30-00-009-00</li></ul> <p>Acreage proposed to be rezoned:</p> <ul style="list-style-type: none"><li>• 3.48</li></ul> <p>Existing Use:</p> <ul style="list-style-type: none"><li>• Single Family Dwelling</li></ul> <p>Proposed Use:</p> <ul style="list-style-type: none"><li>• Commercial Retail</li></ul>
<b>Location:</b>	<p>This parcel is on the southwest corner of the intersection of St. Rt. 29 and St. Rt. 235 in Adams Township, Champaign County. It is located on the edge of an unincorporated community called Carysville.</p>
<b>Staff Analysis:</b>	<p><b>Application.</b> The application has very little detail as to the proposed use, only that it is “commercial retail”. There is no further narrative from the applicant describing the proposed use.</p> <p><b>Zoning Resolution</b> The Zoning Resolution is comprehensive and it establishes zoning districts, and provides purpose and intent of each of those districts.</p>



## Staff Report – Adams Township Zoning Amendment

The purpose of the R-1 District is to provide land for single-family dwelling units not to exceed four dwellings per acre. (Zoning Resolution pp.46)

The purpose of the B-2 District is to “provide land for convenience-type retail and personal service establishments and service business offering convenience-type goods and services for the daily needs of the people in the general area.” (Zoning Resolution, pp.46)

In the Zoning Resolution there are definitions for “Business, Convenience-Type Retail” and “Business, Shopping-Type Retail” (Zoning Resolution pp.6), but not one for “Commercial Retail” which is the proposed use of the site. None of those uses are permitted or conditional uses in the R-1 District (Zoning Resolution pp.48).

However, in the B-2 District “Convenience-type retail” and “Retail Business” are listed as permitted uses (Zoning Resolution pp.48). The applicant’s proposed use of “Commercial Retail” likely falls under “Retail Business” as a permitted use in the B-2 District.

Staff recommends the Zoning Commission request the applicant to provide more information on the proposed use so that it can be determined if the proposed use is the equivalent of a listed permitted or conditional use. If the property is rezoned, any of the uses permitted in the B-2 District would be permitted. This would be the case if the property were sold at some point in the future, or if the applicant decided to establish one of the other uses instead.

### **Comprehensive Plan**

A comprehensive plan is a guide for decision-makers considering land use changes. The Champaign County Plan was last updated in 2020.

The Plan’s vision for land use is to advocate for land use decisions supportive of existing areas of development and industries, and protection of the County’s natural resources, rural character, and small-town atmosphere through careful decision-making. It encourages logical extension of utilities and land uses, recommending avoidance of relatively small rezonings within larger zoned areas. Ideally, this helps to contain sprawl and protect water quality and other natural features. (County Plan, pp.111 & 134)



## Staff Report – Adams Township Zoning Amendment

### Vicinity Land Uses & Zoning

Land uses west, south, and some to the east of the parcel are single family dwellings. The remaining land uses appear to be agricultural. On the southern edge of Carysville is a gas station.

The zoning district to the south and east across St. Rt. 235 is R-1 and all other sides are Rural District (U-1). There is a small B-2 district in what could be considered the center of Carysville, about 1/8<sup>th</sup> of a mile south; the use is unclear.



Figure 1: Adams Twp Zoning Map

### Staff Recommendations:

Staff recommends ***DENIAL*** of the proposed zoning amendment. Staff is concerned with the lack of elaboration of the proposed use, that the property is not adjacent to an existing B-2 District or other similar existing land use, and that rezoning to B-2 would allow for uses that do not match the purpose of the surrounding R-1 and U-1 districts.

Staff also recommends the Zoning Commission request the applicant to provide more information on the proposed use so that it can be determined if the proposed use is the equivalent of a listed permitted or conditional use in the B-2 District.

### Z&S Committee Recommendations:

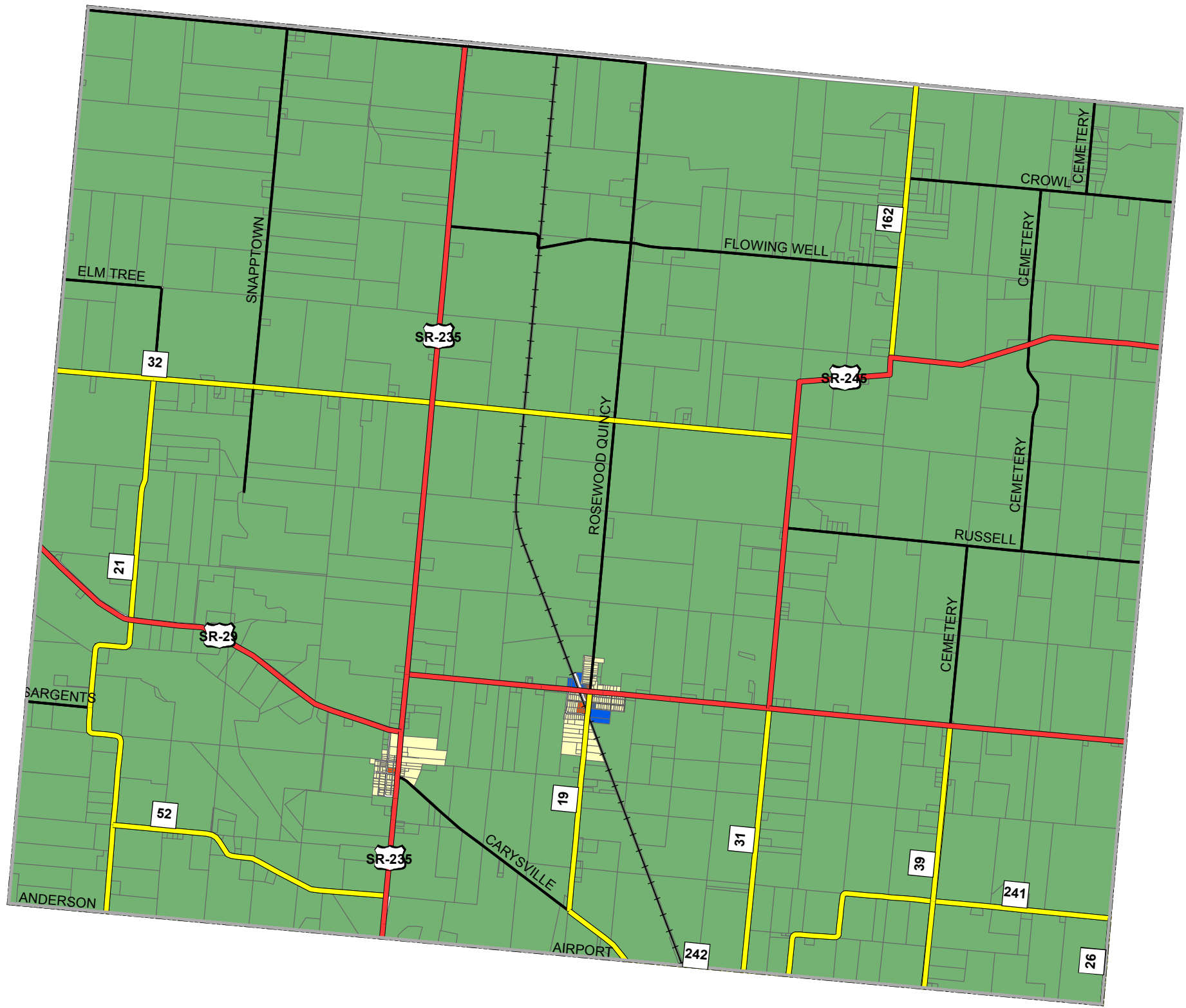


Logan-Union-Champaign  
regional planning commission

## Staff Report – Adams Township Zoning Amendment

# Adams Township Zoning Map

## Champaign County



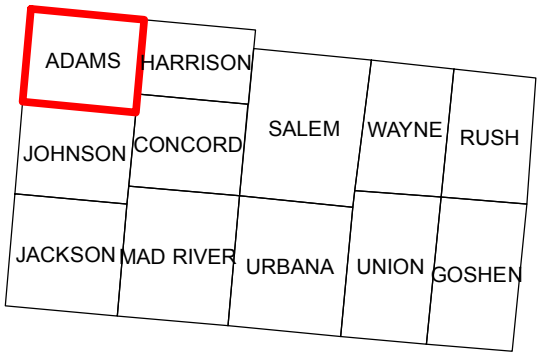
### Legend

- Adams Township Boundary
  - State Rds
  - County Rd
  - Township
  - City
  - Village
  - RR
- Adams Township Zoning**
- U-1
  - R-1
  - B-2
  - M-2

Map Created: March 24, 2009  
Map Revised:



Logan-Union-Champaign  
Regional Planning Commission  
9676 E. Foundry St.  
East Liberty, OH 43319  
(937) 666-3431



Date of Request.

3-25-21

Logan-Union-Champaign Regional Planning Commission  
c/o Aaron Smith  
PO Box 219  
East Liberty, OH 43319  
[aaronsmith@lucplanning.com](mailto:aaronsmith@lucplanning.com)

RE: Zoning Parcel Amendment Application, Adams Township, Champaign County

Dear LUC Regional Planning Commission Committee Members:

The Adams Township Zoning Commission received a Zoning Parcel Amendment Application. The Application proposes an alteration to the Zoning Map.

Description of Zoning Parcel Amendment.

The acreage involved is 3.48 acres. The parcels involved are: A01-01-12-30-00-009-00

The existing zoning is: R-1

The existing land use is: 511 1 FAMILY DWELLING 0-9 A

The proposed zoning is: B-2

The proposed land use is: COMMERCIAL RETAIL

Public Hearing.

The Adams Township Zoning Commission of Champaign County, Ohio, will tentatively hold a public hearing concerning the proposed amendments at 2:00 (AM PM) on April 20, 2021, in the Adams Twp. Building.

Point of Contact.

Please consider ~~me~~ Adams Township's point of contact for this matter. My contact information is below:

Jon Marquis  
937-44161819  
jsm6450@emberqmail.com

or Mary Jo Kries  
937-726-3299  
mjkries715@gmail.com

Sincerely,

Mary Jo Kries



# Logan-Union-Champaign regional planning commission

Director: Bradley J. Bodenmiller

## Zoning Parcel Amendment Checklist

Date: 3/25/21 Township: ADAMS

Amendment Title: REZONE R1 TO B2 COMMERCIAL RETAIL

**Notice:** Incomplete Amendment requests **will not** be processed by our office. LUC Regional Planning Commission will return them to the requestor, stating the reason the amendment was not accepted.

Each Zoning Parcel Amendment change must be received in our office along with a cover letter, explaining the proposed zone change (s). All items listed below must be received **no later than 10 days** before the next scheduled LUC Regional Planning Commission Executive Board Meeting (which is the second Thursday of every month). It is recommended that a person who is able to provide further information on the amendment attend the Zoning and Subdivision Committee meeting to answer any additional questions that may arise.

Required Item:	Completed by Requestor:	Received by LUC:
Cover Letter & Checklist	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date of Request (stated in cover letter)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Description of Zoning Parcel Amendment Change(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date of Public Hearing (stated in cover letter)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Township point of contact and contact information for zoning amendment (stated in cover letter)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parcel Number(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Copy of Completed Zoning Amendment Application	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Applicant's Name and contact information	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Current Zoning	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Proposed Zoning	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Current Land Use	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Proposed Land Use	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Acreage	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Copy of Zoning Text associated with proposed district(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Contiguous and adjoining Parcel Information, including Zoning District(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Any other supporting documentation submitted by applicant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Non-LUC Member Fee, If applicable	<input type="checkbox"/>	<input type="checkbox"/>

Additionally, after final adoption regarding this zoning parcel amendment, please provide LUC with a letter stating the results of the Trustees vote, along with a copy of the adopted parcel change (s).

Please see reverse side for a timeline of the Township Zoning Amendment Process, per ORC 519.12

10820 St. Rt 347, PO Box 219  
East Liberty, Ohio 43319  
• Phone: 937-666-3431 •

• Email: [luc-rpc@lucplanning.com](mailto:luc-rpc@lucplanning.com) • Web: [www.lucplanning.com](http://www.lucplanning.com)



March 22, 2021

LUC Regional Planning Commission

Zoning Amendment Cover Letter

To Whom it May Concern,

On behalf of the Applicant, on this 22nd day of March, 2021, we are requesting a Zoning Parcel Amendment for Parcel APN# A01-01-12-30-00-009-00, to be heard at the April 8, 2021 meeting. This request is for a zone change from the current R-1 zoning designation to a B-2 zoning designation. The total acreage of the subject property is 3.48 acres and is located at the southwest corner of Rt. 235 and 29.

Our Adams Township point of contact is Jon Marquis ([jsm6450@embarqmail.com](mailto:jsm6450@embarqmail.com)) | 937-441-1819)

Sincerely,

Andrew Zofkie

Cross Development, LLC

Agent for Owner

# Application for Zoning Amendment

Adams

Township

Champaign

County, Ohio

Application Number

## Information

The undersigned, owner(s) of the following legally described property hereby request the consideration of change in zoning district classification as specified below:

### Property Owner Information

Name of Applicant:	Robert E Phillips & Brittany Lee Phillips
Mailing Address:	6102 N State Route 235, Conover OH 45317
Telephone Number (s)	740-485-1021

### Location Description

Section:	30	Range:	012
Township:	03 - Adams	Lot Number:	009
Virginia Military Survey Number	ACERAGE: 3.48		

Note: If not in a platted subdivision or community, attach a legal description and a map showing area requested for rezoning.

### Property Information

Existing Use:	511 1 FAM DWLG 0-9 A
Proposed Use:	Commercial Retail
Current Zoning:	R-1
Proposed Zoning:	B-2

### Supporting Information, attach the following information to the application.

1. A vicinity map showing property lines, streets (roads) and existing and proposed zoning.
2. A list of all property owners within, contiguous to and directly across the street/road from the proposed rezoning area if ten or fewer parcels are proposed for rezoning.

3/18/21

Date



Applicant's Signature

## For Official Use Only

Date Filed:		Date of Public Hearing:	
Date of Notice in newspaper:		Date of Notice to Parties in interest:	
Fee paid:		Approved:	Denied:
Recommendation of Zoning Commission:			
If denied, reason for denial:			

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Date

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Zoning Commission Chairman

---

Township Trustees

Date of recommendation received from Zoning Commission:			
Date of Public Hearing:			
Date of notice in newspaper:			
Action by Township Trustees:	Approved:		Denied:
If denied, reason for denial:			

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Date

---

Clerk, Township Trustees

BEING SITUATE IN THE STATE OF OHIO, COUNTY OF CHAMPAIGN, TOWNSHIP OF ADAMS AND BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 30, TOWN 3, RANGE 12, B.T.M.R.S., AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR REFERENCE AT A RAILROAD SPIKE FOUND ON THE EAST LINE OF SAID SECTION 30, ALSO BEING THE WEST LINE OF SECTION 24, AT THE INTERSECTION OF THE CENTERLINES OF STATE ROUTE 235 (VARIABLE WIDTH RIGHT-OF-WAY) AND STATE ROUTE 29 (60' RIGHT-OF-WAY), TO THE WEST, SAID RAILROAD SPIKE ALSO BEING AT STATION 123+98.21, STATE ROUTE 29, AND STATION 647+86.16, STATE ROUTE 235, PER O.D.O.T. PLANS; THENCE WITH THE CENTERLINE OF STATE ROUTE 235 AND THE EAST LINE OF SAID SECTION 30, ALSO BEING THE WEST LINE OF SECTION 24, S-5°24'48"-W, 514.90' (FEET) TO A MAG NAIL FOUND AT THE NORTHEAST CORNER OF A 2.257 ACRE TRACT CONVEYED TO MICHAEL BERECZKY BY DEED RECORDED IN OFFICIAL RECORD 475, PAGE 2035, OF THE CHAMPAIGN COUNTY RECORDS;

THENCE WITH THE NORTH LINE OF SAID BERECZKY'S 2.257 ACRE TRACT, N-84°04'42"-W, 50.00' (FEET) TO AN IRON BAR SET ON THE RIGHT-OF-WAY LINE OF STATE ROUTE 235 AT THE PRINCIPLE PLACE OF BEGINNING FOR THE TRACT HEREINAFTER DESCRIBED, SAID IRON BAR SET ALSO BEING ON A WEST LINE OF A 1.45 ACRE TRACT CONVEYED TO THE STATE OF OHIO BY JUDGMENT ENTRY RECORDED IN DEED VOLUME 214, PAGE 206, OF THE CHAMPAIGN COUNTY DEED RECORDS, PASSING FOR REFERENCE A 5/8" DIAMETER IRON BAR FOUND ON THE RIGHT-OF-WAY LINE OF STATE ROUTE 235, TO THE SOUTH, AT 30.00' (FEET);

CONTINUING WITH THE NORTH LINE OF SAID BERECZKY'S 2.257 ACRE TRACT, N-84°04'42"-W, 329.09' (FEET) TO A RAILROAD SPIKE FOUND ON THE CENTERLINE OF NORTH STREET (66' RIGHT-OF-WAY), PASSING FOR REFERENCE A 5/8" DIAMETER IRON BAR FOUND ON THE RIGHT-OF-WAY LINE OF SAID NORTH STREET AT 296.08' (FEET);

THENCE WITH THE CENTERLINE OF SAID NORTH STREET, N-4°54'37"-E, 531.00' (FEET) TO A RAILROAD SPIKE FOUND ON THE CENTERLINE OF AFOREMENTIONED STATE ROUTE 29;

THENCE WITH THE CENTERLINE OF STATE ROUTE 29 THE FOLLOWING TWO (2) COURSES:

1. S-71°19'37"-E, 72.47' (FEET) TO A P.K. NAIL FOUND;
2. S-84°04'16"-E, 95.00' (FEET) TO A MAG NAIL SET;

THENCE S-5°55'44"-W, 30.00' (FEET) TO A CONCRETE RIGHT-OF-WAY MONUMENT FOUND 30' (FEET) RIGHT OF CENTERLINE STATION 121+80 OF STATE ROUTE 29;

THENCE WITH THE RIGHT-OF-WAY LINE OF STATE ROUTE 235 THE FOLLOWING TWO (2) COURSES :

1. S-38°48'22"-E, 241.57' (FEET) TO A CONCRETE RIGHT-OF-WAY MONUMENT FOUND 50.0' (FEET) LEFT OF STATION 645+85;
2. S-5°24'48"-W, 313.30' (FEET) TO THE PLACE OF BEGINNING.

CONTAINING 3.482 ACRES, 0.491 ACRE OF WHICH IS WITHIN THE ROADS RIGHTS-OF-WAYS, BUT BEING SUBJECT TO THE RIGHTS OF ALL LEGAL HIGHWAYS AND ALL EASEMENTS OF RECORD.

BEING A MORE ACCURATE DESCRIPTION OF A 4.29 ACRE TRACT CONVEYED TO MARK HEATH, TRUSTEE, BY DEED RECORDED IN OFFICIAL RECORD 520, PAGE 1662, TRACT 2, OF THE CHAMPAIGN COUNTY RECORDS.

THE FOREGOING DESCRIPTION PREPARED BY AND IN ACCORDANCE WITH A SURVEY BY PROFESSIONAL SURVEYOR NO. 7574, JANUARY 9, 2014. ALL IRON BARS SET ARE 5/8" X 30" IRON RE-BAR WITH A YELLOW PLASTIC CAP STAMPED "EDWARDS PS 4792 PS 7574". THE BASIS OF BEARINGS FOR THE HEREIN DESCRIBED TRACT IS THE CENTERLINE OF STATE ROUTE 235 PER AN ASSUMED BEARING OF S-5°24'48"-W.

PARCEL NUMBER: A01-01-12-30-00-009-00

6102 NORTH STATE ROUTE 235

CONOVER, OH 45317



March 22, 2021

LUC Regional Planning Commission

Contiguous and Adjoining Parcel Information

01. PARCEL: A01-01-12-30-00-014-00  
TRAYLOR KURT E & SUSAN E TRUSTEES  
12472 W ST RTE 29, CONOVER, OH 45317  
CURRENT ZONING: U-1
02. PARCEL: A01-01-12-30-00-013-00  
CURRENT JORDAN S & JAXON M TRUSTEES  
2723 S CEDAR ST, PORTSMOUTH, OH 45662  
CURRENT ZONING: U-1
03. PARCEL: A01-01-12-24-00-006-00  
CHRISTIAN GREG & TRACI  
12609 LICKLIDER RD, CONOVER, OH 45317  
CURRENT ZONING: U-1
04. PARCEL: A01-01-12-24-00-008-00  
HUELSKAMP DOUGLAS & RACHEL  
20761 DEWEESE RD, SYDNEY, OH 45365  
CURRENT ZONING: U-1
05. PARCEL: A01-01-12-24-00-009-00  
HEATH MARK TRUSTEE  
9909 ST RTE 235, QUINCY, OH 43343  
CURRENT ZONING: R-1
06. PARCEL: A01-01-12-24-00-010-00  
HEATH MARK TRUSTEE  
9909 ST RTE 235, QUINCY, OH 43343  
CURRENT ZONING: R-1
07. PARCEL: A01-01-12-30-00-010-00  
BERECZKY MICHAEL  
6078 N ST RTE 235, CONOVER, OH 45317  
CURRENT ZONING: R-1
08. PARCEL: A01-01-12-30-00-005-00  
MEADE DAVID  
6080 NORTH ST, CONOVER, OH 45317  
CURRENT ZONING: U-1
09. PARCEL: A01-01-12-30-00-007-00  
BROWN WILLIAM K JR  
6104 NORTH STREET, CONOVER, OH 45317  
CURRENT ZONING: U-1
10. PARCEL: A01-12-30-00-009-00  
BRANDYBERRY LEEMAN L & FRAYA J  
12095 W ST RTE 29, CONOVER, OH 45317  
CURRENT ZONING: U-1

## 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 Champaign County's Subdivision Regulations. If a central sewage system is not available, then the minimum lot size shall be 120,000 square feet exclusive of road right-of-way.* 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 Champaign County Health Department's Regulations. *Specific Permitted and Conditional uses are listed on the Official Schedule of District 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 120,000 square feet exclusive of road right-of-way. This district shall also include land that is subdivided which requires a major plat under Champaign County's Subdivision Regulations. Specific Permitted and Conditional Uses and minimum requirements are listed on the Official Schedule of District Regulations.*

### Section 814 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. *Specific Permitted and Conditional uses are listed on the Official Schedule of District Regulations.*

Section 816 Heavy Manufacturing District (M-2). The purpose of this District is to provide land for major manufacturing, processing, storage, warehousing, mineral extraction, research and testing facilities, *and similar operations. These activities may require large sites, extensive community services, have large, open storage and service areas, and generate greater industrial traffic than in a light manufacturing district. Specific Permitted and Conditional uses are listed on the Official Schedule of District Regulations.*

## ARTICLE IX DISTRICT REGULATIONS

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

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

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

## OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

<u><b>Zoning Districts</b></u> (Symbols as used on the Official Zoning Map)	<u><b>Permitted Uses</b></u> (Accessory Uses and essential services are included)	<u><b>Conditional Uses</b></u> (Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals)
<b>1</b>	<b>2</b>	<b>3</b>
<b>U-1 RURAL UNDEVELOPED</b>	Agriculture; Low density residential; Clinic; Home occupation; Public & quasi-public uses.	Kennel; Public service facility; Service business; Mineral extraction; Food processing; Light & heavy manufacturing; Junk storage & sales; Commercial recreation; Manufactured or mobile home park; Mobile homes individually; Non-commercial recreation; Animal hospital & Clinic
<b>R-1 LOW DENSITY RESIDENTIAL</b>	Single-family dwellings; Home occupation; Public & quasi-public use; Permanent foundation sited manufactured dwelling; Modular & sectional units.	Personal services; Service business; Multi-family dwellings; Mobile home individually; Telecommunication Towers
<b>B-2 LOCAL BUSINESS</b>	Convenience-type retail; Personal services; Offices; Service business; <b>Retail business</b> ; Eating & drinking establishments; Commercial recreation; Printing & Publishing; Single-family dwellings*; Public & quasi-public uses; Farm implement sales & service.	Public service facility; Mobile homes individually; <b>Animal Hospital &amp; clinic.</b>
<b>M-2 HEAVY MANUFACTURING</b>	Light & heavy manufacturing & related offices & <b>retail sales</b> ; Wholesale & warehousing; Printing and publishing; Public quasi-public uses; Single- family dwelling** Permanent foundation sited manufactured dwelling; Supply yard; <b>Farm implement sales &amp; service; Service business; Storage facilities.</b>	Signs & advertising structures; Public service facility; <b>Adult Entertainment; Transport terminals.</b>

MINIMUM LOT SIZE		FRONTAGE	MAXIMUM % OF LOT TO BE OCCUPIED	MINIMUM FLOOR AREA	MAXIMUM HEIGHT (principal buildings)		MINIMUM YARD DIMENSIONS (ft.)				
With sewage on-site treatment	With group or central sewage treatment	Width/ Feet	Principal and Accessory Buildings	Sq. ft.	# of Stories	# of Feet	Front	Side Yards		Rear	
								One side yard	Sum of side yards		
4	5	6	7	8	9	10	11	12	13	14	
U-1	120,000	----- 10,800	200 80	25	1,200*	2.5	35	50	20	40	40
R-1	120,000	----- 10,800 2,700 (multi)	200 80 60	25	1,200*  900 (multi)	2.5	35	50	20	40	40
B-2	65,400	----- none	200 60	50	none*	2.5	35	30	none **	none **	30**
M-2	80,000	-----	200	50	none*	2.5	35	100	20**	50**	50**

ACCESSORY BUILDINGS Maximum Height (feet) Minimum distance in feet				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.)
15	16	17	18	19	20	21	
U-1	20	5	10	Two spaces for each dwelling unit (See Article XI)	none	Yes, under Article XII	<b>*1,200 square feet for mobile dwelling;</b> 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	<b>*1,200 square feet for mobile dwelling.</b>
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	*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-2	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	*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.



**Staff Report – Jerome Township Zoning Amendment**

<b>Jurisdiction:</b>	<b>Jerome Township Zoning Commission</b> c/o Eric Snowden 9777 Industrial Parkway Plain City, Ohio 43064 (614) 873-4480
<b>Request:</b>	<p>The proposed amendment to the Zoning Resolution, initiated by resolution of the board of Township Trustees, proposes to amend text throughout the Zoning Resolution.</p> <ul style="list-style-type: none"><li>• Section 254.04 Action by the Board of Zoning Appeals</li><li>• Chapter 300 Definitions</li><li>• Section 405.03 Accessory Uses and Structures</li><li>• Article 4 Zoning Map and Zoning Districts</li><li>• Section 510.02 Lot Size and Yard Setback Standards</li><li>• Chapter 600 General Regulation of the Arrangement and Development of Land and Structures</li><li>• Chapter 605 Agriculture</li><li>• Section 615.06 Temporary Signs, Permit Required</li><li>• Chapter 625 Free Standing Walls, Fences, and Hedges</li><li>• Chapter 645 Accessory Uses and Structures</li><li>• Section 655.03 Local Zoning Authority</li></ul>
<b>Location:</b>	Jerome Township is in Union County.

<b>Staff Analysis:</b>	<p><b><u>Article 3 – Definitions</u></b></p> <p>The changes related to this chapter move regulations out of existing definitions into the General Regulations Chapter.</p> <p>“Swimming Pool” is now defined.</p> <ul style="list-style-type: none"><li>• Staff recommends reconciling the proposed definition with the existing definition of “Portable Pools” to make sure there is no conflict—e.g., pools between 18 and 24 inches seem to be excluded from both definitions.</li><li>• Staff recommends tweaking the proposed definition: “Any outdoor structure intended for swimming or recreational bathing that contains or is capable of containing <b><u>water to a depth at any point greater than or equal to twenty-four (24) inches of water</u></b>”.</li></ul>
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## Staff Report – Jerome Township Zoning Amendment

### **Article 4 (District Specific Regulations)**

These are the district-specific regulations, because of that, several chapters and sections are impacted by these changes.

Some of the changes proposed are changing the word “size” to “area” and “parcel” to “lot”.

- Staff found this was missed in Section 420.05; 435.04, 1.; 445.03, 1.; 460.03;

Staff also recommends the following:

- 420.05, 2. – This is misnumbered. It should be 420.05, 4. Front Yard Setbacks (not 2.).
- 420.05, 2., b) – The requirement of 50’ has been struck unintentionally. It should not be struck.
- 420.05, 6. Rear Yard Setbacks should impact both principal buildings and structures. The word “structures” has been left out.
- 420.05, 7. – Architectural Projections should reference Article 6, not Chapter 6, for consistency.
- 425.04, 5. – The proposed change would increase the setback from 20’ to 25’. Staff does not recommend this unless there is a compelling reason. This may result in non-conformities.
- 425.04, 7. – Architectural Projections should reference Article 6, not Chapter 6, for consistency.
- 430.04, 7. – Architectural Projections should reference Article 6, not Chapter 6, for consistency.
- 435.04, 7. – Architectural Projections should reference Article 6, not Chapter 6, for consistency.
- 440.03, 3. – This change eliminates structures from being a part of the calculated maximum lot coverage. Staff wants to make the Township aware of this impact in case it was unintentional.
- 440.03, 4. – The table containing the setbacks required should be included in the proposed amendments so that it is not forgotten or inadvertently left out of the Zoning Resolution.
- 440.08 – The numbering for Wall Signs should be #3. This is likely unintentional.
- 445.03, 3. – This change eliminates structures from being a part of the calculated maximum lot coverage. Staff wants to make the Township aware of this impact in case it was unintentional.



## Staff Report – Jerome Township Zoning Amendment

- 445.03, 4. – In the LUC Staff report from July 2020 the Township was advised that it had inadvertently left out the table containing the setback values. In the amended October 2020 Zoning Resolution; the table is still missing. Staff feels strongly about the Township reincorporating the table.
- 460.03, 3. – The table containing the setbacks values should be included in the proposed amendments. Otherwise, it might be forgotten or inadvertently left out of the amended Zoning Resolution.
- 460.03, 3., a) – The note about Outlots should be included in the proposed amendments. Otherwise, it might be forgotten or inadvertently left out of the amended Zoning Resolution.
- 460.08 – The numbering for Wall Signs should be #3. This is likely unintentional.
- 470.04, 3. – This change eliminates structures from being a part of the calculated maximum lot coverage. Staff wants to make the Township aware of this impact in case it was unintentional.
- 470.09 – The numbering for Wall Signs should be #3. This is likely unintentional.
- 510.02, 2. – The numbering for Side Yard Setbacks should be #5. This is likely unintentional.

### **Article 6**

Article 6 is the general regulation, or supplemental, article of the Zoning Resolution; the regulations apply to all districts.

### **Chapter 600 – General Regulation of the Arrangement and Development of Land and Structures**

- 600.01 – Staff recommends review of language for clarity. For example, Staff recommends the first sentence start: “In addition to”. Staff recommends the sentence should further read “provided for within an approved Planned Development District”.
- 600.02 – The last word of the introductory sentence should be plural – “circumstances”.
- 600.02 – Staff does not recommend including the exception proposed, which ties a setback (or lack thereof) to setbacks depicted on a subdivision plat.
- 600.02 – Staff recommends the table number for “Assumed Right-of -Way Width” be updated to reflect the new section number.



## Staff Report – Jerome Township Zoning Amendment

- 600.05 – Staff recommends the sentence should further read “provided for within an approved Planned Development District”.
- 600.05 & 600.06 – Staff recommends combining 600.05 with 600.06 for simplicity. Also, Staff recommends rewording this paragraph. Because it is a single sentence with many commas, future zoning officials may struggle to understand the intent.
- 600.06, b) – Staff questions the 60’ height limit. The ORM district has the most generous height restriction, a limit of 50’.

### Chapter 605 – Agriculture

- 605.04 – Although LUC and the respective prosecuting attorney offices have cooperated on Agritourism Model Text, Staff acknowledges there are other approaches. Staff sees nothing in the proposed text that violates ORC 519.21 but recommends utilizing the LUC Model Text. This would include things such as agritourism-related definitions.
- 605.04 – Staff recommends listing “Agritourism” as a permitted/conditional use in each individual district. This would include replacing “1. Agritourism businesses primarily engaged in providing a farming experience for customers” in Section 420.04 and with just “Agritourism”.

### Chapter 625 - Fences

- 625.001 – Staff recommends leaving hedges as part of this chapter, as they are a significant barrier like a fence or wall.
- 625.001 – Staff recommends removing “altered” because it is a very broad term, especially with fences.
- 625.001 – Missing word “upon which the fence, wall, or \_\_\_\_\_ is to be erected”. The word is likely “hedge”.
- 625.01 – Hedges is in the title but not in the regulations. Removing it may result in conflicts with other requirements, like visibility at intersections.
- 625.03 – Staff is concerned with some of the language in this section. The Township should distance itself from regulating the materials and stick to regulating fence types. Consultation with the Prosecutor’s Office is recommended.



## Staff Report – Jerome Township Zoning Amendment

### Chapter 645 – Accessory Uses and Accessory Structures

- 645.001 – Staff recommends striking the language regarding floodplain regulations/drainage easements. Conflating floodplain and zoning regulations will likely cause conflicts and logistical issues.
- 645.01 – Staff does not recommend tying regulations to whether a building permit is required. Instead, staff recommends a minimum/maximum square footage and maximum height instead.
- 645.01 – Spelling error “no closerer than ten...”
- 645.02 – Staff does not recommend tying regulations to whether a building permit is required. Instead, staff recommends a minimum/maximum square footage and maximum height instead.
- 645.02, Table – Staff recommends reviewing the number and total square footage of permitted accessory buildings/unenclosed roofed structures on lots less than 1 acre. Staff feels a single accessory building is restrictive and that 650 or 850 square feet is more appropriate. This would allow for a lot to have space to contain the owner’s possessions and keep them from being placed in open areas of the lot.
- 645.02, Table – Staff recommends the 3<sup>rd</sup> column title read “Total Maximum Permitted Floor Area of All Accessory Buildings”.
- 645.02 – Staff recommends reconsidering the side and rear lot line setbacks for lots less than 0.5 acres in size. Recent subdivisions have included minimum easements of 10-20 feet along the rear lot lines. Staff recommends additional consideration be given to the 5’ side/rear setbacks. It may be difficult to retrofit utilities, or access in general, to areas developed through the minor lot split process, if there are buildings 5’ from the side and rear lines.
- 645.03 – Spelling error in the introductory sentence “...accordance with the following regulations:”
- 645.03 – Staff recommends the Township state plainly that the pool regulations apply to either one or both swimming pools and portable pools.
- 645.03 – In the existing text, pools are to be enclosed by a wall or fence. In the proposed text, it is unclear whether pools are required to be fenced or enclosed, just that they need to be constructed to the



## Staff Report – Jerome Township Zoning Amendment

	<p>requirements set forth by the Resolution. Staff recommends including a statement for each type of pool that clearly states it shall be enclosed by a wall or fence and include a self-closing and latching gate. Leaving it unclear or up to the Building Code is not recommended.</p> <ul style="list-style-type: none"><li>• 645.03 – Staff recommends the Township define what a “Multi-Family Swimming Pool” is. For example, “multi-family” could be considered to be a development with multiple dwellings or on a lot with a single dwelling but more than two dwelling units.</li><li>• 645.04 – Staff recommends taking a closer look at this section. The section appears to prohibit at-grade structures, paved or other material, in the setback areas. Staff is concerned these types of structures are not well-defined, and confusion is likely to result. For example, what is the difference between a sidewalk, walkway, or driveway vs. a patio. For example, are chairs allowed in a driveway?</li></ul> <p><b><u>Prosecutor’s Office</u></b> A copy of this proposal was forwarded to the County Prosecutor’s Office for consideration and comment. Before LUC takes official action on the proposal, the comments from that Office should be reviewed and included in any recommendation.</p>
<b>Staff Recommendations:</b>	<p>Staff recommends <b><i>APPROVAL WITH MODIFICATIONS</i></b> of the proposed zoning amendment. Those modifications are those outlined in the staff report.</p> <p>The Township should consider the opinion of the Prosecutor’s Office when it is available.</p>
<b>Z&amp;S Committee Recommendations:</b>	



## Logan-Union-Champaign regional planning commission

### Zoning Text Amendment Checklist

Date: 3/19/21

Township: Jerome Twp., Union Co.

Amendment Title: 2T21-001 - Accessory Uses & Structures

**Notice:** Incomplete Amendment requests **will not** be processed by our office. LUC Regional Planning Commission will return them to the requestor, stating the reason the amendment was not accepted.

Each Zoning Text Amendment change must be received in our office along with a cover letter, explaining the proposed zoning text change (s). All items listed below must be received **no later than 10 days** before the next scheduled LUC Regional Planning Commission Executive Board Meeting (second Thursday of every month). It is recommended that a person who is able to provide further information on the amendment attend the Zoning and Subdivision Committee meeting to answer any additional questions that may arise.

Required Item:	Completed by Requestor:	Received by LUC:
Cover Letter & Checklist	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date of Request (stated in cover letter)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Description of Zoning Text Amendment Change (s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date of Public Hearing (stated in cover letter)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Township Point of Contact and contact information for zoning amendment (stated in cover letter)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Attachment of Zoning Text Amendment with changes highlighted or bolded	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Copy of current zoning regulation, or section to be modified for comparison	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Non-LUC Member Fee, If applicable	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/>

Additionally, after final adoption regarding this zoning text amendment, please provide LUC with a letter stating the results of the Trustees vote, along with a copy of the adopted language.

Please see reverse side for a timeline of the Township Zoning Amendment Process, per ORC 519.12

9676 E. Foundry St, PO Box 219  
East Liberty, Ohio 43319

• Phone: 937-666-3431 • Fax: 937-666-6203  
• Email: [luc-rpc@lucplanning.com](mailto:luc-rpc@lucplanning.com) • Web: [www.lucplanning.com](http://www.lucplanning.com)



9777 Industrial Parkway  
Plain City, Ohio 43064  
614-873-4480

## Jerome Township Zoning Department

March 19, 2021

Aaron Smith  
L.U.C. Regional Planning Commission  
Box 219  
East Liberty, Ohio 43319

Dear Aaron:

This letter is to inform you that the Jerome Township Board of Trustees have initiated an amendment to the text of the Jerome Township Zoning Resolution. Case #ZT21-001 has been assigned to this proposed text amendment. This proposed text amendment primarily affects Chapter 645 Accessory Uses and Structures, as well as various related provisions throughout the Resolution. This amendment has been scheduled for a public hearing in front of the Township Zoning Commission on April 5, 2021 at 7pm.

If you need further information, please feel free to contact me.

Very respectfully,

**Eric Snowden**  
Zoning Inspector/Coordinator  
Jerome Township, Union County, Ohio

Attachment

3/16/2021 - Draft Zoning Text Amendment  
2T21-001

**245.04 ~~Action by the Board of Zoning Appeals~~ Decision by the Board of Zoning Appeals**

A variance from the terms of this Resolution shall not be granted by the Board of Zoning Appeals unless and until the applicant demonstrates the following:

1. 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;
2. That literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Resolution;
3. That the special conditions and circumstances do not result from the actions of the applicant;
4. 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;
5. That the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
6. That the granting of the variance will be in harmony with the general purpose and intent of this Resolution and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. (Amd. 10-20-2020)

### 300.03 Letter C

**Clear Sight Triangle** – The triangular area formed by a diagonal line connecting two points, located on intersecting lines of street and driveway, one being on the street right-of-way, the other point being on the easement of access, or pavement edge of an access drive, each point being 20 feet from the intersecting lines. The view through this triangular area, from the street into the driveway or the driveway into the street, shall be open and unobstructed by landscaping, signs, or structures, from a height of 3 feet above grade to 10 feet above grade. See Figure 300.03.1. (Amd. 12-17-2018)

### 300.20 Letter S

**Swimming Pool** – Any outdoor structure intended for swimming or recreational bathing that contains or is capable of containing twenty-four (24) inches of water.

### 300.25 Letter Y

**Yard, Front Setback** – 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.

- a) In the case of through lots a front yard of the required depth shall be provided on all road frontages.
- b) In the case of corner lots, a front yard of the required depth shall be provided on both road frontages.
- c) In the case of existing flag lots, the front yard setback shall be measured from the front property line established where the lot widens to the normal required lot width.
- d) With the exception of existing flag lots, all required front yard setbacks shall be measured from the right-of-way of the public road on which the property fronts. Where a right-of-way has not been established, the front yard setback shall be measured from the assumed right-of-way based upon the Functional Roadway Classification as defined by the County Engineer. Where no right-of-way has been established, the front setback shall be measured from the centerline of the existing road and shall include the required setback distance as established in this Zoning Resolution, plus half of the distance of the assumed right-of-way as detailed in the following chart:

<b>Table 300.25.1 Assumed Right-of-Way Width</b>		
<b>Road / Street Classification</b>	<b>Total assumed Right-of-Way</b>	<b>Distance from the centerline to the assumed Right-of-Way line.</b>
Local Road	60 feet	30 feet
Minor Collector Road	80 feet	40 feet
Major Collector Road	100 feet	50 feet
Minor Arterial Road	120 feet	60 feet

~~(Amd. 10-20-2020)~~

**Yard, Rear Setback** – 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.

**Yard, Side Setback** – 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.

#### **405.03 Accessory Uses and Structures**

An Accessory Use or Structure is a use or structure which is clearly subordinate to the principal use as defined in Chapter 300 of this Resolution. Accessory uses or structures may be allowed only in accordance with the specific district regulations ~~and~~, the requirements of Chapter 645 of this Resolution, and other applicable regulations provided for by this Resolution. (Amd. 10-20-2020)

## **420.05 Lot Size and Yard Setback Standards**

The following lot size~~area~~ and yard setback standards shall apply to all lots in the AG District:

### **1. Minimum Lot Size~~Area~~**

The minimum lot-size~~area~~ for parcels~~lot~~ in the AG District shall be 5 acres.

### **2. Front Yard Setbacks**

All front yard setbacks, as defined in Chapter 300, shall be measured from the right-of-way line. Front yard setbacks for the AG District shall be as follows:

- a) **Type 'A'** – The setback for Farm Markets shall be a minimum of 15 feet as defined in Chapter 605.
- b) **Type 'B'** – The setback for single-family dwellings shall be a minimum of 50 feet.
- c) **Type 'C'** – The setback for all other buildings or structures, with the exception of agricultural buildings, supporting a permitted, conditional, or accessory use of the property~~lot~~ shall be 80 feet. (Amd. 10-20-2020)

- 5. Side Yard Setbacks** – The minimum side yard setback for buildings and structures in the AG District shall be ~~25 feet~~principal buildings and structures shall be twenty-five (25) feet. Accessory buildings and structures shall be set back from a side lot line in accordance with the provisions of Article 6.

### **6. Rear Yard Setbacks**

The minimum rear yard setback for buildings and structures in the AG District shall be ~~80 feet~~principal buildings shall be eighty (80) feet. Accessory buildings and structures shall be setback from a rear lot line in accordance with the provisions of Article 6.

### **7. Architectural Projections**

~~Open structures such as porches, canopies, balconies, platforms, carports, and covered patios, and similar architectural projections shall be considered parts of the building or structure to which it is attached and shall not project into the required minimum front, side or rear yard.~~Regulations for architectural projections and similar regulations shall be as provided for in Chapter 600 of this Resolution.

#### **425.04 Lot SizeArea and Yard Setback Standards**

The following lot sizearea and yard setback standards shall apply to all lots in the RU District:

##### **1. Minimum Lot SizeArea**

The minimum lot-sizearea for ~~parcels~~lots in the RU District shall be 1.5 acres or as required by the County Board of Health for the provision of on-site water and sanitary systems. In addition, the minimum lot-sizearea for all permitted and conditional uses shall be adequate to allow for the development of the lot in accordance with the applicable development standards of the RU District and this Resolution. (Amd. 8-17-2015, 10-20-2020)

##### **4. Front Yard Setbacks**

All front yard setbacks, as defined in Chapter 300, shall be measured from the right-of-way line. Such setbacks for the RU District shall be as follows:

- a) **Type 'A'** – The setback for ~~Farm M~~markets shall be a minimum of 15 feet as determined by Chapter 605 of this Resolution.
- b) **Type 'B'** – The setback for single-family dwellings shall be a minimum of 50 feet.
- c) **Type 'C'** – The setback for all other buildings or structures supporting a permitted, conditional, or accessory use of the ~~property~~lot shall be 75 feet. (Amd. 10-20-2020)

##### **5. Side Yard Setbacks**

The minimum side yard setback for ~~all buildings and structures in the RU District shall be 20 feet~~principal buildings and structures shall be twenty-five (25) feet. Accessory buildings and structures shall be set back from a side lot line in accordance with the provisions of Article 6.

##### **6. Rear Yard Setbacks**

The minimum rear yard setback for ~~all buildings and structures in the RU District shall be 30 feet~~principal buildings and structures shall be thirty (30) feet. Accessory buildings and structures shall be setback from a rear lot line in accordance with the provisions of Article 6.

##### **7. Architectural Projections**

~~Open structures such as porches, canopies, balconies, platforms, carports, and covered patios, and similar architectural projections shall be considered parts of the building or structure to which it is attached and shall not project into the required minimum front, side or rear yard.~~Regulations for architectural projections and similar regulations shall be as provided for in Chapter 600 of this Resolution.

#### **430.04 Lot-SizeArea and Yard Setback Standards**

The following lot sizearea and yard setback standards shall apply to all lots in the LDR District:

##### **1. Minimum Lot SizeArea**

The minimum lot sizearea for parcels having access to public sewer and water services shall be one half (½) acre. Without access to public sewer and water the minimum lot sizearea shall be 1.5 acres, or such larger sizearea as determined necessary by the County Health Department. In addition, the minimum lot sizearea for all permitted and conditional uses shall be adequate to allow for the development of the lot in accordance with the applicable development standards of the LDR District and this Resolution.

##### **4. Front Yard Setbacks**

All front yard setbacks, as defined in Chapter 300, shall be measured from the right-of-way line. Front yard setbacks for the LDR District shall be as follows:

- a) Single-family Dwellings - The front yard setback for single-family dwellings shall be 35 feet.
- b) The front yard setback for all other buildings or structures supporting a permitted, conditional, or accessory use of the ~~property~~lot shall be 45 feet. (Amd. 10-20-2020)

##### **5. Side yYard Setbacks**

~~The minimum side yard setback for all buildings and structures in the LDR District shall be 20 feet~~principal buildings and structures shall be twenty (20) feet. Accessory buildings and structures shall be setback from a side lot line in accordance with the provisions of Article 6.

##### **6. Rear Yard Setbacks**

~~The minimum rear yard setback for all buildings and structures in the LDR District shall be 30 feet~~principal buildings and structures shall be thirty (30) feet. Accessory buildings and structures shall be setback from a rear lot line in accordance with the provisions of Article 6.

##### **7. Architectural Projections**

~~Open structures such as porches, canopies, balconies, platforms, carports, and covered patios, and similar architectural projections shall be considered parts of the building or structure to which it is attached and shall not project into the required minimum front, side or rear yard.~~Regulations for architectural projections and similar regulations shall be as provided for in Chapter 600 of this Resolution.

#### **435.04 Lot-SizeArea and Yard Setback Standards**

The following lot-sizearea and yard setback standards shall apply to all lots in the MDR District:

##### **1. Minimum Lot SizeArea**

The minimum lot-sizearea for parcels in the MDR District shall be 12,000 ~~S~~square Feet. In addition, the minimum lot-sizearea for all permitted and conditional uses shall be adequate to allow for the development of the lot in accordance with the applicable development standards of the MDR District and this Resolution.

##### **5. Side yYard Setbacks**

The minimum side yard setbacks for all buildings and structures in the MDR District shall be as follows:

- a) For lots having a width of less than 90 feet the minimum side yard setback for principal buildings and structures shall be 6 feet.
- b) For lots having a width of 90 feet or greater, but less than 100 feet the minimum side yard setback for principal buildings and structures shall be 8 feet.
- c) For lots having a width of 100 feet or greater the minimum side yard setback for principal buildings and structures shall be 10 feet.
- d) ~~For residences with side loaded garages the driveway shall be permitted to extend into the side yard a maximum of 4 feet. For residences with forward facing garages the driveway shall meet all side yard setbacks.~~ Accessory buildings and structures shall be setback from a side lot line in accordance with provisions of Article 6.

##### **6. Rear Yard Setbacks**

~~The minimum rear yard setback for all buildings and structures in the MDR District shall be 30 feet.~~ principal buildings and structures shall be thirty (30) feet. Accessory buildings and structures shall be setback from a rear lot line in accordance with the provisions of Article 6.

##### **7. Architectural Projections**

~~Open structures such as porches, canopies, balconies, platforms, carports, and covered patios, and similar architectural projections shall be considered parts of the building or structure to which it is attached and shall not project into the required minimum front, side or rear yard.~~ Regulations for architectural projections and similar regulations shall be as provided for in Chapter 600 of this Resolution.

#### **440.03 Lot-SizeArea, Lot Width, and Yard Setback Standards**

The following lot ~~size~~area, ~~lot width~~, and yard setback standards shall apply to all lots within the ORM District:

##### **1. Minimum Lot SizeArea**

All lots ~~and outlots~~ within the ORM District shall be a minimum of 1.5 acre in ~~size~~area, or such larger ~~size~~area as necessary to allow for the development of the lot in accordance with the applicable development standards of this Resolution and all other state and local requirements. (Amd. 10-20-2020)

##### **3. Maximum Lot Coverage**

~~The total ground area occupied by all buildings and structures shall not exceed a maximum of 35 percent of the total area of the lot.~~ The maximum lot coverage in the ORM District shall be thirty-five percent (35%).

##### **4. Front Yard Setbacks**

All ~~F~~front ~~Y~~yard ~~S~~setbacks, as defined in Chapter 300, shall be determined based upon the functional classification of the public roadway upon which the ~~property~~lot fronts and shall be measured from the right of way of said public road. The functional roadway classification shall be those determined by the County Engineer. The minimum front yard setbacks for the ORM District shall be as follows:

##### **5. Side yYard Setbacks**

The side yard setbacks in the ORM District shall be as follows:

- a) When any lot in the ORM District adjoins any lot less than 5 acres in ~~size~~area zoned in any residential district, or where the side lot line exists within 100 feet of any residential structure, the minimum side yard setbacks shall be:
  - (i) 20 feet for all parking and vehicular circulation areas.
  - (ii) 30 feet for any loading, delivery, and service areas.
  - (iii) 50 feet for all buildings and structures.
- b) For all other lots in the ORM District the side yard setbacks shall be:
  - (i) 10 feet for all parking and vehicular circulation areas.
  - (ii) 20 feet for any loading, delivery, and service areas.
  - (iii) 20 feet for all buildings and structures.

##### **6. Rear Yard Setbacks**

The minimum rear yard setbacks in the ORM District shall be as follows:

- a) When any lot in the ORM District adjoins any lot less than 5 acres in ~~size~~area zoned in any residential district, or where the rear lot line exists within 100 feet of any residential structure, the minimum rear yard setbacks shall be:
  - (i) 20 feet for all parking and vehicular circulation areas.
  - (ii) 50 feet for all buildings, structures, loading, delivery, and service areas.
- b) For all other lots in the ORM District the minimum rear yard setbacks shall be 20' for all buildings, structures, parking, vehicular circulation and loading, delivery, and service areas. (Amd. 10-20-2020)

#### **440.08 Signage**

Signs identifying or advertising uses within the ORM District shall be in strict compliance with Chapter 615 of this Resolution and with the following standards:

##### **1. Wall sSigns**

All wall signs within the ORM District shall comply with the requirements of Chapter 615 and the following standards:

- a) Installation – Wall signs shall be installed and mounted in accordance with Chapter 615.
- b) Display Area – The sign(s) surface(s) of a sign(s) placed flat against the building wall shall not exceed 75% of the length of the side of the building to which the sign(s) is/are attached. The total display area shall not exceed 10% of the total area of the side of the building to which the sign is being attached up to a total sign area of 200 square feet. In no case shall a wall sign in the ORM District exceed 200 square feet.
- c) Location – Wall signs shall be located on or along the wall of the building which faces the public right-of-way or parking lot, and shall not project above the eaves of a sloped roof or the parapets of a flat roof. When a building on a corner lot is permitted to have two wall signs, each sign shall be mounted on a separate building frontage facing the public right-of-way and shall be a minimum of 30 feet apart. (Amd. 10-20-2020)

### **445.03 Lot SizeArea, Lot Width, and Yard Setback Standards**

The following lot size~~area~~, ~~frontage requirements~~lot width, and yard setback standards shall apply to all lots within the COM District:

#### **1. Minimum Lot Size**

The minimum lot size for parcels within the COM District shall be as follows:

- a) Lots having access to centralized sewer and water services shall be a minimum of 3/4 acre.
- b) For lots using on-site water and sewer the minimum lot size shall be a minimum of 1 and 1/2 acres, or as required by the County Health Department for the proposed use.
- c) All lots within the COM District shall be adequate in size to allow for the development of the lot in accordance with the applicable development standards of this Resolution and all other state and local requirements.

#### **3. Maximum Lot Coverage**

~~The total ground area occupied by all buildings and structures shall not exceed a maximum of 45% of the total area of the lot~~The maximum lot coverage in the COM District shall be forty-five percent (45%).

#### **4. Front Yard Setbacks**

All front yard setbacks, as defined in Chapter 300, shall be determined based upon the functional classification of the public roadway upon which the ~~property~~lot fronts and shall be measured from the right of way of said public road. The functional roadway classification shall be those determined by the County Engineer. The minimum front yard setbacks for the COM District shall be as follows:

#### **5. Side Yard Setbacks**

The side yard setbacks in the COM District shall be as follows:

- a) When any lot in the COM District adjoins any lot less than 5 acres in ~~size~~area zoned in any residential district the minimum side yard setbacks shall be:
  - (i) 20 feet for all parking and pavement areas.
  - (ii) 40 feet for any outdoor storage or loading and delivery areas.
  - (iii) 40 feet for all buildings and structures.
- b) When any lot in the COM District adjoins any lot in any non-residential district the minimum side yard setbacks shall be:
  - (i) 10 feet for all parking and pavement areas.
  - (ii) 20 feet for any outdoor storage or loading and delivery areas.
  - (iii) 20 feet for all buildings and structures.

#### **6. Rear Yard Setbacks**

The minimum rear yard setbacks in the COM District shall be as follows:

- a) When the rear lot line of any lot in the COM District adjoins any lot less than 5 acres in ~~size~~area zoned in any residential district the minimum rear yard setbacks shall be as follows:
  - (i) 60 feet for all buildings and structures, loading and delivery, and outdoor storage areas.
  - (ii) 40 feet for all parking and vehicular circulation areas.
- b) When the rear lot line of any lot in the COM District adjoins any lot in any non-residential district the minimum rear yard setbacks shall be as follows:

- (i) 30 feet for all buildings and structures, loading and delivery, and outdoor storage areas.
- (ii) 20 feet for all parking and vehicular circulation areas.

#### **455.03 Lot SizeArea, Lot Width, and Yard Setback Standards**

The following lot sizearea, lot width requirements, and yard setback standards shall apply to all lots within the LR District:

##### **1. Minimum Lot SizeArea**

All lots and ~~outlets~~ within the LR District shall be a minimum of 1 acre in sizearea or such larger sizearea as necessary to allow for the development of the lot in accordance with the applicable development standards of this Resolution and all other state and local requirements.

##### **2. Maximum square footageFloor Area**

Within the LR District no single use structure, and no individual tenant in a multi-tenant structure, shall exceed a maximum of 75,000 square feet of floor area. No single development shall exceed a maximum of 150,000 square feet of floor area inclusive of all tenants.

##### **3. Minimum Lot Width**

The minimum lot width for all lots in the LR District shall be determined based upon the functional classification of the roadway upon which the property fronts. Functional roadway classifications shall be those determined by the County Engineer. All driveway locations and driveway spacing shall meet the current requirements of the County Engineer at the time of construction. The following minimum lot width shall apply:

##### **5. Side Yard Setbacks**

The side yard setbacks in the LR District shall be as follows:

- a) When any lot in the LR District adjoins any lot less than 5 acres in sizearea zoned in any residential district, or where the side lot line exists within 250 feet of any residential structure, the minimum side yard setbacks shall be:
  - (i) 20 feet for all parking and vehicular circulation areas.
  - (ii) 40 feet for any loading, delivery, and service areas.
  - (iii) 40 feet for all buildings and structures.
- b) For all other lots in the LR District the side yard setbacks shall be:
  - (i) 10 feet for all parking and vehicular circulation areas. In the case of joint or collective parking lots the setbacks may be reduced to 0 feet as defined in Chapter 610.
  - (ii) 20 feet for any loading, delivery, and service areas.
  - (iii) 20 feet for all buildings and structures.

##### **6. Rear Yard Setbacks**

The minimum rear yard setbacks in the LR District shall be as follows:

- a) When any lot in the LR District adjoins any lot less than 5 acres in sizearea zoned in any residential district, or where the rear lot line exists within 250 feet of any residential structure, the minimum rear yard setbacks shall be:
  - (i) 20 feet for all parking and vehicular circulation areas.
  - (ii) 40 feet for all loading, delivery and service areas.
  - (iii) 60 feet for all buildings and structures.
- b) For all other lots in the LR District the rear yard setbacks shall be:
  - (i) 10 feet for all parking and vehicular circulation areas.
  - (ii) 20 feet for all loading, delivery and service areas.
  - (iii) 30 feet for all structures.

### **455.08 Signage**

Signs identifying or advertising uses within the LR District shall be in strict compliance with Chapter 615 of this Resolution and with the standards as follows:

#### **3. Wall Signs**

All wall signs in the LR District shall meet the following requirements:

- a) Installation – Wall signs shall be installed and mounted in accordance with Chapter 615.
- b) Construction – Wall signs may be constructed of individual letters attached to the building or constructed as a solid sign or sign cabinet.
- c) Display Area – The sign(s) surface(s) of a sign(s) placed flat against the building wall shall not exceed 65% of the length of the side of the building or of the storefront to which the sign(s) is/are attached and shall meet the following requirements:
  - (i) For single buildings on individual lots, and for retail tenants larger than 30,000 square feet in floor area in a multitenant retail structure, the total area of the sign shall not exceed 10 percent of the total area of the wall to which the sign is being attached up to a total of 125 square feet in display area as defined in Chapter 615.
  - (ii) For retail tenants less than 30,000 square feet of floor area in a multitenant building the total area of the sign shall not exceed 60 square feet in display area as defined in Chapter 615. For all wall signs in a multi-tenant building there shall be uniformity in height between the signs for each tenant and all signs shall be installed at the same height along the face of the building.
- d) Location – Wall signs shall be located on or along the wall of the building which faces the street or parking lot and shall not project above the eaves of a sloped roof or the parapets of a flat roof. When a building on a corner lot is permitted to have two wall signs, each sign shall be mounted on a separate building frontage and shall be a minimum of 30 feet apart. (Amd. 10-20-2020)

#### **460.03 Lot Size, Lot Width, and Yard Setback Standards**

The following ~~lot size~~area, ~~lot width~~ requirements, and yard setback standards shall apply to all lots within the RR District:

##### **1. Minimum Lot Size~~Area~~**

All ~~lots and outlots~~ within the RR District shall be a minimum of 1 acre in ~~size~~area, or such larger ~~size~~area as necessary to allow for the development of the lot in accordance with the applicable development standards of this Resolution and all other state and local requirements.

##### **2. Maximum Square Footage**

Within the RR District there shall be no maximum building square footage.

##### **3. Minimum Lot Width**

The minimum width for all lots in the RR District shall be determined based upon the functional classification of the roadway upon which the ~~property~~lot fronts. Functional roadway classifications shall be those determined by the County Engineer. All driveway locations and driveway spacing shall meet the current requirements of the County Engineer at the time of construction. The following minimum lot widths shall apply:

##### **5. Side Yard Setbacks**

The side yard setbacks in the RR District shall be as follows:

- a) When any lot in the RR District adjoins any lot less than 5 acres in ~~size~~area zoned in any residential district, or where the side lot line exists within 250 feet of any residential structure, the minimum side yard setbacks shall be:
  - (i) 20 feet for all parking and vehicular circulation areas.
  - (ii) 40 feet for any loading, delivery, and service areas.
  - (iii) 40 feet for all buildings and structures.
- b) For all other lots in the RR District the side yard setbacks shall be:
  - (i) 10 feet for all parking and vehicular circulation areas. In the case of shared parking the setbacks may be reduced to 0 feet see Chapter 610.
  - (ii) 20 feet for any loading, delivery, and service areas.
  - (iii) 20 feet for all buildings and structures.

##### **6. Rear Yard Setbacks**

The minimum rear yard setbacks in the RR District shall be as follows:

- a) When any lot in the RR District adjoins any lot less than 5 acres in ~~size~~area zoned in any residential district, or where the rear lot line exists within 250 feet of any residential structure, the minimum rear yard setbacks shall be:
  - (i) 20 feet for all parking and vehicular circulation areas.
  - (ii) 40 feet for all loading, delivery and service areas.
  - (iii) 60 feet for all structures.
- b) For all other lots in the RR District the rear yard setbacks shall be:
  - (i) 10 feet for all parking and vehicular circulation areas.
  - (ii) 20 feet for all loading, delivery and service areas.
  - (iii) 30 feet for all structures.

#### **460.08 Signage**

Signs identifying or advertising uses within the RR District shall be in strict compliance with Chapter 615 of this Resolution and with the standards as follows:

##### **1. Wall ~~s~~Signs**

All wall signs in the RR District shall meet the following requirements:

- a) Installation – Wall signs shall be installed and mounted in accordance with Chapter 615.
- b) Construction - Wall signs may be constructed of individual letters attached to the building or constructed as a solid sign or sign cabinet.
- c) Display Area - The sign(s) surface(s) of a sign(s) placed flat against the building wall shall not exceed 65% of the length of the side of the building or of the storefront to which the sign(s) is/are attached and shall meet the following requirements:
  - (i) For single buildings on individual lots, and for retail tenants larger than 30,000 square feet in floor area in a multi-tenant retail structure, the total area of the sign shall not exceed 10 percent of the total area of the wall to which the sign is being attached up to a total of 125 square feet in display area as defined in Chapter 615.
  - (ii) For retail tenants less than 30,000 square feet in floor area in a multi-tenant building the total area of the sign shall not exceed 60 square feet in display area as defined in Chapter 615. For all wall signs in a multi-tenant building there shall be uniformity in height between the signs for each tenant and all signs shall be installed at the same height along the face of the building.
- d) Location – Wall signs shall be located on or along the wall of the building which faces the street or parking lot and shall not project above the eaves of a sloped roof or the parapets of a flat roof. When a building on a corner lot is permitted to have two wall signs, each sign shall be mounted on a separate building frontage and shall be a minimum of 30 feet apart. (Amd. 10-20-2020)

#### **470.04 Lot Size~~Area~~, Lot Width, and Yard Setback Standards**

The following lot ~~size~~area, lot width, and yard setback standards shall apply to all lots within the SRE District:

##### **1. Minimum Lot Size**

All lots ~~and outlots~~ within the SRE District shall be a minimum of 1 acre in ~~size~~area, or such larger ~~size~~area as necessary to allow for the development of the lot in accordance with the applicable development standards of this Resolution and all other state and local requirements.

##### **3. Maximum Lot Coverage**

~~The total ground area occupied by all buildings and structures shall not exceed a maximum of 35 percent of the total area of the lot or tract.~~ The maximum lot coverage in the SRE District shall be thirty-five percent (35%).

#### **470.09 Signage**

Signs identifying or advertising uses within the SRE District shall be in strict compliance with Chapter 615 of this Resolution and with the standards as follows:

##### **1. Wall ~~s~~Signs**

All wall signs within the SRE District shall comply with the requirements of Chapter 620 and the following standards:

- a) Installation – Wall signs shall be installed and mounted in accordance with Chapter 620.
- b) Construction – Wall signs may be constructed of individual letters attached to the building or constructed as a solid sign or sign cabinet.
- c) Display Area – The sign(s) surface(s) of a sign(s) placed flat against the building wall shall not exceed 75% of the length of the side of the building to which the sign(s) is/are attached. The total display area shall not exceed 10% of the total area of the side of the building (as defined in Chapter 620) to which the sign is being attached up to a total sign area of 100 square feet. In no case shall a wall sign in the SRE District exceed 100 square feet.
- d) Location – Wall signs shall be located on or along the wall of the building which faces the street or parking lot and shall not project above the eaves of a sloped roof or the parapets of a flat roof. When a building on a corner lot is permitted to have two wall signs, each sign shall be mounted on a separate building frontage and shall be a minimum of 30 feet apart. (Amd. 10-20-2020)

## **510.02 Lot SizeArea and Yard Setback Standards**

The following lot sizearea and yard setback standards shall apply to all lots within the OS District:

### **1. Minimum Lot SizeArea**

All lots within the OS District shall be a minimum of 1.5 acres in sizearea, or such larger sizearea as necessary to allow for the development of the lot in accordance with the applicable development standards of this Resolution and all other state and local requirements.

### **2. Side yYard Setbacks**

The side yard setbacks in the OS District shall be as follows:

- a) When any lot in the OS District adjoins any lot less than 5 acres in sizearea zoned in any residential district, or where the side lot line exists within 250 feet of any residential structure, the minimum side yard setbacks shall be:
  - (i) 20 feet for all parking and vehicular circulation areas.
  - (ii) 30 feet for any loading, delivery, and service/maintenance areas.
  - (iii) 50 feet for all buildings and structures.
- b) For all other lots in the OS District the side yard setbacks shall be:
  - (i) 10 feet for all parking and vehicular circulation areas.
  - (ii) 20 feet for any loading, delivery, and service/maintenance areas.
  - (iii) 30 feet for all buildings and structures.

## Chapter 600 – General Regulation of the Arrangement and Development of Land and Structures

### 600.001 Applicability

Regulations are hereby established and adopted pertaining generally and uniformly to the arrangement of land and structures throughout the township. It is the purpose of these development standards to set forth certain rules to be adhered to regardless of the type or classification of development. If a conflict arises between these standards and the more specific standards prescribed in any individual zoning district then the specific provisions of the zoning district shall prevail. The standards set forth herein are to be considered minimum standards to be augmented by standards set forth elsewhere in this Resolution or prescribed or agreed to by the land owner in any zoning amendment, approved conditional use permit or approved variance. (Amd. 10-20-2020)

### 600.01 Supplemental Yard and Height Regulations

In additional all yard regulations specified in Article 4, provided for within a Planned Development District, and provided for in other sections of this Resolution, the provisions of Section 600.02-600.04, inclusive, shall be used for interpretation and clarification.

### 600.02 Special Requirements for Front Yard Setbacks

The following regulations shall be used for interpretation and clarification of front yard setbacks on lots with the following special circumstance.

- a) In the case of through lots a front yard of the required depth shall be provided on all road frontages.
  - (i) Exception: Whenever a through lot exists in a platted subdivision which is developed with a single-family dwelling or two-family dwelling, and the approved plat indicates that there is no front yard setback, building line, or building setback on a particular frontage, no front yard setback shall be required on that frontage and that lot line shall be interpreted as a rear lot line.
- b) In the case of corner lots, a front yard of the required depth shall be provided on both road frontages.
- c) In the case of existing flag lots, the front yard setback shall be measured from the front property line established where the lot widens to the normal required lot width.
- d) With the exception of existing flag lots, all required front yard setbacks shall be measured from the right-of-way of the public road on which the property fronts. Where a right-of-way has not been established, the front yard setback shall be measured from the assumed right-of-way based upon the Functional Roadway Classification as defined by the County Engineer. Where no right-of-way has been established, the front yard setback shall be measured from the centerline of the existing road and shall include the required front yard setback as established in this Zoning Resolution, plus half of the distance of the assumed right-of-way as detailed in the following chart:

<b>Table 300.25.1 Assumed Right-of-Way Width</b>		
<b><u>Road / Street Classification</u></b>	<b><u>Total assumed</u></b>	<b><u>Distance from the centerline to the assumed Right-of-Way Line.</u></b>

	<u>Right-of-Way</u>	
<u>Local Road</u>	<u>60 feet</u>	<u>30 feet</u>
<u>Minor Collector Road</u>	<u>80 feet</u>	<u>40 feet</u>
<u>Major Collector Road</u>	<u>100 feet</u>	<u>50 feet</u>
<u>Minor Arterial Road</u>	<u>120 feet</u>	<u>60 feet</u>

### **600.03 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 the height of two and one-half (2 ½) and ten (10) feet above the centerline grades of the intersecting roads in the area bounded by the right-of-way lines of such corner lots and a line joining points along said right-of-way lines twenty (20) feet from the point of intersection.

### **600.04 Architectural Projections**

- a) The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, eaves, chimneys, and other similar architectural features; however, such features shall not project more than two (2) feet into any required yard.
- b) 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 setback.
- c) Accessible Ramps. A ramp or similar structure designed to provide a continuous ADA accessible or barrier free route to the front entrance of a building may be permitted in a required front yard setback. Such ramp or similar structure shall have the least encroachment into a required front yard setback necessary to meet the minimum State or Federal design requirements for that specific facility.

### **600.05 Exceptions to Height Regulations**

Except as provided for elsewhere in this Resolution, the height regulations for any zoning district, as provided for in Article 4, as provided within a Planned Development District, or as otherwise provided for by this Resolution 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.

### **600.06 General Height Regulations Established**

- a) Whenever there exists a residential zoning district or any portion of a Planned Development District where single-family dwellings or two-family dwellings are permitted uses for which no other maximum height is prescribed by this Resolution, the maximum height for buildings and structures shall be thirty-five (35) feet.
- b) Wherever there exists a non-residential zoning district or any portion of a Planned Development District which permits uses other than single-family dwellings and two-family

dwelling for which no other maximum height is prescribed by this Resolution, the maximum height for buildings and structures shall be sixty (60) feet.

## **Chapter 605 – Agriculture**

### **605.001 Agriculture Defined**

For the purposes of this Resolution the definition of agriculture shall be that prescribed by Section 519.01 of the Ohio Revised Code. As used herein, agriculture generally includes farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and 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. (Amd. 10-20-2020)

### **605.01 Agriculture Exempted Herein**

Agriculture shall not be prohibited on lots greater than five acres. The use of any land for agricultural purposes or the construction or use of building or structure incidental to the use for agricultural purposes of the land on which such buildings or structures are located shall not be prohibited on lots greater than five (5) acres and no zoning certificate shall be required for any such building or structure. (Ohio Revised Code 519.21) (Amd. 10-20-2020)

### **605.02 Agriculture Subject to Regulation**

In any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate:, agriculture shall be regulated as follows:

1. Agriculture is prohibited on lots of one (1) acre or less. This does not prohibit gardening related to a residence.
2. Buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres shall conform to setbacks, size and height requirements for the zoning district.
3. Dairying and animal and poultry husbandry are permitted on lots greater than 1 acre but not greater than 5 acres until 35% of the lots in the subdivision are developed with at least 1 building, structure or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under Section 4503.06 of the Ohio Revised Code. After 35% of the lots in the subdivision are so developed, ongoing dairying and animal and poultry husbandry shall be considered a non-conforming use pursuant to Section 519.19 of the Ohio Revised Code. No new dairying, animal or poultry husbandry shall commence on such lots after 35% of the lots are developed with structures. (Amd. 10-20-2020)

### **605.03 Farm Markets**

In accordance with Section 519.21 of the Ohio Revised Code, Farm markets which derive at least fifty percent (50%) of their gross income from produce raised on farms owned or operated by the market owner in a normal crop year shall be permitted in any zoning district, subject to the following regulations:

1. Buildings less than one hundred and forty-four (144) square feet of floor area shall be placed at least fifteen (15) feet outside the road right-of-way so as to safely allow for adequate customer off street parking. Seasonal farm markets may use grassed areas for parking. Permanent farm markets shall provide paved or graveled parking.
2. For buildings larger than one hundred and forty-four (144) square feet of floor area, off-street parking shall be provided at the ratio of 1 parking space for each 250 square feet of farm market. Seasonal parking may be grassed areas, but permanent parking shall be graveled or paved and provided egress in accordance with the recommendation of the County Engineer. Setbacks shall be the same as for any structure in the underlying zoning district.

#### **605.04 Agritourism**

In accordance with 519.21 of the Ohio Revised Code, agritourism uses shall be a permitted use in all zoning districts. However, in order to protect the public health and safety, the following additional regulations shall apply:

1. All buildings, structures and parking areas utilized primarily for agritourism shall adhere to the minimum front, side, and rear yard setbacks established for the zoning district in which it is located.
2. The maximum height for buildings and structures utilized primarily for agritourism shall be thirty-five (35) feet.
3. All buildings and structures utilized primarily for agritourism shall not exceed the maximum lot coverage requirements established for the zoning district in which it is located. Should no maximum lot coverage requirement be established, the maximum size permitted for said building or structure shall be one thousand four hundred (1,400) square feet.
4. All parking demands shall be met by off-street parking areas located on the lot, and that all parking spaces and drive aisles shall comply with the width requirements of Chapter 610.
5. Safe and adequate ingress and egress shall be maintained at all times and that the applicant has made appropriate arrangement for emergency access.
6. In addition to the requirements of Chapter 220, and in order to determine compliance with any of the provisions of this Section, the Zoning Inspector may require such additional information as may be necessary. That shall include, but not be limited to estimates of peak parking demand, information related to proposed hours and seasons of operations, and evidence of compliance with the applicable regulations and recommendations of other public agencies including the Board of Health, County Engineer, and Fire Prevention Officer.

**610.05 Buffering from Adjacent Residential Land Uses**

All off street parking areas for more than 5 vehicles shall be buffered from view from any adjacent residential land use, except for Rural Residential District, through the use of either landscaping, or a 6' privacy fence, or a combination thereof. A ~~L~~landscape buffer shall consist of a minimum of 6' height evergreen trees planted at 15' on center within the required parking area setback. (Amd. 10-20-2020)

### **615.06 Temporary Signs, Permit Required**

Temporary signs shall include signs indicating or promoting the sale or development of land, facilities or structures. Such signs shall comply with the provisions of Section 615.07 with the exception that temporary signs shall not be illuminated. Application shall be made to the Zoning Inspector and upon his/her approval a permit issued and fee will be assessed.

Approval shall be for a period not to exceed those described below and may be renewed upon application. Failure to secure a renewal permit shall not constitute an automatic renewal or approval or a waiver of any fees or applicant obligations. The following requirements shall govern temporary signs:

**1. Construction / Development signs** – Signs advertising the construction or development of a property currently under construction shall be permitted as a temporary sign. Such signs shall be limited to 32 square feet in area and 8 feet in height and be a minimum of 10 feet from the public right-of-way. Permits granted for such signs shall be valid for a period of 12 months and may be renewed for (2) additional 6 month periods upon application to the Zoning Inspector.

**2. Residential Construction Signs** – Signs advertising builders or construction companies during the construction of a residence on an individual lot (not including realty signs as exempted elsewhere in this ~~Section~~Chapter) shall be permitted as a temporary sign. Such signs shall be limited to 8 square feet in display area and 5 feet in height and shall be located only on the lot where such construction activity occurs. Permits granted for such signs shall be valid for a period of 12 months and may be renewed for (1) additional 6 month period upon application to the Zoning Inspector. (Amd. 10-20-2020)

## Chapter 625 - Free Standing Walls, and Fences, and Hedges

### 625.001 Free Standing Walls, and Fences, and Hedges Generally

1. No wall or fence, used for any purpose, shall be erected, constructed, altered, relocated or rebuilt without the issuance of a zoning certificate. In addition to the requirements of Chapter 220, Applications for a zoning certificate to erect a fence or wall shall include plans and drawings showing the boundary and dimensions of the property lot upon which the fence, wall or is to be erected; the exact height, location, length, type of material and type of construction of the proposed fence or wall; the location of the buildings on the lot; or any such other information as deemed necessary for such certificate. (Amd. 10-20-2020)
2. The height of a wall or fence shall be measured from the established grade line to the highest point of the wall, fence, or hedge. Any light fixture placed on a pier or post may not exceed a height of 24" above the height of the pier. The height of a wall, fence or hedge may not be artificially increased by the use of mounding unless otherwise required by this Resolution for screening and buffering purposes.

### 625.01 General Requirements for Walls, Fences or Hedges

1. ~~No wall, fence, hedge or other landscape plantings or materials shall be located within any floodway, drainage easement, or located in such a way to block the natural flow of storm water thereby causing flooding detrimental to the public health safety and welfare.~~
2. ~~No wall, fence, hedge or other landscape plantings or materials shall be located in any public right of way except where street trees are required, as approved in a Planned Development District, or as otherwise approved by the Township. (Amd. 10-20-2020)~~
3. ~~No wall, fence, hedge or other landscape plantings or materials shall be located so as to adversely affect the vision of drivers on the public streets or from driveways intersecting public streets.~~
4. ~~In addition, no wall, fence, hedge or other landscape plantings or materials shall visibly obscure, hide, or screen fire hydrants, street address numbering, or other security or emergency service equipment, controls or components.~~
5. ~~The height of a wall, fence, or hedge shall be measured from the established grade line to the highest point of the wall, fence, or hedge. Any light fixture placed on a pier or post may not exceed a height of 24" above the height of the pier. The height of a wall, fence or hedge may not be artificially increased by the use of mounding unless otherwise required by this Resolution for screening and buffering purposes.~~
6. ~~All walls and fences shall be structurally sound, safe, and properly finished at all times. Fences shall be designed, constructed, and finished so the supporting members thereof shall face the property of the owner of the fence and the finished portion or facing of the fence shall face the adjacent property or street. Ground areas between fences and lot lines and between fences shall be kept properly maintained at all times. (Amd. 10-20-2020)~~
7. ~~All walls and fences shall be properly maintained and shall be kept free from damage, rot and disrepair over the life of the wall or fence. Walls shall be free from damage or deterioration and fences shall be kept painted or stained as originally installed.~~
8. ~~The setback and height requirements of this Chapter shall apply to all public street frontages. (Amd. 10-20-2020)~~
9. ~~Fences, walls and hedges are permitted in any required side or rear yard, provided that no fence is more than six (6) feet in height in any residential district, is located behind the~~

principal structure, and shall not extend closer to the street than a line drawn parallel to the street and extending from the rear corner of a principal structure with exceptions for the following:

- a) ~~Fencing, walls or hedges that are specifically designed and used for decorative and/or landscaping purposes in any residential district may be located in front and/or to the side of the principal structure, provided such decorative and/or landscaping fences, walls, or hedges shall not exceed fifty-two (52) inches in height and shall maintain a minimum setback of 5 feet from any adjacent property line and 15 feet from any right-of-way line.~~
  - b) ~~Fences for security purposes in any non-residential districts may be installed with a maximum height of 10' (unless specified otherwise in the requirements for the zoning district) provided the fence is either decorative in nature or fully screened from view from the surrounding properties by landscaping that meets or exceeds the 10' in height within 5 years of planting.~~
  - c) ~~Fencing may exceed the height and location standards of this Chapter if specifically required to achieve screening and buffering of objectionable uses as required elsewhere in this Resolution. (Amd. 10-20-2020)~~
  - d) ~~When applicable, fencing within a Planned Development District shall be in conformance with fencing approved or required by an approved Development Plan.~~
1. No wall or fence, shall be located within the visibility area provided for in Chapter 600.
  2. No wall fence shall obscure, fire hydrants, street address numbering, or other security or emergency service equipment, controls or components.
  3. All walls and fences shall be structurally sound, safe, and properly finished at all times. Privacy fences shall be designed, constructed, and finished so the supporting beams and members thereof shall not be visible from any neighboring lot or right-of-way. All walls and fences shall be properly maintained and shall be kept free from damage, rot and disrepair. Walls shall be free from damage or deterioration and fences shall be kept painted or stained.
  4. Fences and walls may exceed the height and location standards of this Chapter if specifically required to achieve screening and buffering of objectionable uses as required elsewhere in this Resolution.
  5. In addition to the regulations of this Chapter, fences and walls within a Planned Development District shall be in conformance an approved Development Plan, if applicable.
  6. Fences or walls may exceed the height and location standards of this Chapter if specifically required to achieve screening and buffering of objectionable uses as required elsewhere in this Resolution.

#### **625.02 Permitted Fence Types Fence Height and Location Regulations**

~~The following types of fences, meeting all other requirements of this Section and this Resolution, shall be permitted as follows~~Fences and walls shall be permitted subject to the following location and height regulations:

1. ~~Decorative wood, vinyl, or PVC privacy fences typically described as stockade, board on board, or alternating board fences shall be permitted for use in any side or rear yard in any residential district, subject to all other requirements of this this Chapter, or for use as screening or buffering as permitted elsewhere by this Resolution. When applicable,~~

~~fencing within a Planned Development District shall be in conformance with fencing approved or required by an approved Development Plan.~~

- ~~2. Wood, Vinyl or PVC decorative rail fencing, or split-rail fencing as would normally be called a "horse rail" fence used to border property or pasture or used in residential landscape features. Vinyl coated metal mesh (square or rectangle mesh) may be used as an attachment to the interior of rail fencing for the containment of pets or livestock. Metal mesh fencing used for this purpose shall be black in color.~~
- ~~3. Ornamental iron or aluminum post and vertical picket type fences normally used for security or for decorative purposes.~~
1. A fence or wall shall be permitted on any portion of a lot located behind the front facade of the principal building. The maximum height for such fences shall be six (6) feet for fences accessory single and two-family dwellings, and eight (8) feet for all other uses unless otherwise provided for by this Chapter or Resolution. Whenever there is no principal building, a fence of this type shall be located no closer to the right-of-way than the front yard setback provided for in the zoning district.
2. A fence may be permitted between the front facade of a principal building and the right of way subject to the following regulations:
  - a) The fence shall be no taller than five (5) feet.
  - b) No portion of said fence shall exceed twenty-five percent (25%) opacity.
3. Fences for security purposes in any non-residential district may be installed to a maximum height of ten (10) feet provided that the fence is either decorative in style or materials, or fully screened from view from the surrounding lots by landscaping that meets or exceeds the height of the fence within five (5) years of planting.

### **625.03 Prohibited Fence Types Fence Material Regulations**

The following types of fencing materials shall not be permitted in any zoning district:

1. Walls, ~~F~~fences or other landscaping equipped with, or having barbed wire, spikes, sharp points, or any similar device shall be prohibited with the exception of fences installed for the purposes of security within the Commerce District that are completely screened from view as required by Section 445.05(5).
2. Fencing or wall designed to emit an electric charge sufficient to cause a shock more severe than that typically found in standard livestock fencing shall be prohibited. ~~Nothing in this Resolution shall be construed or applied to prohibit underground "invisible fences" installed for the purpose of confining pets.~~
3. The use of chicken wire, poultry wire, or hex netting fence consisting of a plain, galvanized or PVC coated material shall be prohibited.
  - a) Exception: Vinyl coated metal mesh (square or rectangle mesh) may be used as an attachment to the interior of fencing and shall be brown or black in color.
  - b) Exception: Nothing in this Resolution shall be construed to prevent the use of such material for residential gardening purposes in the rear yard of any residential lot.
4. Chain link fences shall not be permitted except for the following instances:
  - a) ~~Chain link fences may be used to frame and contain~~when accessory to outdoor athletic facilities such as tennis courts, basketball courts, baseball or softball diamonds, or swimming pools.

- b) In the Commerce District, chain link fencing may be used to secure outdoor storage areas provided that the chain link fence is painted or coated black and is located on the inside of the required screening and buffering. (Amd. 10-20-2020)
- c) In the Rural Residential District, chain link fence may be used as a fence material provided such fencing is located no closer to the right-of-way than the front facade of the main building.

## Chapter 645 – Accessory Uses and Accessory Structures

### 645.001 Accessory Uses and Accessory Structures Generally

Accessory uses and accessory structures shall meet the standards and requirements of the applicable zoning district, if any, and the requirements of this Chapter. An accessory use or accessory structure shall be permitted in any district provided that:

1. It is incidental to and customarily found in connection with the principal use or principal structure permitted in the district;
2. It is subordinate to and serves the principal use or principal structure;
3. It is located on the same lot as the principal use or principal structure which it serves; and
4. It contributes to the comfort, convenience, or necessity of occupants, business, or industry of the principal use or principal structure served.

In addition, the following generally regulations shall apply:

1. Except as otherwise provided by this Zoning Resolution, a use or structure which is interpreted by the Zoning Inspector or Board of Zoning Appeals to be an accessory use or accessory structure may only be established or constructed on a lot having a legally existing principal use or principal structure.
2. No accessory use or accessory structure shall be located within any designated floodplain or recorded drainage easement in which the County Engineer has interest, unless written notification of approval from the County Engineer is provided to the Zoning Inspector in accordance with the zoning certificate application procedures of Chapter 220.
3. Fences and walls shall be considered permitted accessory structures subject to the requirements of this Section and of Chapter 625.

(Amd. 6-25-2018, 10-20-2020)

### **645.01 Accessory Uses, Buildings, and Accessory Structures Defined Uses, Structures, and Buildings Accessory to Uses other than Single-family Dwellings and Two-family Dwellings**

~~As used in Chapter, the terms "Accessory Use", "Accessory Structure", and "Accessory Building" have the same meaning as defined in Chapter 300 and be permitted provided that the following requirements are met:~~

- ~~1. Be subordinate to the principal use, building, or structure.~~
- ~~2. Be subordinate in area to the principal use, building, or structure.~~
- ~~3. Be customarily incidental to the principal use, building, or structure.~~
- ~~4. Except as otherwise regulated elsewhere in this Resolution, an accessory use, accessory building, or accessory structure shall be a permitted use, or an approved conditional use within the district.~~

~~Swimming pools, pool houses, hot tubs, sport courts, tennis courts, basketball courts, batting cages, detached opened aired structures, such as pergolas and gazebos, decks, patios, fireplaces, fire pits or other similar detached structures shall be classified as recreational structures and shall be governed by the regulations of Chapter 645. They will not be considered an accessory structure. Recreational structures will be required to meet the minimum setback requirements of the lot on which they are constructed and shall require the issuance of a zoning certificate prior to construction.~~

Except as otherwise provided by this Resolution, uses, structures, and buildings accessory to uses other than single-family dwellings and two-family dwellings shall be subject to the following regulations:

1. Accessory buildings, detached open roofed structures, detached decks, and other accessory structures requiring a building permit other than fences shall be not be located in any front, side, or rear yard setback.
2. Accessory buildings shall be located no close than ten (10) feet to the principal building.

(Amd. 12-17-2018, 10-20-2020)

#### **645.02 Accessory Uses, Accessory Buildings and Accessory Structures Permitted Uses, Structures, and Buildings Accessory to Single-family Dwellings and Two-family Dwellings**

~~The general requirements for accessory uses, accessory buildings and accessory structures shall be as follows:~~

1. ~~No more than 3 accessory buildings shall be permitted on lots larger than 0.5 acres in a residential zoning district. On residential lots smaller than 0.5 acres no more than 1 building shall be permitted.~~
2. ~~Accessory uses, accessory buildings, and accessory structures shall not be established prior to the establishment of the principal use, building, or structure. As noted in Chapter 220, zoning certificates are required.~~
3. ~~A zoning certificate shall be required prior to the erection, addition, or alteration of an accessory structure or use on any lot.~~
4. ~~Accessory uses, buildings, or structures shall be located on the same lot as the principal use or structure and located subject to the development standards of the zoning district in which it is located.~~
5. ~~Accessory uses, buildings, and accessory structures shall be located to the rear of the principal structure and shall be no closer than 10 feet from any part of the principal structure. Accessory uses, buildings, and accessory structures shall meet all required side and rear yard setback requirements of the applicable zoning district. Accessory uses, buildings, and accessory structures shall not be located within a recorded easement.~~
6. ~~Unless otherwise prohibited by lot area coverage requirements, only one (1) storage shed as an accessory building may be permitted on a residential lot, provided that the area of said storage shed does not exceed 200 square feet of floor area in size. The maximum height of a side wall for any storage shed shall not exceed eight (8) feet and the exterior peak height shall not exceed fourteen (14) feet. A storage shed shall have an exterior which is compatible in appearance to the principal structure on the lot. This includes, but is not limited to materials, colors, texture, and roof types.~~
7. ~~Any accessory use, recreational structure, or accessory building or accessory structure in any zoning district shall have an exterior which is complimentary in materials to the principal building on the parcel or lot. This includes, but is not limited to materials, colors, texture, and roof types. No temporary accessory structures such as tents, tarps, fabric covered structures, etc. shall be used for storage or permitted within any district.~~
8. ~~No commercial uses shall be conducted within an accessory structure unless otherwise approved as part of a permitted or in a Limited or Expanded Home Occupation, defined by Chapter 635, an approved conditional use permit, or commercial/industrial zoning district.~~
9. ~~Permanently mounted basketball posts are considered a permitted accessory structure provided that such pole is maintained in good repair and meets all of the required setbacks of the lot on which it resides. Temporary, or movable, basketball posts are considered a permitted accessory structure provided that the use of such post shall be prohibited within the public right-of-way.~~

10. ~~The maximum size floor area and height of accessory buildings or structures shall be based upon the standards established in the following table. If more than one accessory building or accessory structure is allowed, the sum of the size of all accessory structures or buildings cannot exceed the maximum size permitted by the following table. The ratio of length to width of any accessory structure or building cannot exceed 2:1.~~
11. ~~Principal structures shall not have more than two attached structures that would be defined as a subordinate accessory use or structure if it were detached. This includes any accessory use or structure, which is not defined as floor area for either residential or commercial uses attached to the principal structure via a common wall, roof line, breezeway, or by any other means of attachment.~~

Except as otherwise provided by this Resolution, uses, structures and buildings accessory to single-family dwellings and two-family dwellings shall be subject to the following regulations:

1. Accessory buildings, detached unenclosed roofed structures, detached decks and other accessory structures requiring a building permit shall not be located within any front yard setback as provided for in the zoning district, and shall not be located closer to the right-of-way of any road than the principal building.
  - a) Exception: On any lot in the Agricultural District or Rural Residential District which has a lot area of 2.5 acres or more, accessory buildings, detached unenclosed roofed structures, and accessory structures requiring a building permit may be located closer to the right-of-way of a road than the principal building.
2. Accessory buildings, detached unenclosed roofed structures, detached decks, and other accessory structures requiring a building permit shall not be located closer to any side or rear lot line than provided for in Table 645.02.
  - a) Exception: Whenever an accessory building or structure is located based on the provisions of Subsection (1)(a) of this Section, the side yard setback for the principal building shall apply.
3. Accessory buildings and detached unenclosed roofed structures shall be located no closer than ten (10) feet to the principal building.
4. The maximum number per lot, maximum floor area, and maximum height of accessory buildings and detached unclosed roofed structures shall be as provided for in Table 645.02.

(Amd. 12-17-2018, 10-20-2020)

**Table 645.02 Accessory Structures Buildings Accessory to Single-family Dwellings and Two-family Dwellings (Amd. 12-17-2018)**

<b>Lot Area</b>	<b><u>Total Accessory Buildings/ Detached Unenclosed Roofed Structures Permitted</u></b>	<b>Maximum Size Permitted Floor Area of Accessory Building(s)</b>	<b>Maximum Height</b>	<b><u>Setback from Side Lot Line</u></b>	<b><u>Setback from Rear Lot Line</u></b>
Less than .50 acre	<u>1</u>	450 square feet	15 feet	<u>5 feet</u>	<u>5 feet</u>
Equal to or greater than .50 acre but	<u>3</u>	650 square feet	15 feet	<u>10 feet</u>	<u>10 feet</u>

less than one (1) acre					
Equal to or greater than one (1) acre but less than two (2) acres	<u>3</u>	1000 square feet	<u>25 feet, but s</u> Shall not exceed the height of the principal structure.	<u>10 feet</u>	<u>15 feet</u>
Equal to or greater than two (2) acres but less than three (3) acres	<u>3</u>	2000 square feet	<u>25 feet, but s</u> Shall not exceed the height of the principal structure.	<u>Per Zoning District Regs.</u>	<u>Per Zoning District Regs</u>
Equal to or greater than three (3) acres but less than four (4) acres	<u>3</u>	2500 square feet	25 feet	<u>Per Zoning District Regs.</u>	<u>Per Zoning District Regs.</u>
Equal to or greater than four (4) acres but less than five (5) acres	<u>3</u>	3000 square feet	30 feet	<u>Per Zoning District Regs.</u>	<u>Per Zoning District Regs.</u>
Five (5) or more acres (non-agricultural)	<u>3</u>	4000 square feet	35 feet	<u>Per Zoning District Regs.</u>	<u>Per Zoning District Regs.</u>

### **645.03 Swimming Pools as Accessory Uses or Structures** **Special Regulations for Swimming Pools**

Swimming pools, not including farm ponds, shall be any pool, lake, or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than twenty four (24) inches. Swimming pools, exclusive of portable swimming pools with a diameter less than 12 feet or with an area of less than 100 square feet, may be allowed in any residential zoning district or commercial zoning district as an accessory use permitted by this Resolution subject to compliance with the following regulations. When not otherwise permitted as a primary use, swimming pools shall be permitted as accessory uses in accordance with the follow regulations:

1. **Private Residential-Swimming Pools** – In all zoning districts where residential ~~use~~single-family and two-family dwellings are permitted ~~uses~~, the following regulations for accessory swimming pools shall apply:
  - a) The swimming pool is intended and is to be used solely for the enjoyment of the occupants of the dwelling unit ~~ofn the property~~lot on which it is located.
  - b) ~~The swimming pool is an accessory use of the property on which it is located. It may not be located in front of the principal residence and may not be located, including any walks, paved areas, or accessory structures adjacent thereto, within the required side or rear yard setback of the zoning district.~~A private residential swimming pool permitted under this Section shall not be located within any front yard setback as provided for in the zoning district and shall not be located closer to the right-of-way of any road than the principal building. A private residential swimming pool shall be located no closer than ten (10) to a side or rear lot line.
  - c) ~~The swimming pool or the entire rear yard or portion of the lot on which it is located shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than 48 inches in height and shall be maintained in good condition with a self-closing gate and self-closing lock. In addition the construction of such fence or wall shall be consistent with all other aspects of this Resolution and the requirements of the applicable building codes and regulations, and all other applicable codes or requirements. Said fence or wall shall meet all the requirements of this Resolution as to fence type and location, the applicable building and health regulations, and any other applicable regulatory requirements.~~
  - d) ~~Temporary swimming pools are permitted in rear yards only if less than 12' in diameter and are only allowable from May 15th through September 15th. (Amd. 10-20-2020)~~
2. **Multi-Family Swimming Pools** – A pool that is located within and designed to service specifically a multi-family development shall be permitted as an accessory use or structure ~~irrespective of whether or not such pool is owned or operated by a homeowner's association.~~ A private pool designed to service specifically a multi-family development shall be subject to the same yard requirements as listed for principal structures in that district. Such pool shall be constructed and fenced or enclosed in accordance with the requirements of this Resolution, the applicable building codes and health regulations, and all other applicable ~~codes or regulatory~~ requirements. (Amd. 10-20-2020)
3. **Community or Club Swimming Pools** – Where permitted by the appropriate zoning district, a community or club swimming pool shall be subject to the following requirements:
  - a) The pool is intended for the use and enjoyment of the members and families, and guests of members of the association or club under whose jurisdiction the pool is operated.
  - b) Such pool shall be constructed and fenced or enclosed in accordance with the requirements of this Resolution, the applicable building codes and health regulations, and all other applicable ~~Codes or regulatory~~ requirements. ~~Such wall or fence shall not be less than six (6) feet in height and access to such pool shall be adequately controlled by a self-closing gate and self-closing lock.~~
  - c) The pool and all accessory structures to include decks or areas used by bathers shall not be closer than fifty (50) feet to any ~~property~~lot line. (Amd. 10-20-2020)

#### **645.04 Reserved for Future UseSpecial Regulations for Patios and Similar Paved Accessory Structures**

Except as otherwise provided by this Resolution, patios and similar paved structures accessory to single-family dwellings and two-family dwellings shall be subject to the following regulations:

1. Patios and similar paved accessory structures shall not be located within any front yard setback as provided for by the zoning district. When accessory to any use other than a single-family dwelling or two-family dwelling, a patio or similar paved accessory structure shall not be located within any side or rear yard setback.
2. On any lot with developed with a single-family dwelling or two-family dwelling, patios and similar paved accessory structures may shall be located no closer to any side lot line than the side yard setback of the zoning district or ten (10) feet, whichever is less.
3. On any lot developed with a single-family or two-family dwelling, patios and similar accessory structures shall not be located closer to any rear lot line than the rear yard setback of the zoning district or ten (10) feet, whichever is less.

#### **645.05 Accessory Dwelling Units**

Where specified within residential zoning districts, accessory dwelling units may be permitted as a conditional in association with a principal use or structure provided that the following standards are met:

1. The property owner shall live on-site, and the accessory dwelling unit shall be subservient to the principal use of the property as a dwelling.
2. Size of accessory dwelling unit or handicapped accessible suite: 600 square feet of floor area minimum, 816 square feet of floor area maximum.
3. Shall maintain a single-family residential appearance that blends with the principal structure and the neighborhood. An architectural rendering and floor plan shall be provided to and approved by the Board of Zoning Appeals in conjunction with review of a conditional use permit.
4. Public water and sewer shall be provided, or the lot shall be adequately sized for, and systems approved for water supply and wastewater disposal to serve both the principal residence and the accessory dwelling unit.
5. Off-street parking shall be provided for both the principal dwelling and the proposed accessory dwelling unit.
6. If the accessory dwelling unit is proposed to be above an approved garage structure the maximum height of the accessory structure shall conform to the maximum height of the district. An accessory dwelling unit may be located on the first or second floor.
7. All structures shall meet the standards of the applicable building codes and regulations. (Amd. 10-20-2020)

#### **645.06 Private Towers, Antennas, and Similar Structures**

The private ownership (not of a public utility or similar organization) of radio and T.V. towers, antennas, satellite earth stations (dish antennas in excess of 24" diameter), solar collectors, and similar structures may be permitted in association with a principal use or structure provided that the following standards are met:

1. All towers, antennas and similar accessory structures shall be located to the rear of the building setback line and no such structure shall be permitted to encroach upon the minimum required side yard and rear yard setback.
2. No such structure shall be permitted to exceed 35 feet in total height, inclusive of the height of any building or base upon which said structure is erected, except upon issuance of a Conditional Use Permit in accordance with Chapter 240 of this Resolution.
3. Any guy anchorage or similar device shall be at least ten (10) feet from any property lot line.
4. No structure shall be in excess of a height equal to the distance from the base of the structure to the nearest overhead electrical power line or phone line less 5 feet, excluding lines which serve only the lot on which said structure is placed.
5. No structure shall be closer to any property lot line than an amount equal to the height of the structure plus 20 feet.
6. Suitable fencing and/or landscaping or other treatment is provided to effectively prevent unauthorized climbing of the structure.
7. The structure or activity for which the structure is used shall not interfere with radio and television reception on nearby properties.
8. Proposed solar collectors (including roof mounted facilities) shall be sited and screened as necessary to prevent glare from impacting any public road.
9. Prior to issuance of any zoning certificate for a tower or similar structure as described in this Section, the applicant shall submit an application for a zoning certificate in accordance with Chapter 220, plot plan and supporting information to the Zoning Inspector which shows the following In addition to the requirements of that Chapter, said application shall include the following additional information:
  - a) Proposed location and height of proposed structure, support systems, and distances to the nearest phone, electric lines and property lot lines.
  - b) Type of structure and construction materials, and, if requested by the Zoning Inspector, a structural engineering analysis.
  - c) Documentation of any maintenance program which may be necessary.
  - d) Proof that a building permit can be obtained or is not necessary for the proposed structure.
  - e) Proof that any license which may be required has been or will be obtained.
  - f) All fencing, landscaping or other treatment which may be required.
  - g) Other information as may be requested by the Zoning Inspector. (Amd. 10-20-2020)

### **655.03 Local Zoning Authority**

If objections are timely filed for a proposed telecommunications tower in a residential zoning district then the telecommunications tower may only be permitted as a conditional use by the Board of Zoning Appeals, provided all of the following conditions of this Section are met:

1. **Conditional Use Application** – Consistent with the procedures set forth in Chapter 240 of this Resolution, an application for a conditional use permit shall be filed with the Board of Zoning Appeals. The application shall include:
  - a) A locator map which shall contain the following:
    - (i) The location of all the applicant's existing facilities within a radius of one (1) mile of the proposed location of the telecommunications tower.
    - (ii) The general location of planned future facilities within a radius of one (1) mile of the proposed location of the telecommunications tower.
    - (iii) For each location of the applicant's existing facilities within a radius of one (1) mile of the proposed location of the telecommunications tower, there shall be listed:
      - a The type and size of tower at each location;
      - b The type of equipment located or proposed on each tower;
      - c The space available on the tower for additional equipment; and
      - d A site plan showing the parcel on which any existing or proposed tower, antenna or equipment is located.
  - b) A scaled and dimensioned site plan for the facility that is being proposed, containing the following:
    - (i) The location, type and size of existing and proposed towers, antennas and equipment located or to be located at the site;
    - (ii) The location of existing and proposed buildings and structures, access drives, circulation and parking areas;
    - (iii) Detailed drawings of the landscape screening plan and related design standards;
    - (iv) On-site land uses, structures and zoning district, and adjacent land uses, structures and zoning districts;
    - (v) Setbacks from property lines and dwellings within 600 feet of the proposed tower;
    - (vi) A legal description of the lot on which the tower is to be sited; and
    - (vii) Any other information necessary to assess compliance with this Section.
  - c) A written certification from a professional engineer stipulating:
    - (i) That the tower's design is structurally sound and in compliance with all applicable federal, state and local building codes;
    - (ii) That the equipment placed on the tower and at the site complies with all current FCC regulations.
    - (iii) That the tower will, to the extent possible, accommodate co-location of additional wireless communication antennas for future use, with a statement as to the number of antennas capable of being accommodated and the ultimate height needed for the stated co-location capacity; or, alternatively, an explanation as to the reasons why the tower will not be constructed to accommodate co-location. (Amd. 10-20-2020)
2. **Conditional Use Procedure by Board of Zoning appeals on Receipt of Application** – Consistent with the procedures set forth in Sections 240.02 and 240.03 of this Resolution, the Board of Zoning Appeals shall provide notice of, conduct a public hearing and render a decision on the conditional use permit requested in the application filed pursuant to Section 655.03(1) of this Resolution.

COPY

RESOLUTION NO. 21-038

**A RESOLUTION TO INITIATE AN AMENDMENT TO THE ZONING RESOLUTION AND  
CERTIFY THE CHANGE AS A ZONING AMENDMENT TO THE ZONING COMMISSION FOR  
PUBLIC HEARING**

**JEROME TOWNSHIP, UNION COUNTY, OHIO**

**WHEREAS**, the Township has enacted a Zoning Resolution in accordance with the purposes of and in compliance with the provisions contained within Chapter 519 of the Ohio Revised Code; and

**WHEREAS**, from time to time, it becomes necessary to make revisions to the text of Township's Zoning Resolution in order to further the purposes stated in Section 519.02; and

**WHEREAS**, a draft text indicating proposed amendments to the text of the Zoning Resolution has been drafted by the Township Zoning Inspector; and

**WHEREAS**, Section 519.12 of the Ohio Revised Code provides the Board of Trustees the power to initiate amendments to the Township's Zoning Resolution and Zoning Map via resolution; and

**WHEREAS**, the Board of Trustees believes it would be in the best interests of the Township and its inhabitants to adopt the change to the Zoning Resolution adopted April 20, 2015 and as amended;

**NOW THEREFORE**, upon motion by Joe Craft, seconded by Megan Sloat, BE IT RESOLVED by the Board of Trustees of Jerome Township, Union County, Ohio (the "Board"), that:

1. The Board declares its intention to certify this change as an amendment to the Zoning Resolution, and refer it to the Zoning Commission for public hearing in accordance with Section 519.12 of the Ohio Revised Code.
2. The document labeled "Draft Zoning Text Amendment - ZT21-001" and dated March 16, 2020, shall be certified to the Zoning Commission for review as an amendment to the Zoning Resolution.
3. The Zoning Inspector is directed to transmit a copy of this resolution, the draft text noted in item 2, and other relevant documents to the Logan-Union-Champaign Regional Planning Commission and to the Zoning Commission for review and recommendation in accordance with the Section 519.12 of the Ohio Revised Code.
4. This zoning amendment shall be known during the review and recommendation process prescribed by Section 519.12 of the Revised Code as case # ZT21-001.

Voting Aye thereon:

L. Joe Craft

C.J. Lovejoy

Megan Sloat  
Megan Sloat, Chair

Voting Nay thereon:

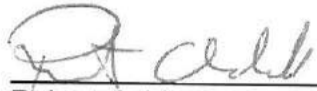
L. Joe Craft

C.J. Lovejoy

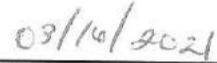
\_\_\_\_\_  
Megan Sloat, Chair

**BOARD OF TRUSTEES,  
JEROME TOWNSHIP,  
UNION COUNTY, OHIO**

ATTEST AND CERTIFY:



\_\_\_\_\_  
Robert Caldwell, Township Fiscal Officer



\_\_\_\_\_  
Date



**Staff Report – Leesburg Township Zoning Amendment**

<b>Jurisdiction:</b>	<b>Leesburg Township Zoning Commission</b> c/o Jean Smith 23560 St. Rt. 4 Marysville, OH 43040 (937) 644-2565
<b>Request:</b>	The proposed amendment to the Zoning Resolution, initiated by motion of the Zoning Commission, proposes to amend Section 101 Use of Land or Buildings for Agricultural Purposes Not Affected; amends Article II Definitions; amends the Official Schedule of District Regulations (including Depth to Width Ratio); amends Section 1004 Temporary Buildings; creates Section 1038 Solar Energy Systems; amends Section 1038 Garage, Porch, Yard or Similar Sales; amends Section 1060 Adequate Drainage Outlet and Acceptable Soils; creates Section 1065 General Conditions for Medical Marijuana Entities; creates Section 1070 Agritourism; and amends Article XIII Mobile Home Parks and Mobile Homes Individually.
<b>Location:</b>	Leesburg Township is in Union County.

<b>Staff Analysis:</b>	<p>LUC Staff have worked closely with the Township and the Union County Prosecutor's Office to develop these amendments since February. Some of the amendments make use of model text developed by LUC staff and approved by the Zoning &amp; Subdivision Committee.</p> <p><b><u>Section 101 Use of Land or Buildings for Agricultural Purposes Not Affected</u></b> Change made as part of the Agritourism LUC Model Text. This allows the Township to regulate agriculture to the extent allowed by State Law.</p> <p><b><u>Article II Definitions</u></b> Definitions added for Agritourism LUC Model Text. The existing definition of farm is removed and replaced with the model text definition.</p> <p>Definitions for dwellings and family modified to meet fair housing laws, and to remove ambiguity between mobile</p>
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## Staff Report – Leesburg Township Zoning Amendment

homes/manufactured homes (not permanently sited) and other types of permanent dwellings. Changes made in cooperation with Prosecutor's Office.

Definitions added for Medical Marijuana LUC Model Text.

Definition for "Quasi-Public Use" expanded to include "spiritual" uses at the recommendation of the Prosecutor's Office.

Definitions added for Solar Energy Systems LUC Model Text.

### **Official Schedule of District Regulations**

Quasi-Public Use is moved from a permitted use to conditional use. Conditional uses are those uses possessing a unique and special nature needing a level of review at an individual level.

Agritourism is added as a conditional use in all zoning districts (per LUC Model Text).

Medical Marijuana Cultivators is added as a conditional use in the U-1 and M-1 districts, and Medical Marijuana Processors added as a conditional use in the M-1 district with other processing and manufacturing uses.

Columns 15, 16, and 17 were mislabeled and have been corrected.

Depth to width ratio, found in the "Yard Measurements" definitions, is added as a requirement in the Schedule of Regulations. Before, it was only in the definition section, and could be missed by a Zoning Inspector.

### **Section 1004 Temporary Structures**

This section is expanded to allow for temporary living situations on a lot while a dwelling is being constructed, but requires that the Board of Zoning Appeals grant a conditional use for it. It also requires that these temporary buildings be removed within 24 months after completion of construction or issuance of the permit, whichever occurs first.

### **Section 1038 Solar Energy Systems**

Solar Energy Systems LUC Model Text. Existing Section 1038 – Garage, Porch, Yard or Similar Sales was moved to a different section number so that Solar Energy Systems could be located next to Wind Power Generating Facilities in



## Staff Report – Leesburg Township Zoning Amendment

the Zoning Resolution for ease of administration.

Accessory Solar Energy Systems are limited to 50kW, which is an addition to the LUC Model Text. Principal Solar Energy Production Facilities are prohibited (to the extent allowable by the ORC) in any district, which is in Version 1 of the LUC Model Text.

### **Section 1040 Garage, Porch, Yard or Similar Sales**

Previously Section 1038, this section is amended to clearly require that items be removed from view upon the conclusion of the sale, which is an issue identified by the Prosecutor's Office.

### **Section 1060 Adequate Drainage Outlet and Acceptable Soils**

This section is expanded to reinforce the idea that any development cannot negatively affect existing subsurface drainage tile, and should be remedied if it does.

### **Section 1065 General Conditions for Medical Marijuana Entities**

Dispensaries are explicitly prohibited in any district, while cultivators and processors are conditionally permitted in the U-1 and M-1 districts. Conditional use standards are taken from the LUC Model Text.

### **Section 1070 Agritourism**

The Township has incorporated the LUC Model Text without any changes.

### **Article XIII Manufactured and/or Mobile Home Parks and Manufactured and/or Mobile Homes Individually**

Amended to reflect the changes to the Dwellings definitions and remove ambiguity of mobile/manufactured dwellings (not permanently sited) and other permanent dwellings.

### **Union County Comprehensive Plan (2013)**

A comprehensive plan is a guide for decision makers considering land use changes. The Union County Comprehensive Plan addresses a couple of the items that the Township is wanting to amend. It has an entire section dedicated to Agriculture, with objectives being to Maintain the Agricultural Land Base in Union County (pp. 40) and Promote Agricultural Economic Development and



## Logan-Union-Champaign regional planning commission

### Staff Report – Leesburg Township Zoning Amendment

	<p>Agricultural Business Viability (pp. 43). Adopting the Agritourism LUC model text helps the Township meet those objectives.</p> <p>In regards to drainage, the plan has a recommendation that the Townships establish an “MOU” with Union SWCD for the identification of proper drainage outlets for development. While the status of the MOU is unknown, the amendment to Section 1060 pursues the objective of good drainage for future development (pp. 84).</p>
<b>Staff Recommendations:</b>	Staff recommends <b><i>APPROVAL</i></b> of the proposed zoning amendment.
<b>Z&amp;S Committee Recommendations:</b>	

**Date of Request.**

March 29, 2021

Logan-Union-Champaign Regional Planning Commission  
c/o Brad Bodenmiller  
PO Box 219  
East Liberty, OH 43319  
[bradbodenmiller@lucplanning.com](mailto:bradbodenmiller@lucplanning.com)

**RE: Zoning Text Amendment Application, Leesburg Township, Union County**  
Agriculture, Agritourism, Depth to Width Ratio, Drainage, Dwelling Definitions,  
Garage/Porch/Yard or Similar Sales, Manufactured and/or Mobile Homes Individually,  
Manufactured and/or Mobile Home Parks, Medical Marijuana, Quasi-Public Use, Solar Energy  
Systems, Temporary Structures

Dear LUC Regional Planning Commission Committee Members:

The Leesburg Township Zoning Commission met at 7:00 PM on Monday, March 29, 2021. During the meeting, amendments to the Zoning Resolution were initiated by motion of the Zoning Commission. The amendments propose alterations to the text of the Zoning Resolution.

**Description of Zoning Text Amendments.**

The proposal amends Section 101 Use of Land or Buildings for Agricultural Purposes Not Affected; amends Article II Definitions; amends the Official Schedule of District Regulations (including Depth to Width Ratio); amends Section 1004 Temporary Buildings; creates Section 1038 Solar Energy Systems; amends Section 1038 Garage, Porch, Yard or Similar Sales; amends Section 1060 Adequate Drainage Outlet and Acceptable Soils; creates Section 1065 General Conditions for Medical Marijuana Entities; creates Section 1070 Agritourism; and amends Article XIII Mobile Home Parks and Mobile Homes Individually.

Included with this cover letter, you will find a copy of the existing zoning as it appears in the Zoning Resolution. Proposed changes are **bolded** and ~~struck~~. Please refer to these attachments for further information.

**Public Hearing.**

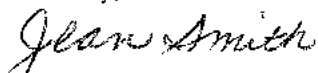
The Leesburg Township Zoning Commission of Union County, Ohio, will hold a public hearing concerning the proposed amendments at 7:00 PM on April 26<sup>th</sup> 2021, in the Leesburg Township Hall.

**Point of Contact.**

Please consider me Leesburg Township's point of contact for this matter. My contact information is below:

Jean Smith  
23560 State Route 4  
Marysville, OH 43040  
(937) 644-2565

Sincerely,

  
Jean Smith

**Attachments.**

1. Proposed Zoning Resolution Text Amendments (text changes shown ~~removed~~ and **added**)



# Logan-Union-Champaign regional planning commission

Director: Bradley J. Bodenmiller

## Zoning Text Amendment Checklist

Date: 03-24-2021

Township: Leesburg Township, Union County

Amendment Title: Please see cover letter.

**Notice:** Incomplete Amendment requests **will not** be processed by our office. LUC Regional Planning Commission will return them to the requestor, stating the reason the amendment was not accepted.

Each Zoning Text Amendment change must be received in our office along with a cover letter, explaining the proposed zoning text change (s). All items listed below must be received **no later than 10 days** before the next scheduled LUC Regional Planning Commission Executive Board Meeting (second Thursday of every month). It is recommended that a person who is able to provide further information on the amendment attend the Zoning and Subdivision Committee meeting to answer any additional questions that may arise.

Required Item	Completed by Requestor	Received by LUC
Cover Letter & Checklist	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date of Request (stated in cover letter)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Description of Zoning Text Amendment Change (s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date of Public Hearing (stated in cover letter)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Township Point of Contact and contact information for zoning amendment (stated in cover letter)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Attachment of Zoning Text Amendment with changes highlighted or bolded	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Copy of current zoning regulation, or section to be modified for comparison	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Non-LUC Member Fee, If applicable	<input type="checkbox"/>	<input type="checkbox"/>

Additionally, after final adoption regarding this zoning text amendment, please provide LUC with a letter stating the results of the Trustees vote, along with a copy of the adopted language.

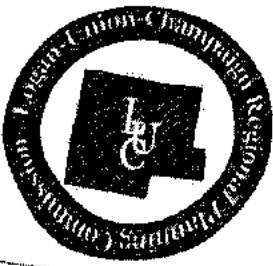
Please see reverse side for a timeline of the Township Zoning Amendment Process, per ORC 519.12

10820 St Rt 347, PO Box 219

East Liberty, Ohio 43319

• Phone: 937-666-3431 •

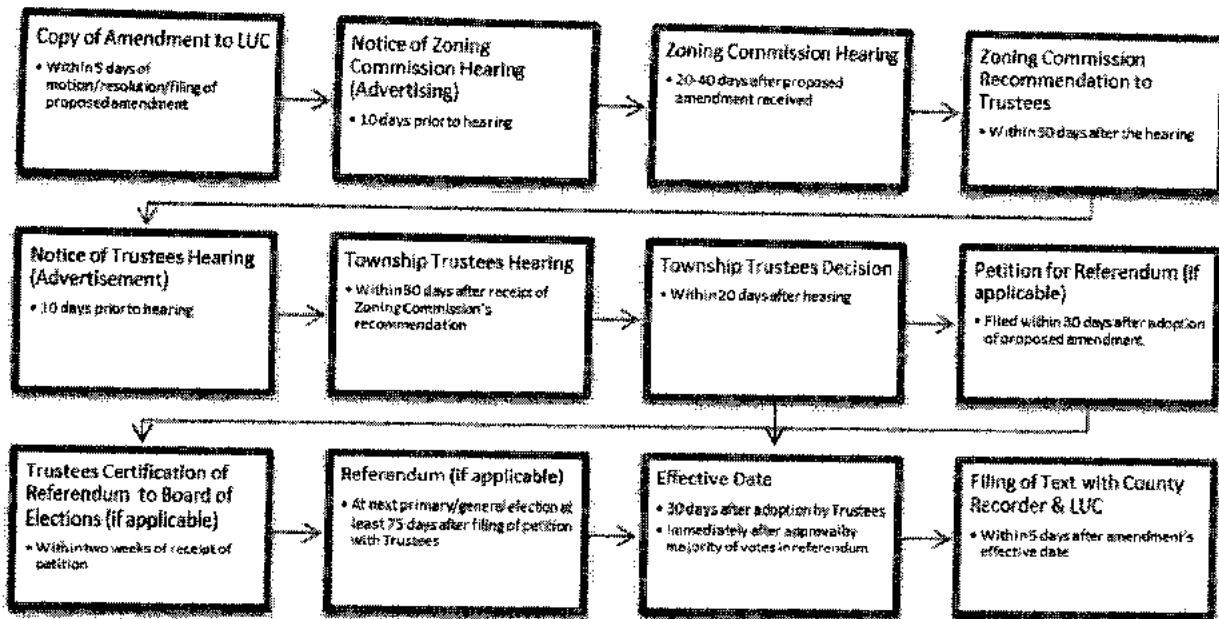
• Email: [luc-rpc@lucplanning.com](mailto:luc-rpc@lucplanning.com) • Web: [www.lucplanning.com](http://www.lucplanning.com)



# Logan-Union-Champaign regional planning commission

Director: Bradley J. Bodenmiller

## Township Zoning Amendment Process (ORC 519.12)



10820 St Rt 347, PO Box 219

East Liberty, Ohio 43319

• Phone: 937-666-3431 •

• Email: [luc-rpc@lucplanning.com](mailto:luc-rpc@lucplanning.com) • Web: [www.lucplanning.com](http://www.lucplanning.com)

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

**Permanently-Sited Manufactured Housing must:**

- a. Be constructed pursuant to the HUD Code (Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.A. 88 stat.700, 5401 and 5403) after January 1, 1995;
- b. Have a permanent label or tag attached to it as specified in 42 U.S.C.A. 5415, certifying compliance with all federal construction and safety standards;
- c. Be attached to a permanent frost free foundation meaning permanent masonry, concrete, or a locally approved footing or foundation (slab, crawl space foundation or full foundation), and connected to appropriate utilities;
- d. Excluding any additions, have a width of at least 22 feet and a length of at least 22 feet, as manufactured;
- e. Have a total living area of 1200 square feet, excluding garages, porches, or attachments;
- f. Have conventional residential siding (i.e. lap, clapboard, shake, masonry, vertical natural materials), a six (6) inch minimum eave overhang, and a minimum "A" roof pitch of 3:12;
- g. Have removed its indicia of mobility (temporary axles, trailer tongue, running lights) upon placement upon its foundation;
- h. Meet all applicable zoning requirements uniformly imposed on all single family dwellings in the particular district (excepting contrary requirements for minimum roof pitch and requirements that do not comply with HUD code standards for manufactured housing);
- i. And, is not located in a manufactured home park as defined herein.

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

**Dwelling, 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, Manufactured Home. A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the Federal Construction and Safety Standards established by the Secretary of Housing and Urban

Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable Federal construction and safety standards. This category does not include the sub-assembly methods of construction known as pre-fab or pre-cuit, in which cases some portion of the preparation or sub-assembly may be done at the factor but not erected at the foundation site.

(a) **Modular Unit.** A factory fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site. The term is intended to apply to major assemblies and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements which are to be incorporated into a structure at the site.

(b) **Sectional Unit.** A dwelling made of two or more modular units transported to the home site, put on a foundation, and joined to make a single dwelling.

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

(a) **Mobile Home, Double-Wide or Triple-Wide:** A mobile home consisting respectively of two or three sections combined horizontally at the site to form a single dwelling, while still retaining their individual chassis for possible future movement.

(b) **Mobile Home, Expandable.** A mobile home with one or more room sections that fold, collapse, or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living area.

(c) **Industrialized Unit.** A building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized Unit," includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized Unit" does not include a manufactured or mobile home as defined herein.

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

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

Because terms for manufactured housing such as those listed in the above definition titled Dwelling, (Housing) Manufactured tend to change over the years, the purpose and intent of the definition is to draw a distinction between dwellings that are produced and erected in assembly line style at the factory, from those stick-built dwellings (see definition of Stick-built) in which a substantial amount of material and construction labor are brought together in final form at the foundation site. The above explanation is the spirit in which any future interpretation shall be made from this section, no matter what terms for manufactured housing are in vogue at any given time.

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

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

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

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

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

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

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

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

**Floor Area, 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, nor- 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 habilitation 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 Systems related definitions:**

- a) **Accessory Solar Energy:** A solar collection system consisting of one or more roof/structure mounted and/or ground/pole 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 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 primary parcel and will not intrude onto a neighboring property.
- c) **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. Large solar energy production facilities consist of one or more free-standing ground/pole, or roof/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. These production facilities primarily produce electricity to be provided off-site.
- d) **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, batteries, mounting brackets, framing and/or foundation used for or intended to be used for the collection of solar energy.
- e) **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, corrositivity, 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 or 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 an newspaper of general circulation at least ten (10) days before the hearing. In the case of a zoning amendment to property or parcels, the Zoning Commission shall mail a notice of the public hearing by first class mail to all the owners adjacent to or across the road from the property affected by the proposed change.

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

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

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

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

**Section 610 Notice of Public Hearing in Newspaper.** Notice of the public hearing required in Section 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

<b><u>Zoning Districts</u></b> (Symbols as used on the Official Zoning Map)	<b><u>Permitted Uses</u></b> (Accessory Uses and essential services are included)	<b><u>Conditional Uses</u></b> (Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals)
<b>1</b>	<b>2</b>	<b>3</b>
U-1 RURAL	Agriculture; Very low density residential; Animal hospital; Clinic; Home occupation; Non-commercial recreation; Public & quasi-public uses; 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; <b>Quasi-public uses; Agritourism; Medical Marijuana Cultivator.</b>
R-1 LOW DENSITY RESIDENTIAL	Single-family dwellings; Home occupation; Public & quasi-public use; 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; <b>Quasi-public uses; Agritourism</b>
B-2 LOCAL BUSINESS	Convenience-type retail; Personal services; Offices; Service business; Eating & drinking establishments; Commercial recreation; Single-family dwellings*; Public & quasi-public uses; Farm implement sales & service.	Public service facility; Mobile homes individually; Adult Entertainment; <b>Quasi-public uses; Agritourism</b>
M-1 LIGHT MANUFACTURING	Light manufacturing & directly related offices & retail sales; Public quasi-public uses; Service business; Farm implement sales & service.	Wholesale & warehousing; Storage facilities; Transport terminals; Public service facility; Very low density residential*; Mobile homes individually; <b>Quasi-public uses; Agritourism; Medical Marijuana Cultivator; Medical Marijuana Processor.</b>

	MINIMUM LOT SIZE		FRONT AGE  Minimum	MAXIMUM % OF LOT TO BE OCCUPIED	MINIMUM FLOOR AREA	MAXIMUM HEIGHT  (principal buildings)		MINIMUM YARD DIMENSIONS (ft.)			
	With sewage on-site treatment	With group or central sewage treatment	Width/ Feet	Principal and Accessory Buildings	Sq. ft.	# of Stories	# of Feet	Front	Side Yards		Rear
									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				
	15	16	17	18	19	20	21
U-1	20	5	10	Two spaces for each dwelling unit (See Article XI)	none	Yes, under Article XII	<b>*Avg. depth shall not exceed 3 times the avg. width.</b> **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	<b>*Avg. depth shall not exceed 3 times the avg. width.</b> **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	<b>*Avg. depth shall not exceed 3 times the avg. width.</b> **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	<b>*Avg. depth shall not exceed 3 times the avg. width.</b> **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 Buildings Structures.**

Temporary buildings 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. ~~only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a zoning permit authorized by the Zoning Inspector.~~ **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 unclimable 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 Solar Energy Systems**

### **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 solar energy system shall have a production output of more than 50 kW.
2. A solar energy system is permitted in all zoning districts as an accessory to a principal use.
3. A solar energy system shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
4. Roof/Structure mounted solar energy systems:
  - a. Shall be flush-mounted, or as long as it matches the slope of the roof, shall have a maximum tilt of no more than five (5) percent steeper than the roof pitch on which it is mounted.
  - b. Shall not extend beyond the perimeter (or edge of roof) of the building on which it is located.
  - c. May be mounted to a principal or accessory building.
  - d. Combined 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 and may not be taller than eighteen (18) inches above the roofline of a flat roof.
5. Ground/Pole mounted 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.
6. 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.
7. 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 ground mounted solar energy system shall be graded and reseeded within thirty (30) days of removal.

8. 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. Elevation of the proposed solar energy system(s) at maximum tilt.
- b. Evidence of established setbacks of 1.1 times the height of any structure and "clear fall zone".
- c. Proof of notice to the electric company regarding the proposal.
- d. Letter from the County Health Department/District or appropriate sanitary sewer operating authority stating location will not interfere with the septic or sewer system, whichever is applicable, on the property.

#### **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, or subsidiary use, as defined by the Ohio Power Siting Board (50 MW or greater). It is also not the purpose of this regulation to regulate public utilities that meet the definitions as stated in the O.R.C. 4905.02 or O.R.C. 4905.03 and the three criteria of O.R.C. 4905.65(B).

**Principal Solar Energy Production Facilities are prohibited in any district.**

#### **Section 1038 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 Buisness, 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 determinted 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 employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change, Whenever a building or structure existing prior to the effective date of this Resolution is enlarged to the extent of fifty (50) percent or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

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

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

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

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

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

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

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

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

**Section 1117 Screening and Landscaping.** Whenever a parking area is located in or adjacent to a residential district it shall be effectively screened on all sides which adjoin or face any property used for residential purposes, by an acceptable designed fence, or planting screen. Such fence or planting screen shall be not less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition. In the even that terrain or other natural features are such that the erection of such fence of 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 of nuisance;
2. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect, if any;
3. No sign shall be placed on the roof of any building;
4. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 1220 herein;
5. No sign except as provided in Section 1220, or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign;
6. No sign of any classification shall be installed, erected, or attached in any form, shape or manner to a fire escape or any door or window giving access to any fire escape;
7. All signs hung and erected shall be plainly marked with the name of the person, firm, or corporation responsible for maintaining the sign;

8. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning 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 subdividers in a district zoned rural or residential shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

**Section 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. ~~Skirting shall be constructed of vinyl, aluminum, or other suitable material that is designed specifically for skirting~~
4. ~~The mobile home shall be landscaped with lawn within one hundred sixty (160) days after is placement.~~ **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 \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

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Chairman, Board of Township Trustees

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Member, Board of Township Trustees

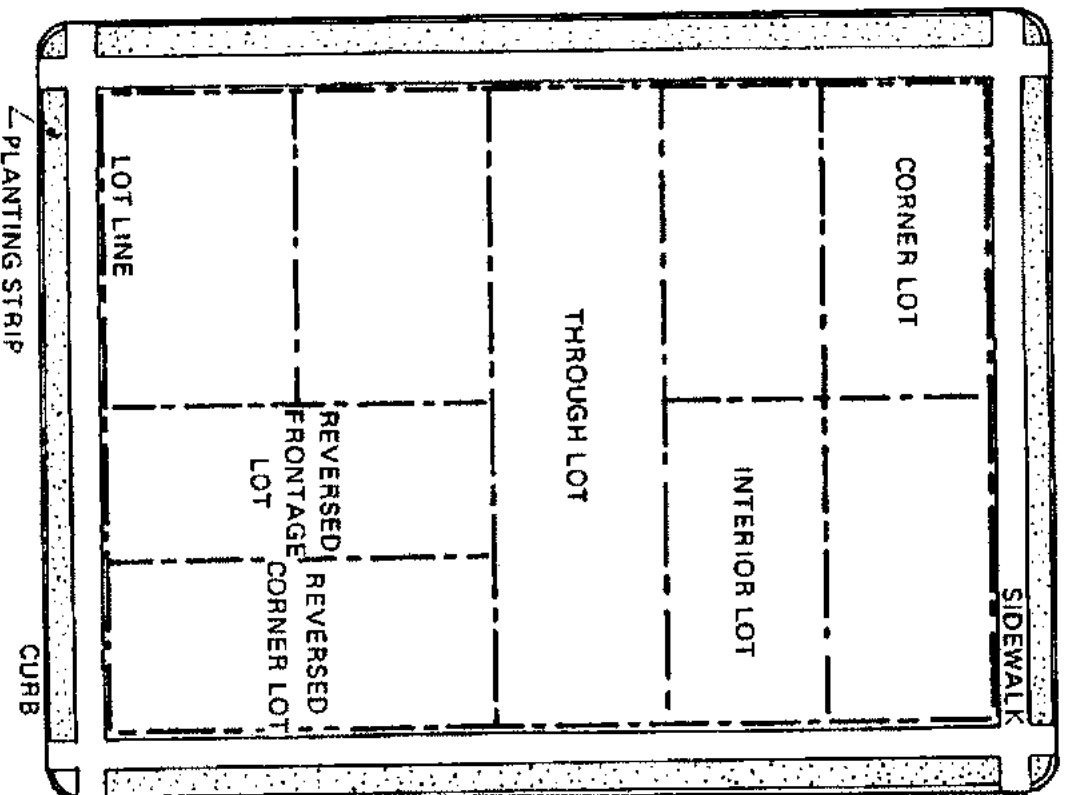
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Member, Board of Township Trustees

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Attest, Clerk Township Trustees

**STREET**



**TYPES OF LOTS**

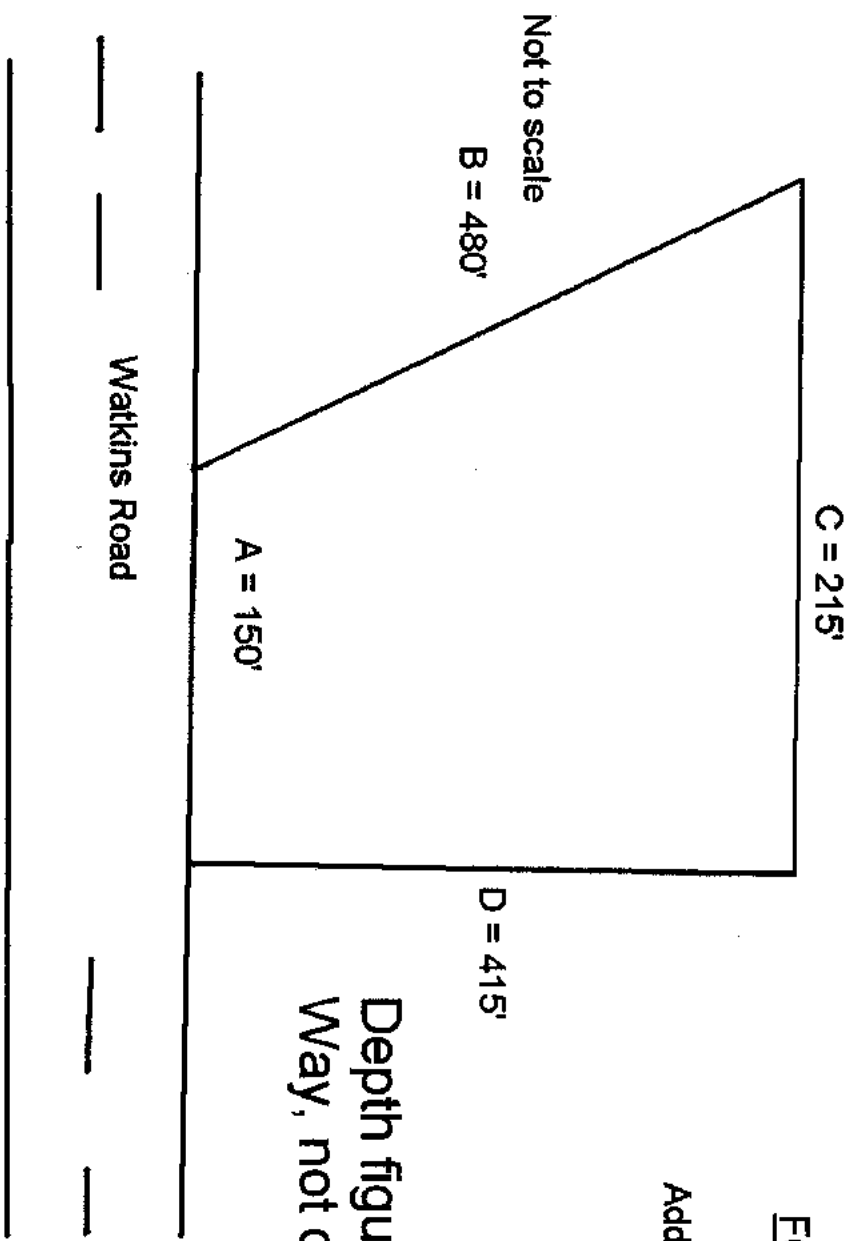
FOR AVERAGE DEPTH

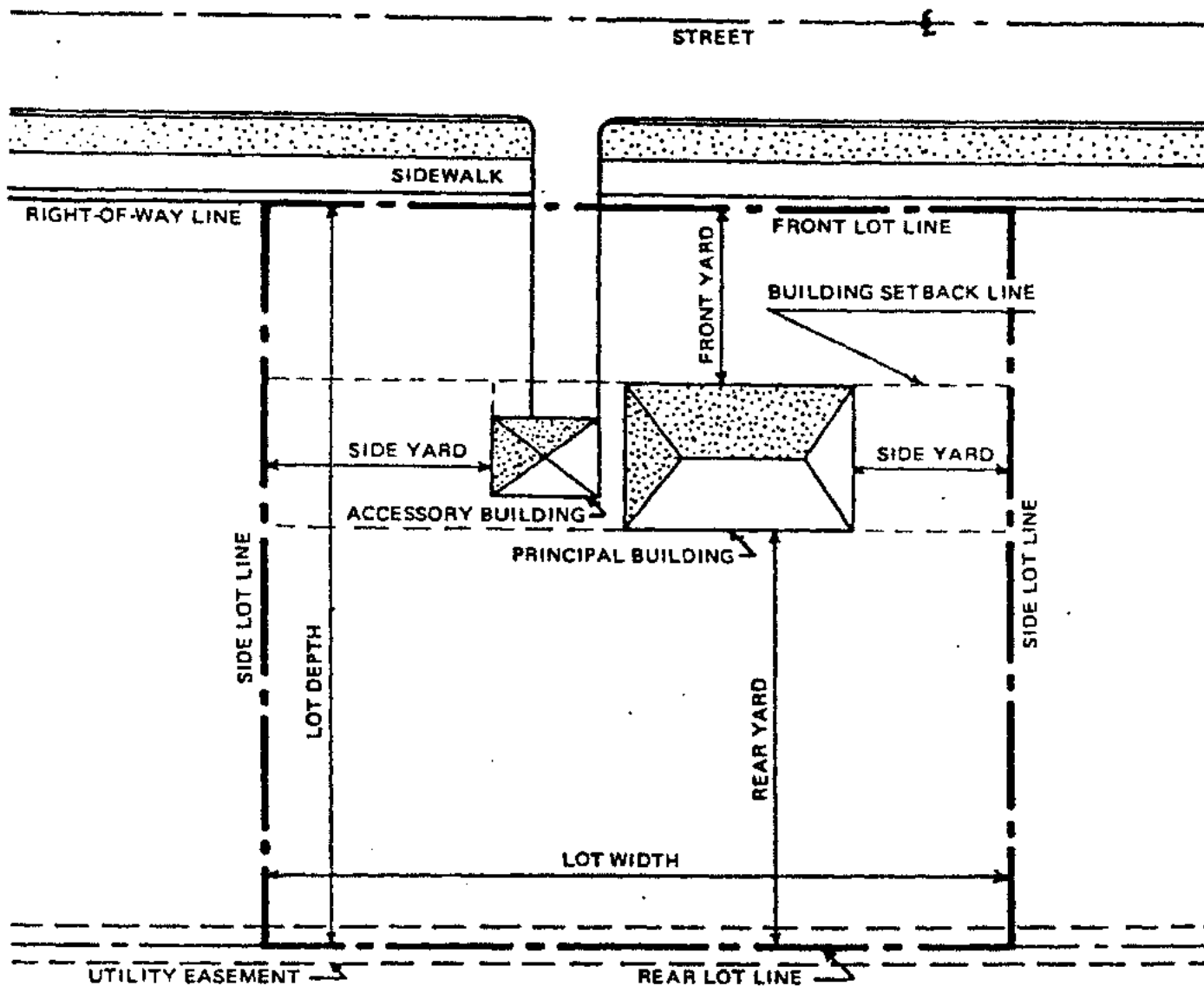
Add      B  
             480'  
             415'  
             D  
             895' / 2 = 447.5

FOR AVERAGE WIDTH

Add      A  
             150'  
             215'  
             C  
             365 / 2 = 182.5

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

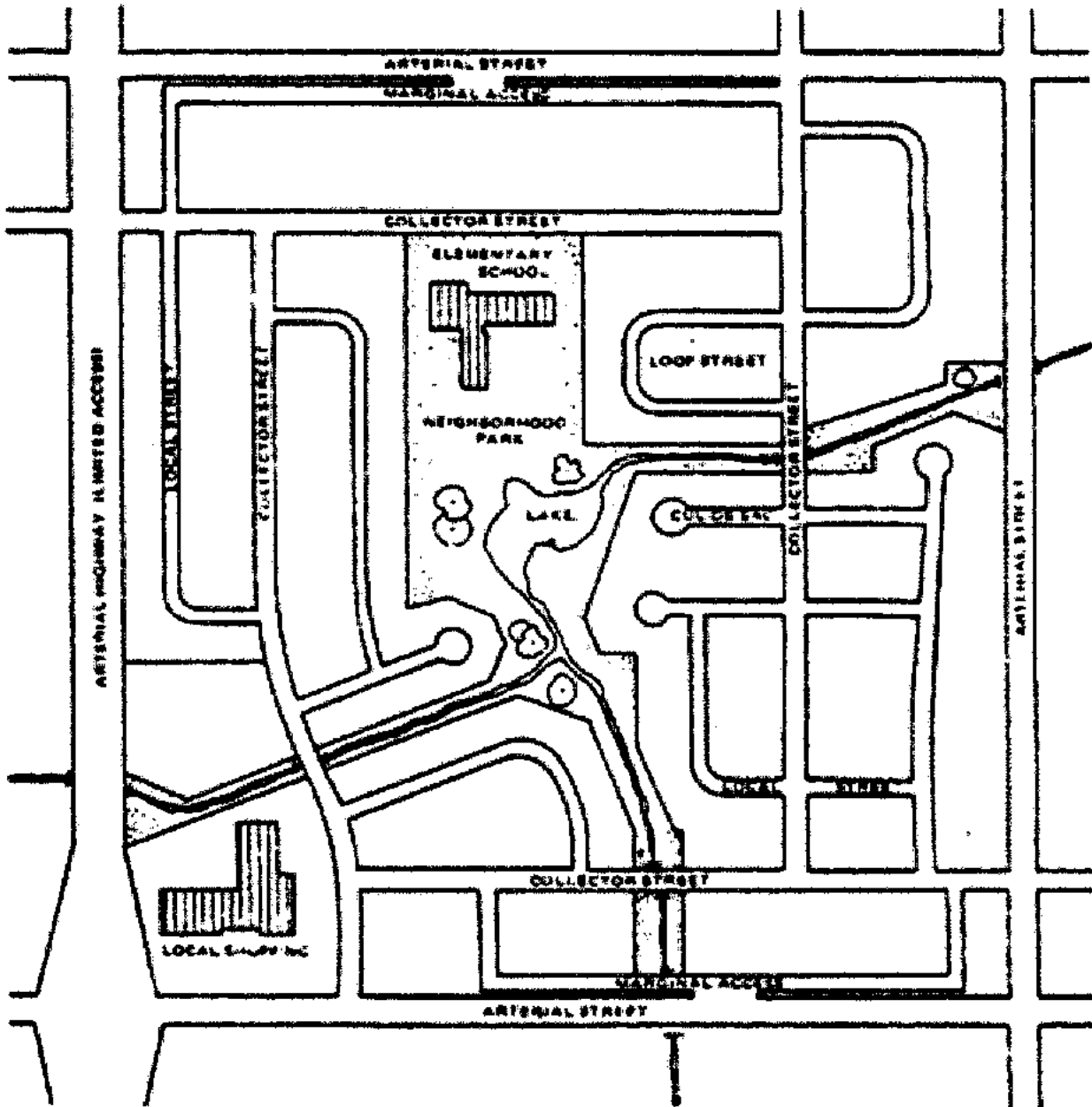




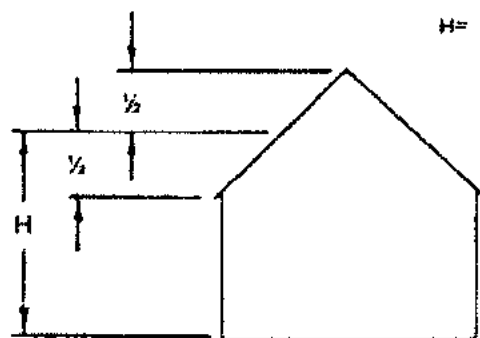
LOT AREA= TOTAL HORIZONTAL AREA

LOT COVERAGE= PER CENT OF LOT OCCUPIED  
BY BUILDING

## LOT TERMS

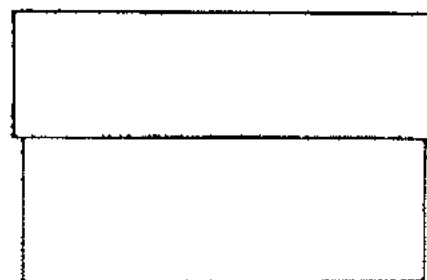


**CLASSIFICATION OF THE THOROUGHFARE SYSTEM**



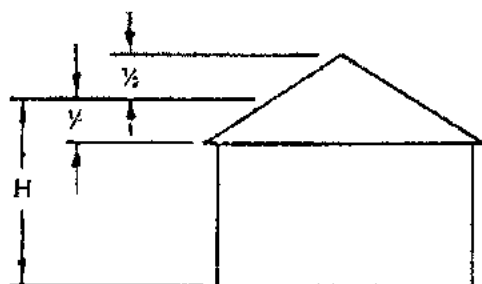
H= HEIGHT OF BUILDING

END VIEW

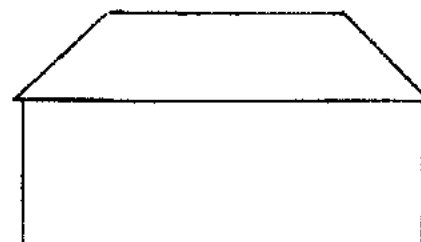


SIDE VIEW

GABLE ROOF

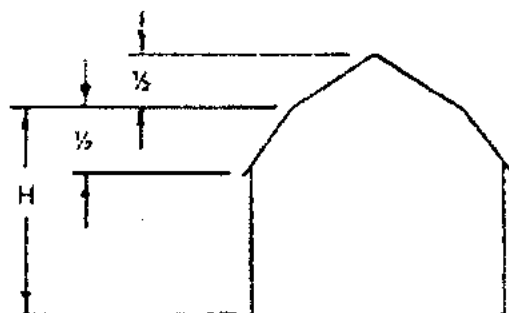


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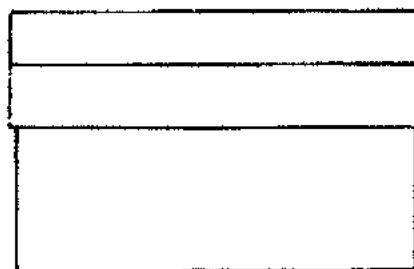


SIDE VIEW

HIP ROOF

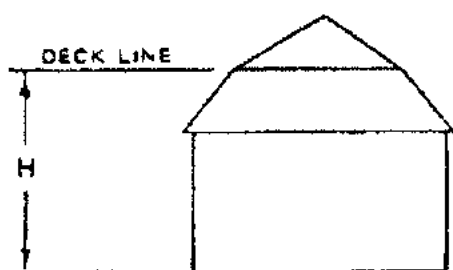


END VIEW



SIDE VIEW

GAMBREL ROOF



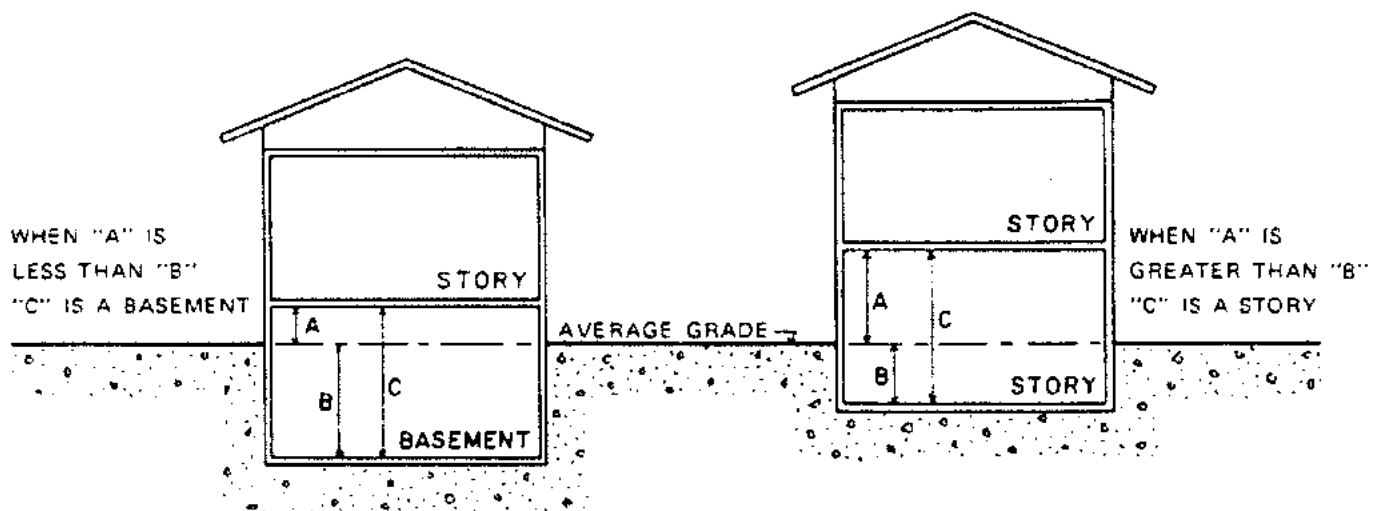
END VIEW



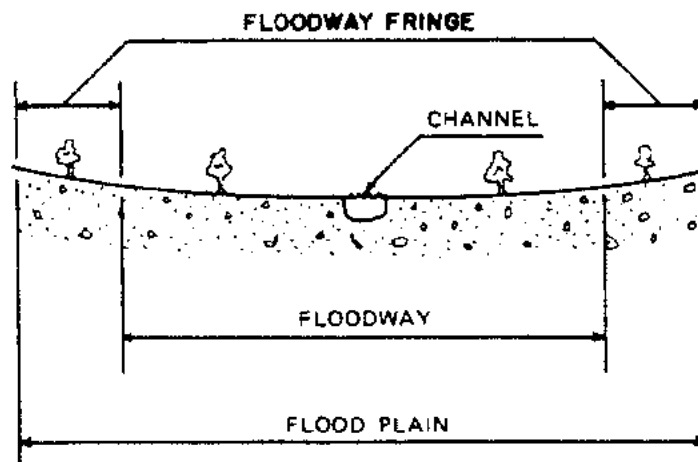
SIDE VIEW

MANSARD ROOF

## ROOF TYPES AND BUILDING HEIGHT



## BASEMENT & STORY



## FLOOD PLAIN TERMS



Zoning & Subdivision Committee  
Thursday, April 8, 2021

The Zoning and Subdivision Committee met in regular session on Thursday, April 8, 2021, at 12:17 pm online through Zoom. Meeting information was published on LUC's agenda and posted on LUC's website.

Zoning & Subdivision Committee Members were in attendance as follows: Brad Bodenmiller, Tyler Bumbalough, Wes Dodds, Steve McCall, Heather Martin, Bill Narducci, Tammy Noble, Steve Robinson, Aaron Smith, and Andy Yoder. Absent members were: Scott Coleman, Ashley Gaver, Tom Scheiderer, Jeff Stauch.

Guests included: Andrew Zofkie, Cross Development; Randy VanTilburg, Mannik Smith Group.

Wes Dodds chaired the Zoning & Subdivision Committee Meeting.

Steve McCall moved a motion to approve the minutes from the March 11, 2021 meeting as written and Steve Robinson seconded. All in favor.

1. Review of Darby Braeside Phase 3 Final Plat (Union County) – Staff Report by Brad Bodenmiller
  - Brad Bodenmiller – Additionally, there were dimensioning items worked-on with the Engineer's Office.
  - Bill Narducci – There were some closure issues that our map department worked with their surveyor team and they've been addressed satisfactorily. The letter of credit/surety had already been approved awhile back.
  - Bill Narducci moved a motion to recommend approval of the Darby Braeside Phase 3 Final Plat as recommended in the staff report and Tyler Bumbalough seconded. All in favor.
2. Review of Adams Township Zoning Parcel Amendment (Champaign County) – Staff Report by Aaron Smith
  - Aaron Smith – The applicant has indicated they would like to withdraw their application. That's done at the township level. The Township has not indicated yet that it's been official in writing. For us, I'd recommend we still create a recommendation in case something changes.
  - Tyler Bumbalough - Was the gas station in a B-2 district or is that outside the boundaries?
    - Aaron Smith – It is outside the boundaries.



## Logan-Union-Champaign regional planning commission

Director: Bradley J. Bodenmiller

- Tyler Bumbalough – I'm guessing a gas station wouldn't be permitted or conditionally allowed. I saw the application says commercial retail. To me that makes sense at the intersection of two state routes, but the zoning doesn't support that, I guess.
  - Andrew Zofkie – We're planning on resubmitting this for the next meeting agenda; we plan to provide a lot more information. I did send a letter to the Township saying we're moving it back to the next month's meetings.
  - Wes Dodds stated that if we haven't officially received notification from the Township to table, then we should ahead and provide a recommendation.
  - Andy Yoder – Would the Township consider rezoning a larger area to make it more viable? To create a larger B-2 zone, would that have more merit?
    - Aaron Smith – To Tyler's comment, it's a decent location if the township is interested in fostering some business there. It would be up to surrounding landowners if they would want to do that. Are there properties available? I don't see an issue with creating a larger business district; there are existing residential homes there so it would take more consideration to dive deeper into that.
  - Steve McCall moved a motion to recommend denial of the Adams Township Zoning Parcel Amendment based on staff recommendation and Andy Yoder seconded. All in favor.
3. Review of Jerome Township Zoning Text Amendment (Union County) – Staff Report by Aaron Smith
- Steve McCall moved a motion to recommend approval with modifications of the Jerome Township Zoning Text Amendment per the staff recommendations and Tyler Bumbalough seconded. All in favor.
4. Review of Leesburg Township Zoning Text Amendment (Union County) – Staff Report by Aaron Smith
- Steve Robinson moved a motion to recommend approval of the Leesburg Township Zoning Text Amendment and Andy Yoder seconded. All in favor.

The Zoning and Subdivision Committee adjourned at 12:59 pm with Steve McCall moving a motion to adjourn and Steve Robinson seconded. All in favor.