Date of Request.
August 24th, 2022

Logan-Union-Champaign Regional Planning Commission
c/o Gram Dick
PO Box 219
East Liberty, OH 43319
gramdick@lucplanning.com

RE: Zoning Text Amendment Application, Union Township, Union County
Amendment topics: Agritourism, Create and Update Related Definitions, Eliminate Potential Barriers to Fair Housing, Modernize Mobile Home Parks (and other Dwelling Definitions), Solar Energy Systems

Dear LUC Regional Planning Commission Committee Members:

The Union Township Zoning Commission met at 8:00 PM on August 24th, 2022. 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 strikes Section 1344 Family Care Home, Section 1345 Home for Adjustment, Section 1346 Group Care Homes, Section 1347 Institution, and Section 1348 Solar Panels.

Renumbers Section 1033 Telecommunications Towers to Section 1050, Section 1034 Performance Bond to Section 1051, Section 1037 Medical Marijuana Entities to Section 1040, Section 1349 Erection of More Than One Principal Structure on a Lot to Section 1037, Section 1342 Small Wind Projects Less than 5 MW to Section 1052, and Section 1343 General Conditions for Adult Entertainment Use to Section 1043.

Amends the Table of Contents, Section 101 Use of Land or Buildings for Agricultural Purposes Not Affected, Article II Definitions, the Official Schedule of Districts Regulations (each zoning district) by alphabetizing permitted and conditional uses, and Article XIII Mobile Home Parks and Mobile Homes Individually.

Creates Section 1045 Agritourism and Section 1053 Solar Energy Systems.

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

Public Hearing.
The Union Township Zoning Commission of Union County, Ohio, will hold a public hearing concerning the proposed amendments at 7:00 PM on September 20, 2022, in the Union Township Hall.

Point of Contact.
Please consider me Union Township's point of contact for this matter. My contact information is:

Sincerely, Rick Ferryman

Attachments.

1. Existing & **Proposed** Zoning Resolution Text Amendments

Logan-Union-Champaign
regional planning commission

Director: Bradley J. Bodenmiller

Zoning Text Amendment Checklist

Date: 8/24/22 Township: Union

Amendment Title: 2022 Zoning Resolution Update

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	☑	☑
Date of Request (stated in cover letter)	☑	☑
Description of Zoning Text Amendment Change (s)	☑	☑
Date of Public Hearing (stated in cover letter)	☑	☑
Township Point of Contact and contact information for zoning amendment (stated in cover letter)	☑	☑
Attachment of Zoning Text Amendment with changes highlighted or bolded	☑	☑
Copy of current zoning regulation, or section to be modified for comparison	☑	☑
Non-LUC Member Fee, If applicable	☐ n/a	☐

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 • Web: www.lucplanning.com

Union Township Zoning Ordinance
Union County, Ohio

Effective ~~05-30-2018~~

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PREAMBLE

A resolution of the Township of Union, Union County, Ohio, enacted in accordance with a comprehensive plan and the provisions 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 penalites for the violation of the provisions in this resolution or any amendment thereto. All for the purpose of protecting the public health, safety, comfort and general welfare; and for the repeal thereof.

Therefore be it resolved by the Board of Trustees of the Township of Union, Union County, Ohio.

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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 Union, Union County, Ohio."

Section 101 **Use of Land or Buildings for Agricultural Purposes Not Affected.** It is the intent of this Resolution to be and remain in compliance with 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.)

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 no 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. ~~The use of land or buildings for agricultural purposes are not affected by this Resolution and no~~

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~~zoning certificate shall be required for any such building or structure or use of land. Residential dwellings do require a permit however.~~

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

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

Section 130 **Replacement of Existing Resolution, Effective Date.** The existing Resolution shall, upon the adoption of this Resolution, be replaced by this Resolution and this Resolution shall have full force and effect. This Resolution shall become effective from and after the date of its approval and adoption, as provided by law.

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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".

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 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 of 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

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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 stores 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 shall include farming, ranching, aquaculture, apiculture, horticulture, viticulture, animal husbandry; including, but not limited to, the care and raising of livestock, equine, and fur bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, mushrooms, timber pasturage; any combination of the foregoing; the processing, drying, storage and marketing of agriculture products

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when those activities are conducted in conjunction with, but are not secondary to, such husbandry or production.

———**Agritourism related definitions.**

1. **Agricultural Production.** 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 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.
2. **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.
3. **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.
4. **Farm.** 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.

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

Alley. See Thoroughfare

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 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 areas 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, carryouts, dry cleaning and laundry facilities, supermarkets, etc.

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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 service and clothing shops.

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

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 board or room 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.

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

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

Corner Lot. See Lot Types.

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Cul-de-Sac. See Thoroughfare

Dead-end Street. See Thoroughfare

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 ~~partially~~partly used or intended to be used for living or sleeping by one or more human occupants.

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

Dwelling, Single-Family. A dwelling (except a mobile home or manufactured home not permanently sited) consisting of 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-site manufactured housing, as follows:~~

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

Dwelling, Industrialized Unit. Pursuant to ORC 3781.06 (C) (3), "industrialized unit" means a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes

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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 structure 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. 5415, 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.

~~**Permanently-sited Manufactured Housing**~~**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) ~~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 is a manufactured home may be affixed; and,
b) ~~B.~~ The structure, excluding any addition, has a width of a least twenty-two feet at one point, a length of at least twenty-two at one point, and a total living area, excluding garages, porches, or attachments, of a least nine hundred square feet; and,
c) ~~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) ~~D.~~ The structure was manufactured after January 1, 1995; and,
~~E.~~e) The structure is not located in a manufactured home park as defined herein. ~~must:~~

~~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;~~
~~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;~~

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~~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;~~

~~Excluding any additions, have a width of at least 22 feet and a length of at least 22, as manufactured;~~

~~Have a total living area of 1200 square feet, excluding garages, porches or attachments;~~

~~Have conventional residential siding (i.e. lap, clapboard, shake, masonry, vertical natural materials), a 6-inch minimum eave overhang, and minimum "A" roof pitch of 3:12;~~

~~Have removed its indicia of mobility (temporary axles, trailer tongue, running lights) upon placement upon its foundation;~~

~~Meet all applicable zoning requirements uniformly imposed on all single-family dwellings in the particular district (excepting contrary requirement for minimum roof pitch and requirements that do not comply with HUD code standards for manufactured housing);~~

~~And, is not located in a manufactured home park as defined by ORC 3733.01.~~

~~**Dwelling, Manufactured Home.** Pursuant to ORC 3781.06 (C) (4), "manufactured home" means A non self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the Federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42, U.S.C.A. 5415401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable Federal construction and safety standards.~~

Dwelling, Mobile Home. 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. ~~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~~

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~~sections and which does not qualify as a manufactured home or industrialized unit as defined herein.~~

~~**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 structure entity. "Industrialized unit" does not include a manufactured home as defined herein or a mobile home as defined herein. 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, Multi-Family.** A dwelling consisting of two or more dwelling units including condominiums with varying arrangements of entrances and party walls.~~

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

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

Essential Services. The erection, construction, alteration, or maintenance, by public utilities or 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 or municipal or other

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governmental agencies for the public health or safety or general welfare, but not including buildings.

Family. One (1) or more ~~related~~ persons occupying a single dwelling unit and living as a single housekeeping unit.

~~**Family Care Home:** A residential facility which is operated by private citizens or a social service agency to provide room and board, personal care, habilitation services, and supervision in a family setting for not more than eight (8) persons with developmental disabilities. A developmental disability shall be defined as a disability that originated before the attainment of eighteen (18) years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism or any other condition found to be closely related to mental retardation because such conditions results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services. All family care homes shall possess a license from the appropriate state or local agencies having authority under law to license the operation.~~

Flood Plain. That land, including the flood fringe and the floodway subject to inundation by the regional flood.

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

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

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

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

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

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

Forestry. The propagation and harvesting of forest trees.

~~**Foster Home**: A private residence providing resident services and protective supervision for the care and/or rehabilitation of not more than eight (8) children, adolescents, or adults within a home environment, all under the regulation of the appropriate social service agency having authority under law to license the operation.~~

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

~~**Group Care Home**. A residential facility which is operated by private citizens or a social service agency to provide room and board, personal care, rehabilitation services, and supervision in a family setting for more than eight (8) but not more than (16) persons with developmental disabilities. A developmental disability shall be defined as a disability that originated before the attainment of eighteen (18) years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services. All group care homes shall possess a license from the appropriate state or local agencies having authority under law to license the operation.~~

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~~**Home for Adjustment**: A residential facility operated by a court, a social service agency, or private citizens which provide therapy, counseling, and a residential environment for eight (8) or fewer adolescents or adults for the following purposes:~~

~~1. To assist them in recuperating from the effects of drugs or alcohol.~~
~~2. To assist them in adjusting to living with handicaps or emotional or mental disorder in lieu of or subsequent to confinement within an institution; or~~
~~3. To provide housing and a supervised living arrangement in lieu of or subsequent to placement within a correctional institution.~~

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 that thirty-five (35) percent of floor area of the dwelling unit shall be used in the conduct of the home occupation. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated and mounted flat against the wall of the principal building. No traffic shall be generated by such occupation in greater volume than would normally be expected in such a residential area and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in the Resolution.

~~**Institution**: Any residential facility designed or used for more than sixteen (16) persons functioning under the purposes of a family care home or a group care home, or any residential facility designed or used for more than eight (8) persons under the purposes of a home for adjustment.~~

Junk – Including Litter. "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.

A. "Litter" under ORC 1547.49 includes garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper cartons, vessel parts, furniture, glass, or anything else of an unsightly or unsanitary nature.

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B. The definition of "Junk" in the zoning code is exact right now under ORC 4737.05(A)

Junk Yard. "Junk Yard" means an establishment or place of business which is maintained or operated for the purpose of storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. It shall also include scrap metal processing facilities which are located within one thousand feet of the nearest edge of the right-of-way of a highway or street, and any site, location, or premise on which are kept two or more junk motor vehicles defined in Section 311.301 of the Ohio Revised Code, whether or not for a commercial purpose.

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

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.

Location Map. See Vicinity Map.

Lot. For the purpose of this Resolution a lot is a parcel of land of 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 on an approved private street, 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~~n~~ 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

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requirements on corner lots and through lots, all sides of a lot adjacent to street or road right-of-way lines shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section. Also see Lot Measurements, Width.

Lot, 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.

Lot Measurements. A lot shall conform to the following:

1. **Depth**. No lot containing 10 acres or less shall have an average depth that is more than three (3) times its average width. For the purposes of this requirement the average width shall be the distance between the mi-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. For the purposes of this requirement the average depth shall be the distance between the mid-point of a straight line connecting the foremost points of each side lot line at the front and the mid-point of a straight line connecting the rearmost points of the rear lot line. (Effective – October 23, 2003).
2. **Width**. The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the street or right of way line, except at cul-de-sac streets (roads) where it is measured at the setback line. Also see **Lot Frontage**. For lots containing 10 acres or less in area, the actual distance between the side lot lines at any point along the lot depth cannot be less that 80% of the required Lot Frontage. (Effective – October 23, 2003).

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. Through lots abutting two streets may be referred to as double frontage lots.

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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.

Major Thoroughfare Plan. The portion of the Comprehensive Plan adopted by the Board of County Commissioners indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

Manufactured and/or Mobile Home Park. Any site, or tract of land under single ownership upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. This definition does not include individual lots for the purpose of installation of manufactured or mobile homes.

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; operating and storing within enclosed structures; and generating 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

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

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

~~**Nursery,** **Nursing Home.** A home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services but not skilled nursing care. A nursing home is licensed to provide personal care services and skilled nursing care.~~ ~~A home or facility~~

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~~for the care and treatment of babies, children, pensioners or elderly people.~~

Nursery, 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 lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools and tennis courts, any 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.

Performance Bond or Surety Bond. An agreement by a subdivider or developer with the Board of County Commissioners for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

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

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.

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Public Service Facility. The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping station sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a governmental agency, including the furnishing of electrical, gas, rail transport, communication, public or private water and sewage service and sanitary landfills, excluding Telecommunication Towers.

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 or a public entity have a right, or which are dedicated, whether improved or not.

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

Recreation, Commercial. Any business which is operated as a recreational enterprise, either publicly or privately owned, for profit. Examples include, but are not limited to: Golf Courses, Bowling Alleys, Swimming Pools, tourist attractions, etc.

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

Recreational Vehicle. A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, 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. (See Section 1036 Temporary Living in Recreational Vehicle).

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

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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 for use as 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, landscape areas, viaducts, and bridges).

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.

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

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.

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.

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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. 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.

3. Sign, Illuminated. Any sign illuminated by electricity, gas, or other artificial light including reflecting 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 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.

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Solar Energy Commercial Operation.: Solar energy systems whose main purpose is to generate energy for sale back into the energy grid system, rather than being consumed on site.

Solar Energy ~~Systems~~related definitions.

1. **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.
2. **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.
3. **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.
4. **Solar Photovoltaic (PV).** The technology that uses a semiconductor to convert light directly into electricity.
5. **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

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structure will be confined to the primary parcel and will not intrude onto a neighboring property.

~~**Solar Panel**: A solar photovoltaic panel, or solar hot air or water panel collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.~~

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.

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; and accessory use.

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

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

A) It is constructed on or after October 31, 1996

B) It is owned or principally used by a public utility engaged in the provision of telecommunication services.

C) It is a free standing structure or is attached to another building or structure and is higher that the maximum allowable height permitted in the zoning district in which it is located.

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Thoroughfare, Street, or Road. The full width between property lines bounding every public way or whatever nature with a part thereof to be used for vehicular traffic and designated as follows:

1. Alley. A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.

2. Arterial Street. A general term denoting a highway primarily for through traffic, carrying heavy loads and large volumes of traffic usually on a continuous route.

3. Collector Street. A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.

4. Cul-de-Sac. A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.

5. Dead-end Street. A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.

6. Local Street. A street primarily for providing access to residential or other abutting property.

7. Loop Street. A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.

8. Marginal Access Street. A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (All called Frontage Street).

Through Lot. See Lot Types.

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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 premises which primarily receives or distributes goods.

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

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 modifications 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.

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 overnight 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 a road or not.

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

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(Small) Wind Projects less than 5MW – Union Township.
Definitions

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

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

- **Clear Fall Zone:** An area surrounding the wind turbine unit into which the turbine and -or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located. The purpose of the zone being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel.
- **Cowling:** A streamlined removable cover the encloses the turbine's nacelle.

- **Decibel:** A unit of relative loudness equal to ten times the common logarithm of the ration of two readings. For sound, the decibel scale runs from zero for the least perceptible sound to 130 for sound that causes pain.

- **Nacelle:** Sits atop the tower and contains the essential mechanical components of the turbine to which the rotor is attached.

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

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

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

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

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

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

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

Yard. A required open space other than a 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.

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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. Zoning permits shall be issued only in conformity with the provisions of this Resolution 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 ½) years. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant;
2. Legal description of 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. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Resolution.

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

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conspicuous place on the property in question, attesting to the fact that the use of 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 to local officials by the Director of Transportation, or any land within a radius of five-hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, but registered mail to the Director of Transportation, that he/she 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 notified 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 ½) 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 ½) years.

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

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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 of occupancy shall 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 section of this Resolution shall constitute a minor misdemeanor. Any person who violates this Resolution of fails to comply with any of its requirements shall upon conviction thereof be fined not more than the maximum fine allowable for minor misdemeanor offenses under Ohio Revised Code Section 2929.28(A)(b). and in addition shall pay all costs and expenses involved in the case. Such sum may be recovered in a court of

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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 **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, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this Resolution requiring investigations, inspections, legal advertising, postage and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector, 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.

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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 building may be erected on any single lot of record at effective date off 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

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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.

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 that occupied by such uses at the effective date of adoption or amendment of this Resolution.

3. If any 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 non-conforming use of land.

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Section 450 **Non-Conforming Structures**. Where a lawful structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot, 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 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 located after it is moved.

Section 460 **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 to the district than the existing non-conforming use. In permitting such change, the Board of

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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 a structure, or structure and land in combination is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;
6. Where non-conforming use status applies to a structure and 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 deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

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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 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 present violation(s) of this Resolution. This may include the issuance of and action of zoning and certificate of occupancy permits and such similar administrative duties as are permissible under the law.

Section 509 **Zoning Commission Created**. A township zoning commission 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.

The Board of Township Trustees may appoint two (2) alternate members to the zoning commission for terms to be determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the zoning commission. An alternate member shall meet the same appointment criteria as a regular member. Members of the Board may be removed from office by the Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the trustees for the un-expired term of the member affected.

Section 510 **Proceedings of 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

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chairperson 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 purpose of this Resolution the Commission shall have the following duties:

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

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 unincorporated area of the township.

The Board of Township Trustees may appoint two (2) alternate members to the Board of Appeals for terms to be determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Board of Appeals. An alternate member shall meet the same appointment criteria as a regular member. Members of the Board may be removed from office by the Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the trustees for the unexpired term of the member affected.

Section 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 chairperson and at such other times as the Board may determine. The chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceeding, 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

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Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of (3) three 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 Office 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.

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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 due cause shown.

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

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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 phone 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 conforming with this Resolution. Violations of such conditions and safeguards, when made apart 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

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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 chairperson 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 **Procedures and Requirements for Approval of Conditional Use Permits**. Conditional uses shall conform to the procedures and requirements of section 561-568, 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, 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 Sections 562-568, inclusive.

Section 562 **Contents of Application for Conditional Use Permit**. An application for conditional use permit shall be filed with the Chairperson 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 phone number of applicant;

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2. Legal description of property;
3. Description of existing use;
4. Zoning district;
5. Description of proposed conditional use;
6. A plan of the proprosed site for the conditional use showing the location of all buildings, parking and loading area, 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 and 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 **<u>General Standards Applicable to all Conditional Uses</u>**. 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, and school; 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;

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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, public notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in Section 545 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.

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Article VI Amendment

Section 600 **Procedure for Amendment or District Changes**. This Resolution may be amended utilizing the procedures specified in Section 601-611, inclusive, of 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 phone number of 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, or 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 the 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

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by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Commission.

Section 605 **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 Commission shall give notice, by registered or certified mail to the Director of Transportation. The 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 606 **Recommendation by Zoning Commission**. Within seventy (70) days from the receipt of the proposed amendment, the Zoning Commission after public hearing and complying with all requirements of Chapter 519.12 O.R.C. 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 607 **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 608 **Notice of Public Hearing in Newspaper**. Notice of the public hearing required in Section 607 shall be given by the Township Trustees by at least one (1) publication in one (1) or more newspapers of general circulation in the Township. Said notice shall be published at least fifteen (15) days before the date of the required hearing. The published

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notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

Section 610 **Action by Township Trustees**. Within twenty days after the public hearing as required in Section 607, the Township Trustees shall either adopt or deny the recommendation of the Zoning Commission, or adopt some modification thereof. In the event the trustees denies or modifies the recommendation of the Zoning Commission, it must do so by a MAJORITY vote.

Section 611 **Effective Date and Referendum**. Such amendment adopted by the Trustees shall become effective thirty (30) days after the date of such 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) percent 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 case 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.

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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 herby 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 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, such center lines, street lines, or highway right-of-ways 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 therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad lines.

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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 quasipublic purpose. Very low density residential land use refers to farm housing units and isolated residential developments not requiring a major plat under the County's Subdivision Regulations. (A major plat consists of 6 or more lots). 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 Regulations.

Section 811 **Low Density Residential District (R-1)**. The purpose of the low density residential district is to provide land for single family housing units not to exceed four families per acres with a central sewerage system. This district shall also include land that is subdivided which requires a major plat under the County's Subdivision Regulations (A major plat consists of 6 or more lots.)

Section 812 **Medium Density Residential District (R-2)**. The purpose of the medium density residential district is to provide land for single and multi family housing units, not to exceed eight dwelling units per acre with a central sewerage system. This district also more closely resembles the existing density in the unincorporated community of Irwin.

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 814 **Light Manufacturing District (M-1)**. The purpose of the M-1 District is to provide land for manufacturing, processing, assembling or industrial type facilities which are relatively clean, quiet and free of objectional elements such as noise, odor, dust, smoke, etc.; operate mostly within enclosed structures; and do not generate as much traffic as would be found in a heavy manufacturing district. Specific permitted and

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conditional uses are listed in the Official schedule of District Regulations.

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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.

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UNION TOWNSHIP, UNION COUNTY OHIO
OFFICIAL SCHEDULE OF DISTRICT REGULATIONS~~; EFFECTIVE DATE - SEPTEMBER 6, 2000~~
U-1 RURAL DISTRICT

Permitted Uses (Accessory uses and essential services are included).
Agricultural products, processing & sales; Agriculture; Conservation; ~~Very Low density residential;~~ Home occupation; Orchards; Plant Nurseries; ~~Agricultural products, processing & sales;~~ Non-commercial recreation; Public & quasipublic uses; Very Low density residential.

Conditional Uses (Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals).
Agritourism; Animal hospital clinic, kennel; ~~Agritourism; clinic;, kennel~~; ~~Mineral extraction; Service business;~~ Commercial recreation; Food processing; Junk storage & sales; ~~Public service facility; Personal services; Junk storage & sales; Offices; Wholesale & warehousing;~~ Manufactured and/or Mobile home park; Manufactured Homes (Not Permanently Sited) and/or Mobile homes individually; ~~Mobile homes individually; Essential services;~~ Light and heavy manufacturing & directly related offices & retails sales; Mineral extraction; Offices; Personal services; Public service facility; Service business; Wholesale & warehousing.

Minimum Lot Size.
Square feet per household with on-site sewage treatment - 65,400 Square feet. Minimum Lot width - 200 feet. (Effective October 23, 2003)

Maximum % of Lot to be Occupied (Principal and accessory buildings) - 25%

Minimum Floor Area (Square feet) - 1200 (960 for mobile homes)

Maximum Height of Principal Buildings - 2 ½ stories - 35 feet.

Minimum Yard Dimensions (feet)

Front - 50	Per Side Yard - 20
Sum of side yards - 40	Rear - 20

Accessories Buildings
Maximum Height - 25 feet
Minimum Distance in Feet to Side lot line - 10 feet
Minimum Distance in Feet to Rear lot line - 10 feet

Minimum (Mandatory) Off-Street Parking and Off-Street Loading See Article XI and for **Signs Permitted** - See Article XII

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Other Provisions and Requirements: 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 use of land. Residential structures do require a permit.

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R-1 LOW DENSITY RESIDENTIAL DISTRICT

Permitted Uses (Accessory uses and essential services are included).
Single family dwelling; Public & quasipublic uses.

Conditional Uses (Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals).
Agriculture; Agritourism; Home occupation; Manufactured Homes (Not Permanently Sited) and/or Mobile homes individually; Multi-family dwelling; Non commercial recreation; Offices; Personal services; ~~Offices; Service business; Agriculture; Mobile homes individually;~~ Public service facility; ~~Home occupation;~~ Service business; Telecommunication towers.

Minimum Lot Size.
Square feet per household with on-site sewage treatment - 65,400 Square feet. Minimum Lot width - 200 feet. (Effective October 23, 2003)
Square feet per household with group or central sewage treatment - Single -10,800 square feet and Lot Width - 80 feet
Square feet per household with group or central sewage treatment - Multi – 2,700 square feet and Lot Width - 90 feet.

Maximum % of Lot to be Occupied (Principal and accessory buildings) - 25%

Minimum Floor Area (Square feet) - 1200 - single and 960 multi (960 for mobile homes)

Maximum Height of Principal Buildings - 2 ½ stories - 35 feet.

Minimum Yard Dimensions (feet)

Front - 35	Per Side Yard - 10
Sum of side yards - 20	Rear - 30

Accessories Buildings
Maximum Height - 20 feet
Minimum Distance in Feet to Side lot line - 5 feet
Minimum Distance in Feet to Rear lot line - 10 feet

Minimum (Mandatory) Off-Street Parking and Off-Street Loading See Article XI and for **Signs Permitted** - See Article XII

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R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

Permitted Uses (Accessory uses and essential services are included).
Single family dwelling; Multi-family dwelling; Home occupation; Public & quasipublic uses.

Conditional Uses (Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals).
Agritourism; Commercial and non commercial recreation; ~~Service business; Personal services;~~ Manufactured Homes (Not Permanently Sited) and/or Mobile homes individually; ~~Mobile homes individually;~~ Personal services; Public service facility; Service business; Telecommunication towers.

Minimum Lot Size.
Square feet per household with on-site sewage treatment - 65,400 square feet and Lot Width - 150 feet.
Square feet per household with group or central sewage treatment - Single -10,800 square feet and Lot Width - 80 feet
Square feet per household with group or central sewage treatment - Multi – 2,700 square feet and Lot Width - 90 feet.

Maximum % of Lot to be Occupied (Principal and accessory buildings) - 25%

Minimum Floor Area (Square feet) - 1200 - single and 960 - multi (960 for mobile homes)

Maximum Height of Principal Buildings - 2 ½ stories - 35 feet.

Minimum Yard Dimensions (feet)
Front - 30 (Front yard setback for lots of record may be same as nearest adjoining residential structure.)
Per Side Yard - 4
Sum of side yards - 10
Rear - 30

Accessories Buildings
Maximum Height - 20 feet
Minimum Distance in Feet to Side lot line - 2 feet
Minimum Distance in Feet to Rear lot line - 5 feet

Minimum (Mandatory) Off-Street Parking and Off-Street Loading - See Article XI
Signs Permitted - See Article XII

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B-2 LOCAL BUSINESS DISTRICT

Permitted Uses (Accessory uses and essential services are included).
Commercial recreation; Convenience-type retail; Eating and drinking establishments; Multi-family dwelling; Offices; Personal services; Public & quasipublic uses; Service business; ~~Offices; Commercial recreation;~~ Single Family Dwelling; ~~& Multi-family dwelling; Public & quasipublic uses; Eating and drinking establishments~~.

Conditional Uses (Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals).
Agritourism; Animal hospital, clinic, kennel; Food processing; Junk storage and sales; Manufactured Homes (Not Permanently Sited) and/or Mobile homes individually; Light & heavy manufacturing & directly related offices & retail sales; Mineral extraction; Public service facility; ~~Light & heavy manufacturing & directly related offices & retail sales;~~ Shopping type retail; ~~Animal hospital, clinic, kennel; Mineral extraction; Food processing; Junk storage and sales;~~ Wholesale and warehousing~~; Mobil home park~~.

Minimum Lot Size.
Square feet per household with on-site sewage treatment - 65,400 square feet and Lot Width - 150 feet.
Square feet with group or central sewage treatment - none except for single -10,800 square feet and Lot Width - 60 feet and multi - 2,700 square feet and Lot Width - 60 feet.

Maximum % of Lot to be Occupied (Principal and accessory buildings) - 50%

Minimum Floor Area (Square feet) - none except for residential 1200 - single and 960 - multi (960 for mobile homes)

Maximum Height of Principal Buildings - 3 stories - 40 feet.

Minimum Yard Dimensions (feet)
Front - 30
Per Side Yard - None except residential - 4
Sum of side yards - None except residential - 10
Rear - 30

Accessories Buildings
Maximum Height - 20 feet
Minimum Distance in Feet to Side lot line - 0 feet (Note: Non-residential use cannot be conducted closer than 40 feet to any lot line of a residential structure.)
Minimum Distance in Feet to Rear lot line - 0 feet (Note: Non-residential use cannot be conducted closer than 40 feet to any lot line of a residential structure.)

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Minimum (Mandatory) Off-Street Parking and Off-Street Loading - See Article XI
Signs Permitted - See Article XII

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M-1 LIGHT MANUFACTURING DISTRICT

Permitted Uses (Accessory uses and essential services are included).
Light manufacturing and related offices Product assembly; Single family dwelling; Wholesale and warehousing~~; Single family housing~~.

Conditional Uses (Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals).
Agritourism; ~~Heaving~~ Heavy manufacturing & related offices; Public service facility; Signs & advertising structures.

Minimum Lot Size.
Square feet per household with on-site sewage treatment - 65,400 square feet and Lot Width - 150 feet.
Square feet with group or Central Sewage System - 15,000 square feet and Lot Width - 100 feet.

Maximum % of Lot to be Occupied (Principal and accessory buildings) - 40%

Minimum Floor Area (Square feet) - none except for residential 1200 - single and 960 - multi (960 for mobile homes)

Maximum Height of Principal Buildings - 4 stories - 50 feet.

Minimum Yard Dimensions (feet)
Front - 50
Per Side Yard - 10 (See other provisions below)
Sum of side yards - 30 (See other provisions below)
Rear - 30 (See other provisions below)

Accessories Buildings
Maximum Height - 25 feet
Minimum Distance in Feet to Side lot line - 10 feet (See other provisions below)
Minimum Distance in Feet to Rear lot line - 10 feet (See other provisions below)

Minimum (Mandatory) Off-Street Parking and Off-Street Loading - See Article XI
Signs Permitted - See Article XII

Other Provisions:
Non-residential use cannot be conducted closer than 40 feet to any lot line of a residential structure.

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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 feet. No such swimming pool, exclusive of portable swimming pools with a diameter less than 12 feet or with an area of less than 100 square feet shall be allowed in any district, except as an accessory use and unless it complies with the following conditions and requirements:

1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
2. It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than 10 feet to any property line of the property on which it is located.
3. The swimming pool, or the entire property on which it is located shall be walled or fenced to prevent uncontrolled access by children from adjacent properties. Said fence or wall shall be not less than five 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:

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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**. Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work only may be permitted in any district during the period construction work is ins 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.

Section 1005 **Parking and Storage of Certain Vehicles**. Automotive vehicles without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. The parking of a disabled vehicle within a residential district for a period of more than thirty (30) days shall be prohibited, unless such vehicle is stores in an enclosed garage or other accessory building. The parking or storage of a junked, dismantled or wrecked automotive vehicle or parts thereof within any district which is in public view from any highway for a period of more than thirty (30) days shall be prohibited. This section shall not apply to properly licensed junk cars.

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 sides by a solid wall or fence a minimum of four feet in height or one 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.

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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 ½) 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**. Multi-family 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

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District Regulations and defined herein nor any land or building in any district shall be used or occupied in any matter 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 or safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the performance requirements in Section 1021-1032, inclusive.

Section 1021 **Fire Hazards**. Any activity involving the use of 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 sires 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 shall be subject to corrective measures, requirements and regulations as established by the Board of Health or the Ohio E.P.A.

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 500 feet from any residential district, nor closer than 200 feet from any structure used for human occupancy in any other district.

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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 probably 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 on 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.

~~**Section 1033** **Telecommunication Towers**. Pursuant to the Telecommunications Act of 1996 and the ORC Section 519.11 and the Union Township Trustees being duly notified of a person's intent to construct a Telecommunication Tower in an area zoned "R-1" or "R-2" Districts;~~

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~~public utilities or other functionally equivalent providers may site a telecommunications tower as a conditional use provided the following conditions are met:~~

~~A. The applicant must provide proof that the proposal to construct a tower or attach equipment to any existing structure has been approved by all other agencies and governmental entities with jurisdiction (i.e. Federal Communication Commission, Federal Aviation Administration, Ohio Department of Transportation, Ohio Building Basic Code).~~

~~B. The applicant shall provide proof of notification to contiguous or directly across the street property owners as required by ORC section 519.211.~~

~~C. The applicant must demonstrate at the time of application that no technically suitable and feasible sites are available in a nonresidential district. There shall be an explanation of why a tower at this proposed site is technically necessary.~~

~~D. Co-location. Applicant shall provided 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.~~

~~E. Setbacks from all platted residential uses and residential districts. All new towers shall be setback from the closest subdivision boundary line for all platted residential subdivisions, and for all non-platted residential districts from the closest residence, a distance of 900 feet.~~

~~F. Setbacks from all streets and private and public road right of ways. All new towers shall be setback from all road right of ways public and private, a distance of 900 feet.~~

~~G. Setbacks from all other uses allowable in the zoning district. All new towers shall be setback from any building that is not associated with or accessory to the telecommunications tower facility a distance of 900 feet.~~

~~H. 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.~~

~~I. The applicant shall notify the Zoning Inspector within 30 Days of ceasing operations at the site and shall remove all structures within 120 days of ceasing operations.~~

~~J. No advertising or illumination other than that required by law may be located on the structure or on the required screening.~~

~~K. An inspection report prepared by a qualified engineer licensed by the State of Ohio shall be submitted to the Zoning Office every five (5)~~

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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 the Union Township Zoning Inspector. Based upon results of an inspection, the Township Trustees may require repair or removal of a communications 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.

L. 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, or other uses that are needed to send or receive transmission.

M. A six (6) foot safety fence with a locked gate surrounding the tower is required. If high voltage is necessary, signs must be posted every twenty (20) feet along the fence saying, "Danger – High Voltage". The operator must also post "NO Trespassing" signs.

Section 1034 Performance Bond.

1. For each telecommunications tower, the owner or operator shall provide to the Township, a surety bond or a bank letter of credit, to assure the Township that the terms and conditions of Section 1033 are performed and complied with, including necessary repairs, including repairs to public highways and roads and the costs and expenses of removal in the event of abandonment.
2. The Union Township Board of Trustees may draw upon the performance bond recover any costs, damages, or expenses incurred by the Township, which arise out of the violations of Section 1033 or the abandonment or discontinuance of the use of a tower.

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Section 1035 **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 shall determine the drainage outlet adequacy and the soils acceptability.

Section 1036 **Temporary Living in Recreational Vehicle**. A recreational vehicle may be used for temporary living quarters for a period not to exceed

thirty (30) days per calendar year only in the following zoning area: U-1, R-1 & R-2.

Section 1037 **Erection of More Than One Principal Structure on a Lot**. In any district more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Resolution shall be met for each structure as though it were on an individual lot. Accessory buildings such as a garage may be located in the rear yard, provided that all yard and other requirements of this Resolution are met.

Section 104037 **Medical Marijuana Entities.** 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. In the interest of protecting the public health, safety, and general welfare, this section prohibits medical marijuana land uses consistent with ORC 519 and ORC 3796.

1. Not an Agricultural Use. Medical marijuana is not considered an "agricultural" use pursuant to ORC 519.21 (D).
2. Zoning Districts. Medical marijuana cultivators, processors, and dispensaries are prohibited within the unincorporated area of the township. No medical marijuana cultivator, processor, or dispensary shall be located in any zoning district. No medical marijuana cultivator, processor, or dispensary shall be permitted as a home occupation. No medical marijuana cultivator, processor, or dispensary shall be located within a mobile building.

Section 1043 **General Conditions for Adult Entertainment Use**. Adult Entertainment Facilities are conditionally permitted within the M-1 Manufacturing District only, and subject to conditions set forth in the Zoning Resolution Section and paragraphs 1-9 hereafter set forth.

1. No adult entertainment facility shall be established within one thousand (1,000) feet of any areas zoned for residential use.
2. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any school, library, or teaching facility, whether public or private, governmental or commercial which school, library, or teaching facility is attended by persons under eighteen (18) years of age.
3. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any park or recreational facility attended by persons under eighteen (18) years of age.

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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 M-1 Manufacturing District

Section 1045 **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:

1. 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 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

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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 such as animal feed pellets, U-pick containers, etc.....

Section 1050 **Telecommunication Towers**. Pursuant to the Telecommunications Act of 1996 and the ORC Section 519.11 and the Union Township Trustees being duly notified of a person's intent to construct a Telecommunication Tower in an area zoned "R-1" or "R-2" Districts; public utilities or other functionally equivalent providers may site a telecommunications tower as a conditional use provided the following conditions are met:

A. The applicant must provide proof that the proposal to construct a tower or attach equipment to any existing structure has been approved by all other agencies and governmental entities with jurisdiction (i.e. Federal Communication Commission, Federal Aviation Administration, Ohio Department of Transportation, Ohio Building Basic Code).

B. The applicant shall provide proof of notification to contiguous or directly across the street property owners as required by ORC section 519.211.

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C. The applicant must demonstrate at the time of application that no technically suitable and feasible sites are available in a nonresidential district. There shall be an explanation of why a tower at this proposed site is technically necessary.

D. Co-location. Applicant shall provided 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.

E. Setbacks from all platted residential uses and residential districts. All new towers shall be setback from the closest subdivision boundary line for all platted residential subdivisions, and for all non-platted residential districts from the closest residence, a distance of 900 feet.

F. Setbacks from all streets and private and public road right of ways. All new towers shall be setback from all road right of ways public and private, a distance of 900 feet.

G. Setbacks from all other uses allowable in the zoning district. All new towers shall be setback from any building that is not associated with or accessory to the telecommunications tower facility a distance of 900 feet.

H. 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.

I. The applicant shall notify the Zoning Inspector within 30 Days of ceasing operations at the site and shall remove all structures within 120 days of ceasing operations.

J. No advertising or illumination other than that required by law may be located on the structure or on the required screening.

K. 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 the Union Township Zoning Inspector. Based upon results of an inspection, the Township Trustees may require repair or removal of a communications 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.

L. 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

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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, or other uses that are needed to send or receive transmission.

M. A six (6) foot safety fence with a locked gate surrounding the tower is required. If high voltage is necessary, signs must be posted every twenty (20) feet along the fence saying, "Danger – High Voltage". The operator must also post "NO Trespassing" signs.

Section 1051 Performance Bond.

1. For each telecommunications tower, the owner or operator shall provide to the Township, a surety bond or a bank letter of credit, to assure the Township that the terms and conditions of Section 1033 are performed and complied with, including necessary repairs, including repairs to public highways and roads and the costs and expenses of removal in the event of abandonment.
2. The Union Township Board of Trustees may draw upon the performance bond recover any costs, damages, or expenses incurred by the Township, which arise out of the violations of Section 1033 or the abandonment or discontinuance of the use of a tower.

Section 1052 Small Wind Projects less than 5 MW. Wind Projects of 5MW or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Small Wind Projects less than 5MW and used solely for Agriculture will be exempt from these zoning regulations as an Agricultural Use. Any proposed construction, erection, or siting of a small wind project less that 5MW including the wind turbine generator or anemometer or any parts thereof shall be a Permitted Use in all Union Township Zoning Districts if the following conditions are met (both as Permitted and Conditional Use):

A. The maximum height of any turbine shall be 125 ft. For purposes of this Resolution, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation of the base of the tower.

B. Setbacks: the following shall apply in regards to setback.

1. Any turbine erected on a parcel of land shall be setback 1.1 times the height of the tower, or established "clear fall zone", from all road right-of-way lines and neighboring property lines. A turbine shall be erected and placed in such a manner that if it were to fall,

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whatever direction the fall occurs would be contained solely on the property where the turbine is located at.

C. Maintenance

1. Wind turbines must be maintained in good working order. The owner shall within 30 days of permanently ceasing operation of a wind turbine, provide written notice of abandonment to the Zoning Inspector. An unused wind turbine or small wind project may stand no longer than 12 months following abandonment. All costs associated with the demolition f the wind turbine and associated equipment shall be borne by the owner. A wind turbine is considered abandoned when it ceases transmission of electricity for 30 consecutive days. Wind turbines that become inoperable for more than 12 months must be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing wind turbine.

D. Decibel Levels

1. Decibel levels shall not exceed those provided by the manufacturer as requested in II Permits, 2., e.

E. Wiring and electrical apparatuses:

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

F. Warning Signs

1. Appropriate warning signs to address voltage shall be posted (where and meeting sign requirements).

G. Building Permits

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

II. Permits

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

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

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

1. Location of all public and private airports in relation to the location of the wind turbine.

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

Section 1053 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 uility-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 for a dwelling shall have a production output of more than 50 kW. For a dwelling with multiple dwelling units, 50 kW is allowed per dwelling unit.
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 or donation of energy to other users, although this provision shall not be interpreted to prohibit the sale or donation of excess power generated from time to time to the local

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utility company or the sale or donation of power as part of a net metering or similar arrangement. Net metering or similar arrangements are those where electricity produced by the accessory solar energy system displaces electricity that would otherwise be purchased from an electric utility or supplier for the lot where the accessory system is located.

4. Roof/Structure mounted solar energy systems:
   a. Shall not extend beyond the perimeter (or edge of roof) of the building on which it is located.
   b. May be mounted to a principal or accessory building
   c. 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, gambrel roofs.
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 and 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 twenty (20) 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. Height of the proposed solar energy system(s) at maximum tilt.
   b. Evidence of established setbacks of 1.1 times the height of any structure other than a building and "clear fall zone".
   c. Proof of notice to the electric company regarding the proposal.

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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.

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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 that 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 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 up to 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.

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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 or property used for parking and/or loading shall maintain such area in good condition without holes and 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 uses shall be located not more than seven hundred (700) feet from the principal use;
3. Parking spaces for apartments, or similar residential uses shall be located not more than three hundred (300) feet from the principal use.

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

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

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Section 1120 **Joint Use**. Two or more non-residential uses may jointly provide and use parking spaces when their hours of operations 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 ½) 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 dwellings	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 sq. ft. floor area used for seating purposes whichever is greater
Retail establishments	One for each 250 sq. ft. of floor area
Offices, public or professional, administration or service buildings	One for each 400 sq. ft. of floor area
All other types of businesses or commercial uses permitted	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 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.

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Article XII Signs

Section 1200 **Intent**. The purpose of this Article is to promote and protect the public health, welfare and safety 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 of 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 therefrom to be directed or beamed upon a public thoroughfare so as to cause glare or reflection that may constitute a traffic hazard or nuisance;
2. All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect, if any;
3. No sign shall be placed on the roof of any building.
4. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 1220 herein;
5. No sign except as provided in Section 1220, or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when 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

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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, except in all residential districts where the area of the sign shall not be more than eight (8) square feet.
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 workship, 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 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 **Signs Permitted in Business and Manufacturing Districts Requiring a Permit**. The regulations set forth in this section shall apply to signs in the business and manufacturing districts and such signs shall require a permit.

1. In a business or manufacturing district, each business shall be permitted one flat or wall on-premises sign. Projection of wall signs shall not exceed two feet measured from the face of the main building. The area of all permanent on-premises signs for any single

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business enterprise may have an area equivalent to one and one half (1 ½) square feet of sign area for each lineal foot of the building width, or part of a building, occupied by such enterprise but shall not exceed a maximum area of one hundred (100) square feet.

2. In a business or manufacturing district, two off-premises signs with a total area not exceeding six hundred (600) square feet for both may be permitted at a single location. No single off-premises sign shall exceed three hundred (300) square feet, nor shall off-premises signs visible to approaching traffic have a minimum spacing of less than two hundred (200) feet. Off-premises signs shall conform to all applicable yard and height regulations for the appropriate zoning district. Off-premises wall signs shall have all structural and supporting members concealed from view.

Section 1220 **Temporary Signs**. Temporary signs not exceeding sixty-four (64) square feet in area, announcing special public of 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, the setback requirements in Section 1240-1243 and, in addition, such other standards deemed necessary to accomplished the intent as stated in Section 1200.

Section 1221 **Free Standing Signs**. Free-standing on premises signs not over thirty (30) feet in height, having a maximum total sign area of one hundred (100) sq. ft. per display area and located not closer than ten (10) feet to any street right-of-way line and not closer than fifteen (15) feet to any adjoining lot line may be erected to serve a group of business establishments. There shall be only one free-standing sign for each building, regardless of the number of businesses conducted in said building.

Section 1222 **Wall Signs Pertaining to Non-Conforming Uses**. On-premises wall signs pertaining to a non-conforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed twelve (12) square feet.

Section 1230 **Political Signs**. No political sign shall be posted in any place or in any manner that is destructive to public 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 on public property of

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campaign material shall remove such material within two weeks following election day.

Section 1240 **Sign Setback Requirements**. Except as modified in Sections 1241-1244, on-premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least ten (10) feet. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district.

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

Section 1242 **Setbacks for Off-Premises Signs**. If a setback line is not established for the appropriate zoning district, off-premises signs shall be set back a minimum of ten (10) feet from the right-of-way line.

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

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

Section 1250 **Limitations**. For the purposes of this Resolution, outdoor advertising off-premises signs shall be classified as a business and be permitted in all districts zoned for business or lands used for agricultural purposes. In addition, regulation of signs along primary highways shall conform to the requirements of Ohio Revised Code Chapter 5516 and the regulations adopted pursuant thereto.

Section 1251 **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

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shall be deemed a violation and shall be punishable under Section 350 of this Resolution.

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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 regulate the location of, and to encourage, stabilize and protect the development of well-planned manufactured and/or mobile home parks if one is proposed.

Section 1310 **Approval Procedures**. Manufactured and/or mobile home parks shall be permitted only as a conditional use in the U-1 District and shall be developed according to the general standards and regulations stated and referenced in Article 13.

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

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

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

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Section 1340 **Minimum Floor Area**. Individual manufactured and/or mobile homes located within the park shall have a minimum floor area of 960 square feet using accepted industry measurement standards.

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:

~~1. Individual mobile homes shall have, using accepted industry measurement standards, a minimum area of nine hundred sixty (960) square feet of floor area.~~

~~2.~~1. ~~The mobile home's axle and wheels shall be removed and the home shall be placed upon a permanent stand not less than ten (10) feet by fifty (50) feet. The stand shall be constructed of a minimum of six (6) inches of concrete and provide at least two (2) tie-down rings. In lieu of the above stand, concrete pillars twelve (12) inches square and minimum of thirty-six (36) inches below ground at all blocking points may be used.~~At least two (2) tie down rings are required.

~~3.~~2. ~~The mobile home shall be skirted entirely enclosing the bottom section, within ninety (90) days after its placement. Skirting shall be constructed of vinyl, aluminum or other suitable material that is designed specifically for skirting.~~Will be designed, constructed, skirted, 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.

~~4.~~3. The mobile home shall be landscaped with lawn within one hundred sixty (160) days after its placement.

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

~~**Section 1342** **Small Wind Projects less than 5MW**. Wind Projects of 5MW or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Small Wind Projects less than 5MW and used solely for Agriculture will be exempt from these zoning regulations as an Agricultural Use. Any proposed construction, erection, or siting of a small wind project less that 5MW including the wind turbine generator or anemometer or any parts thereof shall be a Permitted Use in all Union Township Zoning Districts if the following conditions are met (both as Permitted and Conditional Use):~~

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A. The maximum height of any turbine shall be 125 ft. For purposes of this Resolution, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation of the base of the tower.

B. Setbacks: the following shall apply in regards to setback.

1. Any turbine erected on a parcel of land shall be setback 1.1 times the height of the tower, or established "clear fall zone", from all road right-of-way lines and neighboring property lines. A turbine shall be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located at.

C. Maintenance

1. Wind turbines must be maintained in good working order. The owner shall within 30 days of permanently ceasing operation of a wind turbine, provide written notice of abandonment to the Zoning Inspector. An unused wind turbine or small wind project may stand no longer than 12 months following abandonment. All costs associated with the demolition f the wind turbine and associated equipment shall be borne by the owner. A wind turbine is considered abandoned when it ceases transmission of electricity for 30 consecutive days. Wind turbines that become inoperable for more than 12 months must be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing wind turbine.

D. Decibel Levels

1. Decibel levels shall not exceed those provided by the manufacturer as requested in II Permits, 2., e.

E. Wiring and electrical apparatuses:

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

F. Warning Signs

1. Appropriate warning signs to address voltage shall be posted (where and meeting sign requirements).

G. Building Permits

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

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H. Permits

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

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

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

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

Section 1343 – General Conditions for Adult Entertainment Use. Adult Entertainment Facilities are conditionally permitted within the M-1 Manufacturing District only, and subject to conditions set forth in the Zoning Resolution Section and paragraphs 1-9 hereafter set forth.

1. No adult entertainment facility shall be established within one thousand (1,000) feet of any areas zoned for residential use.
2. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any school, library, or teaching facility, whether public or private, governmental or

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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 M-1 Manufacturing District.

Section 1344 **Family Care Home**. Family Care Homes may be permitted as a Conditional Use within an adequately sized unattached residential Dwelling within Manufacturing District (M-1) subject to the following criteria:

1. No Family Care Home may be permitted unless the agency supervising such a facility satisfies the Board of Zoning Appeals that the home complies with all state and/or local licensing requirements.
2. The home shall not be located closer than one thousand five hundred (1,500) feet to another Family Care Home, Home for Adjustment, Institution, Boarding House, Lodging House, or Group Care Home. Variances of more than ten percent (10%) of this requirement may not be considered.
3. The home shall be reasonably accessible, by reason of location or transportation provided by the operator, to necessary medical, psychiatric, recreational, or other services required by the residents.

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4. Every room occupied for sleeping purposes within the home shall contain a minimum of eighty (80) square feet of habitable Floor Area for each occupant.
5. Will not be hazardous or disturbing to existing or officially planned future neighboring Uses from the standpoint of noise, lights, congestion of traffic generation which would be incompatible with the neighborhood environment.
6. The operator or agency applying for the Conditional Use Permit to operate such a facility shall provide the Board of Zoning Appeals with a plan that documents the following:
   (a) The operator or agency applying for the Conditional Use Permit shall show the need for the home in relation to the specific clientele served by providing the following information:
      1. The clientele served.
      2. Location of other like facilities in Union County.
      3. Location of essential services for care and daily needs of the clientele served.
   (b) A description of program objectives and the nature of other community-based residential social service facilities operated by such operator or agency.
   (c) A list of the licensing agencies' standards and the sponsoring agency's standards for the operation of the desired facility.
7. The home shall provide adequate Off-Street parking area for each resident supervisor and/or resident who is permitted to own or operate an automobile.
8. The proposed use of the site as a Home For Adjustment shall be compatible with the present character of the neighborhood, considering noise, traffic, light, exterior Alterations of the Structure, or other potentially offensive characteristics.
9. Suitable space shall be provided for indoor and/or outdoor recreational activities for the clientele served, based upon generally accepted recreational standards or those specified by the licensing authority.
10. No exterior Alterations of the Structure shall be made which depart from the residential character of the Building. All new structures proposed shall be of compatible residential design and the surrounding neighborhood, to the degree possible.
11. All exterior lighting shall comply with state and/or local requirements.
12. The Conditional Use Permit shall be limited to the operator to whom it is originally issued and is not transferable to any subsequent operator.

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13. In its review of each proposed facility, the Board of Zoning Appeals shall make specific finding of fact relative to the following criteria. Specifically the Board shall determine that the proposed facility:
   (a) It is in fact a Home for Adjustment Facility and, if required, is licensed by the appropriate authority to provide such service within the State of Ohio (and the respective jurisdiction).
   (b) Is in fact a needed facility in the location proposed, based upon evidence acceptable to the Board of Zoning Appeals as provided in 6(a).
   (c) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or officially planned Uses of the general vicinity and that such Use will not change the essential character of the same area. In this regard, it does not contribute to a concentration of such facilities in the respective area.
   (d) Will not be hazardous or disturbing to existing or officially planned future neighboring Uses from the standpoint of noise, lights,
   (e) 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, and schools; or that the persons or agencies responsible for the establishment of the proposed Use shall be able to provide adequately any such services.
   (f) Will not involve Uses, activities and conditions of operation that will be detrimental to any persons, property, or the general welfare.
   (g) Will have vehicular approaches to the property that shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
   (h) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
14. The Board of Zoning Appeals my issue a Conditional Use Permit for a period of one (1) year. At the completion of the one (1) year period, the Group Care Home Facility operation shall be reviewed by the Board of Zoning Appeals. The Board of Zoning Appeals may extend the Conditional Use or deny the Conditional Use.

Section 1345 **Home for Adjustment**. A Home for Adjustment may be permitted as a Conditional Use within an adequately sized unattached residential Dwelling within Manufacturing District (M-1) subject to the following criteria:

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1. No Home for adjustment may be permitted unless the agency supervising such a facility satisfies the Board of Zoning Appeals that the home complies with all state and/or local licensing requirements.
2. The home shall not be located closer than one thousand five hundred (1,500) feet to another Home for Adjustment, Family Care Home, Institution, Boarding House, Lodging House or Group Care Home. Variances of more than ten percent (10%) of this requirement may not be considered.
3. The home shall be reasonably accessible, by reason of location or transportation provided by the operator, to necessary medical, psychiatric, recreational, or other services required by the residents.
4. Every room occupied for sleeping purposes within the home shall contain a minimum of eighty (80) square feet of habitable Floor Area for each occupant.
5. Will not be hazardous or disturbing to existing or officially planned future neighboring uses from the standpoint of noise, lights, congestion of traffic generation which would be incompatible with the neighborhood environment.
6. The operator or agency applying for the Conditional Use Permit to operate such a facility shall provide the Board of Zoning Appeals with a plan that documents the following:
   (a) The operator or agency applying for the Conditional Use Permit shall show the need for the home in relation to the specific clientele served by providing the following information:
   (b) A description of program objectives and the nature of other community-based residential social service facilities operated by such operator or agency.
   (c) A list of the licensing agencies' standards and the sponsoring agency's standards for the operation of the desired facility.
7. The home shall provide adequate Off-Street parking area for each resident supervisor and/or resident who is permitted to own or operate an automobile.
8. The proposed use of the site as a Family Care Home shall be compatible with the present character of the neighborhood, considering noise, traffic, light, exterior Alterations of the Structure, or other potentially offensive characteristics.
9. Suitable space shall be provided for indoor and/or outdoor recreational activities for the clientele served, based upon generally accepted recreational standards or those specified by the licensing authority.
10. No exterior Alterations of the Structure shall be made which depart from the residential character of the Building. All new structures

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proposed shall be of compatible residential design with the surrounding neighborhood, to the degree possible.

11. All exterior lighting shall comply with state and/or local requirements.
12. The Conditional Use Permit shall be limited to the operator to whom it is originally issued and is not transferable to any subsequent operator.
13. In its review of each proposed facility, the Board of Zoning Appeals shall make specific finding of fact relative to the following criteria. Specifically the Board shall determine that the proposed facility:
    (a) Is in fact a Family Care Home Facility and, if required, is licensed by the appropriate authority to provide such service within the State of Ohio (and the respective jurisdiction).
    (b) Is in fact a needed facility in the location proposed, based upon evidence acceptable to the Board of Zoning Appeals. The BZA shall consider acceptable evidence the information required in 6(a).
    (c) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or officially planned Uses of the general vicinity and that such Use will not change the essential character of the same area. In this regard, it does not contribute to a concentration of such facilities in the respective area.
    (d) Will not be hazardous or disturbing to existing or officially planned future neighboring Uses from the standpoint of noise, lights, congestion or traffic generation which would be incompatible with the neighborhood environment.
    (e) 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, and schools; or that the persons or agencies responsible for the establishment of the proposed Use shall be able to provide adequately any such services.
    (f) Will not involve Uses, activities and conditions of operation that will be detrimental to any persons, property, or the general welfare.
    (g) Will have vehicular approaches to the property that shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
    (h) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

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14. The Board of Zoning Appeals my issue a Conditional Use Permit for a period of one (1) year. At the completion of the one (1) year period, the Family Care Home Facility operation shall be reviewed by the Board of Zoning Appeals. The Board of Zoning Appeals may extend the Conditional Use or deny the Conditional Use.

Section 1346 **Group Care Homes**. Group Care Homes may be permitted as a Conditional Use within an adequately sized unattached residential Dwelling within Manufacturing District (M-1) subject to the following criteria:

1. No Group Home may be permitted unless the agency supervising such a facility satisfies the Board of Zoning Appeals that the home complies with all state and/or local licensing requirements.
2. The home shall not be located closer than one thousand five hundred (1,500) feet to another Group Care Home, Family Care Home, Home for Adjustment, Institution, Boarding House, Lodging House. Variances of more than ten percent (10%) of this requirement may not be considered.
3. The home shall be reasonably accessible, by reason of location or transportation provided by the operator, to necessary medical, psychiatric, recreational, or other services required by the residents.
4. Every room occupied for sleeping purposes within the home shall contain a minimum of eighty (80) square feet of habitable Floor Area for each occupant.
5. Will not be hazardous or disturbing to existing or officially planned future neighboring Uses from the standpoint of noise, lights, congestion of traffic generation which would be incompatible with the neighborhood environment.
6. The operator or agency applying for the Conditional Use Permit to operate such a facility shall provide the Board of Zoning Appeals with a plan that documents the following:
   (a) The operator or agency applying for the Conditional Use Permit shall show the need for the home in relation to the specific clientele served by providing the following information:
      1. The clientele served.
      2. Location of other like facilities in Union County.
      3. Location of essential services for care and daily needs of the clientele served.
   (b) A description of program objectives and the nature of other community-based residential social service facilities operated by such operator or agency.
   (c) A list of the licensing agencies' standards and the sponsoring agency's standards for the operation of the desired facility.

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7. The home shall provide adequate Off-Street parking area for each resident supervisor and/or resident who is permitted to own or operate an automobile.
8. The proposed use of the site as a group care home shall be compatible with the present character of the neighborhood, considering noise, traffic, light, exterior Alterations of the Structure, or other potentially offensive characteristics.
9. Suitable space shall be provided for indoor and/or outdoor recreational activities for the clientele served, based upon generally accepted recreational standards or those specified by the licensing authority.
10. No exterior Alterations of the Structure shall be made which depart from the residential character of the Building. All new structures proposed shall be of compatible residential design with the surrounding neighborhood, to the degree possible.
11. All exterior lighting shall comply with the state and/or local requirements.
12. The Conditional Use Permit shall be limited to the operator to whom it is originally issued and is not transferable to any subsequent operator.
13. In its review of each proposed facility, the Board of Zoning Appeals shall make specific finding of fact relative to the following criteria. Specifically the Board shall determine that the proposed facility:
    (a) Is in fact a Group Care Home Facility and, if required, is licensed by the appropriate authority to provide such service within the State of Ohio (and the respective jurisdiction).
    (b) Is in fact a needed facility in the location proposed, based upon evidence acceptable to the Board of Zoning Appeals as provided in 6(a).
    (c) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or officially planned Uses of the general vicinity and that such Use will not change the essential character of the same area. In this regard, it does not contribute to a concentration of such facilities in the respective area.
    (d) Will not be hazardous or disturbing to existing or officially planned future neighboring Uses from the standpoint of noise, lights, congestion or traffic generation which would be incompatible with the neighborhood environment.
    (e) 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, and schools; or that

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the persons or agencies responsible for the establishment of the proposed Use shall be able to provide adequately any such services.

(f) Will not involve Uses, activities and conditional of operation that will be detrimental to any persons, property, or the general welfare.

(g) Will have vehicular approaches to the property that shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

(h) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

14. The Board of Zoning Appeals my issue a Conditional Use Permit for a period of one (1) year. At the completion of the one (1) year period, the Home for Adjustment Facility operation shall be reviewed by the Board of Zoning Appeals. The Board of Zoning Appeals may extend the Conditional Use or deny the Conditional Use.

Section 1347 **Institution**. A Institution may be permitted as a Conditional Use within an adequately sized unattached residential Dwelling within Manufacturing District (M-1) subject to the following criteria:

1. No Institution may be permitted unless the agency supervising such a facility satisfies the Board of Zoning Appeals that the Institution complies with all state and/or local licensing requirements.
2. The Institution shall not be located closer than one thousand five hundred (1,500) feet to another Institution, Family Care Home, Home for Adjustment, Boarding House, Lodging House, or Group Care Home. Variances of more than ten percent (10%) of this requirement may not be considered.
3. The institution shall be reasonably accessible, by reason of location or transportation provided by the operator, to necessary medical, psychiatric, recreational, or other services required by the residents.
4. Every room occupied for sleeping purposes within the institution shall contain a minimum of eighty (80) square feet of habitable Floor Area for each occupant.
5. Will not be hazardous or disturbing to existing or officially planned future neighboring Uses from the standpoint of noise, lights, congestion of traffic generation which would be incompatible with the neighborhood environment.
6. The operator or agency applying for the Conditional Use Permit to operate such a facility shall provide the Board of Zoning Appeals with a plan that documents the following:

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Section 1348 **Solar Panels**. Solar panels are a permitted accessory use, subject to the following requirements:

1. Ground-mounted solar panels shall be located in the side or rear yard only in accordance with the setbacks established for all accessory uses and shall not exceed twelve (12) feet in height.
2. Roof-mounted solar panels on the principal building shall be installed on the plane of the roof material (flush mounted) or made part of the roof design (e.g. utilizing capping or framing compatible with the color of the roof or structure), but shall not extend more than eight inches from the roof surface. Accessory buildings shall not exceed the height requirements established for all accessory buildings.
3. All solar panel installations shall comply with all applicable building, plumbing, and electrical codes.
4. All applicants shall submit a site drawing showing the location of the unit in relation to existing structures on the property, the location of existing wiring and wiring for the solar panels, roads and other public right-of-ways, and neighboring property lines.
5. There is no limit on the number of solar modules or arrays installed on each property, except for the following:
   a) Solar energy commercial operations are prohibited.

Section 1349 **Erection of More Than One Principal Structure on a Lot**. In any district more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Resolution shall be met for each structure as though it were on an individual lot. Accessory buildings such as a garage may be located in the rear yard, provided that all yard and other requirements of this Resolution are met.

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Adopted: May, 1983 with various revisions with the lates being:
Revised and new standards in affect - April 24, 2002
January 9, 1992
September 6, 2000
October 23, 2003
April 28, 2014
May 30, 2018
_____, 2022

Attest: _____
Clerk, Township Trustees

_____
Chairperson, Township Trustees

_____
Township Trustee

_____
Township Trustee

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