



Zoning & Subdivision Committee

Thursday, November 8, 2018

12:00 pm

- Minutes from last meeting of October 11, 2018
- 1. Review of ERN-2 Phase 1 Final Plat (Union County) – Staff Report by Brad Bodenmiller
- 2. Review of GPN-11 Preliminary Plat (Union County) – Staff Report by Brad Bodenmiller
- 3. Review of Allen Township Zoning Parcel Amendment (Union County) – Staff Report by Brad Bodenmiller
- 4. Review of Jerome Township Zoning Text Amendment (Union) – Staff Report by Brad Bodenmiller
- 5. Review of Stokes Township Avondale Allotments Zoning Text Amendment (Logan) – Staff Report by Brad Bodenmiller
- 6. Review of Stokes Township Indian Isles Zoning Text Amendment (Logan) – Staff Report by Brad Bodenmiller
- 7. Review of Stokes Township Wolfe Island Zoning Text Amendment (Logan) – Staff Report by Brad Bodenmiller

Members:

Tyler Bumbalough – City of Urbana Engineer
Scott Coleman – Logan County Engineer
Weston R. Dodds – City of Bellefontaine Code Enforcement
Chad Flowers – City of Marysville Planning
Charles Hall – Union County Commissioner
Steve McCall – Champaign County Engineer
Bill Narducci – Union County Engineer's Office
Vince Papsidero – City of Dublin Planning Director
Tom Scheiderer – Jefferson & Zane Township Zoning Inspector
Jeff Stauch – Union County Engineer
Robert A. Yoder – North Lewisburg Administrator
Dave Gulden – LUC
Heather Martin – LUC
Brad Bodenmiller – LUC

10820 St. Rt. 347, PO Box 219

East Liberty, Ohio 43319

• Phone: 937-666-3431 •

• Email: luc-rpc@lucplanning.com • Web: www.lucplanning.com



Staff Report – Eversole Run Neighborhood Section 2 Phase 1

Applicant:	<p>Jerome Village Company, LLC c/o Gary Nuss 375 North Front Street, Suite 200 Columbus, OH 43215 nussg@nationwide.com</p> <p>Terrain Evolution, Inc. c/o Justin Wollenberg PE 720 East Broad Street, Suite 203 Columbus, OH 43215 jwollenberg@terrinevolution.com</p>
Request:	Approval of Eversole Run Neighborhood, Section 2 (ERN-2), Phase 1 – Final Plat.
Location:	Located west of Jerome Road, north of Wells Road, and south of Harriott Road in Jerome Township, Union County.

Staff Analysis:	<p>This Final Plat involves 15.494 acres of land and proposes 40 single-family residential lots.</p> <p>Acreages:</p> <ul style="list-style-type: none">○ 2.546 acres in right-of-way○ 9.544 acres in single-family residential lots○ 3.404 acres in open space <p>Proposed utilities:</p> <ul style="list-style-type: none">○ City of Marysville public water service○ Jerome Village Community Authority Collection and City of Marysville public treatment <p>Preliminary Plat:</p> <ul style="list-style-type: none">○ The Preliminary Plat was originally approved on December 2015, extended December 2017, and amended April 2018. <p>• Union County Engineer's Office</p> <ul style="list-style-type: none">○ The Engineer's Office submitted comments in a letter dated 10-31-18. The Engineer's Office reported the Construction Drawings are approved, but construction has not been completed. Due to this, a performance bond is under review and is pending a decision by the Commissioners. The Engineer's Office
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Staff Report – Eversole Run Neighborhood Section 2 Phase 1

provided technical comments and markups to be addressed on the Plat. (See letter for more detail.) At this time, the Engineer's Office recommended denial of the plat in its current form. Should the Engineer's Office receive a revised version of the plat addressing the technical comments as well as obtaining bond approval prior to LUC meetings, the Engineer's Office reserved the right to change its recommendation.

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

- No comments received as of 10-31-18.

• **Union County Health Department**

- No comments received as of 10-31-18. Standard comments from the Health Department are below:
 1. "All efforts should be made to provide a point of connection (via easements and/or service lines) to both water and sewer to any adjacent home, business, or any other facility that is serviced by a private water system (PWS) and/or sewage treatment system (SWS)."
 2. Any home, business, or other structure that is currently being serviced by a private sewage treatment system (STS) and ends up being situated within 200' of a sanitary sewer easement, shall be brought to the attention of the Union County Health Department."
 3. "If at any at time during development of the subdivision a private water system (PWS) (well, cistern, etc.) or sewage treatment system (STS) is found, our office shall be immediately contacted for inspection. Proper permitting must be obtained for sealing and/or abandonment of a private water system (PWS) and sewage treatment system (STS)."

• **City of Marysville**

- The City submitted a letter dated 11-01-18. The City had no comments and recommend approval.

• **Jerome Township**

- The Township submitted a letter dated 10-29-18. Based upon its review, the Township had no



Staff Report – Eversole Run Neighborhood Section 2 Phase 1

	<p>objections regarding the plat and raised no issues regarding its pending approval.</p> <ul style="list-style-type: none">• ODOT District 6<ul style="list-style-type: none">○ No comments received as of 10-31-18.• Ohio Edison<ul style="list-style-type: none">○ No comments received as of 10-31-18.• LUC Regional Planning Commission<ol style="list-style-type: none">1. Sheet 1: Per Preliminary Plat approval, please define DOS and OSR (§320).2. Sheet 1: Pre Preliminary Plat approval, please add second variance, regarding 80' separation from driveways to existing/proposed roadways (§320).3. Sheet 1: Under Miscellaneous Restrictions/Notes, is the utility provided Ohio Edison or URE?4. Sheet 2 & 3: Add sheet numbers 2/3 and 3/3 to pages (§322).5. A letter is required from the County Engineer verifying all required improvements have been installed and approved by the proper officials or agencies, or verifying a bond or other surety, approved by the County Commissioners and their legal counsel, has been furnished assuring installation of the required improvements (§324, 2.; §326; §330).
Staff Recommendations:	Staff recommends <i>DENIAL</i> of Eversole Run Neighborhood, Section 2 (ERN-2), Phase 1 – Final Plat. Although the minor technical items in this staff report could be incorporated into the Final Plat Mylar for the 11-08-18 LUC meetings, confirmation of approval of the outstanding bond or other surety (§324, 2.; §326; §330) is required before staff is comfortable recommending otherwise.
Z&S Committee Recommendations:	



Logan-Union-Champaign regional planning commission

Director: Dave Gulden, AICP

Application for Final Plat Approval

Date: _____

Name of Subdivision: _____

Section/Phase: _____ Block _____

Location: _____

Township: _____ Military Survey: _____

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

Has a Preliminary Plat been approved for this subdivision?: Yes _____ No _____ Date: _____

Name of Applicant: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Name of Owner of property to be subdivided: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Name of Applicant's Surveyor or Engineer: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Proposed Acreage to be Subdivided: _____

Current Zoning Classification: _____

Proposed Zoning Changes: _____

Proposed Land Use: _____

Development Characteristics

Acreage w/in Approved Preliminary Plat: _____ Acres

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

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

9676 E. Foundry St, PO Box 219

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Logan-Union-Champaign regional planning commission

Director: Dave Gulden, AICP

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

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

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

Typical Lot Width: _____ Feet Typical Lot Area: _____

Single Family Units: _____ Sq. ft Multi-Family Units: _____

Acreage to be devoted to recreation, parks or open space: _____

Recreation facilities to be provided: _____

Approved method of Supplying Water Service: _____

Approved method of Sanitary Waste Disposal: _____

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

Approved 50' righth-of-way Widths Resolution #306-09 Date 6-11-09

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

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

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

Has estimated construction cost been approved by the County Engineer? _____

Bond has been submitted to County Engineer? _____

Bond approved by County Commissioners? _____

For Official Use

Date filed: _____ Filing Fee: _____

Date of Meeting of Planning Commission: _____

Action by Planning Commission: _____

If rejected, reason(s) for: _____

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Final Plat Review Checklist

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



Logan-Union-Champaign regional planning commission

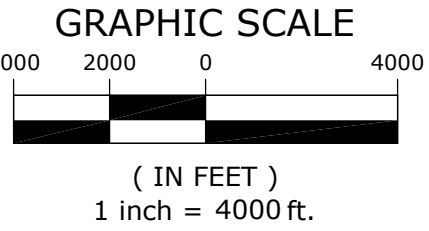
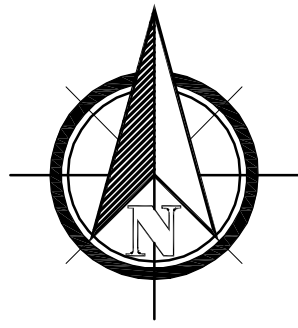
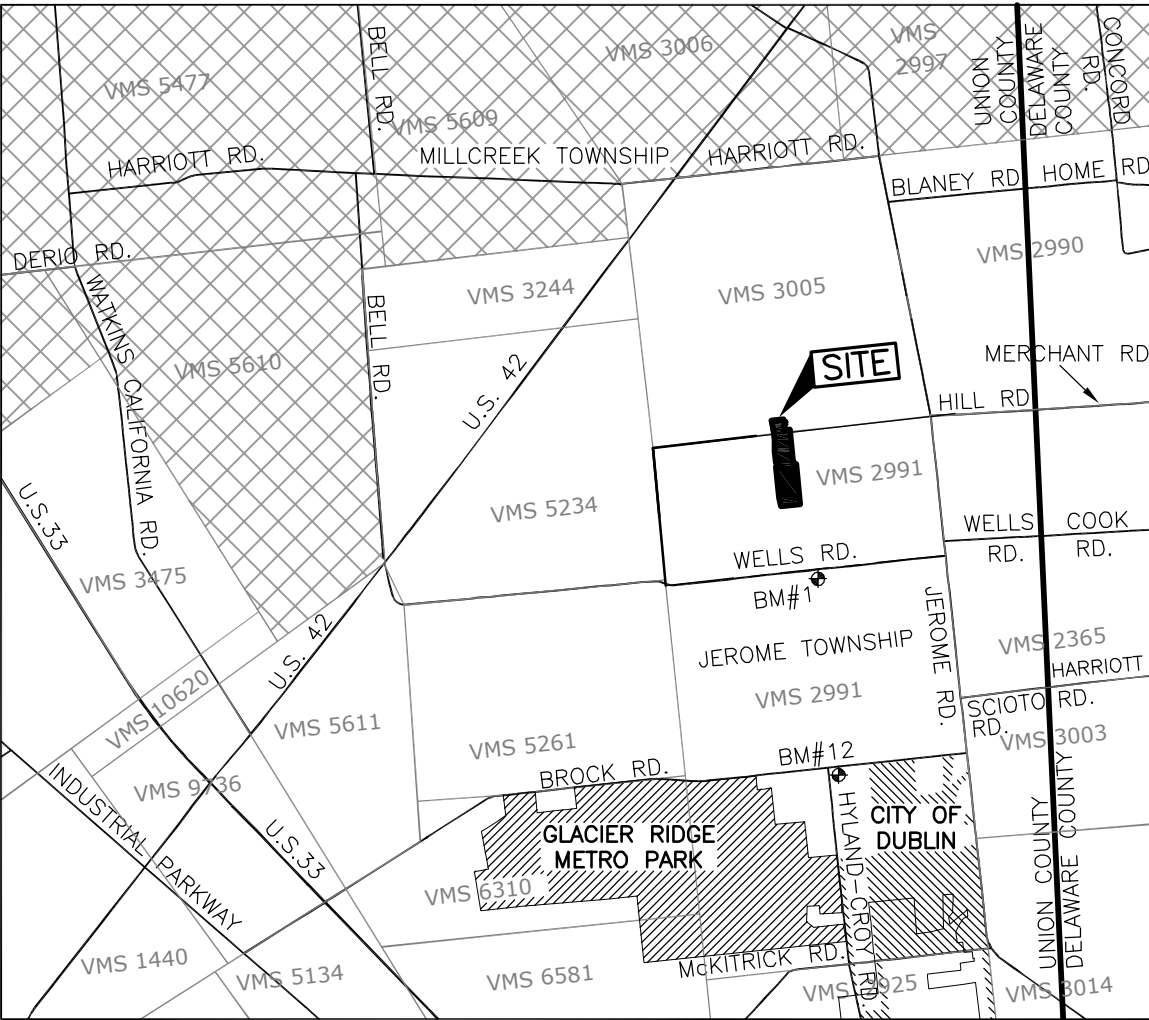
Director: Dave Gulden, AICP

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

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LOCATION MAP



EVERSOLE RUN NEIGHBORHOOD SECTION 2 PHASE 1

SITUATED IN VIRGINIA MILITARY SURVEY'S No.2991 AND 3005 JEROME TOWNSHIP, UNION COUNTY, OHIO

Situated in State of Ohio, County of Union, Jerome Township, Virginia Military Survey No. 2991 and Virginia Military Survey No. 3005, being 15.494 acres of land of which 1.672 acres of land is located in the remainder of that 29.000 acre tract of land as described in a deed to Jerome Village Company, LLC, of record in Official Record 722, Page 832, 0.347 acre of land is located in the remainder of that 43.035 acre tract of land as described in a deed to said Jerome Village Company, LLC, of record in Official Record 896, Page 495 and 13.475 acres of land is located in the remainder of that 45.288 acre tract of land as described in a deed to said Jerome Village Company, LLC of record in Official Record 697, Page 861, Recorder's Office, Union County, Ohio

SHEET INDEX

Sheet 1 - Title/Signature Sheet
Sheet 2 - ERN 2-1 Index/Overview
Sheet 3 - ERN 2-1 Detail Sheet

BASIS OF BEARINGS

The bearings shown hereon are based on the Ohio State Plane Coordinate System (North Zone) as established by GPS observations.

ERN 2-1 Area Summary

Right-of-Way (Township)	2.546	AC
Lots	9.544	AC
Openspace	3.404	AC
Total	15.494	AC

ERN 2-1 Lot Summary

62' Frontage	40
90' Frontage	24
100' Frontage	6

ERN 2-1 Density

Gross	(Lots/Total Area)	2.582 du/ac
Net	(Lots/Lot Area)	4.191 du/ac

Minimum Lot Size

62' Frontage	7,400	SF
90' Frontage	11,700	SF
100' Frontage	13,000	SF

Setbacks	62' Frontage	90' Frontage	100' Frontage
Front Yard	20 FT	20 FT	20 FT
Rear Yard	30 FT	30 FT	30 FT
Side Yard	5 FT	8 FT	10 FT

PARCEL BREAKDOWN

Parcel Number	Map/GIS Number	Acres of Parcel within ERN 2-1
17-0010020.1000	126-00-00-016.001	1.672 AC.
17-0012012.1000	126-00-00-014.001	13.475 AC.
17-0012011.0000	126-00-00-003.000	0.347 AC.

Jerome Village Blanket Notes

Note A: All of Jerome Village is in the flood hazard zone X (areas outside the 500-year flood plain) on the Federal Emergency Management Agency Flood Insurance Rate Maps, Map Number 39159C0380D, 39159C0385D, 39159C0390D and 39159C0395D, effective dates December 16, 2008. 39159C0385D is a non-printed panel with no flood hazard areas.

Note B: Be advised; a subsurface drainage system may exist on this site. The system and/or outlet if located on this property must be maintained at all times.

Note C: All storm water drainage including flood routing, open ditches and basins which accept public storm water, will be a part of the Union County ditch maintenance program. Each subarea will file a separate ditch maintenance petition. Only areas outside of the right-of-way will be a part of the County Ditch Maintenance Program.

Note D: All dead, diseased, noxious or decayed trees or vegetation, log jams, etc. shall be removed from streams that will be a part of the Union County ditch maintenance program.

Note E: All easements and setbacks for stream maintenance shall be reviewed by Union County Soil & Water Conservation District for access to said streams prior to acceptance.

Note F: Removed (not applicable to ERN 2-1)

Note G: Existing and proposed trees are allowed within right-of-way if roadway is curbed and posted speed is 35 mph or less. County Engineer to review on case by case basis for all other conditions.

Note H: Vegetated swales, including rain gardens & bio-swales, are to be graded within median of road right-of-way to provide required drainage. Ponding depths within median are not to exceed 8' and are to drain within 36 hours. No permanent pools will be allowed within road right-of-way.

Note I: Removed (not applicable to ERN 2-1)

Note J: Mounding, landscaping, or guardrail may be required between stormwater retention/detention facilities and road right-of-way, if the edge of water is within 100' of the edge of pavement.

Jerome Village Variances

1. Variance from the Union County Subdivision Regulations, Section 406, minimum right-of-way widths to allow a 50' right-of-way width for all local street classifications within Jerome Village. Resolution #306-09. Dated 6-11-09.

SURVEYOR CERTIFICATION:

American Land Surveyors do hereby certify the following:

- The accompanying plat represents a subdivision of land in VMS 2991 and 3005, Jerome Township, Union County, Ohio.
- The tract has an area of 2.546 acres in streets, 9.544 acres in lots, and 3.404 acres in reserves making a total of 15.494 acres.
- This plat was prepared based on a field survey performed in November, 2016 by American Land Surveyors, LLC.;
- All dimensions are shown in feet and decimal parts thereof. dimensions shown along curved lines are chord distances;
- This property is located in Zone X per F.E.M.A. Community Panel No. 39159C0390D, dated December 16, 2008
- Monumentation set at the locations shown hereon consist of a 5/8 -inch steel reinforcing rod, 30 inches in length affixed with an orange plastic cap bearing the inscription "Jon Adcock, S-8461", Right-of-way and centerline monumentation shall be placed at all points of curvature, tangency and points of intersection, and shall be set prior to lot sales.
 - Additional Monuments shall be caused to be placed along all lot corners and changes in bearing, as well as all points of curvature and tangency prior to the Lot being sold. Lot monumentation may have a cap and inscription that varies from above.
- The accompanying plat is a correct representation of Eversole Run Neighborhood Section 2 Phase 1 as surveyed.

Signed and sealed this ____ day of _____, 2018.

DEVELOPER:

Jerome Village Company, LLC.
375 N. Front Street, Suite 200
Columbus, Ohio 43215
Attention: Gary Nuss

SURVEYOR:

American Land Surveyors, LLC
1346 Hemlock Court N.E.
Lancaster, Ohio 43130
Attn: Jon (Brett) Adcock, P.S.

Know all men by these presents that Jerome Village Company, LLC, owner of the land indicated on the accompanying plat, have authorized the platting thereof and do hereby dedicate all right-of-way and easements shown hereon to the public use forever.

In witness thereof, the following have set their hand this ____ day of _____, 2018.

Jerome Village Company, LLC:

By: Nationwide Realty Investors, Ltd., its manager

By:

James Rost, Vice President

Signed and acknowledged in the presence of:

Signature: _____ Witness

Printed Name: _____

Signature: _____ Witness

Printed Name: _____

STATE OF OHIO

COUNTY OF UNION

Before me, a Notary Public in and for said County, personally appeared James Rost, Vice President and Operating Officer of Nationwide Realty Investors, Ltd., as manager of Jerome Village Company, LLC, who acknowledged the signing of the foregoing instrument to be his voluntary act and deed for the uses and purposes therein expressed.

In witness thereof, I have hereunto set my hand and affixed my official seal this ____ day of _____, 2018.

Signature: _____ My commission expires: _____.

Notary Public

Reviewed this ____ day of _____, 2018:

Chairman, Jerome Township Trustees

Approved this ____ day of _____, 2018:

Union County Health Department

Approved this ____ day of _____, 2018:

Union County Engineer

Approved this ____ day of _____, 2018:

LUC Regional Planning Commission

Rights-of-way for public streets and roads herein dedicated to public use are hereby approved this ____ day of _____, 20____ for the County of Union, State of Ohio. Street improvements within said dedicated rights-of-way shall not be accepted for public use unless and until construction is completed and accepted as such by Union County. In addition, street improvements within said dedicated rights-of-way shall not be accepted for public maintenance until the maintenance period transpires and the street improvements are accepted for public maintenance by Union County.+

Approved this ____ day of _____, 2018:

Union County Commissioner

Union County Commissioner

Union County Commissioner

Transferred this ____ day of _____, 2018:

Union County Auditor

Filed for record this ____ day of _____, 2018, at ____ am/pm.

Recorded this ____ day of _____, 2018 at ____ am/pm in

Plat Book _____, Page _____

Union County Recorder

EVERSOLE RUN NEIGHBORHOOD SECTION 2 PHASE 1 IS SUBJECT TO JEROME VILLAGE MASTER DEED DECLARATION AND RESTRICTIONS AS RECORDED IN VOLUME 907 PAGES 572, UNION COUNTY RECORDER'S OFFICE, AS AMENDED, THE RESIDENTIAL PROPERTY OWNERS ASSOCIATION DEED DECLARATION, RESTRICTIONS AND BYLAWS AS RECORDED IN VOLUME 911, PAGE 922, UNION COUNTY RECORDER'S OFFICE AND THE DECLARATION OF COVENANTS, RESTRICTIONS AND AGREEMENTS FOR JVCA RECORDED IN VOLUME 859 PAGE 275, UNION COUNTY RECORDER'S OFFICE.

STANDARD DEED RESTRICTIONS FOR UNION COUNTY

Residential and Commercial

- There shall be no discharge in to any streams or storm water outlets of any waste materials in violation of applicable local, state, or federal regulations.
- N/A
- Grading of the storm water retention areas shall not be changed.
- N/A
- The lot owner and his successors and assigns agree to assume any and all maintenance charges which are established by the Union County Commissioners for this subdivision.
- N/A
- No construction may begin or building started without the individual lot owner obtaining zoning, building, water & sewer tap, and driveway permits. Zoning permits are to be obtained from the Township Zoning Inspector. Building permits are obtained from the Union County Building Regulation Department and driveway permits are obtained from the Union County Engineer's Office. Water & sewer tap permits are obtained from the applicable service provider.
- The lot owner and his successors and assigns agree to assume any and all sanitary sewer and water service charges which are established by the applicable provider.
- All construction shall meet the requirements of the Township, Union County, and other applicable code authorities.

Residential Only

- Downspout drains shall not be connected directly to roadway underdrains.

Miscellaneous Restrictions/Notes

- This subdivision is located adjacent to lands which may be used for agricultural farming purposes. Lot owners can expect noise from farm machinery, dust from farming operations, the application of chemicals to the soil and crops, odors and noise from livestock, and other typical farming nuisances. Owners can expect farming operations to happen day or night. You can expect hunting on agricultural land. Do not expect to use agricultural lands for your purposes without first getting permission from the land owner. Do not allow your children to play on agricultural lands. Do not discard clippings and trimmings from lawns, tree, bushes, plants, etc. or other wastes that you may generate on agricultural land. Dispose of all wastes appropriately. Additionally, there may be existing ditches, surface swales or underground tiles that drain water from adjacent land on to or through your property. You have a legal responsibility to allow the reasonable flow of water on to or through your property from upground properties. You also have a legal responsibility to maintain and repair any ditches, surface swales or underground tile on your property.
- Parking: Union County may restrict or eliminate on-street parking along the side of the pavement within Kingfisher Place and Quail Ridge Drive. The owners of the fee simple titles to all of the lots in Eversole Run Neighborhood Section 2 Phase 1 Subdivision, their heirs, successors and assigns, hereby waive any and all objections to said parking restriction or elimination.
- Utility Providers: Buyers of the lots in this subdivision are hereby notified that, at the time of platting, utility service to this subdivision for electric power is provided by Union Rural Electric, telephone service is provided by Frontier Communications or Time Warner, and natural gas is provided by Columbia Gas.

Jerome Village Blanket Restrictions

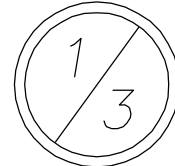
- No individual driveways permitted on: Home Road, Jerome Road, Hyland-Croy Road, Ewing Road, US 42, Seely Road, James Road, Joshua Road, Ravenhill Parkway, Wells Road, Ryan Parkway, Brock Road.
- Driveways for individual lots, whether commercial, residential, or other, shall not be permitted on major or minor collector roads. All driveways shall connect to local roads within a sub area.
- All new local road connections are subject to stopping sight distance and intersection sight distance requirements.
- All restrictions are minimum requirements. If conflict arises between access restrictions and an intersection improvement (i.e., turn lane tapers, roundabout tapers, etc.), the intersection improvement shall govern and access restrictions shall be adjusted accordingly. The County Engineer shall have final say on all relocated access locations.
- If conflict arises between the access restrictions and Union County access management standards, the County Engineer shall determine which standard is to be applied.
- No on-street parking permitted on Hyland-Croy, Jerome, Ryan, Seely, Wells, Brock, Ravenhill, Ewing, Joshua, or Home Road.
- No on-street parking within Eversole Run Neighborhood Section 2 Phase 1
- Open spaces, whether existing or created during platting of a pod, or during development of a commercial, residential, or other type of lot, shall be connected as much as possible to the open space dedicated along Ravenhill Parkway And Hyland-Croy Road. Connections shall be directly adjacent to the open space along Ravenhill Parkway or Hyland-Croy Road, if the open spaces do not have adjacent property lines, connection shall be made through contiguous open space, where possible.
- Future local road locations are subject to approval by the Union County Engineer. Final location and design shall be submitted to and approved by the County Engineer prior to platting of lots, groups of lots, or pods.

Utility Easements (U)

We the undersigned owners of the within platted land, do hereby grant unto the Jerome Village Community Authority, City of Marysville, Ohio Edison, Frontier Communications, Time Warner Cable, Columbia Gas, and their successors and assigns (Hereinafter referred to as grantees) A permanent right-of-way and easement ten (10) feet in width under, over, and through all sublots and all lands owned by the grantor shown hereon and parallel with and contiguous to Kingfisher Place and Quail Ridge Drive and also upon land as depicted hereon to construct, place, operate, maintain, repair, reconstruct or relocate such waterlines, sewer lines, underground electric, gas and communication cable, ducts, conduits, pipes, gas pipe lines, surface or below ground mounted transformers and pedestals, concrete pads and other facilities as deemed necessary or convenient by the grantees for distributing, transporting, and transmitting electricity, gas and communication signals for public and private use at such locations as the grantees may determine upon, within, and across said easement premises. No permanent structures, plantings, etc. shall be permitted in the easement areas. Said easement rights shall include the right, without liability therefore to remove trees and landscaping, including lawns within and without said easement premises which may interfere with the installation and maintenance, right to install, repair, augment, and maintain service cables, and pipe lines outside the above described easement premises or the right of access, ingress and egress to and from any of the within described premises for exercising any of the purposes of this right-of-way and easement grant.

Drainage Easements (D)

We the undersigned owners of the platted land, do here by grant unto Union County and their successors and assigns (hereinafter referred to as grantees), a permanent easement within areas designated Drainage Easement, Utility Easement, and Drainage and Utility Easement +to construct, operate, maintain, repair, reconstruct or relocate drainage facilities such as storm sewers, drainage swales or courses and other facilities as deemed necessary or convenient by the grantees for drainage required for public and private use at such locations as the grantees may determine upon, within, and across said easement premises. No permanent structures, plantings, etc. shall be permitted in the easement areas. Said easement rights shall include the right, without liability therefore to remove trees and landscaping, including lawns or any other structure within said easement premises which may interfere with the installation and maintenance of drainage facilities.



1346 Hemlock Court N.E.
Lancaster, OH 43130
Contact: Brett Adcock
(740) 654-0600 - Lancaster
(614) 837-0800 - Columbus
(740) 455-2200 - Zanesville
(740) 670-0800 - Newark
Fax: (740) 654-0604
www.americanlandsurveyors.com

ALS **AMERICAN LAND SURVEYORS**

Focused on Excellence

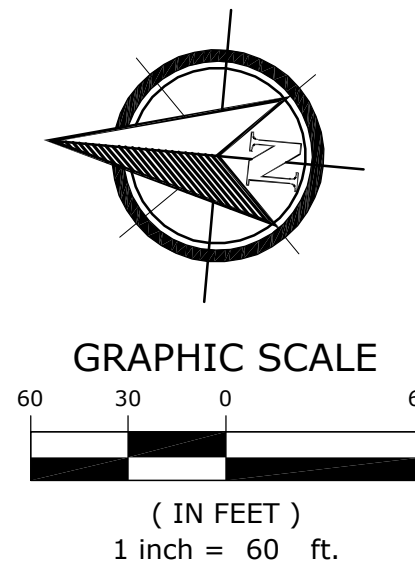
FIELD	DRAFT	CHECK
JBA	JBA	JBA
JOB NO.:	18-001	
DATE:	OCTOBER 17, 2018	
SCALE:	N/A	

BASIS OF BEARINGS:
BEARINGS SHOWN HEREON ARE BASED ON
GPS OBSERVATIONS, BEING THE OHIO STATE
PLANE COORDINATE SYSTEM, NORTH
AMERICAN DATUM OF 1983 (NAD 83)

LEGEND:
● IRON PIN SET - 5/8" X 30" REBAR WITH
PLASTIC CAP INSCRIBED "JON ADCOCK S-8461"
(R) RADIAL LINE

EVERSOLE RUN NEIGHBORHOOD SECTION 2 PHASE 1

SITUATED IN
VIRGINIA MILITARY SURVEY'S No.2991 AND 3005
JEROME TOWNSHIP, UNION COUNTY, OHIO



1346 Hemlock Court N.E.
Lancaster, OH 43130
Contact: Brett Adcock
(740) 654-0600 - Lancaster
(614) 837-0800 - Columbus
(740) 455-2200 - Zanesville
(740) 670-0800 - Newark
Fax: (740) 654-0604
www.americanlandsurveyors.com

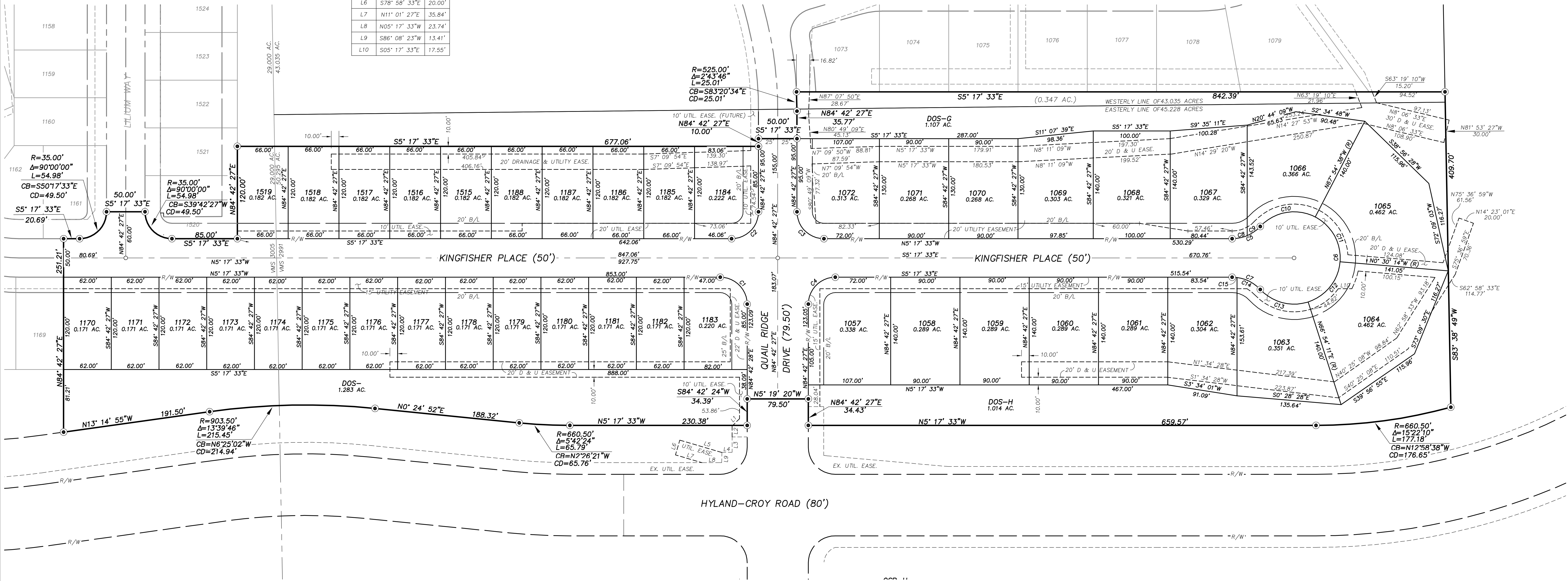
AMERICAN LAND SURVEYORS

Focused on Excellence

FIELD	DRAFT	CHECK
JBA	JBA	JBA
JOB NO.:	18-001	
DATE:	OCTOBER 17, 2018	
SCALE:	1"=60'	

Line Table		
Line #	Direction	Length
L1	S50° 17' 33"E	13.40'
L2	N84° 42' 27"W	14.14'
L3	S84° 42' 27"W	20.00'
L4	N05° 17' 33"W	13.28'
L5	S11° 01' 27"W	57.05'
L6	S78° 58' 33"E	20.00'
L7	N11° 01' 27"E	35.84'
L8	N05° 17' 33"W	23.74'
L9	S86° 08' 23"W	13.41'
L10	S05° 17' 33"E	17.55'

SITUATED IN
VIRGINIA MILITARY SURVEY'S No.2991 AND 3005
JEROME TOWNSHIP, UNION COUNTY, OHIO



LEGEND:

● IRON PIN SET - 5/8" X 30" REBAR WITH
PLASTIC CAP INSCRIBED "JON ADCOCK S-8461"

(R) RADIAL LINE

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FIELD	DRAFT	CHECK
JBA	JBA	JBA
JOB NO.: 18-001		
DATE: OCTOBER 17, 2018		
SCALE: 1"=60'		



**County Engineer
Environmental Engineer
Building Department**

233 W. Sixth Street
Marysville, Ohio 43040
P 937. 645. 3018
F 937. 645. 3161
www.co.union.oh.us/engineer

Marysville Operations Facility

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

Richwood Outpost

190 Beatty Avenue
Richwood, Ohio 43344

Public Service with integrity

October 31, 2018

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

Re: Eversole Run Neighborhood Section 2, Phase 1
Final Plat Review

Brad,

We have completed our review for the above final plat, received by our office on October 26, 2018. The construction drawings have been approved by our office. Construction work has commenced on site, but has not been completed. As such, we have requested and received a performance bond for the cost of the outstanding public improvements, which is currently under review. In addition, we have the following technical comments from our review of this plat:

- Sheet 3 – List the source documentation of all existing easements shown on the plat.
- Several drainage and utility easements extend beyond the proposed boundary line into property controlled by Jerome Village Community Authority (south of lots 1064 and 1065). Please provide a signatory line for their representative on the plat.
- Please see attached for specific technical markups from our office.

Based on the minor nature of the above comments, we are confident that they can be addressed and approved prior to next week's Zoning and Subdivision Committee and Executive Committee meetings. However, at this time we recommend denial of the plat in its current form. Should we receive a revised version of the plat addressing the referenced comments as well as obtain bond approval from the Commissioners prior to next week's meetings, we reserve the right to change our recommendation. We will keep you updated on this plat's status as we get updated information.

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

Bill Narducci

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

Enc: Plat markups from Union County Engineer

Cc: Mary Kirk, Union County Engineer's Office (via email)

LEGEND:

① IRON PIN SET - 5/8" X 30" REBAR WITH
PLASTIC CAP INSCRIBED "JON ADCOCK S-8461"

(R) RADIAL LINE

SITUATED IN
VIRGINIA MILITARY SURVEY'S No.2991 AND 3005
JEROME TOWNSHIP, UNION COUNTY, OHIO



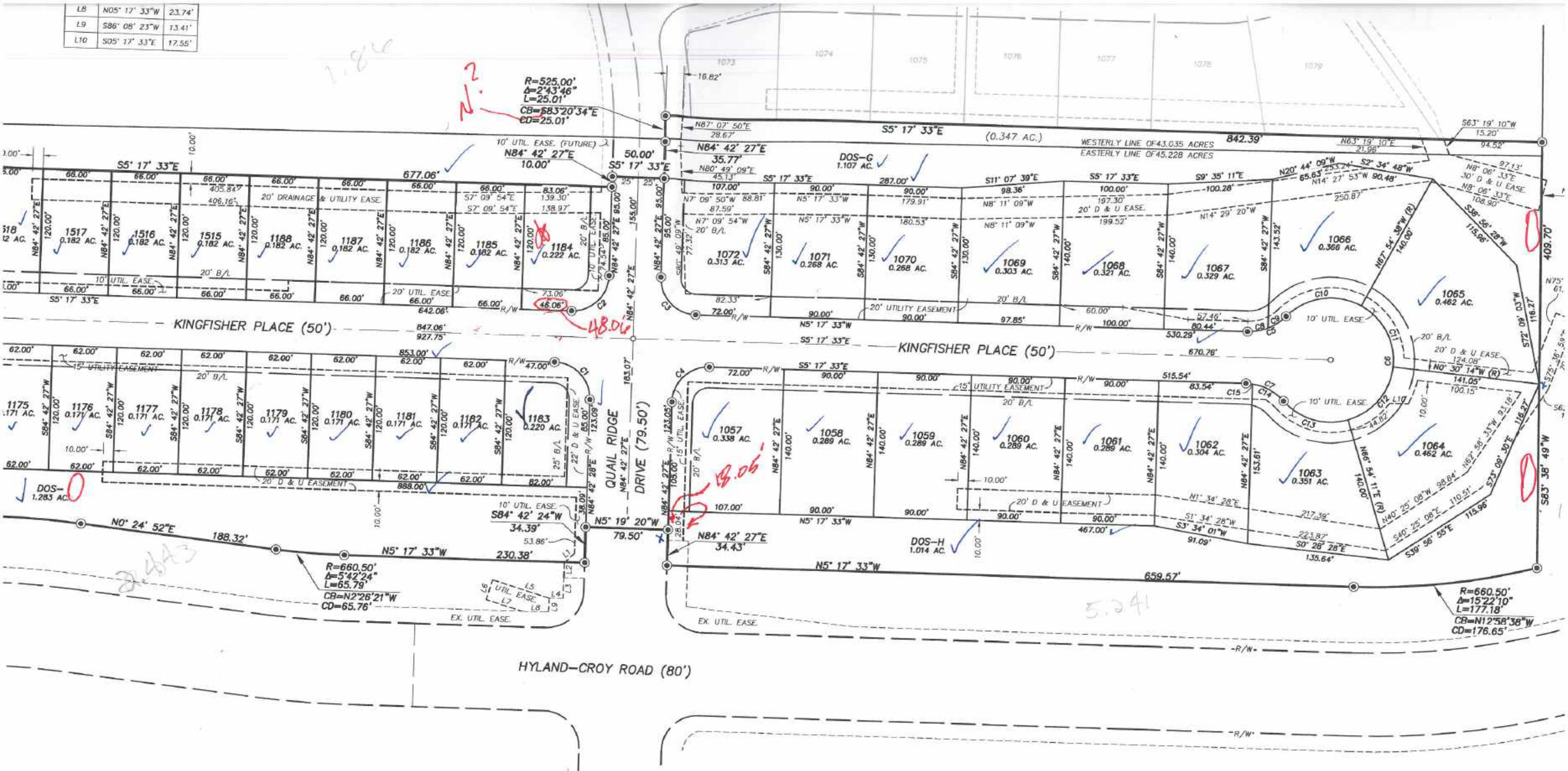
1346 Hemlock Court W.E.
Lancaster, OH 43130
Contact: Brett Adcock
(740) 654-0800 - Lancaster
(614) 632-0302 - Columbus
(740) 455-2203 - Zanesville
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Fax: (740) 654-0004
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FIELD	DRAFT	CHECK
JBA	JBA	JBA
JOB NO.:	18-001	
DATE:	OCTOBER 17, 2018	
SCALE:	1"=60'	

L8	N05° 17' 33"W	23.74'
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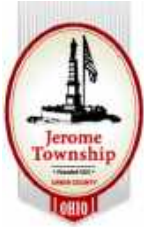
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ALS

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FILE
JOB
JOB NO.



Jerome Township
Union County, Ohio

9777 Industrial Parkway
Plain City, Ohio 43064
Office (614) 873-4480
Fax (614) 873-8664

Jerome Township Zoning Office

October 29, 2018

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

RE.: Jerome Village, Eversole Run Neighborhood Section 2 (ERN-2) Phase 1 – Final Plat

Dear Brad,

I have reviewed the Final Plat for Phase 1 of Jerome Village Eversole Run Neighborhood Section 2 (ERN-2) as sent to our office on October 22, 2018. Upon review, the Final Plat as filed seems to comply with the layout of the proposed lots of the modified final Development Plan as approved by the Zoning Commission for this section. Our review is limited solely to the issues relating to compliance with the approved zoning, such as the proposed lot count, lot sizes, setbacks, open space percentages, etc. and does not cover technical related issues such as traffic, access, or site engineering. As such the zoning office has no major concerns with the Final Plat as filed. Please feel free to contact me at your convenience with any questions you may have regarding this review or the pending Final Plat Approval.

Based upon this review our office has **no objections** regarding the plat and would raise no issues in regards to its pending approval.

If you have any questions or comments in regards to this matter please feel free to contact me at your earliest convenience.

Respectfully,

Mark Spagnuolo
Jerome Township Zoning Officer



Engineering, Planning and Zoning
City Hall, 209 South Main Street
Marysville, Ohio 43040-1641
(937) 645-7350
FAX (937) 645-7351
www.marysvilleohio.org

November 1, 2018

Bradley J. Bodenmiller
LUC Regional Planning Commission
9676 East Foundry
East Liberty, OH 43319

**Subject: Eversole Run Neighborhood, Section 2 Phase 1
Final Plat Review – Comment Letter #1**

The City of Marysville has reviewed the Final Plat for the Eversole Run Neighborhood, Section 2 Phase 1 and recommends approving the Final Plat without any comments.

Please contact us if you need additional clarification or wish to discuss these comments further.

Sincerely,

Kyle Hoyng, P.E.
Assistant City Engineer

cc. Jeremy Hoyt, P.E. (City of Marysville)
Mike Andrako, P.E. (City of Marysville)
Scott Sheppeard (City of Marysville)



Staff Report – Glacier Park Neighborhood Section 11

Applicant:	Jerome Village Company, LLC c/o Gary Nuss 375 North Front Street, Suite 200 Columbus, OH 43215 nussg@nationwide.com Terrain Evolution, Inc. c/o Justin Wollenberg PE 720 East Broad Street, Suite 203 Columbus, OH 43215 jwollenberg@terrinevolution.com
Request:	Approval of the Glacier Pointe, Section 1 – Preliminary Plat.
Location:	Located between Brock Road and Ryan Parkway in Jerome Township, Union County.

Staff Analysis:	<p>This Preliminary Plat involves 39.428 acres of land and 54 single-family residential lots.</p> <p>Acreages:</p> <ul style="list-style-type: none">○ 5.764 acres of right-of-way (0.353 ac existing + 1.389 ac county + 4.022 ac township)○ 16.031 acres of single-family residential lots○ 17.633 acres of open space <p>Proposed utilities:</p> <ul style="list-style-type: none">○ City of Marysville public water system○ Jerome Village collection and City of Marysville public sanitary waste treatment <p>• Union County Engineer's Office</p> <ul style="list-style-type: none">○ The Union County Engineer's Office submitted comments in a letter dated 10-31-18. The Engineer's Office recommended approval subject to conditions. Some of those comments are listed below and summarized for reference. (Please refer to letter for all comments.)1. A TIS has been submitted for this, and several other proposed development pods not accounted for in the Jerome Village Master TIS dated February 2007. At a minimum, an eastbound left turn lane will be required on Brock Road to access
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Staff Report – Glacier Park Neighborhood Section 11

	<p>Fox Hill Court. Further improvements or contributions towards improvements may be required pending the result of the TIS review.</p> <ol style="list-style-type: none">2. A variance request to the Technical Design Standards for maximum cul-de-sac length is currently under review by our office.3. The light duty pavement composition shown on Sheet 2 is less than the minimum allowed per our Technical Design Standards. The minimum pavement composition shall be used unless further pavement analysis information is provided.4. All stormwater infrastructure and drainage easements will be reviewed in more detail during the final construction drawing review process.5. Detail all flood routing swales, including 100 year water surface elevations, ensuring at least 1' of freeboard between the 100 year water surface and the finished grade elevations of all building structures.6. Provide a stormwater management report for review. <p>• Union County Soil & Water Conservation District</p> <ul style="list-style-type: none">○ No comments received as of 10-31-18. <p>• Union County Health Department</p> <ul style="list-style-type: none">○ No comments received as of 10-31-18. Standard comments from the Health Department are below:<ol style="list-style-type: none">1. "All efforts should be made to provide a point of connection (via easements and/or services lines) to both water and sewer to any adjacent home, business, or any other facility that is serviced by a private water system (PWS) and or sewage treatment system (STS)."2. "Any home, business, or other structure that is currently being serviced by a private STS and ends up being situated within 200' of a sanitary sewer easement, shall be brought to the attention of the Union County Health Department."3. "If at any time during development of the subdivision a PWS (well, cistern, etc.) or STS is found, our office shall be immediately contacted for inspection. Proper permitting must be
--	--



Staff Report – Glacier Park Neighborhood Section 11

	<p>obtained for sealing and or abandonment of a PWS and STS."</p> <ul style="list-style-type: none">• City of Marysville<ul style="list-style-type: none">○ The City of Marysville submitted comments in a letter dated 11-01-18.<ol style="list-style-type: none">1. For redundancy purposes, please provide a waterline "loop" connection within DOS-A between Fir Court and Fox Hill Court.• Jerome Township<ul style="list-style-type: none">○ Jerome Township submitted comments in a letter dated 10-29-2018. The Township had no objections regarding the plat and raised no issues regarding its pending approval. While this layout was not included in the Zoning Plan application, it was presented at the public hearing for the Zoning Plan as an alternate option. The Final Development Plan will be presented to the Zoning Commission on 11-26-18.• ODOT District 6<ul style="list-style-type: none">○ No comments received as of 10-31-18.• Union Rural Electric<ul style="list-style-type: none">○ URE submitted comments in a letter dated 10-31-18. <u>Some</u> of those comments are listed below and summarized for reference. (Please refer to letter for all comments.)<ol style="list-style-type: none">1. URE requires electric easements platted and shown on the Final Plat. URE needs to work with developer to complete UREC electrical facility layout. Continuous electric facilities are required. Do not place over building setbacks.2. URE reminded applicant of its minimum requirements. The minimum easement width requirement is 10' if adjacent to additional 10'+ easements or right-of-way; otherwise, it is 20'.3. URE requires conduits installed under stream between lots 15 and 16.4. URE will need to relocate existing overhead line along Brock Road for new road. URE riser poles will be located north of Brock Road.
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Staff Report – Glacier Park Neighborhood Section 11

	<ul style="list-style-type: none">• LUC Regional Planning Commission<ol style="list-style-type: none">1. Sheets 3, 4, 5: It looks like the curve table is turned-off. Verify/Add dimensions (§313, 12.; §313, 15.; §313, 16.).2. Sheet 3: Verify/Add dimensions if missing around OSR-Z and Ryan Parkway (§313, 12. & 16.).3. Label easements and widths. Easements for water and sewer must be a minimum for 20' and 10' for other utilities (§313, 12.; §414).4. A letter from Jerome Township certifying that the Final Plat conforms with the Township's zoning is required before any approval of the Final Plat may be granted (§401; §412, 1.; §413, 2.).5. All bonds, surety, letters of credit, etc. shall be approved by the County Commissioners before any approval of the Final Plat may be granted (§326).
Staff Recommendations:	Staff recommends APPROVAL of Glacier Park Neighborhood, Section 11 – Preliminary Plat with the condition that all comments/modifications from LUC and reviewing agencies shall be incorporated into the Construction Drawings and Final Plat. The developer shall ensure that prior to Final Plat submittal, all requirements and items outlined in the Union County Subdivision Regulations are incorporated in the Final Plat prior to submittal.
Z&S Committee Recommendations:	



Logan-Union-Champaign regional planning commission

Director: Dave Gulden, AICP

Application for Preliminary Plat Approval

Date: _____

Name of Subdivision: _____

Location: _____

Township: _____ Military Survey: _____

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

Have **ALL** Sketch Plan review letters been obtained? _____ (Engineer, SWCD, Board of Health)

Name of Applicant: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Name of Owner of property to be subdivided: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Name of Applicant's Surveyor or Engineer: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Proposed Acreage to be Subdivided: _____

Current Zoning Classification: _____

Proposed Zoning Changes: _____

Proposed Land Use: _____

Development Characteristics

Number of proposed lots: _____ Typical lot width (feet): _____

Number of proposed units: _____ Typical lot area (sq. ft.): _____

Single Family Units: _____ Multi-Family Units: _____

Acreage to be devoted to recreation, parks or open space: _____

9676 E. Foundry St, PO Box 219

East Liberty, Ohio 43319

• Phone: 937-666-3431 • Fax: 937-666-6203

• Email: luc-rpc@lucplanning.com • Web: www.lucplanning.com



Logan-Union-Champaign regional planning commission

Director: Dave Gulden, AICP

Recreation facilities to be provided: _____

Do you propose deed restrictions? (If yes, attach a copy): Yes ____ No ____

1. Proposed method of Supplying Water Service: _____

2. Proposed method of Sanitary Waste Disposal: _____
(If on-site disposal systems are proposed, please attach letter certifying the County Board of Health approval)

3. Requests for Variances from Subdivision Regs: _____
(If yes, please explain variances and reason for variances)

List all proposed improvements and utilities and state your intention to install or provide a guarantee prior to final plat approval:

	Improvement	Installation	Guarantee
a.	_____	_____	_____
b.	_____	_____	_____
c.	_____	_____	_____
d.	_____	_____	_____
e.	_____	_____	_____

For Official Use

Date filed: _____ Filing Fee: _____

Date of Meeting of Planning Commission: _____

Action by Planning Commission: _____

If rejected, reason(s) for: _____



Preliminary Plat Review Checklist

#	Required Item Description	Have	Need
1	Drawn at a scale not less than 1:100 and shall be on one or more sheets 24" X 36"		
2	Proposed name of the subdivision, which shall not duplicate or closely approximate the name of any other subdivision in the county.		
3	Location by section, range, and township or Virginia Military Survey (VMS).		
4	Names, addresses and telephone numbers of the owner, subdivider, and professional surveyor or professional engineer who prepared the plat; and the name, address and telephone number of the professional surveyor who performed the boundary survey.		
5	Date of survey.		
6	Scale of the plat, north point, and date.		
7	Boundaries of the subdivision and its acreage.		
8	Names of adjacent subdivisions, owners of record of adjoining parcels of unsubdivided land, and the location of their boundary lines.		
9	Locations, widths, and names of existing streets, railroad rights-of-way, easements, parks, permanent buildings, and corporation and township lines; location of wooded areas and other significant natural features; soil types and soil type limits; limits of Flood Hazard zones.		
10	Zoning classification of the tract and adjoining properties.		
11	Existing contours (USGS datum) at an interval of not greater than two feet if the slope of the ground is fifteen percent or less; and not greater than five feet where the slope is more than fifteen percent.		
12	Existing sewers, water and gas mains, culverts and other underground structures, and electric and telephone poles and lines and other above ground structures within and adjacent to the tract.		
13	Layout, names and widths of proposed streets and easements.		
14	Building setback lines with dimensions.		
15	Layout and dimensions of all proposed water and sewer lines, showing their connections with the existing systems, and all proposed easements for utility, water and sewer lines.		
16	Layout, numbers and approximate dimensions of each lot. When lots are located on a curve or when side lot lines are not at ninety degree angles, the width at the building line shall be shown, if it is less than the frontage width. Location of access from lots to the proposed streets shall be shown.		
17	Parcels of land to be reserved for public use or to be reserved by covenant for residents of the subdivision.		



Logan-Union-Champaign regional planning commission

Director: Dave Gulden, AICP

18	The limits of all Flood Hazard Areas (zone A, AE, B, and X) as determined by the Federal Emergency Management Agency (show the FEMA map number and date). The Base Flood Elevation shall be determined and shown. Minimum first floor elevations shall be shown for all lots located within Flood Hazard Areas.		
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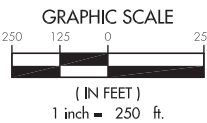
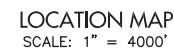
Supplementary Information			
19	Statement of proposed use of lots, giving the type and number of dwelling units; and type of business or industry if use is not residential.		
20	Description of proposed covenants and restrictions.		
21	Description of proposed zoning changes.		
22	Typical sections and tentative profiles of streets and other related improvements as required in Article 5. Calculations as required to justify horizontal and vertical curves, pipe sizes, etc. The County Engineer shall have approved the layout and design of the lots, streets and other improvements prior to the Preliminary Plat approval.		
23	A preliminary drainage plan which shall identify adequate drainage outlets and shall contain adequate measures for control of erosion and siltation and for surface water management in accordance with Article 5 and the Technical Design Standards. The County Soil and Water Conservation District shall have approved the preliminary drainage plan prior to Preliminary Plat approval.		
24	If the subdivider proposes individual household sewage systems, the County Board of Health or the OEPA shall have approved the use of individual household sewage systems prior to the Preliminary Plat approval. N/A		
25	If the subdivider proposes individual household wells, the subdivider shall supply evidence acceptable to the County Board of Health of the availability of satisfactory water. The County Board of Health or the OEPA shall have approved the use of individual household wells prior to the Preliminary Plat approval. N/A		
26	Letters from utility companies, as required, indicates approval of easement locations and widths prior to the Preliminary Plat approval.		
27	A vicinity map at scale of generally not more than six thousand feet to an inch shall be shown on, or shall accompany, the Preliminary Plat. This map shall show all existing subdivisions, roads, and tract lines, together with the names of the owners of land immediately adjoining the proposed subdivision and between it and the nearest existing thoroughfares. It shall also show the most advantageous connections between the roads in the proposed subdivision and those of the neighboring areas.		
28	Preliminary Plat Fees: Payment/Check made out to LUC Regional Planning Commission, based on the current fee schedule.		

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

• Phone: 937-666-3431 • Fax: 937-666-6203
• Email: luc-rpc@lucplanning.com • Web: www.lucplanning.com

VIRGINIA MILITARY SURVEY (VMS) 5261
JEROME TOWNSHIP, UNION COUNTY, OHIO

DESCRIPTION	EXISTING PARCEL ID NUMBER	BOUNDARY SURVEY DATE
ROYCE	1700120140000	6/14/2018
RIEPENHOFF	1700110120000	2/01/2018

[illegible]

720 East Broad Street | Suite 203 | Columbus, OH 43215

GLACIER PARK NEIGHBORHOOD
SECTION 11

COVER SHEET

DRAWING SET STATUS:

☒ PRELIMINARY ENGINEERING SET

☐ AGENCY REVIEW SET

☐ CONSTRUCTION DOCUMENT SET

☐ AS-BUILT DOCUMENT SET

DESIGN	DRAFT	CHECK
DGR	DGR	JPW

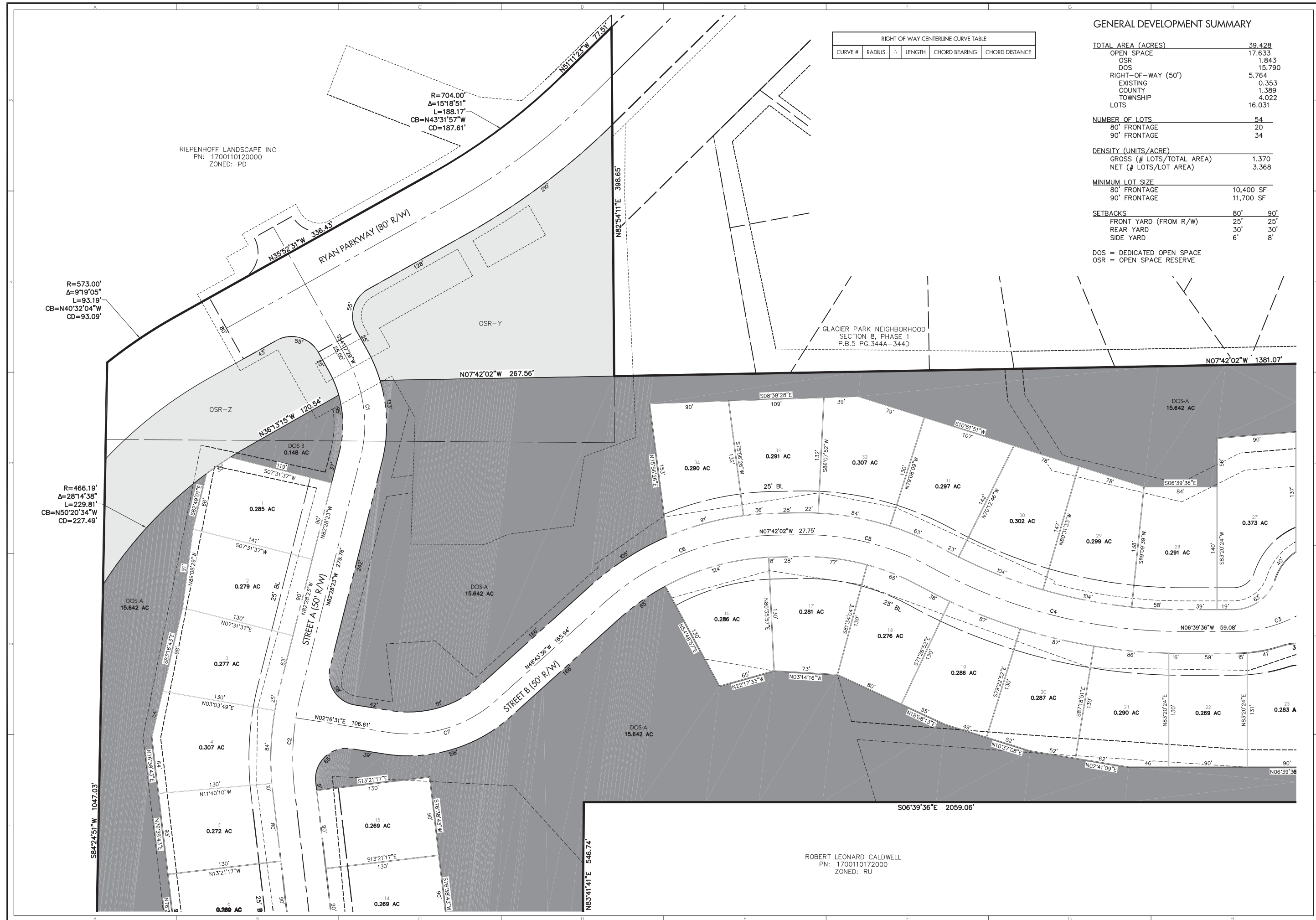
PROJECT NO.:	18-015
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DATE: OCTOBER, 2018

SCALE:

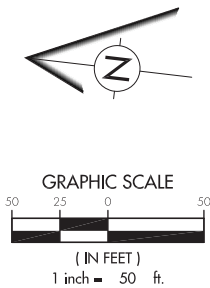
HORIZONTAL:	1" =
VERTICAL:	N/A


SHEET NO.: 1 / 16



RIGHT-OF-WAY CENTERLINE CURVE TABLE					
CURVE #	RADIUS	Δ	LENGTH	CHORD BEARING	CHORD DISTANCE

GENERAL DEVELOPMENT SUMMARY			
<u>TOTAL AREA (ACRES)</u>		<u>39.428</u>	
OPEN SPACE		17.633	
OSR		1.843	
DOS		15.790	
<u>RIGHT-OF-WAY (50')</u>		<u>5.764</u>	
EXISTING		0.353	
COUNTY		1.389	
TOWNSHIP		4.022	
LOTS		16.031	
<u>NUMBER OF LOTS</u>		<u>54</u>	
80' FRONTAGE		20	
90' FRONTAGE		34	
<u>DENSITY (UNITS/ACRE)</u>		<u></u>	
GROSS (# LOTS/TOTAL AREA)		1.370	
NET (# LOTS/LOT AREA)		3.368	
<u>MINIMUM LOT SIZE</u>		<u></u>	
80' FRONTAGE		10,400 SF	
90' FRONTAGE		11,700 SF	
<u>SETBACKS</u>		<u>80'</u>	<u>90'</u>
FRONT YARD (FROM R/W)		25'	25'
REAR YARD		30'	30'
SIDE YARD		6'	8'
DOS = DEDICATED OPEN SPACE			
OSR = OPEN SPACE RESERVE			

[illegible]

 **TerrainEvolution**

Your bridge between Vision and Success

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P: 614.383.1090 | F: 614.383.1085 | E: info@terrain-evolution.com

JEROME TOWNSHIP, UNION COUNTY, OHIO

JEROME VILLAGE

GLACIER PARK NEIGHBORHOOD
SECTION 11

PRELIMINARY PLAT

RAWING SET STATUS:

☒ PRELIMINARY ENGINEERING SET
☐ AGENCY REVIEW SET
☐ CONSTRUCTION DOCUMENT SET
☐ AS-BUILT DOCUMENT SET

DESIGN	DRAFT	CHECK
DGR	DGR	JFW

PROJECT NO.: 18-015

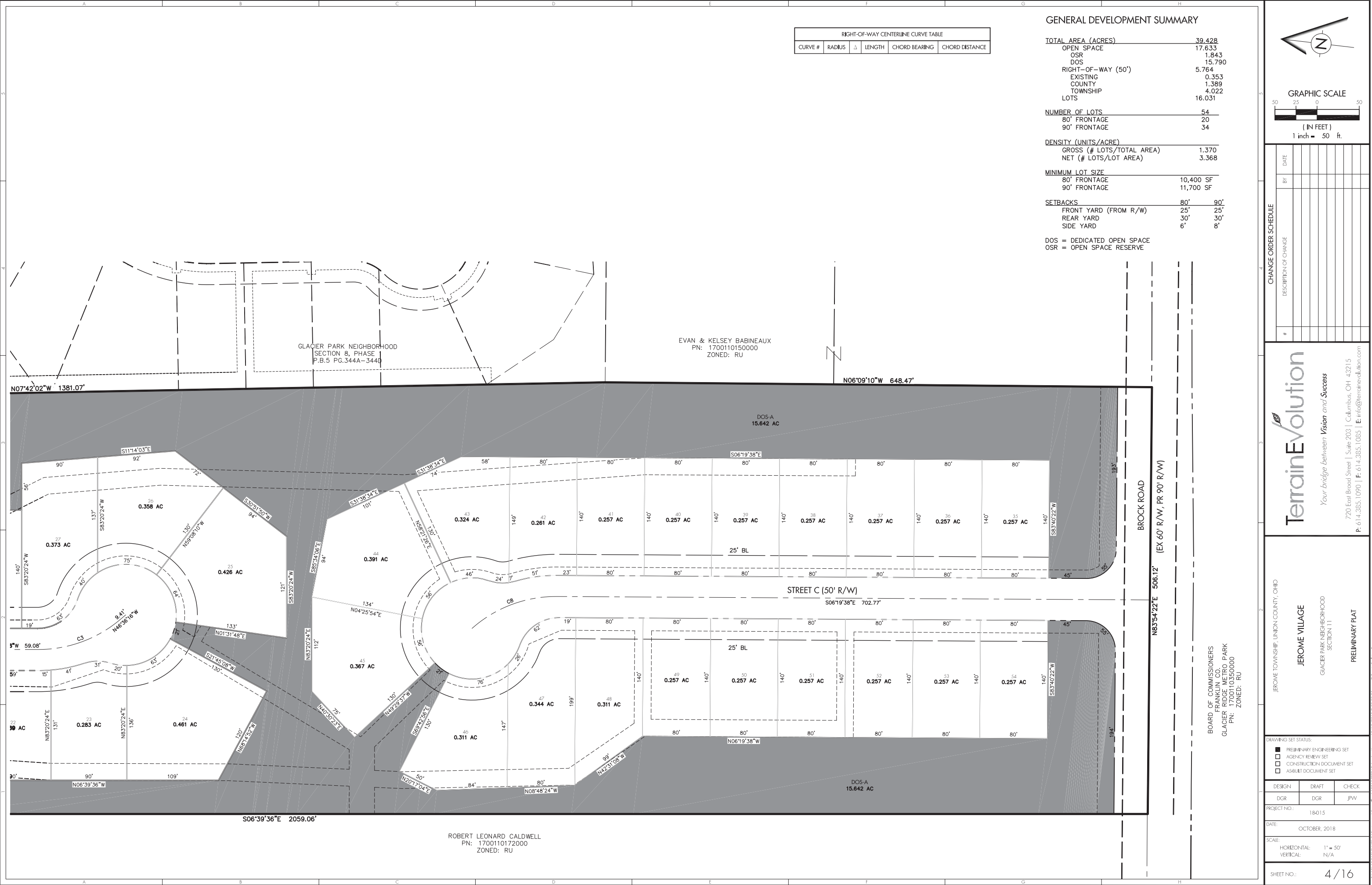
DATE: OCTOBER, 2018

SCALE:

HORIZONTAL: 1" = 50'

VERTICAL: N/A

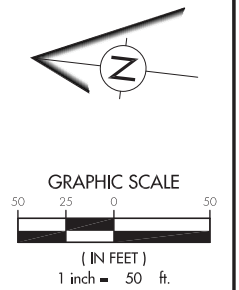
SHEET NO.: 3/16



RIGHT-OF-WAY CENTERLINE CURVE TABLE				
CURVE #	RADIUS	Δ	LENGTH	CHORD BEARING
CHORD DISTANCE				

GENERAL DEVELOPMENT SUMMARY

TOTAL AREA (ACRES)	39.428
OPEN SPACE	17.633
OSR	1.843
DOS	15.790
RIGHT-OF-WAY (50')	5.764
EXISTING COUNTY TOWNSHIP LOTS	0.353 1.389 4.022 16.031
NUMBER OF LOTS	54
80' FRONTAGE	20
90' FRONTAGE	34
DENSITY (UNITS/ACRE)	
GROSS (# LOTS/TOTAL AREA)	1.370
NET (# LOTS/LOT AREA)	3.368
MINIMUM LOT SIZE	
80' FRONTAGE	10,400 SF
90' FRONTAGE	11,700 SF
SETBACKS	80' 90'
FRONT YARD (FROM R/W)	25' 25'
REAR YARD	30' 30'
SIDE YARD	6' 8'
DOS = DEDICATED OPEN SPACE	
OSR = OPEN SPACE RESERVE	



CHANGE ORDER SCHEDULE											
#	DESCRIPTION OF CHANGE	BY		DATE							



Your bridge between *Vision* and *Success*

720 East Broad Street | Suite 203 | Columbus, OH 43215
P: 614.385.1090 | F: 614.385.1085 | E: info@terrainevolution.com

JEROME VILLAGE

GLACIER PARK NEIGHBORHOOD
SECTION 11

PRELIMINARY PLAT

BOARD OF COMMISSIONERS
FRANKLIN CO.
GLACIER RIDGE METRO PARK
PN: 1700110350000
ZONED: RU

DRAWING SET STATUS:

- ☒ PRELIMINARY ENGINEERING SET
- ☐ AGENCY REVIEW SET
- ☐ CONSTRUCTION DOCUMENT SET
- ☐ AS-BUILT DOCUMENT SET

DESIGN	DRAFT	CHECK
DGR	DGR	JPW

PROJECT NO.: 18-015

DATE: OCTOBER, 2018

SCALE:
HORIZONTAL: 1" = 50'
VERTICAL: N/A

SHEET NO.: 4/16

1700110350000.dwg (1700110350000.dwg) 10/12/2018 10:03:22 pm - 01 TerrainEvolution, Inc.



WILL MONTFORDS
PN: 1700110100000
ZONED: RU

ROBERT LEONARD CALDWELL
PN: 1700110172000
ZONED: RU

DOS = DEDICATED OPEN SPACE
OSR = OPEN SPACE RESERVE

(IN FEET)
1 inch = 50 ft.

720 East Broad Street | Suite 203 | Columbus, OH 43215
P: 614.385.1090 | F: 614.385.1085 | E: info@terrairevolution.com

JEROME TOWNSHIP, UNION COUNTY, OHIO

JEROME VILLAGE

GLACIER PARK NEIGHBORHOOD
SECTION 11

PRELIMINARY PLAT

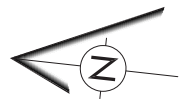
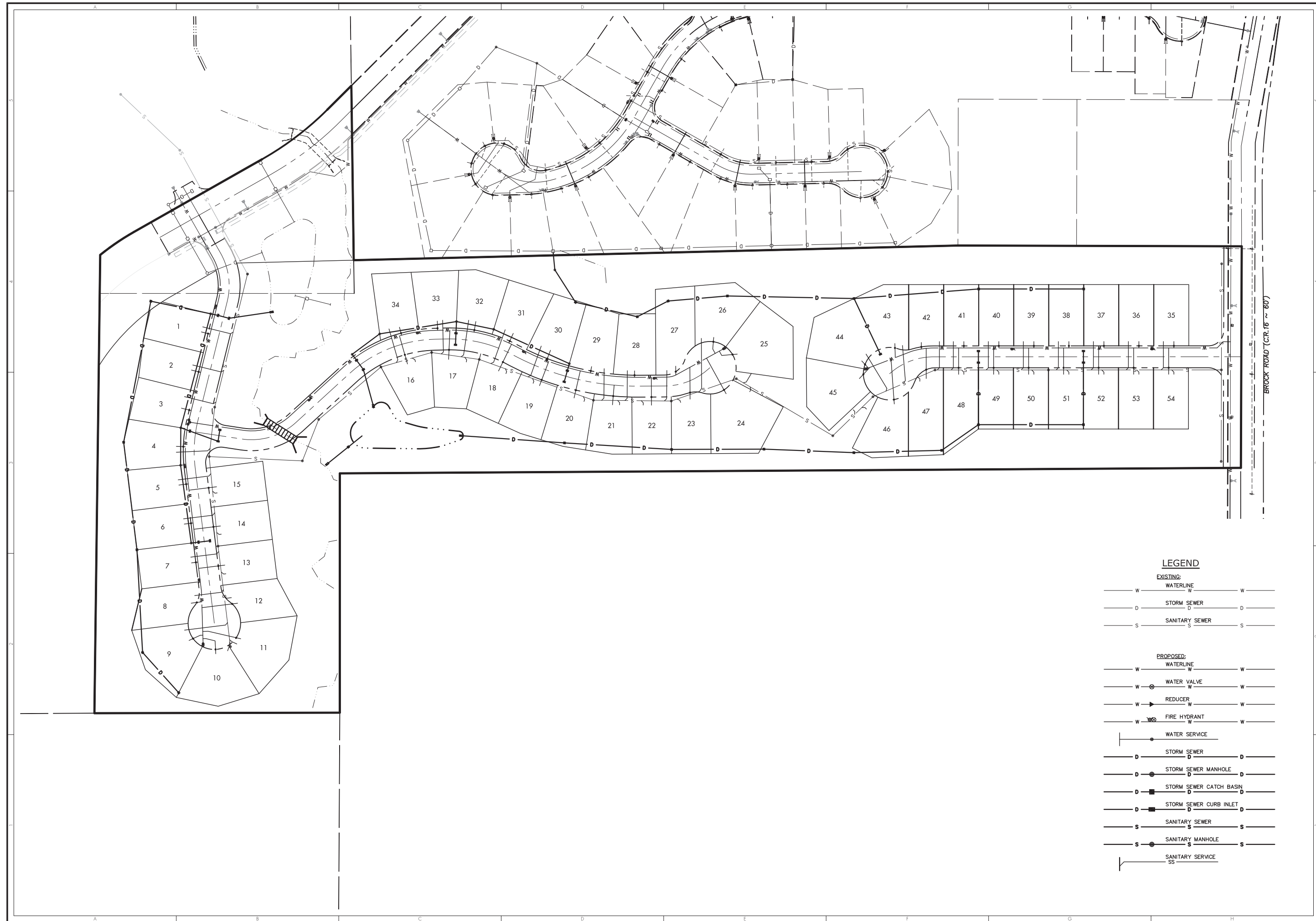
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- ☒ PRELIMINARY ENGINEERING SET
- ☐ AGENCY REVIEW SET
- ☐ CONSTRUCTION DOCUMENT SET
- ☐ AS-BUILT DOCUMENT SET

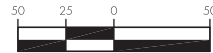
HORIZONTAL: 1° = 50'

SHEET NO.: 5/16

[illegible]



GRAPHIC SCALE



(IN FEET)

1 inch = 50 ft.

[illegible]

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JEROME TOWNSHIP, UNION COUNTY, OHIO

JEROME VILLAGE

GLACIER PARK NEIGHBORHOOD
SECTION 11

COMPOSITE UTILITY PLAN

DRAWING SET STATUS:

- ☒ PRELIMINARY ENGINEERING SET
- ☐ AGENCY REVIEW SET
- ☐ CONSTRUCTION DOCUMENT SET
- ☐ AS-BUILT DOCUMENT SET

DESIGN	DRAFT	CHE
DGR	DGR	JPW

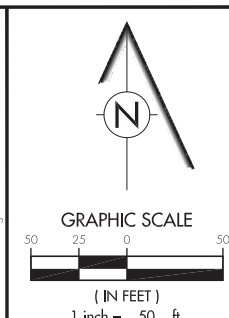
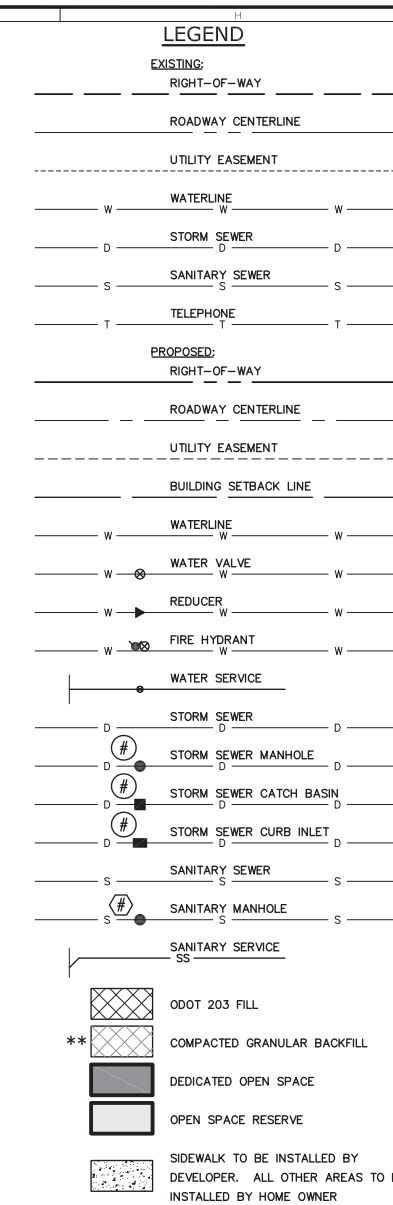
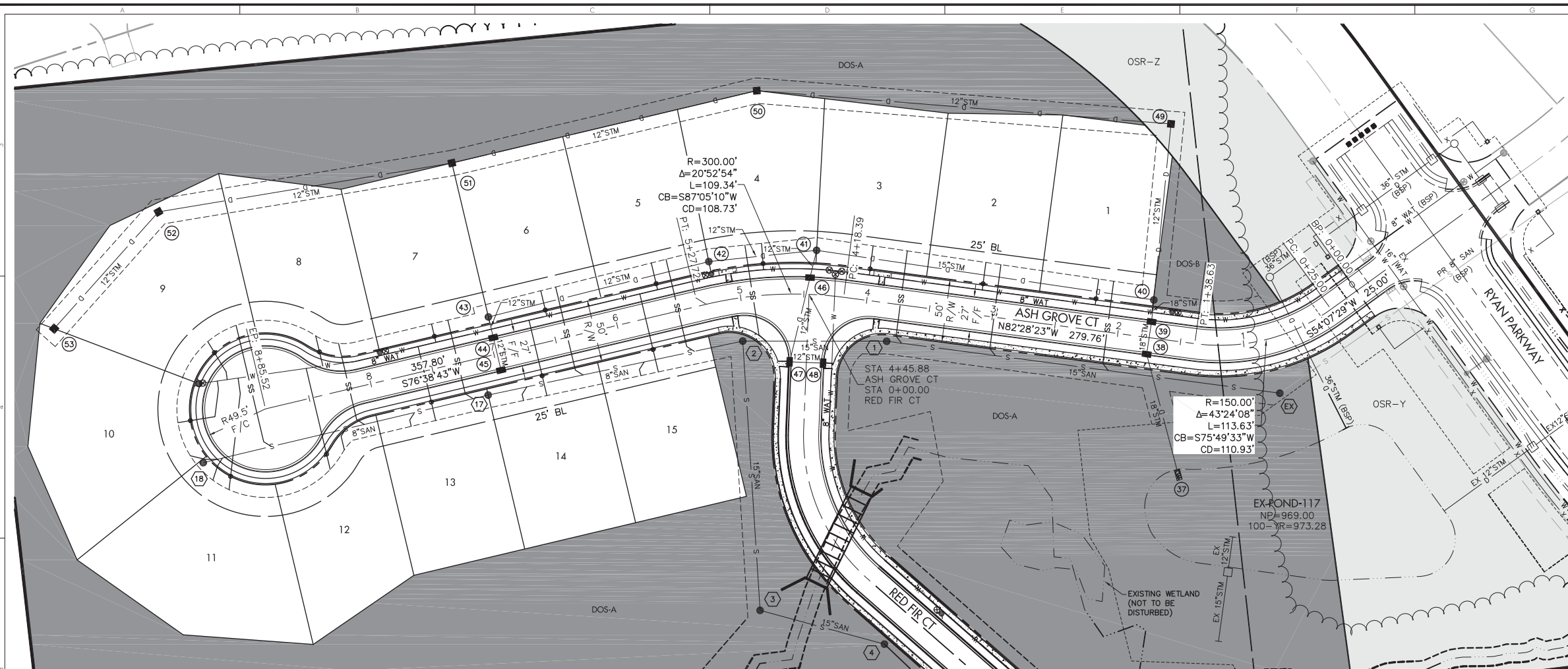
PROJECT NO.:	18-015
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DATE: OCTOBER, 2018

SCALE:
HORIZONTAL: 1" =
VERTICAL: N/A

SHEET NO.: 6 / 16

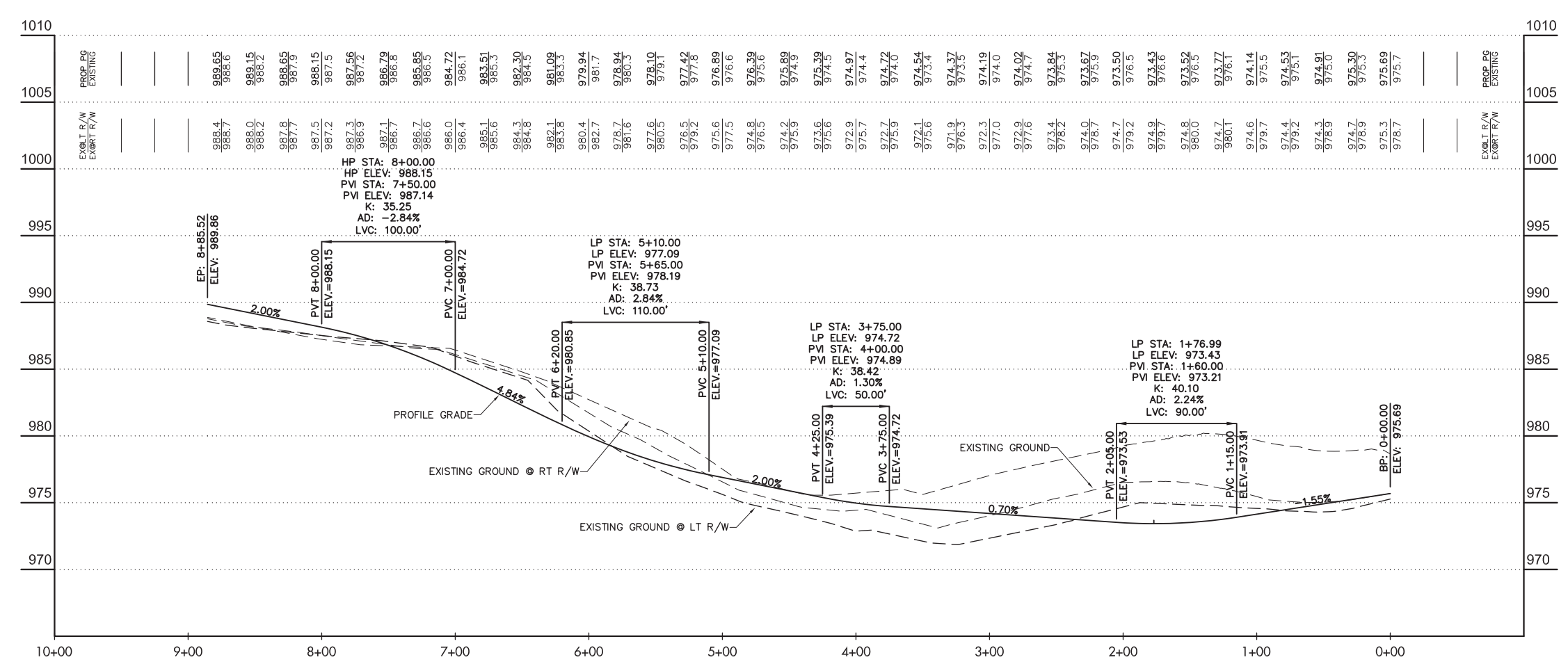
\\8\18015\DWG\04-Engineering\Street Plans\18015\UTILITY.dwg by diane on 10/12/2018 @ 03:30:48 am ~ @ Terrain Evolution, Inc.

[illegible]

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JEROME VILLAGE

GLACIER PARK NEIGHBORHOOD
SECTION 11

JEROME TOWNSHIP, UNION COUNTY, OHIO

PRELIMINARY STREET PLAN & PROFILE
STREET A

DRAWING SET STATUS:

- ☒ PRELIMINARY ENGINEERING SET
- ☐ AGENCY REVIEW SET
- ☐ CONSTRUCTION DOCUMENT SET
- ☐ AS-BUILT DOCUMENT SET

DESIGN	DRAFT	CHECK
DGR	DGR	JPW

PROJECT NO.: 18-015

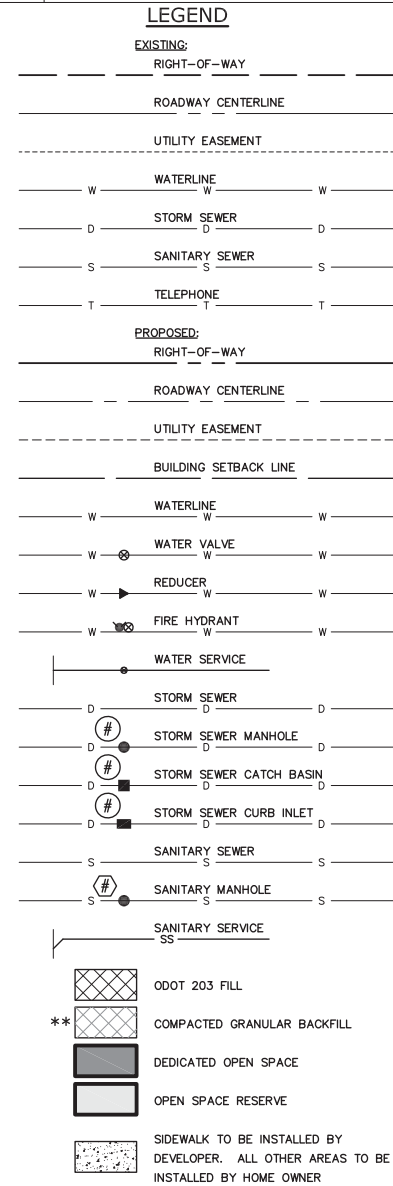
DATE: OCTOBER, 2018

SCALE:

HORIZONTAL:	1" = 50'
VERTICAL:	1" = 5'

SHEET NO.:

7/16



EXISTING;

RIGHT-OF-WAY

ROADWAY CENTERLINE

UTILITY EASEMENT

SOILS BOUNDARY PER-USDA

TREE LINE

The diagram illustrates a cross-section of a road and its surrounding areas. At the top, a horizontal line is labeled 'EXISTING;'. Below this, a dashed line represents the 'RIGHT-OF-WAY'. The center of the road is marked by a solid line labeled 'ROADWAY CENTERLINE'. Below the centerline, a dashed line indicates the 'UTILITY EASEMENT'. Further down, a solid line represents the 'SOILS BOUNDARY PER-USDA'. At the bottom, a series of wavy lines represent the 'TREE LINE'.

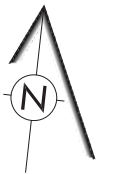
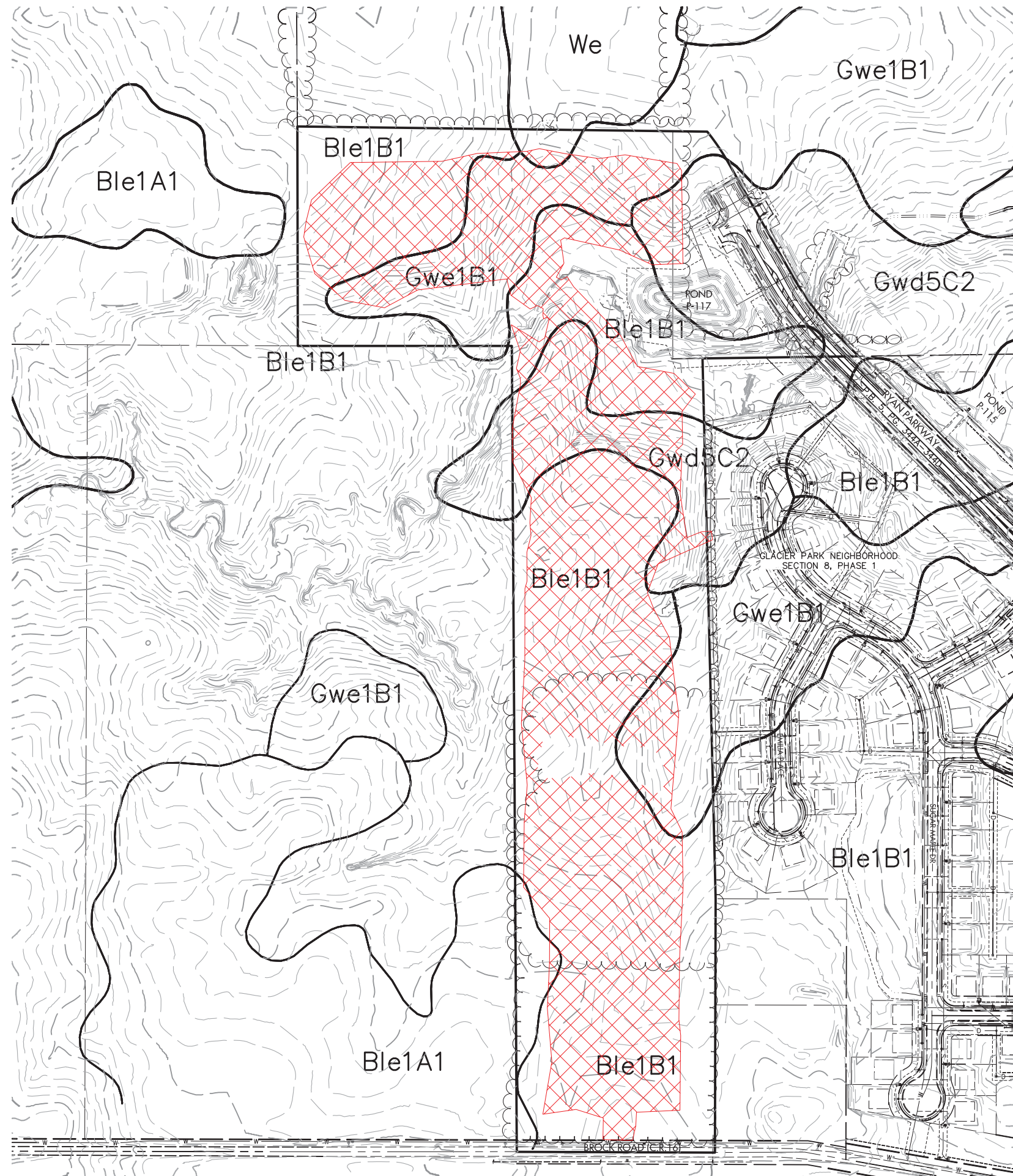
WETLANDS

NOTE:
TOPOGRAPHIC SURVEY PERFORMED BY AMERICAN LAND
SURVEYORS. EXISTING UTILITIES LOCATED OR SHOWN BY
FIELD EVIDENCE, O.U.P.S. FIELD LOCATION/RECORD PLANS.

Ble1A1	BLOUNT SILT LOAM, END MORaine 0 TO 2 PERCENT SLOPES
Ble1B1	BLOUNT SILT LOAM, END MORaine 2 TO 4 PERCENT SLOPES
Gwd5C2	GLYNWOOD CLAY LOAM 6 TO 12 PERCENT SLOPES, ERODED
Gwe1B1	GLYNWOOD SILT LOAM, END MORaine 2 TO 6 PERCENT SLOPES
We	WETZEL SILTY CLAY LOAM



TREES/BRUSH TO BE CLEARED



GRAPHIC SCALE

(IN FEET)
inch = 150 ft.

[illegible]

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JEROME TOWNSHIP, UNION COUNTY, OHIO

JEROME VILLAGE

GLACIER PARK NEIGHBORHOOD
SECTION 11

EXISTING CONDITIONS PLAN

DRAWING SET STATUS:

- ☒ PRELIMINARY ENGINEERING SET
- ☐ AGENCY REVIEW SET
- ☐ CONSTRUCTION DOCUMENT SET
- ☐ AS-BUILT DOCUMENT SET

DESIGN	DRAFT	CHECK
DGR	DGR	JPW

PROJECT NO.:	18-015
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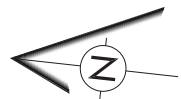
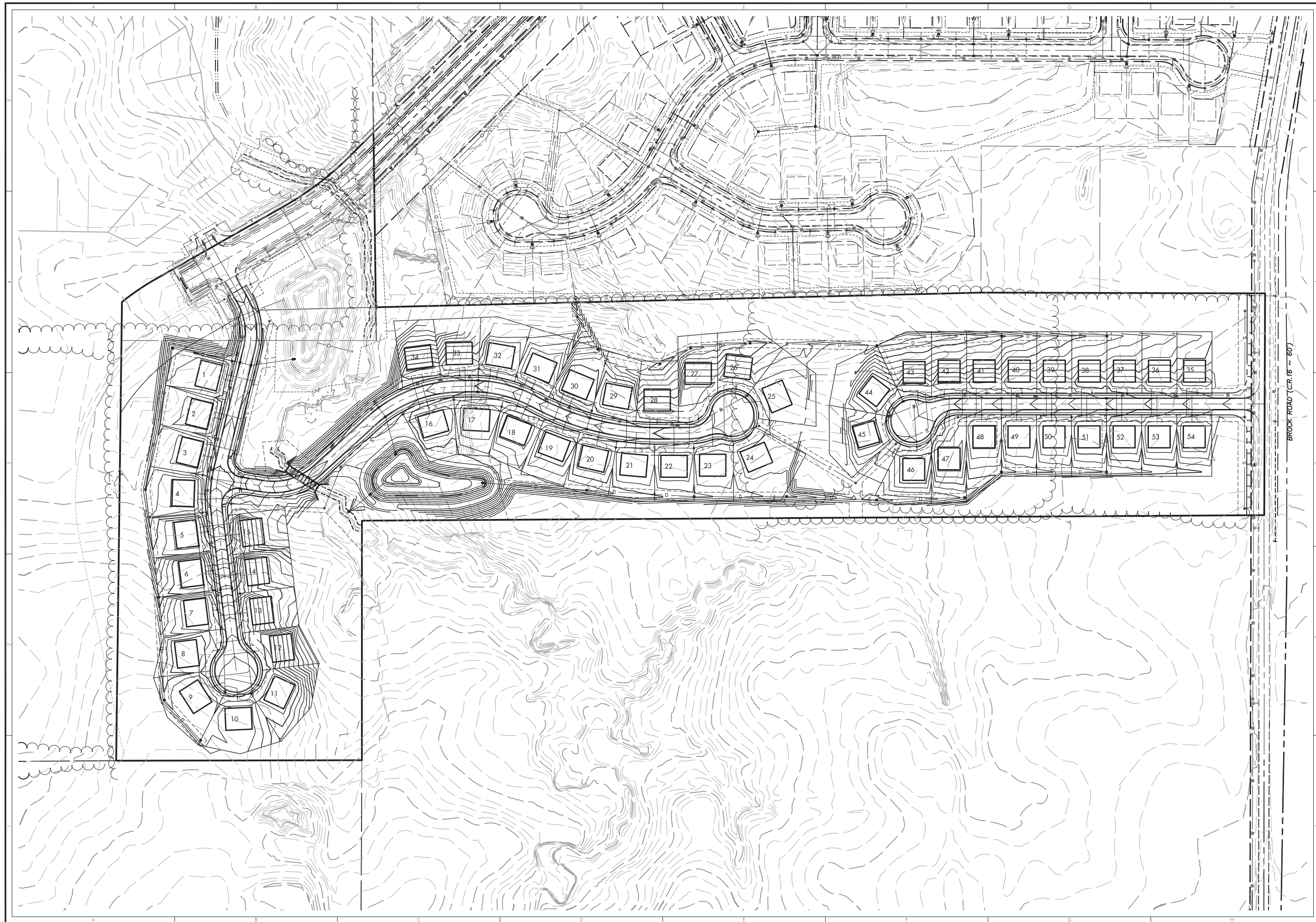
DATE: OCTOBER, 2018

SCALE:

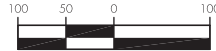
HORIZONTAL:	1" = 150'
VERTICAL:	N/A

SHEET NO.: 11 / 16

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GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

[illegible]

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JEROME TOWNSHIP, UNION COUNTY OHIO

JEROME VILLAGE

GLACIER PARK NEIGHBORHOOD
SECTION 11

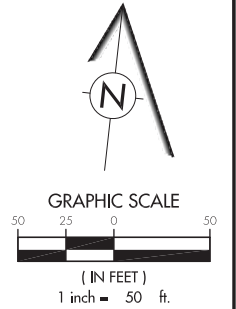
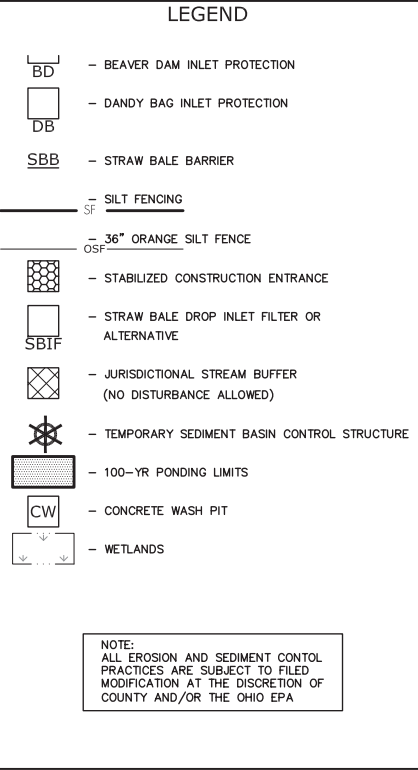
COMPOSITE PRELIMINARY GRADING PLAN


DRAWING SET STATUS:

- ☒ PRELIMINARY ENGINEERING SET
- ☐ AGENCY REVIEW SET
- ☐ CONSTRUCTION DOCUMENT SET
- ☐ AS-BUILT DOCUMENT SET

DESIGN	DRAFT	CHECK
DGR	DGR	JPW
PROJECT NO.: 18-015		
DATE: OCTOBER, 2018		
SCALE:		
HORIZONTAL:		1" = 100'
VERTICAL:		N/A

SHEET NO.: 12/16

[illegible]

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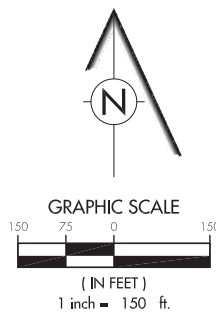
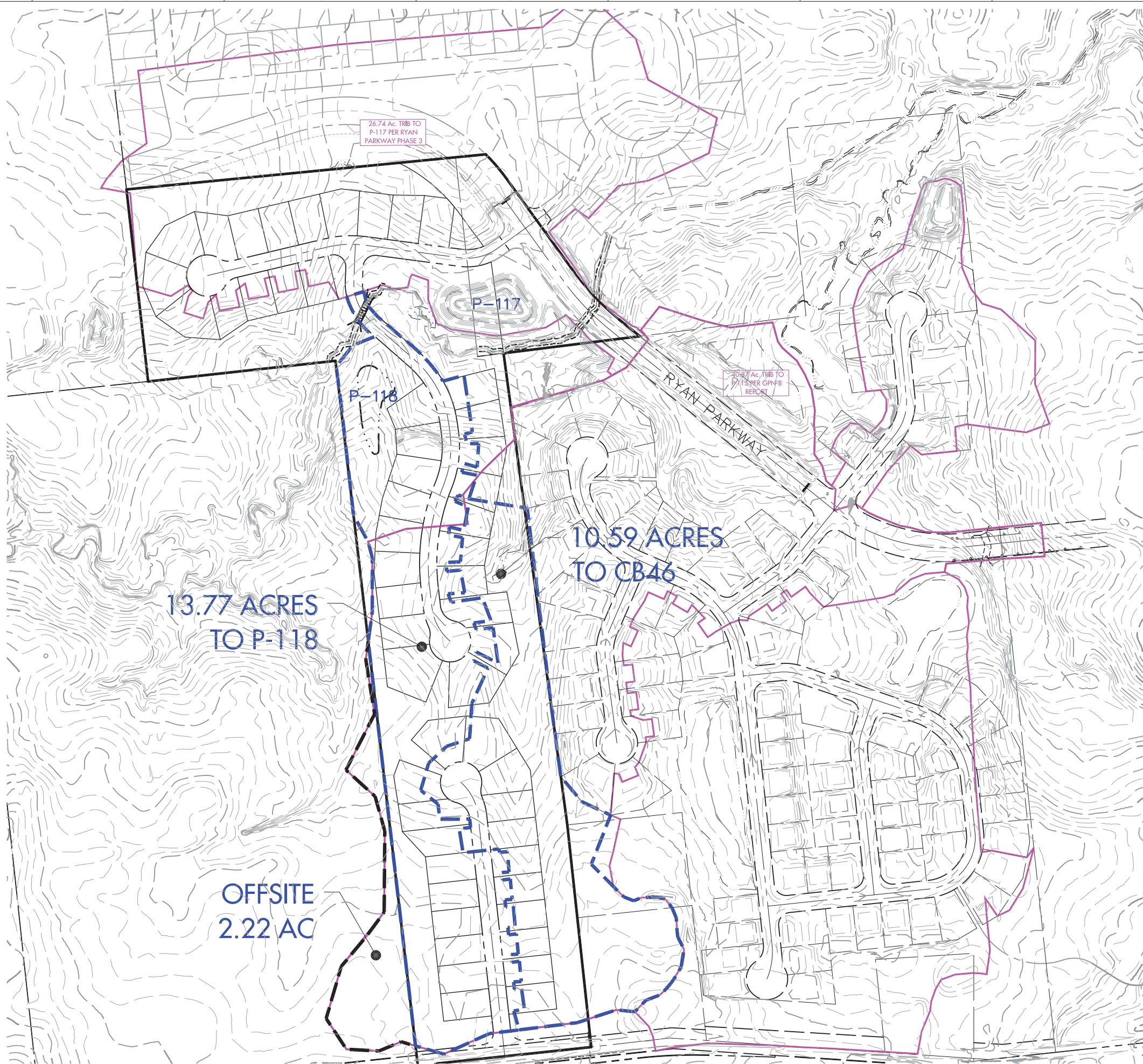
JEROME TOWNSHIP, UNION COUNTY, OHIO

JEROME VILLAGE

GLACIER PARK NEIGHBORHOOD
SECTION 11

**PRELIMINARY GRADING &
EROSION & SEDIMENT CONTROL PLAN**

DRAWING SET STATUS:		
<input type="checkbox"/> PRELIMINARY ENGINEERING SET <input type="checkbox"/> AGENCY REVIEW SET <input type="checkbox"/> CONSTRUCTION DOCUMENT SET <input type="checkbox"/> AS-BUILT DOCUMENT SET		
DESIGN	DRAFT	CHECK
DGR	DGR	JPW
PROJECT NO.: 18-015		
DATE: OCTOBER, 2018		
SCALE:		
HORIZONTAL:	1" = 50'	
VERTICAL:	N/A	
SHEET NO.: 15/16		

[illegible]

TerrainEvolution
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THE TOWNSHIP, UNION COUNTY, OHIO

JEROME VILLAGE

GLACIER PARK NEIGHBORHOOD
SECTION 11

POST DEVELOPMENT

DRAWING SET STATUS:

☒ PRELIMINARY ENGINEERING SET

☐ AGENCY REVIEW SET

☐ CONSTRUCTION DOCUMENT SET

☐ AS-BUILT DOCUMENT SET

DESIGN	DRAFT	CHECK
DGR	DGR	JPW

PROJECT NO.: 18-015

DATE: OCTOBER, 2018

SCALE:
HORIZONTAL: 1" = 150'
VERTICAL: N/A

SHEET NO.: 16/16

October 12, 2018

Mr. Bill Narducci
Assistant County Engineer
Union County Engineer
233 West Sixth Street
Marysville, Ohio 43040

Re: Glacier Park Neighborhood Section 11- Variance #1

Mr. Narducci,

Terrain Evolution on behalf of Jerome Village Company, LLC. is requesting a variance to Union County Engineer's Technical Design Standards, Section 103 Design Standards for Cul-de-Sac Streets, Maximum Length of 10 times average lot frontage. It appears the intent of this standard is to restrict the number of lots on no outlet streets.

We request that the Cul-de-Sac on the South side of the project which is accessed off Brock Road be allowed to be 820' +/- which exceeds the standard by 20' +/- with 80' average lot widths. This road will load 20 single family lots at 80' which in our opinion meets the intent of the Standard.

We request a that the northern north/south Cul-de-Sac in the project with a length of 1280' +/- be allowed. 1280' exceeds the standard by 380' +/- with average frontages of 90' +/- . This roadway is required to cross over a Jurisdictional Stream. 19 Lots begin to be loaded after 476' of no loading. It is our opinion, given the needed stream crossing and sensitivity to environmental features and number lots loading the street, that this variance will equally serve the purpose and intent of the Standard.

Please feel free to contact me regarding these requests or if you have any other questions a (614) 385-1092 or jwollenberg@terrainevolution.com.

Sincerely,



Justin Wollenberg, PE, CPESC
Project Manager

October 17, 2018

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

RE: Glacier Park Neighborhood Section 11 (GPN-11) Preliminary Plat

Mr. Bodenmiller,

Terrain Evolution, as the agent for Jerome Village Company, acknowledges the existence of Wetzel soils within the development area of GPN-11. The soil types are commonly found within areas with poor drainage and/or in drainage courses. In this case, the soils are mostly in a wooded area within Designated Openspace (DOS) which is to remain undeveloped. A portion of the Wetzel Soils encroach on the rear of a few lots. In this case, the development will install storm sewer drainage system to provide adequate drainage to the area developed.

Section 416 of the Union County Subdivision Regulations designates areas with the said soil types as requiring improvements to render the area acceptable for the intended use. The subdivider is aware and acknowledges this requirement. The intended use is for single family residential. Providing adequate drainage system to the area shall remedy any poorly drained areas, thus rendering the area acceptable for the use. A storm sewer system is being designed to convey all surface runoff to stormwater management basins. Any and all subsurface tiles encountered during the construction of the development shall be connected to said storm sewer as to promote an adequate drainage system.

Please feel free to contact me if you have any questions a (614) 385-1092.

Sincerely,



Justin Wollenberg, PE, CPESC
Project Manager

Brad Bodenmiller

From: Brad Bodenmiller
Sent: Thursday, October 18, 2018 4:33 PM
To: 'Justin Wollenberg'
Subject: RE: GPN-11

Justin,

Thanks for passing-along the information. I'll print your email and stick it with the application, and what I drop-off to Bill Narducci (for Mary Kirk).

Bradley J. Bodenmiller
Planner II | LUC Regional Planning Commission
P.O. Box 219 | 10820 State Route 347 | East Liberty, Ohio 43319
P: (937) 666-3431 | www.lucplanning.com

From: Justin Wollenberg <jwollenberg@terrinevolution.com>
Sent: Thursday, October 18, 2018 4:29 PM
To: Brad Bodenmiller <bradbodenmiller@lucplanning.com>
Subject: GPN-11

Brad,
It has come to my attention that the Parcel Number as listed on the application and on my cover sheet is in Error. The Royce number should be 1700110160000 instead of the 1700120140000. Please let me know if you think this error will be an issue.

Sincerely,

Justin Wollenberg, PE, CPESC
Project Manager



720 East Broad Street, Suite 203
Columbus, OH 43215
Main: 614-385-1090 x102
Direct: 614-385-1092
Fax: 614-385-1085
terrinevolution.com



Please consider supporting my ride by clicking [here](#).

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**County Engineer
Environmental Engineer
Building Department**

233 W. Sixth Street
Marysville, Ohio 43040
P 937. 645. 3018
F 937. 645. 3161
www.co.union.oh.us/engineer

Marysville Operations Facility

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

Richwood Outpost

190 Beatty Avenue
Richwood, Ohio 43344

October 31, 2018

Public Service with integrity

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

Re: Glacier Park Neighborhood, Section 11 – Preliminary Plat Review

Brad,

We have completed our review for the above preliminary plat, received by our office on October 26, 2018. We recommend it be approved with the below modifications and recommendations. Items listed below should be addressed in the final construction drawings, or resolved as indicated.

1. A traffic impact study (TIS) has been submitted for this, and several other proposed development pods not accounted for in the Jerome Village Master TIS dated February, 2007. At a minimum, an eastbound left turn lane will be required on Brock Road to access Fox Hill Court. Further improvements or contributions towards improvements may be required pending the result of the TIS review.
2. The variance request to the Technical Design Standards for maximum cul-de-sac length is currently under review by our office.
3. Provide intersection site distance exhibits for access points to Ryan Parkway and Brock Road.
4. The light duty pavement composition shown on sheet 2 is less than the minimum allowed per our Technical Design Standards. The minimum pavement composition in the Technical Design Standards shall be used unless further pavement analysis information is provided.
5. All stormwater infrastructure and drainage easements will be reviewed in more detail during the final construction drawing review process.
6. Detail all flood routing swales, including 100 year water surface elevations, ensuring at least 1' of freeboard between the 100 year water surface and the finished grade elevations of all building structures.
7. Provide a stormwater management report for review.
8. Provide detailed construction drawings to private utility providers.

In accordance with the Subdivision Regulations of Union County, additional information is required from the developer prior to final plat approvals, including but not limited to final construction documents. It is the responsibility of the developer to become familiar with the regulations and file requisite information within the time frames outlined in the regulations. Should you have any questions or concerns, feel free to contact me at (937) 645-3165.



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



MEMO

October 29, 2018

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

RE.: Jerome Village, Glacier Park Neighborhood Section 11 (GPN-11) – Preliminary Plat

Dear Brad,

I have reviewed the Preliminary Plat of Jerome Village Glacier Park Neighborhood Section 11 (GPN-11) as sent to our office on October 22, 2018. Upon review, the Preliminary Plat as filed appears to comply with the intended development of the proposed zoning plan filed with the Township on April 23, 2018. The final Development Plan for GPN-11 was filed with the Township on October 22, 2018 and will be presented to the Zoning Commission on November 26, 2018. The layout of the Preliminary Plat looks very similar to that of the layout of the zoning plan that was presented to the Zoning Commission. While, this layout was not included in the Zoning Plan application filed by the developer, it was presented at the public hearing for the zoning plan as an alternate option.

As always, my review is limited solely to the issues relating to compliance with the approved zoning, such as the proposed lot count, lot sizes, setbacks, open space percentages, etc. and does not cover technical related issues such as traffic, access, or site engineering. As such the zoning office has no major concerns with the Preliminary Plat as filed. Please feel free to contact me at your convenience with any questions you may have regarding this review or the pending Preliminary Plat Approval.

Based upon this review our office has **no objections** regarding the preliminary plat and would raise no issues in regards to its pending approval.

Respectfully,

Mark Spagnuolo
Jerome Township Zoning Officer



Engineering, Planning and Zoning
City Hall, 209 South Main Street
Marysville, Ohio 43040-1641
(937) 645-7350
FAX (937) 645-7351
www.marysvilleohio.org

November 1, 2018

Bradley J. Bodenmiller
LUC Regional Planning Commission
9676 East Foundry
East Liberty, OH 43319

**Subject: Glacier Park Neighborhood, Section 11
Preliminary Plat Review – Comment Letter #1**

The City of Marysville has reviewed the Preliminary Plat for Glacier Park Neighborhood, Section 11 and have the following comment(s):

For redundancy purposes, please provide a waterline “loop” connection within the dedicated open space “A” between Red Fir Court and Fox Hill Court.

Please contact us if you need additional clarification or wish to discuss these comments further.


Sincerely,

Kyle Hoyng, P.E.
Assistant City Engineer

cc. Jeremy Hoyt, P.E. (City of Marysville)
Mike Andrako, P.E. (City of Marysville)
Scott Sheppeard (City of Marysville)



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October 31, 2018

Bradley Bodenmiller
LUC Regional Planning Commission
9676 E. Foundry St.
East Liberty, OH 43319

RE: UREC comments for Glacier Park Neighborhood, Section 11 – Preliminary Plat

Brad,

Noted comments per paper drawings received 10/22/18. Drawing set of 16 sheets issued Preliminary Plat for Glacier Park Neighborhood, Section 11, Dated September 2018:

- 1) Sheet 1 of 16 – Cover Sheet
 - a) Number of Lots: 54
 - b) Connecting to Ryan Parkway and Brock Road.
 - c) Developer requested rear lot electrical service to all homes.
- 2) Sheet 2 of 16 – Street Profiles
 - d) URE easement requirements are 10 FT when adjacent to another easement, drawing only shows 5 FT.
- 3) Sheet 3 of 16
 - a) 20 lots have 80 FT of frontage
 - b) 34 lots have 90 FT of frontage
 - c) Front Setback: 25 FT from edge of R/W for an 80 FT lot and a 90 FT lot
 - d) Rear Setback: 30 FT from edge of R/W for an 80 FT lot and a 90 FT lot
 - e) Side Setback: 6 FT for an 80 FT lot
 - f) Side Setback: 8 FT for a 90 FT lot
 - g) URE easement requirements are 20 feet for underground primary and secondary facilities. Actual location of electrical facilities on lots can be located within a 10 feet easement if adjacent property has additional easements or right of way for ingress and egress totaling a minimum of 20 feet.
 - h) URE will require conduits to be installed under the stream between lots 15 and 16.
- 4) Sheet 4 of 16
 - i) URE requires 20 feet electric easement onto development along Brock Road.
 - j) URE will need to relocate the existing overhead line along Brock Road for new Road ROW.
 - k) URE riser poles will be located North of Brock Road.
- 5) Sheet 5 of 16
 - l) URE easement requirements are 20 feet for underground primary and secondary facilities. Actual location of electrical facilities on lots can be located within a 10 feet

- easement if adjacent property has additional easements or right of way for ingress and egress totaling a minimum of 20 feet.
- m) Typically, phone and or cable or fiber will go joint use with URE trenching.
- 6) Sheet 6 of 16
- n) URE easement requirements are 20 feet for underground primary and secondary facilities. Actual location of electrical facilities on lots can be located within a 10 feet easement if adjacent property has additional easements or right of way for ingress and egress totaling a minimum of 20 feet.
- o) All easement areas must be continuous for electric facilities.
- p) Typically, phone and or cable or fiber will go joint use with URE trenching.
- 7) Sheet 7 of 16
- a) URE easement requirements are 20 feet for underground primary and secondary facilities. Actual location of electrical facilities on lots can be located within a 10 feet easement if adjacent property has additional easements or right of way for ingress and egress totaling a minimum of 20 feet.
- b) URE will require conduits to be installed under the stream between lots 15 and 16.
- c) Will need to show electric easements.
- 8) Sheet 8 of 16
- d) Will need to show electric easements.
- 9) Sheet 9 of 16
- e) Will need to show electric easements.
- 10) Sheet 10 of 16
- f) Will need to show electric easements.
- 11) Sheet 11 - 16 of 16
- g) No comments

General comments:

Development must comply with URE's Terms and Conditions for Supplying Electric Service.

Electric easement must be platted and shown on final plat plans.

Do not put easement area over building setbacks, adjacent to is acceptable.

Utility Easement for URE electric facilities could possibly be joint use for phone, cable or other private communication entities (fiber).

Street crossing and adjacent property paths to be determined when facilities layout is completed.

Still need to work with developer to complete UREC electrical facility layout.

Request updated drawings ASAP for facilities layout.

Regards,

Matt Zarnosky

COO / VP Engineering

Union Rural Electric Cooperative, Inc.

PO Box 393

15461 US Route 36

Marysville, Ohio 43040

Direct: (937) 645-9246



Logan-Union-Champaign
regional planning commission
Staff Report – Allen Township Zoning Amendment

Jurisdiction:	Allen Township Zoning Commission c/o Charlotte Blumenschein, Chairman 16945 Allen Center Road Marysville, OH 43040 (937) 642-9551
Request:	<p>The Zoning Commission initiated a zoning amendment to rezone 320.76 acres, which involves several parcels. The proposal would rezone all this acreage from Professional Services District (B-1) and Light Manufacturing District (M-1) to Heavy Retail/Wholesale District (B-3).</p> <p>Parcel(s) involved:</p> <ul style="list-style-type: none">• Several parcels (See application legal descriptions) <p>Acreage proposed to be rezoned:</p> <ul style="list-style-type: none">• 320.76 <p>Existing use:</p> <ul style="list-style-type: none">• “Agriculture/Business/Dwellings” <p>Proposed use:</p> <ul style="list-style-type: none">• Any B-3 District use
Location:	The parcels involved are on the south side of US Hwy 33. The largest proportion of acreage is adjacent to US Hwy 33, but some parcels front State Route 287, State Route 739, or Smokey Road.
Staff Analysis:	<p>Allen Township Comprehensive Plan.</p> <p>The Township Comprehensive Plan (2004) guides future growth and development for 20+/- years. The Plan involved a 15 member steering committee, a community survey, and a community focus group. According to the document, “the plan reflects the community’s values and provides a resource to the various zoning bodies and elected officials as they make future land use decisions” (Twp Plan, pp. 1.1).</p> <p>The Plan provides policies for how to decide rezonings (Twp Plan, pp. 1.1). When considering rezonings, Township officials can consult the public comments in the Plan, the check list on pp. 4.1, and the guiding principles on pp. 4.8.</p> <p>The steering committee identified how it wanted the Township to look in ten years. The committee wanted to see good quality residential, preservation of prime farmland,</p>



Logan-Union-Champaign regional planning commission Staff Report – Allen Township Zoning Amendment

small commercial in established areas, well-managed traffic, businesses along Northwest Parkway, a regional approach to development, and updates to the Plan (Twp Plan, pp. 1.5-1.6).

At the community meeting, attendees were split into nine groups of approximately nine persons each (Twp Plan, pp. 1.7). Questions asked of attendees were based on a survey administered by the Zoning Commission (Twp Plan, pp. 5.5).

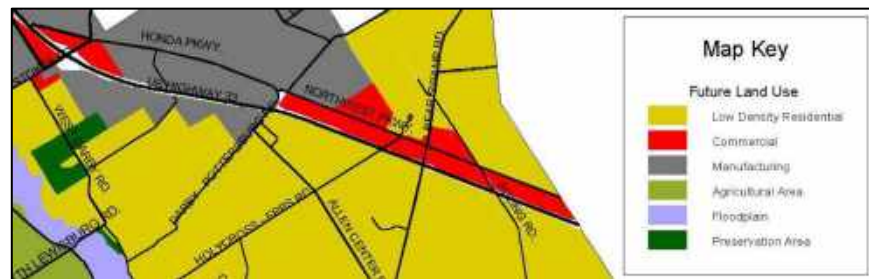
- Because 81% of survey respondents stated the country atmosphere is what they most liked about living the Township, attendees were asked to define the elements of a rural atmosphere. Responses included themes about large lots, natural open spaces, preventing development, low density and high quality residential, and seclusion (Twp Plan, pp. 1.7-1.8).
- Because 26% of survey respondents cited traffic as what they liked least about living in the Township, attendees were asked to identify major traffic issues facing the Township. Responses included themes about traffic volume, traffic speed, township road conditions, Honda traffic, too many driveways, and the need for infrastructure improvements before development occurs (Twp Plan, pp. 1.9-1.10).
- Because development and expansion were cited as something citizens least liked about living in the Township, attendees were asked what type of development and expansion issues faced the Township. Responses included larger frontage and lot sizes, population density as an issue, lack of planning for drainage and other infrastructure, preserving undeveloped areas, best use of land probably housing, controlled growth, controlled growth through use of an actual comprehensive plan, utilities as a big issue, and density changes associated if utilities come to the area (Twp Plan, pp. 1.11-1.13).
- Attendees were asked to identify types of development most compatible with their vision for the future. Responses included quality residential development, avoiding development on poor ground, no commercial growth except on Northwest Parkway, encourage office type businesses for tax reasons, well planned developments with their own roads off main routes, low density residential, a local convenience store, identify types of businesses to attract and locate them



Logan-Union-Champaign regional planning commission Staff Report – Allen Township Zoning Amendment

where other businesses already exist—Northwest Parkway, small commercial, keep warehousing/light industrial where already concentrated, no shopping centers, no businesses on Allen Center—keep them on Northwest Parkway, and a small market that serves the community (Twp Plan, pp. 1.13-1.14).

With this rezoning proposal in mind, it seems participants would prefer some type of lower intensity commercial to allow a small-scale market along Northwest Parkway. Also, it seems likely participants would favor at least an infrastructure plan prior to any type of large-scale rezoning.



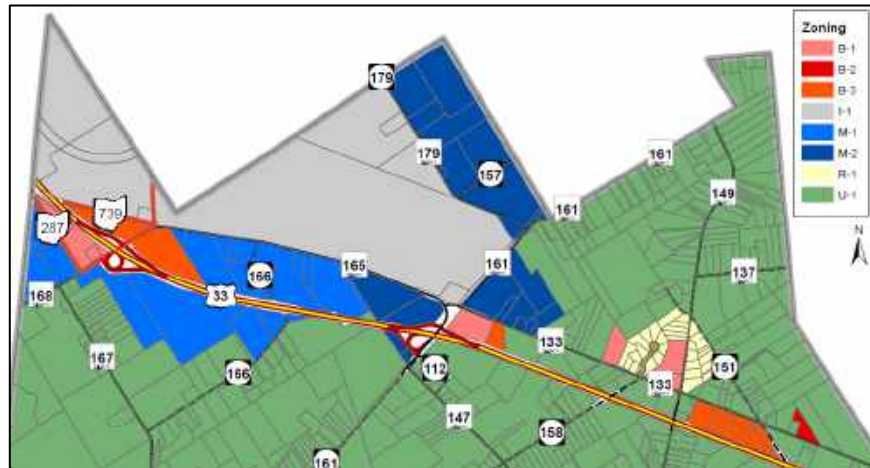
Vicinity Land Uses & Zoning.

Land uses south of US Hwy 33 include manufacturing, agriculture, vacant land, woodlands, and single-family residential dwellings. There are several single-family dwellings south of Stokes Road; most of the houses front W Darby Road/Twp Road 167. Most of the manufacturing on the south side of the Highway is related to nearby automobile manufacturing, manufacturing of such magnitude the footprint spans multiple townships. LUC's 2017 Freight Study noted a high volume of local and regional truck and freight traffic along State Route 287, approximately 940 trucks were observed between 6:00 AM and 6:00 PM.

The zoning districts on each side of US Hwy 33 differ in intensity. South of the Highway, the uses are lighter: Rural District U-1, Professional Services B-1, and Light Manufacturing M-1. Permitted uses might be described as office-oriented and industrial establishments that are quiet and free of objectionable elements, operate within enclosed structures, and generate little traffic (Twp Zoning Resolution, Article II). North of the Highway, the uses are heavier: Heavy Retail/Wholesale District B-3, Light Manufacturing M-1, Special Limited Industrial District I-1. Permitted uses are described as generating medium to heavy traffic volume (Twp Zoning Resolution, Article II).



Logan-Union-Champaign regional planning commission Staff Report – Allen Township Zoning Amendment



Commercial Development Considerations.

Rezoning the property may have unintended consequences. Rezoning does not authorize a single use; it authorizes the variety of uses permitted by the district—auto dealer sales, truck and tractor repair, hotel/motel, body shop, etc. Large-scale commercial development—300+ acres worth—would impact established businesses and residents, likely overburdening existing public facilities.

The County's Economic Development branch did not feel the area involved in this request would support the type of commercial development the B-3 District would allow. This is due to the lack of utilities, the current Township population, the need for a destination (need for a town center), average daily traffic, and regional competition. Many of the B-3 District uses are already nearby: Kroger, Starbucks, Turkey Hill, Marathon, and Tim Hortons are within 8.5 miles/10 minutes. Further east is a large cluster of national retailers and several restaurants.

The site involved in this rezoning lacks natural gas, water, and sewer facilities, and extending these facilities is probably cost prohibitive to many developments (Twp Plan, pp. 2.16). Most of the commercial and industrial uses are located north of US Hwy 33 (Twp Plan, pp. 2.19). If utilities were made available, Northwest Parkway seems a more logical choice. It is marked as commercial on the future land use plan. A general store or small gas station seem more likely to develop on a small parcel with frontage on an existing road.



Logan-Union-Champaign regional planning commission Staff Report – Allen Township Zoning Amendment

Major Further Study Imminent.

The 1970 LUC Regional Plan was developed as a response to the changes brought-on by the spread of automobiles. With the advent of the automobile, demands were no longer served by local stores or meeting houses alone, services in other townships, village, and cities became accessible. The Regional Plan was a policy document about the needs, aspirations, and goals of the regional community. It planned for infrastructure improvements in advance of developments that occurred to and along US Hwy 33; it served as a plan and a tool for decision-makers.

Today, one of the region's key pieces of infrastructure is the 33 Corridor. The interchanges in the Township involve industries critical to the regional, State, and national economy; each job created in these industries is estimated to create additional supporting industry jobs. New infrastructure, a major investment in fiber optic utilities, was recently installed along the Corridor. There have also been announcements and regional efforts toward large-scale autonomous and connected vehicle testing along the Corridor. This capitalizes upon the fact that the largest independent vehicle testing facility and proving grounds in the United States is located adjacent to the Township.



The upcoming US-33 Long Range Corridor Plan is to serve as a unified "game plan" for transportation improvements for ODOT and local governments. It is intended to identify and sort future transportation projects, sorting projects into short, medium, and long-term categories. It is also to include



Logan-Union-Champaign regional planning commission Staff Report – Allen Township Zoning Amendment

	<p>future land use scenarios to assist in identifying future transportation needs/projects. The Plan is to look west of Bellefontaine (Huntsville area) to Dublin (State Route 161).</p> <p>The Plan's scope reads, "While the corridor does not currently experience significant safety, congestion, and reliability concerns on mainline US-33, there are several locations feeding to/from US-33 that do. These locations...will come under increasing pressure as development in the corridor accelerates." This in-depth Corridor Plan could reveal modified interchange layouts, other infrastructure changes, and a land use analysis that can serve as a supplement and update to the Township's Comprehensive Plan.</p>
Staff Recommendations	<p>Staff recommends <i>DENIAL</i> of the proposed zoning amendment because it is contrary to the Township's Comprehensive Plan. It is unclear how the proposal is congruent to the public input, check list, or guiding principles of the Township's Comprehensive Plan. Staff recommends working with regional partners and County agencies to plan for the infrastructure needed prior to any rezoning. Staff recommends waiting for completion of the imminent ODOT plan prior to rezoning activity in this area.</p>
Z&S Committee Recommendations	

To: Logan-Union-Champaign Regional Planning Commission
From: Allen Township Zoning Commission
Date: October 25, 2018
Re: Zoning Parcel Amendment

The Allen Township Zoning Commission will hold a public hearing concerning the application for a zoning parcel amendment to change 14 parcels to Heavy Retail/Wholesale District (B-3) on Tuesday, November 20, 2018, at 7:00 p.m. at the Allen Township Community Building, 16945 Allen Center Road, Marysville, Ohio 43040. Four parcels are currently zoned Professional Services (B-1). The remaining ten parcels are zoned Light Manufacturing (M-1).

The parcels are located on State Route 287, Stokes Road and Smokey Road. The current zoning of Light Manufacturing (M-1) includes light manufacturing and wholesale, warehousing, food processing facilities or industrial establishments. Heavy manufacturing or heavy industrial development is prohibited. The current zoning of Professional Services (B-1) includes professional offices and businesses with low traffic volume. Residential development is prohibited in both districts.

The future use of this area in the long range plan is for commercial development. The Heavy Retail/Wholesale District (B-3) permits this type of development. Professional Services (B-1), which is for professional offices and professional businesses, and Retail Store District (B-2), which is for retail businesses that may require highway orientation, are allowed as conditional uses.

The recommendation will be submitted to the Allen Township Trustees for their action after the conclusion of the hearing.

Allen Township Zoning Commission
Charlotte Blumenschein, Vice Chairman
Allen Township Community Building
16945 Allen Center Road
Marysville, Ohio 43040
(937) 642-9551



Logan-Union-Champaign regional planning commission

Zoning Parcel Amendment Checklist

Date: October 25, 2018 Township: Allen

Amendment Title: Manufacturing to Retail

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

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

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

(legal descriptions)

(More than 10 parcels)

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

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

9676 E. Foundry St, PO Box 219

East Liberty, Ohio 43319

• Phone: 937-666-3431 • Fax: 937-666-6203

• Email: luc-rpc@lucplanning.com • Web: www.lucplanning.com

APPLICATION FOR ZONING AMENDMENT

ALLEN TOWNSHIP, UNION COUNTY, OHIO

Application Number: _____

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

1. Name of Applicant(s): Allen Township Zoning Commission
 Mailing Address: 16945 Allen Center Road, Marysville, Ohio 43040
 Phone: (937) 642-9551
2. Location Description: Section _____ Range _____ Township _____ (See attached sheet.)
 OR Virginia Military Survey Number _____ Lot# _____
 (If not located in a platted subdivision or community attach a legal description)
3. Existing Use: Agriculture / Business / Dwellings
4. Proposed Use: B-3 uses (per Allen Township Zoning Resolution)
5. Present Zoning District/Classification: M-1
6. Proposed Zoning District/Classification: B-3
7. Supporting Information: Attach the following items to the application.
 - a. A vicinity map showing property lines, streets(roads) and existing & proposed zoning.
 - b. A list of all property owners within, contiguous to and directly across the street(road) from the proposed rezoning area, if ten or fewer parcels are proposed for rezoning.

Date: 10/25/2018Applicant's Signature: Charlotte Blumenschein
Zoning Commission

FOR OFFICIAL USE ONLY ZONING COMMISSION

Date Filed: _____ Date of Public Hearing: _____ Date of Notice In Paper: _____

Date of Notice to Property Owners: _____ Fee Paid: _____

Recommendation of Zoning Commission: Approval _____ Denial _____

If Denied, State Reason: _____

Date: _____

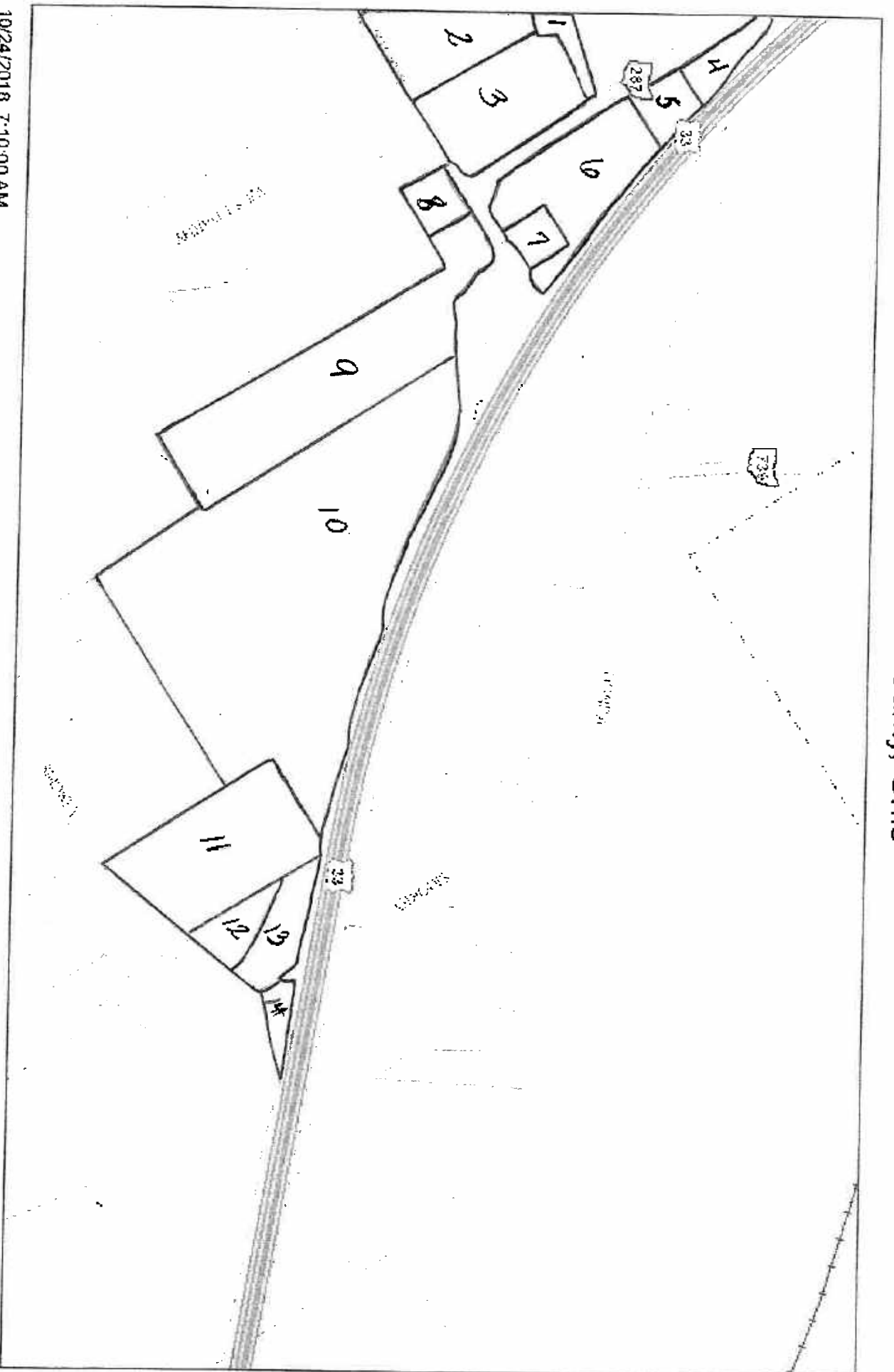
Allen Township Zoning Commission: _____

Chairperson

PROPERTIES PROPOSED FOR ZONING CHANGE TO B-3

Parcel Number	Acres	Current Zoning	Owner	Address
9 03000300300003	48.49 VMS 158	M1 OR 284 PG 327	Monaco Family LLC Agriculture/Vacant	5848 SNCLAIR RD COLUMBUS OH 43228-3292
10 0300030381000	128.93 BK 342	M1 PG 564	Lopes Thomas H Agriculture/Vacant	750 SHRINE RD SPRINGFIELD OH 45504-3932
11 0300030110000	31.08 VMS 158	M1 BK 33 PG 715	Suter Terry F & Shari L Agriculture/Vacant	8279 TRICIA PRICE DR POWELL OH 43065-7281
12 0300030100013	5.00 VMS 158	M1 20170613000	Good Jeffrey S Dwelling	1105 DEBOLT RD PLAIN CITY OH 43054-8635
13 0300030100000	8.07 VMS 158	M1 2017-222001	North Jackson V & Bruno W Dwelling	19117 SMOKEY RD MARYSVILLE OH 43040
14 0300030270010	2.85 VMS 158	M1 20170703000	Tu Jennifer Trustee Agriculture/Vacant	16100 SMOKEY RD MARYSVILLE OH 43040
8 0300030020000	4.48 VMS 158	M1 2018122900	TJ Acquisitions LTD B-3 Variance	PO BOX 4369 SIDNEY OH 45385
7 0300010090000	4.03 (split to) VMS 4833 17-1	B1 OR 789 PG 362	Kim Renner vacant	25554-26564 NORTHWEST PARKWAY MARYSVILLE OH 43040
6 0300010080000	19.30 VMS 4833	B1 OR 864 PG 257	Fed Two Inc Agriculture/Vacant	PO BOX 389 KENTON OH 43328
4 0300010081010	5.00 VMS 4833	B1 OR 504 PG 658	Robinson Investments LTD Light Manufacturing	PO BOX 508 BELLEFONTAINE OH 43311-0508
5 0300010081020	5.01 VMS 4833	B1 OR 811 PG 254	Robinson Investments LTD vacant	PO BOX 508 BELLEFONTAINE OH 43311-0508
3 0300010130000	18.97 VMS 12242	M1 201703230	Trahovich Thomas J & Jodie P SVT-415 Agriculture/Vacant	6121 BEAVER RUN RD PATASKALA OH 43062
1 0300010120000	5.37 VMS 12242	M1 12282	Alexis Wade E BK 42 PG 518 Residential	25753 ST RT 287 EAST LIBERTY OH 43318-0500
2 0300010140000	33.10 VMS 4605	M1 20170323000	Trahovich Thomas J & Jodie P SVT-415 Agriculture/Vacant	25753 ST RT 287 EAST LIBERTY OH 43318-0500

Union County, Ohio



10/24/2018, 7:10:00 AM

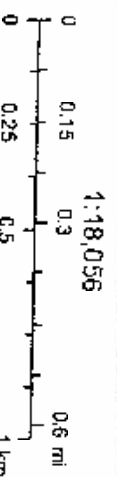
+

Railroad

Municipalities

Townships

Road



Section 250 Professional Services District (B-1)

The purpose of the Professional, Institutional or Quasi-Public district is to provide land for professional offices: doctor, dentist, lawyer, accountant, financial institutions, insurance, professional business, broker, mortuary, school, day care center, health care, museum, etc. which may require highway orientation along or near major thoroughfares and intersections. Residential development is prohibited, but B-1 uses may be contiguous to an R-1 district. (See Official Schedule of District Regulations) Group or central water and sewer facilities may be required (see Section 567).

Conditional Uses: None

Some determining factors may be:

- A. Twelve (12) or less operating hours per day.
- B. Low traffic volume.
- C. Very low noise level.

Objectionable uses for this district are fireworks manufacture or sales, junkyards, adult entertainment establishments, gun clubs, mobile homes or mobile home parks, *slaughterhouses, medical marijuana cultivators, medical marijuana processors, and medical marijuana dispensaries.*

Section 251 Retail Store District (B-2)

The purpose of the retail store district is to provide land for retail businesses such as, retail hardware, bowling alley, grocery, skating rink, drugstore, movie theatre, barber shop, beauty salon, home furnishing store, carry-out, drive-thru, eating establishments, bakery, butcher shop, and dry cleaners, which may require highway orientation or location along or near major thoroughfares and intersections. Residential development is prohibited. (See Official Schedule of District Regulations) B-2 uses may not be contiguous to an R-1 district, unless a twenty-five (25) foot wide buffer zone is provided. Group or central water or sewer facilities may be required.

Conditional Uses: Hotel/Motel, Permitted uses in B-1

Some determining factors may be:

- A. Low to medium noise level.
- B. Moderate to high traffic volume.

Objectionable uses for this district are fireworks manufacture or sales, junkyards, adult entertainment establishments, gun clubs, mobile homes or mobile home parks, *slaughterhouses, medical marijuana cultivators, medical marijuana processors, and medical marijuana dispensaries.*

Section 252 Heavy Retail/Wholesale District (B-3)

The purpose of the heavy retail district is to provide land for auto dealer sales, service and repair businesses such as plumbing, wholesale hardware supply, electric supply, lumber, building supply, service station, body shop, implement dealer, horticultural nursery, wholesalers, warehouse, trucking contractor, truck and tractor repair, veterinary clinic, kennels, animal boarding, construction/contractors, and hotel/motel with or without eating establishments, which require a highway orientation or large tracts of land. Residential development is prohibited. (See Official Schedule of District Regulations for Permitted Uses). B-3 uses may not be contiguous to an R-1 district, unless a twenty-five (25) foot wide buffer zone is provided. Group or central water and sewer facilities may be required.

Conditional Uses: Permitted uses in B-1 and B-2

Some determining factors may be:

- A. Medium noise level.
- B. Moderate to heavy traffic volume.

Objectionable uses for this district are fireworks manufacture or sales, junkyards, adult entertainment establishments, gun clubs, mobile homes or mobile home parks, slaughterhouses, medical marijuana cultivators, medical marijuana processors, and medical marijuana dispensaries.

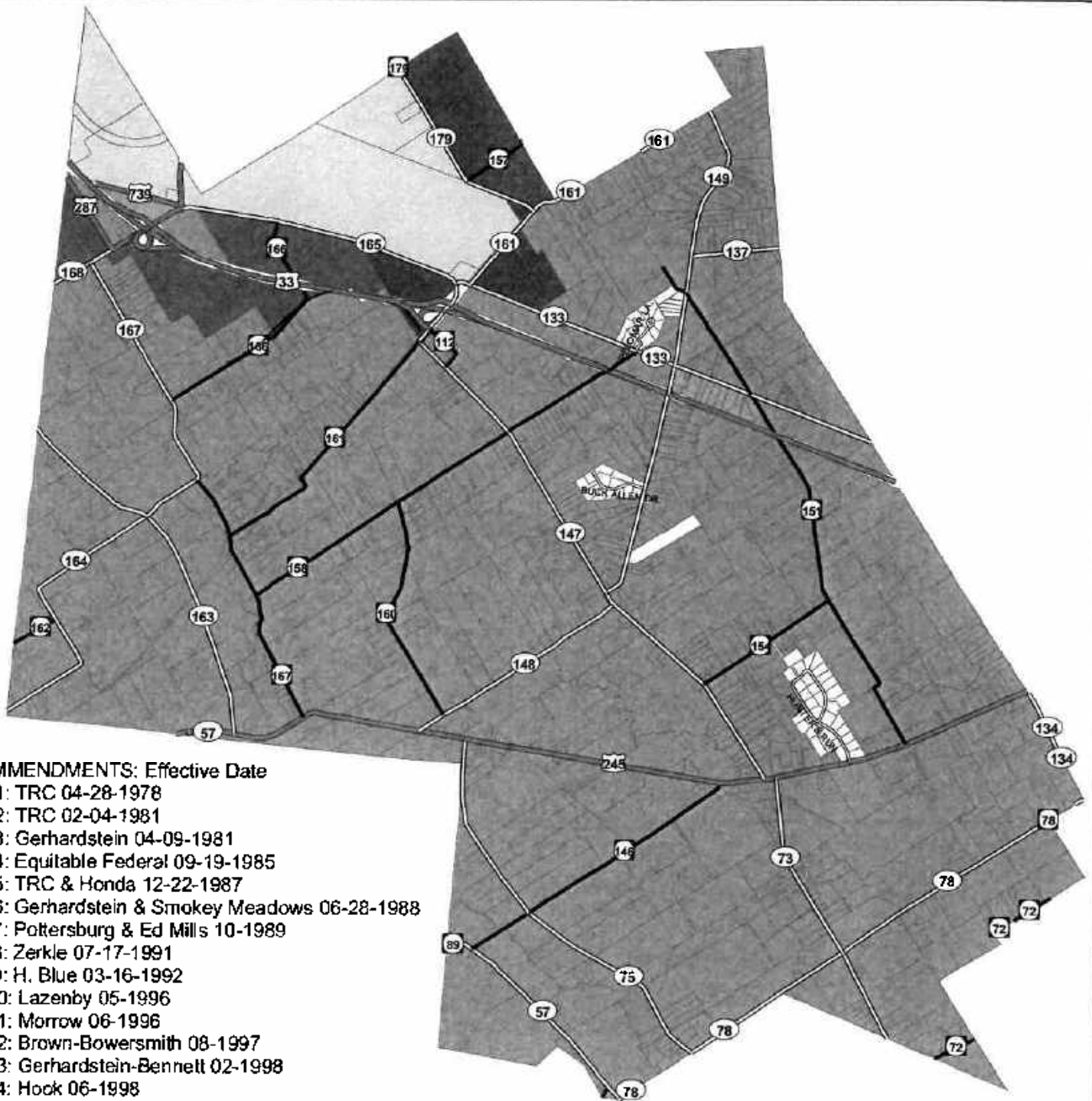
Section 260 Light Manufacturing District (M-1)

The purpose of the light manufacturing district is to provide land for light manufacturing and related offices, printing and publishing, storage facilities, wholesale and warehousing or food processing facilities or industrial establishments which are clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke, glare, or pollution of any kind; operate within enclosed structures; and generate little industrial traffic. Heavy manufacturing or heavy industrial development is prohibited. A twenty-five (25) foot buffer zone must be provided when contiguous to U-1, R-1, R-2, B-1, B-2, B-3, SR-1, SR-2 or SR-3 Districts. Water and sewer facilities must be approved by appropriate agencies prior to issuance of zoning certificate.

Objectionable uses of this district are acid manufacture; explosives or fireworks manufacture or storage; garbage, offal or dead animal reduction or dumping; gas manufacture; petroleum refining; residential, slaughterhouses, adult entertainment establishments, medical marijuana cultivators, medical marijuana processors, and medical marijuana dispensaries.

Section 261 Heavy Manufacturing District (M-2)

The purpose of the heavy manufacturing district is to provide land for heavy manufacturing and related offices, wholesale and warehousing, printing and publishing (add ,) and transport terminals which require large sites, extensive community services and facilities, ready access to regional transportation, have large open storage and service areas, generate heavy traffic and create no nuisance discernible beyond the district. Extractive manufacturing use is permitted as a conditional use if the operation does not create a hazard or nuisance which adversely affects the health, safety and general wellbeing of the community and other manufacturing establishments in the district. Residential development is prohibited. Light manufacturing or industrial uses are permitted as conditional uses. All water and sewer facilities must be approved by appropriate agencies prior to issuance of zoning certificate. A twenty-five (25) foot buffer zone must be



AMMENDMENTS: Effective Date

- # 1: TRC 04-28-1978
- # 2: TRC 02-04-1981
- # 3: Gerhardstein 04-09-1981
- # 4: Equitable Federal 09-19-1985
- # 5: TRC & Honda 12-22-1987
- # 6: Gerhardstein & Smokey Meadows 06-28-1988
- # 7: Pottersburg & Ed Mills 10-1989
- # 8: Zerkle 07-17-1991
- # 9: H. Blue 03-16-1992
- # 10: Lazenby 05-1996
- # 11: Morrow 06-1996
- # 12: Brown-Bowersmith 08-1997
- # 13: Gerhardstein-Bennett 02-1998
- # 14: Hock 06-1998
- # 15: Honda Trading -Adams 12-1998
- # 16: Allen Twp. 03-1999
- # 17: Allen Twp. 10-1999
- # 18: Flower Trust 02-2001
- # 19: Fries 03-2001
- # 20: Ramsey 04-2001
- # 21: Fries 12-2001
- # 22: Isaac 08-2003



Zoning

- U-1: Rural
- R-1: Low Density Res.
- B-1: Service Business Dist.
- B-2
- B-3

- M-1: Light Manuf. Dist.
- M-2: Heavy Manuf. Dist.
- I-1: Special Limited Ind.

Roads

- Township Road
- Township Highway
- County Highway
- State/US Highway

Allen Township Union County

0 0.2 0.4 0.6 1.2
Miles

Based on Official
Zoning map
Date:
Created on: September, 2004
Revised:



9676 Fournary St
PO Box 219
East Liberty, OH 43319
Phone: (337) 666-3431
Fax: (937) 666-2203
E-mail: luc-rc@rochio.com

Akers -1

TRANSFERRED

198117

MAY 07 1996

GENERAL WARRANTY DEED
(Statutory Form)

MARY H. SNIDER, AUDITOR
This Conveyance has been examined and the Auditor has
compared with section 319.202 of the Revised Code
FEE \$ 156.00
EXEMPT 17

KNOW ALL MEN BY THESE PRESENTS: THAT

Paul Shaw and Gertrude Shaw, husband and wife
of Union County, State of Ohio, for valuable consideration paid,
grant with general warranty covenants, to
Wade E. Akers

whose tax mailing address is:

25753 Abandon Street Route 33, East Liberty, Ohio 43319

the following real property:

The following Real Property situated in the County of Union, in the
State of Ohio and in the Township of Allen:

Commencing at a Railroad spike at the intersection of the
centerline of Union County Road 169 and Union County Road 150
thence N 34 deg 00' W for a distance of 1292.58 feet along the
centerline of C.R. 150 to a Railroad Spike being the place of
beginning; thence N 34 deg 00' for a distance of 61.07 feet
continuing along the centerline of CR. 150 to a railroad spike at
the southerly end of a concrete bridge over Flat Branch Creek,
thence S 71 deg. 45' W for a distance of 978.95 feet to an iron
pin, passing over an iron pin at 31.17 feet marking the westerly
right-of-way of C R 150; thence S 32 deg 57' E for a distance of
356.94 feet to an iron pin; thence N 69 deg 55' 30" E. for a
distance of 211.35 feet to an iron pin; thence N 10 deg 08' W for
a distance of 163.81 feet to an iron pin, thence N 61 deg 50' 30"
E for a distance of 680.82 feet to a railroad spike, passing over
an iron pin at 650.66 feet marking the westerly right-of-way line
of CR 150, said Railroad Spike being the place of beginning.

The above described tract of land contains 5.52 acres of which 0.04
acre is dedicated for highway purposes.

EXCEPTING THEREFROM THE FOLLOWING:

Situated in the Township of Allen, County of Union, State of Ohio,
and being in Virginia Military Survey Numbers 12242 and 12262,
being 0.148 acres of land out of 5.52 acre tract conveyed to P. and
G. Shaw of record in Deed Record 303, page 482 of Union County
Recorder's Office. Said 0.148 acre more particularly described as
follows:

Commencing at a railroad spike (found) at the intersection of the
Logan/Union County Line with the existing centerline of United
State Route 33, said point also being the unknown grantor's
Northeast property corner (204.23 feet right of Station 2 plus
00.35, proposed United State Route 33);

Thence South 05 deg. 42 minutes 39 seconds West for 241.09 feet,
along the Logan/Union County line to a railroad spike (set) in the
Northeast property line of Midwest Express Incorporated ant the
Southwest property line of Fifth Third Bank, said point also being
in the centerline of proposed State Route 287 at Station 669 plus
26.49 (Back), Station 0 plus 26.49 (Ahead);

Thence South 32 degrees 30 minutes 41 seconds East for 37.01 feet,
along said property line, also being the centerline of proposed
State Route 287, to a railroad spike (set) in the centerline of
proposed State Route 287 at Station 0 plus 63.50;

Thence South 32 degrees 41 minutes 56 seconds East for 1668.06
feet, along said property line and the centerline of proposed State
Route 287 to a railroad spike (set) at the grantor's Northwest
property corner in the centerline of proposed State Route 287 at
Station 17 plus 31.56 said point being the TRUE POINT OF BEGINNING.

Thence South 32 degrees 41 minutes 56 second East for 85.79 feet, along the grantor's Westerly property line also being the centerline of proposed State Route 287, to a railroad spike (set) at the grantor's Northwest property corner in the centerline of proposed State Route 287 at Station 18 plus 17.35;

Thence, South 63 degrees 26 minutes 56 seconds West for 70.41 feet, along the grantor's Southerly property line to a 5/8" iron pin with ODOT cap (set) in the proposed right of way line 70.00 feet right of Station 18 plus 09.81, proposed State Route 287;

Thence North 32 degrees 41 minutes 56 seconds West for 98.07 feet along the proposed right of way to a 5/8" iron pin with ODOT cap (set) on the grantor's Northerly property line 70.00 feet right of Station 17 plus 11.74, proposed State Route 287;

Thence North 73 degrees 6 minutes 37 seconds East for 72.75 feet along the grantor's Northwesterly property line to the TRUE POINT OF BEGINNING. Subject to all easements, rights-of-way and restrictions of record.

It is understood that the strip of land above described contains 0.148 acres, more or less, including the present road which occupies 0.061 acres, more or less.

A gross take of 0.148 acres inclusive of the present roadway which occupies 0.061 acres is to be deleted from Auditors Parcel #03-000-10-12.000.

Parcel #: 3-0001012.000

Prior Instrument Reference: Volume 303, Page 482

WITNESS their hand(s) this 3rd day of May, 1996.

Signed and acknowledged in presence of

[Signature]
[Signature]

Paul Shaw POA
 Paul Shaw

Gertrude Shaw
 Gertrude Shaw

STATE OF OHIO,)
 UNION COUNTY,) SS.

Before me, a Notary Public in and for said County and State, personally appeared the above named Paul Shaw and Gertrude Shaw, husband and wife, who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal, at Marysville, Ohio 43040 this 3rd day of May A.D. 1996.

[Signature]
 Notary Public

RECEIVED & TESTED
 RECORDER, UNION COUNTY, OHIO

96 MAY -7 AM 10:32

OR VOL 42 PAGE 518
 1/400



STEPHEN G. COLEMAN, Attorney At Law
 NOTARY PUBLIC, STATE OF OHIO
 My commission has an expiration date
 Section 147.53 B.E.

This instrument prepared by: COLEMAN AND EUFINGER LAW OFFICES
 110 S. Court St.
 Marysville, Ohio 43040

TRANSFERRED

MAR 20 2017

ANDREA WEAVER, AUDITOR

This conveyance has been examined and the Grantor
complied with Section 519.202 of the Revised Code

FFES

EXEMPT

PLG
H

Transferred 3-6-17
Fee (ORC 319.202) _____
Conveyance _____
Exempt ☒ _____
Deputy mk
Michael E. Yoder, Auditor
Logan County, Ohio

DESCRIPTION CHECKED
LOGAN CO. ENGINEER
BY DMC 3-6-17

AFFIDAVIT OF CONFIRMATION

State of Ohio, County of Licking, ss:

Thomas James Traikovich, being first duly sworn according to law, and having personal knowledge of that which is set forth herein, deposes and says as follows:

1. The land to which this affidavit relates is legally described as:

Being an undivided one-third interest in the following described property:

The following tract of land is situated in the State of Ohio, Counties of Union and Logan, Township of Allen in Union County, Township of Zane in Logan County, V.M.S. No. 12242, 12262, and 4606 in Allen Township, V.M.S. No. 4606 in Zane Township, being more particularly described as follows:

Commencing at the intersection of centerlines of C.R. No. 168 and C.R. No. 150 being marked by a R.R. spike, said spike being the PLACE OF BEGINNING,
thence following the centerline of C.R. No. 150, N. 34 deg. -00'W., 1292.58 feet to a R.R. spike,
thence S. 61 deg. -50.5'W., 680.82 feet to an iron pin, passing over an iron pin at 30.16 feet marking the west right-of-way line of C.R. No. 150,

thence S. 10 deg. -08'E. 163.81 feet to an iron pin,

thence S. 69 deg. -55.5' W. 211.35 feet to an iron pin,

thence N. 32 deg. -57' W. 356.94 feet to an iron pin,

thence N. 71 deg. -45'E. 175.66 feet to an iron pin at the southeasterly corner of Alice Mary

Tehan's 100 acre tract,

thence following the South line of Tehan's tract N. 32 deg. -03.5' W. 220.25 feet to an iron pin,

thence following the South line of Tehan's tract and Clarence W. Hagar's 59.95 acre tract, S. 51

deg. -29' W. 1096.24 feet to a 12 inch dia. Wood corner post passing over the Logan-Union

County line at 240.60 feet,

thence following the easterly line of Clarence W. Hagar's 59.95 acre and 32.60 acre tract, S. 30

deg. -51'E. 1625.07 feet to a R.R. spike in the centerline of C.R. No. 168, passing over the

Logan-Union County line at 1102.96 feet, and passing over the north right-of-way line of C.R.

No. 168 at 1605.07 feet,

thence following the centerline of C.R. No. 168, N. 59 deg. -26'E. 1094.40 feet to a R.R. spike in

the centerline of T.R. No. 167,

thence following the centerline of C.R. No. 168, N. 57 deg. -17'E. 856.29 feet to the PLACE OF

BEGINNING.

This described tract of land contains 65.99 acres of which 1.77 acre is dedicated for highway purposes. Of this acreage 55.25 acres is in Union County and the remaining 10.74 acres is in Logan County.

The above description is a result of a survey completed by Paul R. Clapsaddle, Surveyor in Training, No. 1127, August 24, 1972.

Parcel Number: 53-141-00-00-030-000; 0300010130000 & 0300010140000

Map#s: 074-00-00-009 & 074-00-00-008-000

Prior instrument reference: Instrument Number 201510070008243, Official Records,
Union County Recorder AND Official Records Volume 1197, Page 806, Logan County Recorder

201700001299
HAYES LAW OFFICES INC

OR Volume 1253 Page 571 - 573
Filed in LOGAN COUNTY OH
PATRICIA MYERS, COUNTY RECORDER
03-06-2017 At 02:09 pm Fee: 38.00
201700001299 AFFIDAVIT



201703230002405
Page: 3 of 540.00
Terence Markham
Union County Recorder 000:ABT

2. By deed dated September 21, 2015, received for record on October 7, 2015, and recorded as Instrument Number 201510070008243 in the office of the Recorder in Union County, Ohio, and also received for record on October 14, 2015 and recorded as Volume 1197, Page 806, Official Records, in the office of the Recorder in Logan County, Ohio, Thomas James Traikovich and Jodie Pauline Spangler were designated Transfer on Death Beneficiaries.

3. Attached is a Certified Copy of the Death Certificate of Jean E. Traikovich the record owner of said premises, said owner's date of death being January 8, 2017.

4. The names and addresses for each designated Transfer on Death Beneficiary which survived the deceased record owner are as follows:

Thomas James Traikovich
6121 Beaver Run Road
Pataskala, OH 43062

Jodie Pauline Spangler
152 Zachary Drive
Granville, OH 43023

5. The names and addresses for each designated Transfer on Death Beneficiary which did not survive the deceased record owner, along with an attached Certified Copy of the Death Certificate of each deceased beneficiary, are as follows:

None

6. Further affiant saith not.


 Thomas James Traikovich, Affiant

Sworn to before me this 24 day of February, 20 17.



Prepared By:
 W. Scott Hayes, Esq. through
 Hayes Law Offices, Inc., L.P.A.
 195 E. Broad Street, PO Box 958
 Pataskala, Ohio 43062

Robinson
Robinson - 4

SURVEY FOR FIFTH THIRD BANK, TRUSTEE

**5.002 Acres
August 15, 2003**

The following described 5.002 acre tract is situated in the State of Ohio, County of Union, Township of Allen, V.M.S. 4933, being part of a remainder of Fifth Third Bank, Trustee's original 33.03 acre tract described in Deed Volume 259, page 348, said 5.002 acre tract being more particularly described as follows:

Beginning for reference at a 5/8 inch iron pin found with cap marked "LOGAN COUNTY ENGINEER" in a monument box at Sta. 655+00.08 as shown on ODOT Right of Way plans for project LOG/UNI-33-25.50/0.00, pages 31-33 of 44, said pin marking the intersection of the centerline of State Route #287 (Variable Right of Way width) with the northeastern terminus point of Township Road #157 (60 feet wide);

Thence South 32°56'38" East (assumed bearing) 1403.23 feet, following the centerline of State Route #287, to a magnetic nail set, said nail being North 32°56'38" West 23.47 feet from a railroad spike found at the intersection of the centerline of State Route #287 with an east line of Logan County, Zane Township, and a west line of Union County, Allen Township at Sta. 669+26.49 (back) and 0+26.49 (ahead) as shown on said project LOG/UNI-33-25.50/0.00 plans;

Thence North 57°03'22" East 90.00 feet, departing from the centerline of State Route #287, to a 1/2 inch iron pin found with cap marked "PETERMAN ASSOC" at Sta. 669+03.08, 90.0 feet Lt. as shown on said project LOG/UNI-33-25.50/0.00 plans, said iron pin marking the place of beginning;

Thence North 57°03'22" East 28.15 feet, following a northwest line of a remainder of said original 33.03 acre tract, to a 1/2 inch iron pin found with cap marked "PETERMAN ASSOC" at Sta. 2+85, 85 feet Rt. as shown on ODOT R/W plans for project UNI-33-0.28, pages 7 and 8 of 14;

Thence South 43°22'18" East 121.27 feet, following a southwest limited access right of way line of U.S. Route #33 and a northeast line of a remainder of said original 33.03 acre tract, to an iron pin set at Sta. 4+00, 110.0 feet Rt. as shown on said project UNI-33-0.28 plans;

Thence South 71°09'56" East 106.38 feet, following a southwest limited access right of way line of U.S. Route #33 and a northeast line of a remainder of said original 33.03 acre tract, to an iron pin set at Sta. 5+00, 85.0 feet Rt. as shown on said project UNI-33-0.28 plans;

Thence South 49°26'42" East 199.15 feet, following a southwest limited access right of way line of U.S. Route #33 and a northeast line of a remainder of said original 33.03 acre tract, to an iron pin set at Sta. 7+00, 115.0 feet Rt. as shown on said project UNI-33-0.28 plans;

Thence South 54°07'56" East 585.27 feet, following a southwest limited access right of way line of U.S. Route #33 and a northeast line of a remainder of said original 33.03 acre tract, to an iron pin set at Sta. 13+00, 105.0 feet Rt. as shown on said project UNI-33-0.28 plans;

504 88960

Thence South 40°45'30" East 83.26 feet, following a southwest limited access right of way line of U.S. Route #33 and a northeast line of a remainder of said original 33.03 acre tract, to an iron pin set;

Thence South 56°51'30" West 387.47 feet, departing from a southwest limited access right of way line of U.S. Route #33 and crossing a remainder of said original 33.03 acre tract, to an iron pin set in the northeast right of way line of State Route #287;

Thence North 21°49'55" West 27.20 feet, following a northeast right of way line of State Route #287 and a southwest line of a remainder of said original 33.03 acre tract, to a 5/8 inch iron pin found with cap marked "OHIO DOT SURVEY PT" at Sta. 9+00, 100.0 feet Lt. as shown on said project LOG/UNI-33-25.50/0.00 plans;

Thence North 33°08'30" West 350.00 feet, following a northeast right of way line of State Route #287 and a southwest line of a remainder of said original 33.03 acre tract, to a 5/8 inch iron pin found with cap marked "OHIO DOT SURVEY PT" at Sta. 6+50, 100.0 feet Lt. as shown on said project LOG/UNI-33-25.50/0.00 plans;

Thence North 44°27'06" West 50.99 feet, following a northeast right of way line of State Route #287 and a southwest line of a remainder of said original 33.03 acre tract, to a 5/8 inch iron pin found with cap marked "OHIO DOT SURVEY PT" at Sta. 6+00, 90.0 feet Lt. as shown on said project LOG/UNI-33-25.50/0.00 plans;

Thence North 33°06'38" West 596.67 feet, following a northeast right of way line of State Route #287 and a southwest line of a remainder of said original 33.03 acre tract, to the place of beginning, containing 5.002 acres, more or less, and being subject to all valid easements and restrictions of record.

The above description was prepared from a field survey made under the supervision of Paul R. Clapsaddle, Registered Surveyor #6140, during the month of August 2003. Bearings indicated herein are based on an assumed meridian with all others based on angles turned. Iron pins set are 5/8 inch by 30 inch reinforcing rods with caps marked "CLAPSADDLE RS #6140".

ATTEST:

Paul R. Clapsaddle
Paul R. Clapsaddle, R.S. #6140

19019 West Darby Road, Marysville, Ohio 43040
(937) 747-2599

DESCRIPTION ACCEPTABLE
5.002 ACRE TRACT(S)
PLANNING COMMISSION APPROVAL
NOT REQUIRED
DATE 11-14-03
STEVE A. STOLTZ
UNION COUNTY ENGINEER



BETHEL L. TEMPLE
RECORDER, UNION CO., OHIO

2003 NOV 17 PM 2:48
36-00

OR 504 PG 961

Robinson
Robinson-5

SURVEY FOR FIFTH THIRD BANK, TRUSTEE

5.010 Acres

August 15, 2003

The following described 5.010 acre tract is situated in the State of Ohio, County of Union, Township of Allen, V.M.S. 4933, being part of a remainder of Fifth Third Bank, Trustee's original 33.03 acre tract described in Deed Volume 259, page 348, said 5.010 acre tract being more particularly described as follows:

Beginning for reference at a 5/8 inch iron pin found with cap marked "LOGAN COUNTY ENGINEER" in a monument box at Sta. 655+00.08 as shown on ODOT Right of Way plans for project LOG/UNI-33-25.50/0.00, pages 31-33 of 44, said pin marking the intersection of the centerline of State Route #287 (Variable Right of Way width) with the northeastern terminus point of Township Road #157 (60 feet wide);

Thence South 32°56'38" East (assumed bearing) 1463.71 feet, following the centerline of State Route #287, passing at 1426.70 feet a railroad spike found at the intersection of said centerline with an east line of Logan County, Zane Township and a west line of Union County, Allen Township at Sta. 669+26.49 (back) and 0+26.49 (ahead) as shown on said project LOG/UNI-33-25.50/0.00 plans, thereafter entering Union County, Allen Township, to a 5/8 inch iron pin found with cap marked "OHIO DOT SURVEY PT" in a monument box at P.I. Sta. 0+63.50 as shown on said project LOG/UNI-33-25.50/0.00 plans;

Thence South 33°08'30" East 963.18 feet, following the centerline of State Route #287, to a magnetic nail set;

Thence North 56°51'30" East 94.55 feet, departing from the centerline of State Route #287, to an iron pin set on the northeast right of way line of State Route #287 and a southwest line of a remainder of said original 33.03 acre tract, said iron pin marking the place of beginning;

Thence North 56°51'30" East 387.47 feet, crossing a remainder of said original 33.03 acre tract, to an iron pin set in a southwest limited access right of way line of U.S. Route #33;

Thence South 40°45'30" East 217.94 feet, following a southwest limited access right of way line of U.S. Route #33 and a northeast line of a remainder of said original 33.03 acre tract, to an iron pin set at Sta. 16+00, 145.0 feet Rt. as shown on ODOT Right of Way plans for project UNI-33-0.28, pages 7 and 8 of 14;

Thence South 49°18'58" East 291.78 feet, following a southwest limited access right of way line of U.S. Route #33 and a northeast line of a remainder of said original 33.03 acre tract, to an iron pin set;

Thence South 56°51'30" West 517.30 feet, departing from a southwest limited access right of way line of U.S. Route #33 and crossing a remainder of said original 33.03 acre tract, to an iron pin set in a northeast right of way line of State Route #287;

08504 PG957

Thence North 33°08'30" West 22.91 feet, following a northeast right of way line of State Route #287 and a southwest line of a remainder of said original 33.03 acre tract, to a 5/8 inch iron pin found with cap marked "OHIO DOT SURVEY PT" at Sta. 15+00, 75.0 feet Lt. as shown on said project LOG/UNI-33-25.50/0.00 plans;

Thence North 24°36'39" West 101.12 feet, following a northeast right of way line of State Route #287 and a southwest line of a remainder of said original 33.03 acre tract, to a 5/8 inch iron pin found with cap marked "OHIO DOT SURVEY PT" at Sta. 14+00, 90.0 feet Lt. as shown on said project LOG/UNI-33-25.50/0.00 plans;

Thence North 33°08'30" West 350.00 feet, following a northeast right of way line of State Route #287 and a southwest line of a remainder of said original 33.03 acre tract, to a 5/8 inch iron pin found with cap marked "OHIO DOT SURVEY PT" at Sta. 10+50, 90.0 feet Lt. as shown on said project LOG/UNI-33-25.50/0.00 plans;

Thence North 21°49'55" West 23.79 feet, following a northeast right of way line of State Route #287 and a southwest line of a remainder of said original 33.03 acre tract, to the place of beginning, containing 5.010 acres, more or less, and being subject to all valid easements and restrictions of record.

The above description was prepared from a field survey made under the supervision of Paul R. Clapsaddle, Registered Surveyor #6140, during the month of August 2003. Bearings indicated herein are based on an assumed meridian with all others based on angles turned. Iron pins set are 5/8 inch by 30 inch reinforcing rods with caps marked "CLAPSADDLE RS #6140".

ATTEST:

Paul R. Clapsaddle
Paul R. Clapsaddle, R.S. #6140
19019 West Darby Road, Marysville, Ohio 43040
(937) 747-2599



OR 504 PG 958

BETHEL L. TEMPLE
RECORDER, UNION CO., OHIO
2003 NOV 17 PM 2:47
J.L.B.

Exhibit "A"

TRACT I:

Situated in the State of Ohio, Counties of Logan and Union, Townships of Zane and Allen and bounded and described as follows:

Being part of Virginia Military Survey No. 4933, also being a part of John L. and Arlene M. Carson's 190 acre tract described in Logan County Deed Record Volume 316, page 774, being more particularly described as follows:

Commencing at a point in the centerline of U.S. Route 33, referenced on State of Ohio Department of Highway drawings LOG-33-31.33 & UNI-33-(0.00-9.37) plan sheets 414 and 415 as Sta. 773+64.22 back - sta. 0+00 ahead, said point located on the Logan/Union County line; thence following the centerline of U.S. Route 33 on a 2 deg. -00' curve to the left having a radius of 2864.79 feet, an arc length of 0+00.05 feet to a point being the PLACE OF BEGINNING.

THENCE S. 37 deg. 23' 22" W., 157.42 feet to an iron pin on the centerline of abandoned U.S. Route 33, said pin being at the northwest corner of V.M.S. No. 4933.

Thence following the construction centerline of abandoned U.S. Route 33 and the southwest line of V.M.S. No. 4933, S. 32 deg. 36' 38" E., 203.10 feet to the Logan / Union County Line,

Thence following the construction centerline of Union County Road 150, and the southwest line of V.M.S. No. 4933, S. 32 deg. 59' 38" E., 1606.00 feet to a point.

Thence continuing along the construction centerline of C.R. No. 150, S. 33 deg. 13' 08" E., 63.93 feet to a R.R. spike at the center of a concrete bridge over Flat Branch Creek.

Thence N. 58 deg. 38' 22" E. 1604.31 feet, passing thru the northerly right-of-way line of C.R. No. 150 at 30.02 feet, also passing thru the southerly right-of-way line of U.S. Route 33 at 1463.16 feet, to a point at Sta. 24+29.15 on the construction centerline of U.S. Route 33.

Thence following the construction centerline of U.S. Route 33, N. 76 deg. 14' 08" W., 1030.17 feet to a point of curvature to a spiral.

Thence following a spiral having a 3 deg. -00' deflection right, a short tangent of 100.03 feet, and a long tangent of 200.03 feet a distance of 300.00 feet to a point of curvature.

Thence following a 2 deg. -00' curve to the right, having a radius of 2864.79 feet, an arc distance of 1067.78 feet to the Place of Beginning.

The above described tract of land contains in Logan County 0.37 acre of which the entire 0.37 acre is dedicated for highway purposes and in Union County 32.66 acres of which 4.48 acres is dedicated for highway purposes. The above tract contains a total of 33.03 acres.

The above description is the result of a survey completed August 18, 1973, by Paul R. Clapsaddle, S.T., and Chester R. Kurtz, R.S.

44849. Parcel No. 05-0001008,0000

Map No. 074-00-00-005,000

TRACT II:

Real Estate Situated in the Township of Allen, County of Union, and State of Ohio.

DR 964 PC 259

Beginning at a stone under the Flat Branch Bridge, corner to Tahan and Stokes' land, on the northwest bank of Flat Branch and westerly line of said Survey and running with said line S. 38 deg. E. 82 rods to a stone, corner of the Survey and in the County Road; thence N. 53 deg. E. with said line and road, 120 rods to a stone (formerly sugar and beech) and corner of Survey, thence N. 35 deg. W. 80 rods to a stone (formerly two sugars and lyan) thence S. 53 1/2 deg. W. 223 rods to the beginning.

Containing 112 and 20 rods. Parcel No. 03-0001010,000 Map No. 072-00-00-004,000

Except 1/4 acre on the southerly line, which Elsie Cowgill deeded for school purposes leaving 111 5/8 acres.

EXCEPTION NO. 1: (out of Tract II)
EXCEPTING THEREFROM THE FOLLOWING:

Real Estate situated in the County of Union, in the State of Ohio and in the Township of Allen and bounded and described as follows:

Being located in Virginia Military Survey No. 4933 and being a part of the original 111.625 acre tract conveyed to James E. Wood and Martha A. Wood by deed of record in Deed Book 160, Page 478, Recorder's Office, Union County, Ohio, and bounded and described as follows:

Beginning at a railroad spike at the intersection of the Northerly line of the said James E. and Martha A. Wood tract with the centerline of State Route No. 739, said spike being located South 58 deg. 09' 42" West, along the said northerly line, 78.91 feet from a stone found at the northeasterly corner of the said James E. and Martha A. Wood tract in the easterly line of Virginia Military Survey 4933 and the easterly line of Allen Township; thence along the centerline of the said State Route No. 739, South 3 deg. 14' 38" East, 1318.36 feet to a railroad spike at an angle point in the said centerline; thence continuing along the said centerline, South 16 deg. 16' 08" East, 184.36 feet to an iron pin found at the intersection of the said centerline with the southerly line of Virginia Military Survey No. 4933 and the westerly line of the James E. and Martha A. Wood tract, said iron pin being also a point of intersection located at Station 42+88.13 of the State of Ohio, Department of Highway Survey of U.S. Route 33; thence along the centerline of the said U.S. Route 33, North 76 deg. 14' 58" West, 1867.06 feet to a railroad spike at the intersection of the said centerline with the northerly line of the said James E. Wood and Martha A. Wood tract, being the southerly line of the W. C. Drennberger 190.00 acre tract; thence along the said line, North 58 deg. 09' 42" East, 2067.33 feet to the place of beginning.

Subject however, to all legal highways and/or rights of way, if any, of previous record.

EXCEPTION NO. 2: (out of Tract I)

ALSO EXCEPTING: Real Estate situated in the County of Union, in the State of Ohio, and in the Township of Allen and bounded and described as follows: being located in Virginia Military Survey No. 4933 and being a part of the original 111.625 acre tract conveyed to James E. and Martha A. Wood by deed of record in Deed Book 160, page 478, Recorder's Office, Union County, Ohio and bounded and described as follows:

Beginning at a stone found at the Northeasterly corner of the said James E. and Martha A. Wood tract at the Easterly line of Virginia Military Survey No. 4933 in the Easterly line of Allen Township; thence South 31 deg. 03' 54" East, 1377.61 feet to a point of intersection with the Southerly line of the James E. and Martha A. Wood tract; thence South 55 deg. 00' 06" West, 741.50 feet to an iron pin found in the intersection of the centerline of State Route No. 739 and southerly line of Virginia Military Survey No. 4933, said iron pin being also a point of intersection located at Station 42+88.13 of the State of Ohio Department of Highways Survey of U.S. Route 33; thence North 16 deg. 16' 08" West, 184.36 feet along the centerline of State Route 739 to an iron pin found in an anglebreak in said centerline; thence North 05 deg. 14' 38" West, 1318.36 feet along the centerline of said State Route 739 to an iron pin at the intersection of the Northerly line of the James E. and Martha A. Wood tract with the centerline of State Route 739; thence North 58 deg. 09' 42" East, 78.91 feet to the point of beginning, containing 111.135 acres more or less. Exceptions-Easement for highway purposes from James E. and Martha A. Wood, husband and wife, to The State of Ohio, dated July 14, 1960, filed for record, November 16, 1960 at 1:13 p.m. Recorded November 18, 1960 in Union County Volume of Deeds 204, Page 624. Right of way purposes from James E. and Martha A. Wood, husband and wife, State of Ohio, dated July 14, 1960, filed for record, November 16, 1960 at 11:12 a.m. recorded November 18, 1960 in Union County Volume of Deeds 204, Page 621.

EXCEPTION NO. 3: (out of Tract I)
ALSO EXCEPTING THE FOLLOWING REAL ESTATE:

08964 PG260

Situated in the Township of Allen, County of Union and State of Ohio, bounded and described as follows:

Commencing at a railroad spike found at the intersection of the centerline of County Road 168 and being the easterly corner common to Surveys 4933 and 12242; thence along the centerline of County Road 130 (old State Route 33) and the east line of Survey No. 4933, North 57 deg. 34' 12" East a distance of 468.85 feet to a P.K. nail set at the True Place of Beginning of the following described tract; thence leaving said road, North 12 deg. 25' 48" West (passing over an iron pipe at 30.00 feet); a total distance of 527.23 feet to an iron pipe (set); thence North 57 deg. 34' 12" East a distance of 435.0 feet to an iron pipe (set); thence South 32 deg. 25' 48" East (passing over an iron pipe at 497.23 feet) a total distance of 527.23 feet to a P.K. nail set in the centerline of County Road 130 (Old State Route 33); thence along the centerline of said County Road, being the East line of said survey No. 4933, South 57 deg. 34' 12" West a distance of 415.00 feet to the True Place of Beginning.

Containing 5.023 acres, more or less, but subject to all easements and rights of way of record.

EXCEPTION NO. 4: (out of Tract II)

FURTHER EXCEPTING THEREFROM THE FOLLOWING:

Commencing at a railroad spike (found) at the intersection of the Logan/Union County line with the existing centerline of United State Route 33, (204.23 feet right of Station 2 plus 00.35, proposed United State Route 33);

Thence, South 05°42'39" West for 241.09 feet, along the Logan/Union County line to a railroad spike (set) in the Northeast property line of MidWest Express, Incorporated and the Southwest property line of Fifth Third Bank, said point also being in the centerline of proposed State Route 287 at Station 669 plus 26.49 (Back), Station 0 plus 26.49 (Ahead);

Thence, South 32°30'41" East for 37.61 feet, along said property line, also being the centerline of proposed State Route 287, to a railroad spike (set) in the centerline of proposed State Route 287 at Station 00 plus 63.50;

Thence, South 32°41'56" East for 3043.48 feet, along said property line and the centerline of proposed State Route 287 to a railroad spike (set) at the owners Southeast property corner, being in the intersection of proposed State Route 287 and existing State Route 168, Station 31 plus 05.27 of proposed State Route 287, Station 10 plus 00.00 of existing County Road 168;

Thence, North 57°51'02" East for 411.73 feet, along the owner's Southeast property line also being the centerline of proposed State Route 287 to a point at Station 35 plus 17.00, proposed State Route 287, said point being the true point of beginning;

Thence, North 32°08'38" West for 85.00 feet, to a 5/8" iron pin with CDOT cap (set) on the proposed right of way line, 85.00 feet left of Station 35 plus 17.00, proposed State Route 287;

Thence, North 57°51'02" East for 48.42 feet, along the proposed right of way to a 5/8" iron pin with CDOT cap (set) on the owner's Easterly property line, 85.00 feet left of Station 35 plus 65.42, proposed State Route 287;

Thence, South 32°08'10" East 85.00 feet, along the owner's Easterly property line, to a point at the owner's Southeast property corner, also being in the centerline of proposed State Route 287 at Station 35 plus 65.40;

Thence, South 57°51'02" West for 48.40 feet, along the owner's Southeast property line, also being the centerline of proposed State Route 287, to the true point of beginning. Containing 0.094 acres, more or less, exclusive of the present road which occupies 0.050 acres, more or less.

Together with all rights or easements of access to or from said limited access highway from or to the land of said person or persons abutting upon that portion of limited access highway, as shown by the plans of said improvements herein referred to

A gross take of 0.094 acres exclusive of the present roadway which occupies 0.050 acres is to be deleted from Auditor's Parcel Number 7-000-10-08-060

Bearings used in this description are based on Ohio State Plane Coordinate System as established by Howard, Needles, Tammen and Bergendoff for the Ohio Transportation Research Center in May 1971

Stations and offsets used in this description are references to the Ohio Department of Transportation Right of Way Plans for LOG/UNT-33-25, 5000.00, dated 1995.

The monumentation previously mentioned as set, is to be set after construction by Ohio Department of Transportation District 7 Survey Crew.

The above description was calculated and derived from a meridian survey made by Norman J. Nisbet, Registered Surveyor Number 4813 for John E. Foster and Associates, Inc.

Said station being the Station numbers as stipulated in the heretofore mentioned survey and as shown by plans on file in the Department of Transportation, Columbus, Ohio.

Owner claims title by instrument(s) of record in D.B. 235, Page 48 and in D.B. 259 Page 148 of the County Recorder's Office.

EXCEPTION NO. 5: (out of Tract C)

ALSO EXCEPTING THEREFROM THE FOLLOWING:

Beginning at a railroad spike (found) at the intersection of the Logan/Union County line with the existing centerline of United States Route 33, (204.23 feet right of Station 2 plus 00.35, proposed United States Route 33);

Thence, along a curve to the left having a radius of 2864.79 feet and an arc distance of 143.080 feet (said curve has a chord bearing of South 52 deg. 06 min. 45 sec. East, and chord distance 143.07 feet) to a 5/8" iron pin with ODOT cap (set) at the end of the curve on the proposed Limited Access easement, 178.44 feet right of Station 3 plus 38.90, proposed United States Route 33;

Thence, South 35 deg. 55 min. 50 sec. West for 84.95 feet along a said easement to a 5/8" iron pin with ODOT cap (set) 118.15 feet left of Station 669 plus 03.03, proposed United States Route 287;

Thence, North 49 deg. 43 min. 31 sec. West for 95.13 feet along said easement to a 5/8" iron pin with ODOT cap (set) on the owner's westerly property line and the Union/Logan County line, 90.00 feet left of Station 668 plus 12.21, proposed Union States Route 287;

Thence, North 05 deg. 42 min. 39 sec. East for 95.43 feet along said property line and county line to the TRUE POINT OF BEGINNING, containing 0.223 acres, more or less, inclusive of the present road which occupies 0.223 acres, more or less;

Together with all rights or easements of access to or from said limited access highway from or to the land of said person or persons abutting upon that portion of limited access highway, as shown by the plans of said improvements herein referred to.

A gross take of 0.223 acres inclusive of the present roadway which occupies 0.223 acres is to be deleted from Auditor's Parcel Number 3-000-10-08-000 and.

Bearings used in this description are based on Ohio State Plane Coordinate System as established by Howard, Needles, Tammen and Bergendoff for the Ohio Transportation Research Center in May of 1971.

Stations and offsets used in this description are referenced by the Ohio Department of Transportation Right of Way Plans for LOG/UNT-33-25, 5000.00, dated 1995.

The monumentation previously mentioned as set, is to be set after construction by Ohio Department of Transportation District 7 Survey Crew.

The above description was calculated and derived from a meridian survey made by Norman J. Nisbet, Registered Surveyor Number 4813 John E. Foster and Associates, Inc.

Said stations being the Station numbers as stipulated in the hereinbefore mentioned survey and as shown by plans on file in the Department of Transportation, Columbus, Ohio.

Owner claims title by instrument(s) of record in D.B. 255, Page 48 and D.B. 259, page 348 in Union County Recorder's Office.

EXCEPTION NO. 6: (out of Tracts I & II)
ALSO EXCEPTING THEREFROM THE FOLLOWING:

Commencing at a railroad spike (found) at the intersection of the Logan/Union County Line with existing centerline of United State Route 33, 204.23 feet right of Station 2 plus 00.35, proposed United State Route 287;

Thence, South 05 deg. 42 min. 39 sec. West for 95.63 feet, along the Logan/Union County line to an iron pin with ODOT cap (set) 90.00 feet left of Station 688 plus 12.21, proposed State Route 287, said point being the TRUE POINT OF BEGINNING;

Thence, South 49 deg. 43 min. 31 sec. East 95.13 feet, along the proposed right of way to a 5/8" iron pin with ODOT cap (set) at the corner of the existing limited access right of way, 118.15 feet left of Station 689 plus 03.08, proposed State Route 287;

Thence, South 57 deg. 29 min. 19 sec. West for 28.15 feet, along the proposed right of way to a 5/8" iron pin with ODOT cap (set) 90.00 feet left of Station 689 plus 03.08, proposed State Route 287;

Thence, South 32 deg. 40 min. 45 sec. East for 596.63 feet, along the proposed right of way to a 5/8" iron pin with ODOT cap (set) 90.00 feet left of Station 6 plus 00.00, proposed State Route 287;

Thence, South 44 deg. 08 min. 32 sec. East for 80.99 feet, along the proposed right of way to a 5/8" iron pin with ODOT cap (set) 100.00 feet left of Station 6 plus 50.00, proposed State Route 287;

Thence, South 32 deg. 41 min. 56 sec. East for 350.00 feet, along the proposed right of way to a 5/8" iron pin with ODOT cap (set) 100.00 feet left of Station 10 plus 00.00, proposed State Route 287;

Thence, South 21 deg. 23 min. 21 sec. East for 50.99 feet, along the proposed right of way to a 5/8" iron pin with ODOT cap (set) 90.00 feet left of Station 10 plus 50.00, proposed State Route 287;

Thence, South 32 deg. 41 min. 56 sec. East for 150.00 feet, along the proposed right of way to a 5/8" iron pin with ODOT cap (set) 90.00 feet left of Station 14 plus 00.00, proposed State Route 287;

Thence, South 24 deg. 10 min. 05 sec. East for 101.12 feet, along the proposed right of way to a 5/8" iron pin with ODOT cap (set) 75.00 feet left of Station 15 plus 00.00, proposed State Route 287;

Thence, South 32 deg. 41 min. 56 sec. East for 1101.71 feet, along the proposed right of way to a 5/8" iron pin with ODOT cap (set) 75.00 feet left of Station 26 plus 00.00, proposed State Route 287;

Thence, South 39 deg. 49 min. 26 sec. East for 201.56 feet, along the proposed right of way to a 5/8" iron pin with ODOT cap (set) 100.00 feet left of Station 28 plus 00.00, proposed State Route 287;

Thence, South 65 deg. 42 min. 24 sec. East for 265.97 feet, along the proposed right of way to a 5/8" iron pin with ODOT cap (set) 85.00 feet left of Station 33 plus 00.00, proposed State Route 287;

Thence, North 57 deg. 51 min. 02 sec. East for 167.00 feet, along the proposed right of way to a 5/8" iron pin with ODOT cap (set) 85.00 feet left of Station 33 plus 17.00, proposed State Route 287;

Thence, South 32 deg. 08 min. 58 sec. East for 85.00 feet, to a point on the owner's Southerly property line in the centerline of proposed State Route 287 at Station 35 plus 17.00;

Thence, South 57 deg. 51 min. 02 sec. West for 4,173 feet, along the owner's Southerly property line also being the centerline of proposed State Route 287 to a railroad spike (set) at the owner's Southwest property corner at the intersection of proposed State Route 287 and existing County Road 168, Station 11 plus 93.27 of proposed State Route 287, Station 10 plus 00.00 of existing County Road 168;

Thence, North 32 deg. 41 min. 56 sec. West for 3043.48 feet, along the owner's Southerly property line also being the centerline of proposed State Route 287 to a railroad spike (set) at Station 0 plus 61.59, proposed State Route 287;

Thence, North 32 deg. 30 min. 41 sec. West for 37.01 feet, along the owner's Southerly property line also being the centerline of proposed State Route 287 to railroad spike (set) on the owner's Westerly property corner also being on the Logan/Union County line at Station 669 plus 26.49 (Back), Station 0 plus 26.49 (Ahead), proposed State Route 287;

Thence, North 05 deg. 42 min. 39 sec. East for 145.46 feet, along the owner's Westerly property line also being the Logan/Union County line, to the Point of Beginning, containing 7.249 acres, more or less, including the present road which occupies 2.398 acres, more or less.

Owners retain rights of ingress and egress to and from any residual area.

A gross take of 7.249 acre inclusive of the present roadway which occupies 2.398 acres is to be deleted from Auditor's Parcel Numbers 03-000-10-0-000 and 03-000-10-03-000.

Bearings used in this description are based on Ohio State Plane Coordinate System as established by Howard, Needles, Tammen, and Bergendoff for the Ohio Transportation Research Center in May of 1971.

Stations and offsets used in this description are referenced to the Ohio Department of Transportation Right of Way Plans for LOG/UNG 33 - 25,560.00, dated 1995.

The monumentation previously mentioned as set, is to be set after construction by Ohio Department of Transportation District 7 Survey Crew.

The above description was calculated and derived from a centerline survey made by Norman F. Huber, Registered Surveyor Number 4813, for John E. Frazier and Associates, Inc.

Said Stations being the Station Numbers as stipulated in the hereinbefore mentioned survey and as shown by plans on file in the Department of Transportation, Columbus, Ohio.

Owner claims title by instrument(s) of record in C.B. 255, Page 48 and D.B. 259, Page 348 of Union County Recorder's Office.

EXCEPTION NO. 7: (out of Tracts I & II)
ALSO EXCEPTING THEREFROM THE FOLLOWING:

Parcel No. 31-4W1,

Beginning for reference, at a point being P.C. Station 15 plus 00.00 in the centerline of a survey made for the State of Ohio in 1985 of Proposed U.S. 33 in Union County;

Thence with the centerline of a survey made for the State of Ohio in 1985 of the Temporary Connection North 47°39'24" West a distance of 94.08 feet to a point, said point being P.T. Station 14 plus 05.92, Temporary Connection;
Thence continuing with the aforesaid centerline of survey of the Temporary Connection, along the line of a circular curve to the left, the radius of which is 4,383.70 feet, the delta of which is 11°00'17", and the chord of which bears North 55°09'33" West a distance of 879.33 feet to a point, said point being P.R.C. Station 5 plus 25.54, Temporary Connection;

Thence continuing with the aforesaid centerline of survey, along the line of a circular curve to the right, the radius of which is 2,664.79 feet, the delta of which is $04^{\circ}48'39''$, and the chord of which bears North $56^{\circ}15'21''$ West a distance of 240.47 feet to a point on the centerline of existing U.S. 33, being the Owners' northerly property line and the southerly line of the State of Ohio's 188.290 acre tract of land as the same is shown of record in Deed Book 230, Page 6 and 118 of the Union County Recorder's Office, said point being P.O.C. Station 2 plus 85.00, Temporary Connection, and the True Place of Beginning.

Thence with the centerline of existing U.S. 33, the Owners' northerly line, and the southerly line of the aforesaid State of Ohio, along the line of the circular curve to the left, the radius of which is 2,864.75 feet, the delta of which is $18^{\circ}54'36''$, and the chord of which bears South $63^{\circ}18'11''$ East a distance of 943.14 feet to a point, said point being 138.12 feet left of Station 12 plus 35.41, Temporary Connection.

Thence South $54^{\circ}27'47''$ East a distance of 179.81 feet to a point in the southerly right of way line of existing U.S. 33, said point being 155.0 feet left of Station 13 plus 78.88, Temporary Connection;

Thence South $40^{\circ}41'14''$ East a distance of 122.94 feet to a point, said point being 143.00 feet left of Station 15 plus 00.00, Proposed U.S. 33;

Thence south $52^{\circ}11'17''$ East a distance of 691.52 feet to a point, said point being 175.00 feet left of Station 22 plus 00.00, Proposed U.S. 33;

Thence South $55^{\circ}18'12''$ East a distance of 191.62 feet to a point, said point being 105.00 feet left of Station 24 plus 06.00 in the baseline of a survey made for the State of Ohio in 1983 of Ramp "D";

Thence South $59^{\circ}06'36''$ East a distance of 235.90 feet to a point, said point being 75.00 feet left of Station 26 plus 50.00, Ramp "D";

Thence South $71^{\circ}21'56''$ East a distance of 243.78 feet to a point, said point being 85.00 feet left of Station 29 plus 00.00, Ramp "D";

Thence South $65^{\circ}19'30''$ East a distance of 301.14 feet to a point, said point being 60.00 feet left of Station 32 plus 00.00, Ramp "D";

Thence South $75^{\circ}32'23''$ East a distance of 217.37 feet to a point, said point being 100.00 feet left of Station 34 plus 00.00, Ramp "D";

Thence South $62^{\circ}43'28''$ East a distance of 109.38 feet to a point, said point being 110.00 feet left of Station 35 plus 00.00, Ramp "D";

Thence South $55^{\circ}43'11''$ East a distance of 206.16 feet to a point, said point being 120.00 feet left of Station 37 plus 00.00, Ramp "D";

Thence North $67^{\circ}01'59''$ East a distance of 318.35 feet to a point, said point being 65.00 feet left of Station 57 plus 00.00 in the centerline of survey made for the State of Ohio in 1983 of Stokes Road;

Thence North $58^{\circ}52'15''$ East a distance of 330.04 feet to a point, said point being 60.00 feet left of Station 60 plus 30.00, Stokes Road;

Thence South $31^{\circ}59'50''$ East, crossing the westerly right of way line of existing Stokes Road at a distance of 30.00 feet, a distance of 60.00 feet to a point in the centerline of existing Stokes Road, being also the Owners' easterly property line and the westerly property line of the Donahy Family Trust's 171.67 acre tract of land as the same is shown of record in Deed Book 269, Page 329 of the Union County Recorder's Office, said point being P.O.T. Station 60 plus 30.00, Stokes Road;

Thence with the aforesaid centerline of existing Stokes Road and the Owners' easterly property line South $58^{\circ}08'10''$ West, crossing the centerline of a survey of the aforesaid Proposed U.S. 33 at P.O.C. Station 36 plus 44.29, a distance of 1,516.61 feet to a point being a southeasterly property corner of the Owners' and the northeasterly corner of Charles A. Sabin's 5.023 acre tract of land as the

same is shown of record in Deed Book 282, page 259 of the Union County Recorder's Office, being also in the westerly line of Henry N. and Ubaldo Monago's 56.324 acre tract of land as the same is shown of record in Deed Book 254, page 248 of the Union County Recorder's Office, said point being P.O.T. Station 45 plus 11.19, Stokes Road;

Thence with a southerly line of the Owners, and the northerly line of the aforementioned Sabine North 31°59'53" West, crossing the westerly right of way line of existing Stokes Road at a distance of 30.00 feet, a distance of 120.00 feet to a point, said point being 120.00 feet left of Station 45 plus 13.39, Stokes Road;

Thence North 82°47'32" East a distance of 95.40 feet, to a point, said point being 80.00 feet left of Station 46 plus 00.00, Stokes Road;

Thence North 54°38'41" East a distance of 155.32 feet to a point, said point being 90.00 feet left of Station 47 plus 55.00, Stokes Road;

Thence North 49°59'46" West a distance of 163.10 feet to a point, said point being 665.00 feet right of Station 33 plus 00.00, Proposed U.S. 33;

Thence North 54°53'13" West a distance of 506.68 feet to a point, said point being 165.00 feet right of Station 28 plus 00.00, Proposed U.S. 33;

Thence North 52°04'43" West a distance of 104.00 feet to a point, said point being 168.00 feet right of Station 25 plus 00.00, Proposed U.S. 33;

Thence North 46°12'46" West a distance of 203.43 feet to a point, said point being 140.00 feet right of Station 23 plus 00.00, Proposed U.S. 33;

Thence North 54°48'30" West a distance of 152.10 feet to a point, said point being 150.00 feet right of Station 21 plus 50.00, Proposed U.S. 33;

Thence North 48°50'29" West a distance of 555.58 feet to a point, said point being 145.00 feet right of Station 16 plus 00.00, Proposed U.S. 33;

Thence North 49°20'31" West a distance of 301.20 feet to a point, said point being 105.00 feet right of Station 13 plus 00.00, Temporary Connection;

Thence North 55°42'27" West a distance of 585.27 feet to a point, said point being 115.00 feet right of Station 7 plus 00.00, Temporary Connection;

Thence North 49°01'13" West a distance of 199.15 feet to a point, said point being 85.00 feet right of Station 5 plus 00.00, Temporary Connection;

Thence North 70°44'27" West a distance of 106.38 feet to a point, said point being 110.00 feet right of Station 4 plus 00.00, Temporary Connection;

Thence North 43°27'46" West a distance of 121.50 feet to a point, said point being 85.00 feet right of Station 2 plus 35.00, Temporary Connection;

Thence North 56°08'48" East, crossing the southerly right of way line of existing U.S. 33 at a distance of 25.00 feet, a distance of 85.00 feet to the true place of beginning, containing 26.588 acres, more or less, including the present road which occupies 2.478 acres, more or less.

Together with all rights or easements of access to or from said limited access highway from or to the land of said person or persons abutting upon that portion of limited access highway, as shown by the plans of said improvements herein referred to.

OR 964 PG 266

EXCEPTION NO. 8: (part of Tract II)
Parcel No. 31-WD

Beginning for reference, at the intersection of the centerline of a survey made for the State of Ohio in 1985 of Proposed U.S. 33 and the centerline of a survey made for the State of Ohio in 1985 of Stokes Road, being also in the centerline of existing Stokes Road, said point being P.O.T. Station 30 plus 00.00, Stokes Road;

Thence with the centerline of survey and existing Stokes Road North $58^{\circ}00'20''$ East a distance of 1,030.90 feet to a point in the Owners' easterly property line and the westerly line of the Demune Family Trust's 171.67 acre tract of land as the same is shown of record in Deed Book 269, page 379 of the Union County Recorder's Office, said point being P.O.T. Station 60 plus 30.00, Stokes Road and the true place of beginning;

Thence North $31^{\circ}59'50''$ West, crossing the westerly right of way line of existing Stokes Road at a distance of 30.00 feet, a distance of 60.00 feet to a point, said point being 60.00 feet left of Station 60 plus 30.00, Stokes Road;
Thence North $34^{\circ}23'27''$ East a distance of 314.63 feet to a point in the southerly right of way line of existing U.S. 33, said point being 105.00 feet left of Station 63 plus 24.34, Stokes Road;

Thence North $31^{\circ}40'12''$ East a distance of 78.16 feet to a point in the Owners' northerly property line and the southerly line of the State of Ohio's 188.29 acre tract of land as the same is shown of record in Deed Book 230, Pages 6 and 7; 18 of the Union County Recorder's Office, in the centerline of existing U.S. 33, said point being 171.86 feet left of Station 63 plus 60.67, Stokes Road;

Thence with the Owners' northerly property line and the southerly line of the aforementioned State of Ohio, in the centerline of existing U.S. 33, along the line of a circular curve to the left, the radius of which is 12,239.69 feet, the delta of which is $00^{\circ}53'04''$, and the chord of which bears South $78^{\circ}05'14''$ East, crossing the centerline of a survey made for the State of Ohio in 1985 of State Route 739 at P.O.T. Station 11 plus 93.78, a distance of 156.35 feet to a point being the Owners' northeasterly property corner and the southwesterly corner of the aforementioned Demune Family Trust, in the southerly line of the Honda Motor Corporation of America's 390.147 acre tract of land as the same is shown of record in Deed Book 283, page 304 of the Union County Recorder's Office, said point being 83.75 feet left of Station 55 plus 18.73, Stokes Road;

Thence with the Owners' easterly property line and the westerly line of the aforementioned Demune Family Trust South $58^{\circ}00'10''$ West, crossing the centerline of survey of State Route 739 at P.O.T. Station 10 plus 63.06 and meeting the centerline of survey of Stokes Road at P.O.T. Station 63 plus 91.18, a distance of 509.43 feet to the true place of beginning, containing 0.857 of an acre, more or less, including the present road which occupies 0.595 of an acre, more or less.

Owners reserve the right of ingress and egress to and from any residual area.

EXCEPTION NO. 9: (part of Tract II)
Parcel No. 31-WD

Beginning for reference, at the intersection of the centerline of a survey made for the State of Ohio in 1985 of Proposed U.S. 33 with the centerline of a survey made for the State of Ohio in 1985 of Stokes Road, being also in the centerline of existing Stokes Road, said point being P.O.C. Station 36, plus 44.29, Proposed U.S. 33 and P.O.T. Station 30 plus 00.00, Stokes Road;

Thence with the centerline of survey and existing Stokes Road South $58^{\circ}00'10''$ West a distance of 901.61 feet to a point being an easterly property corner of the Owners' and the southeasterly corner of Charles A. Sabins 3.025 acre tract of land as the same is shown of record in Deed Book 282, page 259 of the Union County Recorder's Office, to the westerly line of Henry M. and Ubaldo Monaca's 56.324 acre tract of land as the same is shown of record in Deed Book 254, page 248 of the Union County Recorder's Office, said point being P.O.T. Station 40 plus 98.39, Stokes Road, and the true place of beginning;

Thence continuing with the aforesaid centerline, the Owners' westerly property line and the easterly line of the aforementioned Monaca South $58^{\circ}00'10''$ West a distance of 48.39 feet to a point, said point being P.O.T. Station 40 plus 50.00, Stokes Road,

Thence North $31^{\circ}59'50''$ West a distance of 30.00 feet to a point in the westerly right of way line of existing Stokes Road, said point being 30.00 feet left of Station 40 plus 50.00, Stokes Road;

Thence North $26^{\circ}12'20''$ East a distance of 56.94 feet to a point in a southerly line of the Owners' and the southerly line of the aforementioned Sabins, said point being 80.00 feet left of Station 40 plus 98.39, Stokes Road;

Thence with a southerly line of the Owners' and the southerly line of the aforementioned Sabins South $31^{\circ}59'50''$ East, crossing the westerly right of way line of existing Stokes Road at a distance of 30.00 feet, a distance of 60.00 feet to the true place of beginning, containing 0.050 of an acre, more or less, including the present road which occupies 0.033 of an acre, more or less.

Owners reserve the right of ingress and egress to and from any residual area

EXCEPTION NO. 10: (out of Tract II)

Parcel No. 31-X

Beginning for reference, at a point in the centerline of a survey made for the State of Ohio in 1985 of Stokes Road, said point being P.O.T. Station 45 plus 40.00, Stokes Road;

Thence North $31^{\circ}59'50''$ West a distance of 107.71 feet to a point in the proposed right of way line of Stokes Road, said point being 107.71 feet left of Station 45 plus 40.00, Stokes Road and the true place of beginning;

Thence with the aforesaid proposed right of way line South $82^{\circ}47'32''$ West a distance of 29.31 feet to a point in the easterly property line of the Owners' said point being 120.03 feet left of Station 45 plus 13.39, Stokes Road;

Thence with the Owners' easterly property line North $31^{\circ}59'50''$ West a distance of 45.00 feet to a point, said point being 165.00 feet left of Station 45 plus 13.39, Stokes Road;

Thence North $07^{\circ}41'16''$ West a distance of 282.56 feet to a point in the proposed right of way line of U.S. 33, said point being 162.57 feet left of Station 33 plus 10.00, Proposed U.S. 33;

Thence with the aforesaid proposed right of way line of U.S. 33 South $54^{\circ}57'13''$ East a distance of 111.47 feet to a point, said point being 163.61 feet right of Station 32 plus 20.00, Proposed U.S. 33;

Thence South $00^{\circ}06'17''$ West a distance of 230.39 feet to the true place of beginning, containing 0.431 of an acre, more or less.

These descriptions are based on a survey made under the direction and supervision of Theodor L. Wallace, Registered Surveyor No. 4650.

Said stations being the Station numbers as stipulated in the hereinbefore mentioned survey and as shown by plans on file in the Department of Transportation, Columbus, Ohio.
Owners claim title by instrument recorded in Volume 255, at Page 48, and Volume 259, at page 248, of the Deed Records of Union County, Ohio.

EXCEPTION NO. 11: (out of Tract I)

The following described 5.010 acre tract is situated in the State of Ohio, County of Union, Township of Allen, V.M.S. 4933, being part of a remainder of Fifth Third Bank, Trustee's original 33.03 acre tract described in Deed Volume 239, page 348, said 5.010 acre tract being more particularly described as follows:

Beginning for reference at a 5/8 inch iron pin found with cap marked "LOGAN COUNTY ENGINEER" in a monument box at Sta. 655+00.00 as shown on ODOT Right of Way plans for project LOG/UNI-33-25.500.00, pages 31-33 of 44, said pin marking the intersection of the centerline of State Route #287 (Variable Right of Way width) with the northeastern terminus point of Township Road #157 (60 feet wide);

Thence South 37°56'38" East (assumed bearing) 1463.71 feet, following the centerline of State Route #287, passing at 1426.70 feet a railroad spike found at the intersection of said centerline with an east line of Logan County, Zana Township and a west line of Union County, Allen Township at Sta. 669+26.49 (back) and 0+26.49 (ahead) as shown on said project LOG/UNI-33-25.500.00 plans, thereafter entering Union County, Allen Township, to a 5/8 inch iron pin found with cap marked "OHIO DOT SURVEY PT" in a monument box at P.I. Sta. 0+63.50 as shown on said project LOG/UNI-33-25.500.00 plans;

Thence South 33°08'30" East 563.18 feet, following the centerline of State Route #287, to a magnetic nail set;

Thence North 56°51'30" East 94.55 feet, departing from the centerline of State Route #287, to an iron pin set on the northeast right of way line of State Route #287 and a southwest line of a remainder of said original 33.03 acre tract, said iron pin marking the place of beginning;

Thence North 56°51'30" East 387.47 feet, crossing a remainder of said original 33.03 acre tract, to an iron pin set in a southwest limited access right of way line of U.S. Route #33;

Thence South 40°45'30" East 212.94 feet, following a southwest limited access right of way line of U.S. Route #33 and a northeast line of a remainder of said original 33.03 acre tract, to an iron pin set at Sta. 16+00, 145.0 feet R.L. as shown on ODOT Right of Way plans for project UNI-33-0-28, pages 7 and 8 of 14;

Thence South 47°18'58" East 291.73 feet, following a southwest limited access right of way line of U.S. Route #33 and a northeast line of a remainder of said original 33.03 acre tract, to an iron pin set;

Thence South 56°51'30" West 517.30 feet, departing from a southwest limited access right of way line of U.S. Route #33 and crossing a remainder of said original 33.03 acre tract, to an iron pin set in a northeast right of way line of State Route #287;


Thence North 33°08'30" West 22.91 feet, following a northeast right of way line of State Route #287 and a southwest line of a remainder of said original 33.03 acre tract, to a 5/8 inch iron pin found with cap marked "OHIO DOT SURVEY PT" at Sta. 15+00, 75.0 feet L.L. as shown on said project LOG/UNI-33-25.500.00 plans;

Thence North 24°56'39" West 101.11 feet, following a northeast right of way line of State Route #287 and a southwest line of a remainder of said original 33.03 acre tract, to a 5/8 inch iron pin found with cap marked "OHIO DOT SURVEY PT" at Sta. 14+00, 90.0 feet L.L. as shown on said project LOG/UNI-33-25.500.00 plans;

Thence North 33°08'30" West 350.00 feet, following a northeast right of way line of State Route #287 and a southwest line of a remainder of said original 33.03 acre tract, to a 5/8 inch iron pin found with cap marked "OHIO DOT SURVEY PT" at Sta. 10+50, 90.0 feet L.L. as shown on said project LOG/UNI-33-25.500.00 plans;

Thence North 21°49'55" West 23.79 feet, following a northeast right of way line of State Route #287 and a southwest line of a remainder of said original 33.03 acre tract, to the place of beginning, containing 5.010 acres, more or less, and being subject to all valid easements and restrictions of record.

The above description was prepared from a field survey made under the supervision of Paul R. Clapsaddle, Registered Surveyor #6140, during the month of August 2001. Bearings indicated herein are based on an assumed meridian with all others based on angles turned. Iron pins set are 5/8 inch by 30 inch reinforcing rods with caps marked "CLAPSADDLE R.S. #6140".

ATTEST: 
Paul R. Clapsaddle, R.S. #6140
19019 West Darby Road, Marysville, Ohio 43040
(937) 747-2599

OR 964 PG 269

EXCEPTION NO. 12: (out of Tract I)

The following described 5.002 acre tract is situated in the State of Ohio, County of Union, Township of Allen, V.M.S. 4933, being part of a remainder of Fifth Third Bank, Trustee's original 33.03 acre tract described in Deed Volume 259, page 348, said 5.002 acre tract being more particularly described as follows:

Beginning for reference at a 5/8 inch iron pin found with cap marked "LOGAN COUNTY ENGINEER" in a monument box at Sta. 655+00.08 as shown on ODOT Right of Way plans for project LOG/UNI-33-25.50/0.00, pages 31-33 of 44, said pin marking the intersection of the centerline of State Route #287 (Variable Right of Way width) with the northeastern terminus point of Township Road #157 (60 feet wide);

Thence South $32^{\circ}56'38''$ East (assumed bearing) 1403.21 feet, following the centerline of State Route #287, to a magnetic nail set, said nail being North $32^{\circ}56'38''$ West 23.47 feet from a railroad spike found at the intersection of the centerline of State Route #287 with an east line of Logan County, Zone Township, and a west line of Union County, Allen Township at Sta. 669+25.49 (back) and 0+26.49 (ahead) as shown on said project LOG/UNI-33-25.50/0.00 plans;

Thence North $57^{\circ}03'22''$ East 90.00 feet, departing from the centerline of State Route #287, to a 1/4 inch iron pin found with cap marked "PETERMAN ASSOC" at Sta. 669+03.08, 90.0 feet Lt. as shown on said project LOG/UNI-33-25.50/0.00 plans, said iron pin marking the place of beginning;

Thence North $57^{\circ}03'22''$ East 28.15 feet, following a northwest line of a remainder of said original 33.03 acre tract, to a 1/4 inch iron pin found with cap marked "PETERMAN ASSOC" at Sta. 2+85, 85 feet Rt. as shown on ODOT R/W plans for project UNI-33-0 28, pages 7 and 8 of 14;

Thence South $43^{\circ}22'18''$ East 121.27 feet, following a southwest limited access right of way line of U.S. Route #33 and a northeast line of a remainder of said original 33.03 acre tract, to an iron pin set at Sta. 4+00, 110.0 feet Rt. as shown on said project UNI-33-0.28 plans;

Thence South $71^{\circ}09'56''$ East 106.38 feet, following a southwest limited access right of way line of U.S. Route #33 and a northeast line of a remainder of said original 33.03 acre tract, to an iron pin set at Sta. 5+00, 85.0 feet Rt. as shown on said project UNI-33-0.28 plans;

Thence South $49^{\circ}26'42''$ East 199.15 feet, following a southwest limited access right of way line of U.S. Route #33 and a northeast line of a remainder of said original 33.03 acre tract, to an iron pin set at Sta. 7+00, 115.0 feet Rt. as shown on said project UNI-33-0.28 plans;

Thence South $54^{\circ}07'56''$ East 585.17 feet, following a southwest limited access right of way line of U.S. Route #33 and a northeast line of a remainder of said original 33.03 acre tract, to an iron pin set at Sta. 13+00, 105.0 feet Rt. as shown on said project UNI-33-0.28 plans;

BR 964 PB270

Thence South 49°45'30" East 83.26 feet, following a southwest limited access right of way line of U.S. Route #33 and a northeast line of a remainder of said original 33.03 acre tract, to an iron pin set;

Thence South 56°41'30" West 387.47 feet, departing from a southwest limited access right of way line of U.S. Route #33 and crossing a remainder of said original 33.03 acre tract, to an iron pin set in the northeast right of way line of State Route #287;

Thence North 21°49'55" West 27.20 feet, following a northeast right of way line of State Route #287 and a southwest line of a remainder of said original 33.03 acre tract, to a 5/8 inch iron pin found with cap marked "OHIO DOT SURVEY PT" at Sta. 9+00, 100.0 feet L.L. as shown on said project LOG/UNI-33-25.50/0.00 plans;

Thence North 33°48'30" West 350.00 feet, following a northeast right of way line of State Route #287 and a southwest line of a remainder of said original 33.03 acre tract, to a 5/8 inch iron pin found with cap marked "OHIO DOT SURVEY PT" at Sta. 6+50, 100.0 feet L.L. as shown on said project LOG/UNI-33-25.50/0.00 plans;

Thence North 44°27'06" West 50.99 feet, following a northeast right of way line of State Route #287 and a southwest line of a remainder of said original 33.03 acre tract, to a 5/8 inch iron pin found with cap marked "OHIO DOT SURVEY PT" at Sta. 6+00, 90.0 feet L.L. as shown on said project LOG/UNI-33-25.50/0.00 plans;

Thence North 33°06'38" West 596.67 feet, following a northeast right of way line of State Route #287 and a southwest line of a remainder of said original 33.03 acre tract, to the place of beginning, containing 5.002 acres, more or less, and being subject to all valid easements and restrictions of record.

The above description was prepared from a field survey made under the supervision of Paul R. Clapsaddle, Registered Surveyor #6140, during the month of August 2003. Bearings indicated herein are based on an assumed meridian with all others based on angles turned. Iron pins set are 5/8 inch by 30 inch reinforcing rods with caps marked "CLAPSADDLE RS #6140".

ATTEST:

Paul R. Clapsaddle
Paul R. Clapsaddle, R.S. #6140
19019 West Darby Road, Marysville, Ohio 43040
(637) 747-2599

NEW SURVEY AND DESCRIPTION
REQUIRE BEFORE NEXT TRANSFER

TRACT I & II
DATE 5-10-12 *WJK*
JEFF STAUCH, UNION CO. ENR.

OF 964 PG 271

EXHIBIT "A"

TERESA L. MARKHAM
RECORDER, UNION CO., OHIO

2004 JUL -3 AM 8:28

2800

Real estate situated in the State of Ohio, County of Union and Township of Allen, and being further described as follows:

COMMENCING at a railroad spike found at the intersection of the centerline of County Road 150 and being the easterly corner common to Surveys 4933 and 12342; thence along the centerline of County Road 150 (old State Route 33) and the east line of Survey No. 4933, North 57° 34' 12" East a distance of 458.83 feet to a P.K. nail set at the True Place of Beginning of the following described tract; thence leaving said road, North 32° 25' 48" West (passing over an iron pipe at 30.00 feet); a total distance of 527.23 feet to an iron pipe (set); thence North 57° 34' 12" East a distance of 415.00 feet to an iron pipe (set); thence South 32° 25' 48" East (passing over an iron pipe at 497.23 feet) a total distance of 527.24 feet to a P.K. nail set in the centerline of County Road 150 (old State Route 33); thence along the centerline of said County Road 150, being the east line of said Survey No. 4933, South 57° 34' 12" West a distance of 415.00 feet to the True Place of Beginning.

CONTAINING 5.823 ACRES, more or less, but subject to all easements and rights-of-way of record. Franklin D. Stulte, Registered Surveyor No. 4873.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED REAL ESTATE:

Real estate situated in the State of Ohio, County of Union and Township of Allen, and being further described as follows:

BEGINNING for reference, at the intersection of the centerline of a survey made for the State of Ohio in 1985 of Proposed U.S. #33 with the centerline of a survey made for the State of Ohio in 1985 of Stokes Road, said point being P.O.C. Station 36+44.29, Proposed U.S. #33 and P.O.T. Station 50+00.00, Stokes Road;

Thence with the aforesaid centerline of survey of Stokes Road S. 58° 00' 10" W. a distance of 486.61 feet to a point being the grantor's northeasterly property corner and a southeasterly corner of the Fifth Third Bank, Trustee's 96.283 acre tract of land as the same is shown of record in Deed Book 255, Page 48 and Deed Book 259, Page 348 of the Union County Recorder's Office, in the westerly line of Henry M. and Ubaldo Monaco's 56.324 acre tract of land as the same is shown of record in Deed Book 254, Page 148 of the Union County Recorder's Office, said point being P.O.T. Station 45+13.39, Stokes Road and the true place of beginning;

Thence with the existing centerline and the aforesaid centerline of survey of Stokes Road, the grantor's easterly property line and the westerly line of the aforesaid Monaco S. 58° 00' 10" W. a distance of 415.00 feet to a point being the grantor's southeasterly property corner and an easterly corner of the aforesaid Fifth Third Bank, Trustee's, in the westerly line of the aforesaid Monaco, said point being P.O.T. Station 40+98.39 Stokes Road;

Thence with the grantor's southerly property line and a southerly line of the aforesaid Fifth Third Bank, Trustee's N. 31° 59' 50" W. crossing the westerly right-of-way line of existing Stokes Road at a distance of 30.00 feet, a distance of 60.00 feet to a point, said point being 60.00 feet left of Station 40+98.39, Stokes Road;

Thence N. 45° 50' 28" E. a distance of 308.53 feet to a point, said point being 125.00 feet left of Station 44+00.00, Stokes Road;

Thence N. 60° 31' 40" E. a distance of 113.30 feet to a point in the grantor's northerly property line and a southerly line of the aforesaid Fifth Third Bank Trustee's, said point being 120.00 feet left of Station 45+13.34, Stokes Road;

Thence with the grantor's northerly property line and the southerly line of the aforesaid Fifth Third Bank, Trustee's S. 31° 59' 50" E. crossing the westerly right-of-way line of existing Stokes Road at a distance of 30.00 feet, a distance of 120.00 feet to the true place of beginning CONTAINING 0.959 ACRES, more or less, including the present road which occupies 0.286 acres, more or less.

Grantor claims title by instrument of record in Deed Book 282, Page 259, Union County Recorder's Office. This description is based on a survey made under the direction of Theodore L. Wallace, Registered Surveyor No. 4650.

LEAVING 4.064 ACRES, more or less.

Also an easement 12 feet in width from the existing road to the premises which was specifically reserved by the grantor in a conveyance of 0.959 acres to the State of Ohio.

EXISTING DESCRIPTION
ACCEPTABLE FOR TRANSFER
DATE 7/10/04
TERESA L. MARKHAM
RECORDER, UNION CO., OHIO

OR 789 PG 363

EXHIBIT "A"

Situated in the County of Union, in the State of Ohio, and in the Township of Allen and bounded and described as follows:

COMMENCING at the point of intersection of the centerline of the West Darby Road (C.H. No. 167-A) with the centerline of the Stokes Road (C.H. No. 168-B); thence with the centerline of said Stokes Road, being the northerly line of said V.M.S. No. 158, North 53 degrees 06' East 607.10 feet to the true point of beginning, being the northeasterly corner of the Vernon H. Webster 17.48 acre tract described in Union County Deed Record Volume 205, Page 259; thence continuing with the centerline of said Stokes Road North 53 degrees 06' East 445 feet to a point; thence South 36 degrees 54' East (passing over an iron pin at 25 feet) 473.74 feet to an iron pin in a northerly line of the above mentioned 17.48 acre tract; thence with two consecutive lines of said 17.48 acre tract South 53 degrees 57' West 481.22 feet to a corner post, and North 32 degrees 28' West (passing over an iron pin at 448 feet) 468 feet to the point of beginning.

CONTAINING 5.00 acres, more or less, but subject to the legal road right of way, and to all other easements of record. VMS #158

The above description prepared by J. Donald Hart, Registered Surveyor No. 3802, from an actual survey of the premises made March 16, 1972.

SAVING AND EXCEPTING there from the following:

Situated in the Township of Allen, County of Union, and State of Ohio, and known as being in Virginia Military Survey 158, being 0.545 acres of land out of a 5.000 acre tract conveyed to Francis Clay, of record in Deed Record 268, page 767, of the Union County Recorder's Office, and being more fully bounded and described as follows:

PARCEL NO. 15-WD (HIGHWAY)

ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE, EXCLUDING LIMITATION OF ACCESS, IN THE FOLLOWING DESCRIBED PROPERTY

Commencing at a railroad spike (found) at the intersection of the Logan/Union County Line with the existing centerline of United State Route 33, said point also being the unknown owner's Northeast property corner (204.23 feet right of Station 2 plus 00.35, proposed United State Route 33):

thence, South 05 degrees 42 minutes 39 seconds West for 241.09 feet, along the Logan/Union County line to a railroad spike (set) in the Northeast property line of Midwest Express, Incorporated and the Southwest property line of Fifth Third Bank, said point also being in the centerline of proposed State Route 287 at Station 669 plus 26.49 (Back), Station 0 plus 26.49 (Ahead);

thence, South 32 degrees, 30 minutes 41 seconds East for 37.01 feet, along said property line, also being the centerline of proposed State Route 287, to a railroad spike (set) in the centerline of proposed State Route 287 at Station 0, plus 63.50;

thence, South 32 degrees 41 minutes 56 seconds East for 3043.48 feet, along said property line and the centerline of proposed State Route 287 to a railroad spike (set) at the Southeast property corner of Fifth Third Bank and Simon D. Traikovich, being in the intersection of proposed State Route 287 and existing County Road 168, Station 31 plus 05.27 of proposed State Route 287, Station 10 plus 00.00 of existing County Road 168, said point being the TRUE POINT OF BEGINNING;

thence, North 57 degrees 51 minutes 2 seconds East for 185.91 feet, along the owner's Northerly property line also being the centerline of proposed State Route 287, to a railroad spike (set) at the owner's Northeasterly property corner at Station 32 plus 91.18, proposed State Route 287;

thence, South 31 degrees 1 minutes 28 seconds East for 55.01 feet, along the owner's Easterly property line to a 5/8" iron pin with ODOT cap (set) on the proposed right of way, 55.00 feet right of Station 32 plus 90.10, proposed State Route 287;

thence, South 57 degrees 51 minutes 2 seconds West for 384.83 feet, along the proposed right of way to a 5/8" inch iron pin with ODOT cap (set) 55.00 feet right of Station 8 plus 00.00, existing County Road 168;

thence, South 80 degrees 02 minutes 16 seconds West for 66.20 feet, along the proposed right of way to a 5/8" iron pin with ODOT cap (set) on the owner's Westerly property line, 30.00 feet right of Station 7 plus 38.70, existing County Road 168;

thence, North 26 degrees 35 minutes 24 seconds West for 30.14 feet, along the owner's Westerly property line to a railroad spike (set) at the owner's Northwest property corner, also being in the centerline of existing County Road 168, at Station 7 plus 41.62;

thence, North 57 degrees 51 minutes 2 seconds East for 258.38 feet, along the owner's Northerly property line, also being the centerline of existing County Road 168, to the TRUE POINT OF BEGINNING, containing 0.545 acres, more or less, including the present road which occupies 0.307 acres, more or less.

A gross take of 0.545 acres inclusive of the present roadway which occupies 0.307 acres is to be deleted from Auditor's Parcel Number 03-000-30-02-000.

Owners retain rights of ingress and egress to and from any residual area.

Bearings used in this description are based on Ohio State Plane Coordinate System as established by Howard, Needles, Tammen and Bergendoff for the Ohio Transportation Research Center in May of 1971.

Stations and offsets used in this description are referenced to the Ohio Department of Transportation Right of Way plans for LOG/UNI 33 - 25.50/0.00, dated 1995.

The monumentation previously mentioned as set, is to be set, after construction by Ohio Department of Transportation District 7 Survey Crew.

The above description was calculated and derived from a centerline survey made by Norman J. Nuber, registered Surveyor Number 4813, for John E. Foster and Associates, Inc.

Said Stations being the Station Numbers as stipulated in the herein before mentioned survey and as shown by plans on file in the Department of Transportation, Columbus, Ohio.

Owner claims title by instrument recorded in Volume 288, Page 109; and **

LEAVING AFTER SAID EXCEPTION 4.455 ACRES, MORE OR LESS.

** Volume 268, Page 767, of the records of Union County, Ohio.

EXISTING DESCRIPTION
ACCEPTABLE FOR TRANSFER

DATE 12-27-11
JEFF STAUGH, UNION CO. ENG.

Monaco - 9

Order No: 21081163 WES

Deed of Executor, Administrator, Trustee,
Guardian, Receiver or Commissioner *

254378

ANTHONY G. MONACO, Trustee
 FOR THE UBALDO MONACO RESTATED TRUST AGREEMENT DATED DECEMBER 8, 1998, AS AMENDED
 and every other power, for valuable consideration paid, grants, with fiduciary covenants, to
 MONACO FAMILY LLC, AN OHIO LIMITED LIABILITY COMPANY

whose tax-mailing address is 5949 Sinclair Road, Columbus, Ohio 43229

the following REAL PROPERTY:
 SITUATED IN THE STATE OF OHIO, COUNTY OF UNION, AND IN THE TOWNSHIP OF ALLEN:

BEGINNING AT A RAILROAD SPIKE SET IN THE CENTERLINE OF COUNTY ROAD 150 AT THE
 NORTHEASTERLY CORNER OF A 5.00 ACRE TRACT OF LAND OWNED BY DONALD M. AND LINDA L.
 LAMONT, AS DESCRIBED IN DEED BOOK 250, PAGE 357, UNION COUNTY RECORDER'S OFFICE, SAID
 POINT OF BEGINNING BEING NORTH 57° 34' 12" EAST, A DISTANCE OF 1049.59 FEET FROM A

Continued on Next Page

PARCEL NO.: 03-0003003.000; MAP #075-00-00-031.000
 PROPERTY ADDRESS: 48.97 ACRES, ALLEN TOWNSHIP, OHIO

Subject to taxes and assessments which are now or may hereafter become liens on said premises and except conditions,
 restrictions and easements, if any, contained in former deeds of record for said premises, subject to all of which this
 conveyance is made

Prior Instrument Reference: ORV 177, page 144; ORV 164, page 548; DB 336, page 705; ORV 315,
 page 778; DB 254, page 248
 of the Deed Records of UNION County, Ohio.

Witness my hand(s) this 5TH day of JULY 2001
 Signed and acknowledged in presence of:

Richard S. Mulligan
 Witness Richard S. Mulligan
 State of OHIO County of FRANKLIN

Anthony G. Monaco
 ANTHONY G. MONACO
 Trustee

Victoria L. Tucky
 Witness Victoria L. Tucky
 State of OHIO County of FRANKLIN

BE IT REMEMBERED, That on this 5TH day of JULY 2001, before me, the subscriber, a Notary Public is
 and for said state, personally came ANTHONY G. MONACO, Trustee
 FOR THE UBALDO MONACO RESTATED TRUST AGREEMENT DATED DECEMBER 8, 1998, AS AMENDED
 the Grantor(s) in the foregoing deed, and acknowledged the signing thereof to be HIS voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last
 aforesaid.

Victoria L. Tucky
 Notary Public

STAMP OF NOTARY PUBLIC
 This Certificate has been submitted and the Grantor has
 complied with section 319.207 of the Revised Code
 FEE \$ 44.00
 EXEMPT

This instrument was prepared by MAGNUSON & BARONE, ATTORNEYS AT LAW

TRANSFERRED

CHICAGO TITLE BOX-W

Auditor's and Recorder's Stamp

JUL 18 2001

DR294 PG627

Deed Legal Description (Continued)

RAILROAD SPIKE SET AT THE INTERSECTION OF COUNTY ROAD 167 AND COUNTY ROAD 168;

THENCE NORTH 57° 34' 12" EAST ALONG THE CENTERLINE OF COUNTY ROAD 150, A DISTANCE OF 953.32 FEET TO A RAILROAD SPIKE SET IN LINE WITH THE FARM FENCE AT THE NORTHWEST CORNER OF A 33 ACRE TRACT OF LAND NOW OR FORMERLY OWNED BY HIBBERT A. AND SARAH L. MOUNTS, AS DESCRIBED IN DEED BOOK 252, PAGE 180;

THENCE SOUTH 33° 04' 20" EAST ALONG THE FENCE LINE ON THE WESTERLY SIDE OF SAID TRACT, A DISTANCE OF 1264.62 FEET TO AN IRON PIPE;

THENCE SOUTH 57° 42' 22" WEST, A DISTANCE OF 755.67 FEET TO AN IRON PIPE SET AT THE SOUTHEASTERLY CORNER OF A 50 ACRE TRACT OF LAND OWNED BY DONALD E. HUPP, AS DESCRIBED IN DEED BOOK 194, PAGE 228;

THENCE NORTH 31° 19' 51" WEST ALONG THE EAST LINE OF SAID 50 ACRE TRACT, A DISTANCE OF 1620.72 FEET TO AN OLD CORNER STONE FOUND AT THE NORTHEAST CORNER OF SAID 50 ACRE TRACT, BEING THE SOUTHEAST CORNER OF A 25 ACRE TRACT OWNED BY JAMES M. MCCREARY, AS DESCRIBED IN DEED BOOK 246, PAGE 179;

THENCE NORTH 12° 11' 53" WEST ALONG THE EAST LINE OF SAID 25 ACRE TRACT AND THE EAST LINE OF A 17.48 ACRE TRACT OWNED BY VERNON H. WEBSTER, AS DESCRIBED IN DEED BOOK 205, PAGE 259, A DISTANCE OF 1162.90 FEET TO AN IRON PIPE FOUND AT A NORTHEAST CORNER OF SAID 17.48 ACRE TRACT;

THENCE SOUTH 58° 05' 30" WEST ALONG A NORTHERLY LINE OF SAID 17.48 ACRE TRACT, A DISTANCE OF 266.78 FEET TO AN IRON PIPE FOUND AT THE SOUTHEAST CORNER OF A 5.0 ACRE TRACT OF LAND OWNED BY DONALD M. AND LINDA L. LAMENT, AS DESCRIBED IN DEED BOOK 250, PAGE 357;

THENCE NORTH 12° 50' WEST ALONG THE EASTERLY LINE OF SAID 5.00 ACRE TRACT, A DISTANCE OF 476.88 FEET TO THE PLACE OF BEGINNING, CONTAINING 56.324 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

SAVE AND EXCEPT THE FOLLOWING 7.354 ACRES, MORE OR LESS, WHICH WAS DEEDED TO THE STATE OF OHIO;

SITUATED IN THE STATE OF OHIO, COUNTY OF UNION AND TOWNSHIP OF ALLEN, AND MORE FULLY BOUNDED AND DESCRIBED AS FOLLOWS:

PARCEL NO. 33-WL (HIGHWAY)
ALL RIGHT, TITLE, AND INTEREST IN FEE SIMPLE, INCLUDING
LIMITATION OF ACCESS, IN THE FOLLOWING DESCRIBED PROPERTY

BEGINNING, FOR REFERENCE, AT THE INTERSECTION OF THE CENTERLINE OF A SURVEY MADE FOR THE STATE OF OHIO IN 1985 OF PROPOSED U.S. 33 WITH THE CENTERLINE OF A SURVEY MADE FOR THE STATE OF OHIO IN 1985 OF STOKES ROAD, SAID POINT BEING P.O.C. STATION 36 PLUS 44.29, PROPOSED U.S. 33 AND P.O.T. STATION 50 PLUS 00.00, STOKES ROAD;

THENCE WITH THE CENTERLINE OF SURVEY AND EXISTING STOKES ROAD SOUTH 58 DEGREES 00 MINUTES 10 SECONDS WEST, A DISTANCE OF 209.04 FEET TO A POINT BEING THE OWNERS' NORTHWESTERLY PROPERTY CORNER AND THE SOUTHWESTERLY CORNER OF SARAH L. MOUNTS 33.00 ACRE TRACT OF LAND AS THE SAME IS SHOWN OF RECORD IN DEED BOOK 277, PAGE 266 OF THE UNION COUNTY RECORDER'S OFFICE, IN THE EASTERLY LINE OF THE FIFTH THIRD BANK, TRUSTEE'S 96.283 ACRE TRACT OF LAND AS THE SAME IS SHOWN OF RECORD IN DEED BOOK 255, PAGE 48, AND DEED BOOK 259, PAGE 348, OF THE UNION COUNTY RECORDER'S OFFICE, SAID POINT BEING P.O.T. STATION 47 PLUS 90.96, STOKES ROAD AND THE TRUE POINT OF BEGINNING;

THENCE WITH THE OWNERS' NORTHERLY PROPERTY LINE AND THE SOUTHERLY LINE OF THE AFOREMENTIONED MOUNTS SOUTH 31 DEGREES 59 MINUTES 50 SECONDS EAST, CROSSING THE EASTERLY RIGHT OF WAY LINE OF EXISTING STOKES ROAD AT A DISTANCE OF 30.00 FEET, THE BASELINE OF A SURVEY MADE FOR THE STATE OF OHIO IN 1985 FOR RAMP "C" AT P.O.C. STATION 42 PLUS 63.24 AND THE BASELINE OF A SURVEY MADE FOR THE STATE OF OHIO IN 1985, OF RAMP "B" AT P.O.T. STATION 40 PLUS 06.25, A DISTANCE OF 788.70 FEET TO A POINT, SAID POINT BEING 117.35 FEET RIGHT OF STATION 40 PLUS 70.64, RAMP "B";

THENCE SOUTH 84 DEGREES 36 MINUTES 41 SECONDS WEST, A DISTANCE OF 70.69 FEET TO A POINT, SAID POINT BEING 120.00 FEET RIGHT OF STATION 40 PLUS 00.00, RAMP "B";

THENCE NORTH 89 DEGREES 47 MINUTES 32 SECONDS WEST, A DISTANCE OF 335.97 FEET TO A POINT, SAID POINT BEING 120.00 FEET RIGHT OF STATION 37 PLUS 00.00, RAMP "B";

THENCE NORTH 79 DEGREES 05 MINUTES 02 SECONDS WEST, A DISTANCE OF 149.49 FEET TO A

Deed Legal Description (Continued)

POINT, SAID POINT BEING 155.00 FEET RIGHT OF STATION 36 PLUS 00.00, RAMP "B";

THENCE NORTH 33 DEGREES 09 MINUTES 53 SECONDS WEST, A DISTANCE OF 149.49 FEET TO A POINT, SAID POINT BEING 120.00 FEET RIGHT OF STATION 35 PLUS 00.00, RAMP "B";

THENCE NORTH 50 DEGREES 19 MINUTES 58 SECONDS WEST, A DISTANCE OF 116.11 FEET TO A POINT, SAID POINT BEING 155.00 FEET RIGHT OF STATION 34 PLUS 00.00, RAMP "B";

THENCE NORTH 23 DEGREES 27 MINUTES 59 SECONDS WEST, A DISTANCE OF 101.12 FEET TO A POINT, SAID POINT BEING 140.00 FEET RIGHT OF STATION 33 PLUS 00.00, RAMP "B";

THENCE NORTH 75 DEGREES 18 MINUTES 21 SECONDS WEST, A DISTANCE OF 50.17 FEET TO A POINT, SAID POINT BEING 80.00 FEET RIGHT OF STATION 42 PLUS 75.00, STOKES ROAD;

THENCE SOUTH 79 DEGREES 48 MINUTES 15 SECONDS WEST, A DISTANCE OF 80.78 FEET TO A POINT, SAID POINT BEING 50.00 FEET RIGHT OF STATION 42 PLUS 00.00, STOKES ROAD;

THENCE SOUTH 59 DEGREES 54 MINUTES 43 SECONDS WEST, A DISTANCE OF 150.08 FEET TO A POINT, SAID POINT BEING 45.00 FEET RIGHT OF STATION 42 PLUS 50.00, STOKES ROAD;

THENCE NORTH 31 DEGREES 59 MINUTES 50 SECONDS WEST, CROSSING THE EASTERLY RIGHT OF WAY LINE OF EXISTING STOKES ROAD AT A DISTANCE OF 15.00 FEET, A DISTANCE OF 45.00 FEET TO A POINT IN THE OWNERS' WESTERLY PROPERTY LINE AND THE EASTERLY LINE OF THE AFOREMENTIONED FIFTH THIRD BANK, TRUSTEE'S, BEING ALSO IN THE CENTERLINE OF EXISTING STOKES ROAD, SAID POINT BEING P.O.T. STATION 40 PLUS 50.00, STOKES ROAD;

THENCE WITH THE OWNERS' WESTERLY PROPERTY LINE AND THE EASTERLY LINE OF THE AFOREMENTIONED FIFTH THIRD BANK, TRUSTEE'S, BEING ALSO THE CENTERLINE OF SURVEY AND EXISTING STOKES ROAD, NORTH 58 DEGREES 00 MINUTES 10 SECONDS EAST, A DISTANCE OF 740.96 FEET TO THE TRUE PLACE OF BEGINNING, CONTAINING 7.354 ACRES, MORE OR LESS, INCLUDING THE PRESENT ROAD WHICH OCCUPIES 0.510 OF AN ACRE, MORE OR LESS.

TOGETHER WITH ALL RIGHTS OR EASEMENTS OF ACCESS TO OR FROM SAID LIMITED ACCESS HIGHWAY FROM OR TO THE LAND OF SAID PERSONS ABUTTING UPON THAT PORTION OF LIMITED ACCESS HIGHWAY, AS SHOWN BY THE PLANS OF SAID IMPROVEMENTS HEREIN REFERRED TO.

THIS DESCRIPTION IS BASED ON A SURVEY MADE UNDER THE DIRECTION AND SUPERVISION OF THEODORA L. WALLACE, REGISTERED SURVEYOR NO. 4650.

SAID STATIONS BEING THE STATION NUMBERS AS STIPULATED IN THE HEREINBEFORE MENTIONED SURVEY AND AS SHOWN BY PLANS ON FILE IN THE DEPARTMENT OF TRANSPORTATION, COLUMBUS, OHIO.

FOR LAST CONVEYANCE REFER TO OFFICIAL RECORDS VOLUME 336, PAGE 705.

LEAVING 48.97 ACRES, MORE OR LESS, AFTER SAID EXCEPTION.

AND FURTHER SAVE AND EXCEPT THE FOLLOWING 0.195 ACRES, MORE OR LESS:

SITUATED IN THE STATE OF OHIO, COUNTY OF UNION, TOWNSHIP OF ALLEN, AND BEING IN VIRGINIA MILITARY SURVEY NUMBER 158, BEING 0.195 ACRES OF LAND OUT OF A 48.97 ACRE TRACT CONVEYED TO FILMENA MONACO, TRUSTEE, OF RECORD IN DEED RECORD 315, PAGE 718 AND UBALDO MONACO, OF RECORD IN DEED BOOK 336, PAGE 705, OF THE UNION COUNTY RECORDER'S OFFICE, SAID 0.195 ACRES MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A RAILROAD SPIKE (FOUND) AT THE INTERSECTION OF THE LOGAN/UNION COUNTY LINE WITH THE EXISTING CENTERLINE OF UNITED STATES ROUTE 33, SAID POINT ALSO BEING THE UNKNOWN GRANTOR'S NORTHEAST PROPERTY CORNER (204.23 FEET RIGHT OF STATION 2 PLUS 00.35, PROPOSED UNITED STATES ROUTE 33);

THENCE SOUTH 05 DEGREES 42 MINUTES 39 SECONDS WEST FOR 241.09 FEET, ALONG THE LOGAN/UNION COUNTY LINE TO A RAILROAD SPIKE (SET) IN THE NORTHEAST PROPERTY LINE OF MIDWEST EXPRESS, INCORPORATED AND THE SOUTHWEST PROPERTY LINE OF FIFTH THIRD BANK, SAID POINT ALSO BEING IN THE CENTERLINE OF PROPOSED STATE ROUTE 287 AT STATION 669 PLUS 25.49 (BACK), STATION 0 PLUS 26.49 (AHEAD);

THENCE SOUTH 32 DEGREES 30 MINUTES 41 SECONDS EAST FOR 37.01 FEET, ALONG SAID PROPERTY LINE, ALSO BEING THE CENTERLINE OF PROPOSED STATE ROUTE 287, TO A RAILROAD SPIKE (SET) IN THE CENTERLINE OF PROPOSED STATE ROUTE 287 AT STATION 0 PLUS 63.50;

THENCE SOUTH 32 DEGREES 41 MINUTES 56 SECONDS EAST FOR 3043.48 FEET, ALONG SAID PROPERTY LINE AND THE CENTERLINE OF PROPOSED STATE ROUTE 287 TO A RAILROAD SPIKE (SET) AT THE SOUTHEAST PROPERTY CORNER OF FIFTH THIRD BANK AND SIMON D. TRAIKOVICH, BEING IN

Deed Legal Description (Continued)

THE INTERSECTION OF PROPOSED STATE ROUTE 287 AND EXISTING STATE ROUTE 168, STATION 31 PLUS 05.27 OF PROPOSED STATE ROUTE 287, STATION 10 PLUS 00.00 OF EXISTING STATE ROUTE 168;

THENCE NORTH 57 DEGREES 51 MINUTES 2 SECONDS EAST FOR 411.73 FEET, ALONG SAID PROPERTY LINE AND THE CENTERLINE OF PROPOSED STATE ROUTE 287 TO A RAILROAD SPIKE (SET) IN THE CENTERLINE OF PROPOSED STATE ROUTE 287 AT STATION 35 PLUS 17.00, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE NORTH 57 DEGREES 51 MINUTES 02 SECONDS EAST FOR 154.72 FEET, ALONG THE GRANTOR'S NORTHERLY PROPERTY LINE, ALSO BEING THE CENTERLINE OF PROPOSED STATE ROUTE 287, TO A RAILROAD SPIKE ON THE CENTERLINE OF PROPOSED STATE ROUTE 287 AT STATION 36 PLUS 71.72;

THENCE SOUTH 12 DEGREES 8 MINUTES 58 SECONDS EAST FOR 55.00 FEET, TO A 5/8" IRON PIN WITH ODOT CAP (SET) AT THE INTERSECTION OF THE EXISTING RIGHT OF WAY LINE AND THE PROPOSED RIGHT OF WAY LINE, 55.00 FEET RIGHT OF STATION 36 PLUS 71.72, PROPOSED STATE ROUTE 287;

THENCE SOUTH 57 DEGREES 51 MINUTES 02 SECONDS WEST FOR 154.72 FEET, ALONG THE PROPOSED RIGHT OF WAY LINE, TO A 5/8" IRON PIN WITH ODOT CAP (SET) 55.00 FEET RIGHT OF STATION 35 PLUS 17.00, PROPOSED STATE ROUTE 287;

THENCE NORTH 12 DEGREES 8 MINUTES 58 SECONDS WEST FOR 55.00 FEET TO THE TRUE POINT OF BEGINNING.

IT IS UNDERSTOOD THAT THE STRIP OF LAND ABOVE DESCRIBED CONTAINS 0.195 ACRES, MORE OR LESS, INCLUDING THE PRESENT ROAD WHICH OCCUPIES 0.175 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAY AND RESTRICTIONS OF RECORD.

A GROSS TAKE OF 0.195 ACRES INCLUSIVE OF THE PRESENT ROADWAY WHICH OCCUPIES 0.175 ACRES IS TO BE DELETED FROM AUDITOR'S PARCEL NUMBER 03-000-30-03-000.

BEARINGS USED IN THIS DESCRIPTION ARE BASED ON OHIO STATE PLANE COORDINATE SYSTEM AS ESTABLISHED BY HOWARD, NEEDLES, TAMMEN AND BERGENDOFF FOR THE OHIO TRANSPORTATION RESEARCH CENTER IN MAY OF 1971.

STATIONS AND OFFSETS USED IN THIS DESCRIPTION ARE REFERENCED TO THE OHIO DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLANS FOR LOG/UNI 33 - 25.50/0.00, DATED 1995.

THE MONUMENTATION PREVIOUSLY MENTIONED AS SET, IS TO BE SET AFTER CONSTRUCTION BY OHIO DEPARTMENT OF TRANSPORTATION DISTRICT 7 SURVEY CREW.

THE ABOVE DESCRIPTION WAS CALCULATED AND DERIVED FROM A CENTERLINE SURVEY MADE BY NORMAN J. NUBER, REGISTERED SURVEYOR NO. 4813, FOR JOHN E. FOSTER AND ASSOCIATES, INC.

SAID STATIONS BEING THE STATION NUMBERS AS STIPULATED IN THE HEREBEFORE MENTIONED SURVEY AND AS SHOWN BY PLANS ON FILE IN THE DEPARTMENT OF TRANSPORTATION, COLUMBUS, OHIO.

FOR LAST CONVEYANCE REFER TO OFFICIAL RECORDS VOLUME 40, PAGE 105

LEAVING 48.775 ACRES, MORE OR LESS, AFTER SAID EXCEPTION.

AND FURTHER SAVE AND EXCEPT THE FOLLOWING 0.286 ACRES, MORE OR LESS:

SITUATED IN THE STATE OF OHIO, COUNTY OF UNION, TOWNSHIP OF ALLEN, AND BEING IN VIRGINIA MILITARY SURVEY NUMBER 158, BEING 0.286 ACRES OF LAND OUT OF A 48.97 ACRE TRACT CONVEYED TO FIDELMENA MONACO, TRUSTEE, OF RECORD IN DEED BOOK 315, PAGE 778, AND UBALDO MONACO, OF RECORD IN DEED BOOK 316, PAGE 705, OF THE UNION COUNTY RECORDER'S OFFICE, SAID 0.286 ACRES MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A RAILROAD SPIKE (FOUND) AT THE INTERSECTION OF THE LOGAN/UNION COUNTY LINE WITH THE EXISTING CENTERLINE OF UNITED STATES ROUTE 33, SAID POINT ALSO BEING THE UNKNOWN GRANTOR'S NORTHEAST PROPERTY CORNER (204.23 FEET RIGHT OF STATION 2 PLUS 00.35, PROPOSED UNITED STATES ROUTE 33);

THENCE SOUTH 05 DEGREES 42 MINUTES 39 SECONDS WEST FOR 241.09 FEET, ALONG THE LOGAN/UNION COUNTY LINE TO A RAILROAD SPIKE (SET) IN THE NORTHEAST PROPERTY LINE OF MIDWEST EXPRESS, INCORPORATED AND THE SOUTHWEST PROPERTY LINE OF FIFTH THIRD BANK, SAID POINT ALSO BEING IN THE CENTERLINE OF PROPOSED STATE ROUTE 287 AT STATION 669 PLUS 26.49 (BACK), STATION 0 PLUS 26.49 (BACK);

Deed Legal Description (Continued)

THENCE SOUTH 32 DEGREES 30 MINUTES 41 SECONDS EAST FOR 37.0 FEET, ALONG SAID PROPERTY LINE, ALSO BEING THE CENTERLINE OF PROPOSED STATE ROUTE 287, TO A RAILROAD SPIKE (SET) IN THE CENTERLINE OF PROPOSED STATE ROUTE 287 AT STATION 0 PLUS 63.50;

THENCE SOUTH 32 DEGREES 41 MINUTES 56 SECONDS EAST FOR 3043.48 FEET, ALONG SAID PROPERTY LINE AND THE CENTERLINE OF PROPOSED STATE ROUTE 287 TO A RAILROAD SPIKE (SET) AT THE SOUTHEAST PROPERTY CORNER OF FIFTH THIRD BANK AND SIMON D. TRAILKOVICH, BEING THE INTERSECTION OF PROPOSED STATE ROUTE 287 AND EXISTING STATE ROUTE 168, STATION 31 PLUS 05.27 OF PROPOSED STATE ROUTE 287, STATION 10 PLUS 00.00 OF EXISTING STATE ROUTE 168;

THENCE NORTH 57 DEGREES 51 MINUTES 2 SECONDS EAST FOR 185.91 FEET, ALONG SAID PROPERTY LINE AND THE CENTERLINE OF PROPOSED STATE ROUTE 287 TO A RAILROAD SPIKE (SET) AT THE GRANTORS' NORTHWEST PROPERTY CORNER AT STATION 32 PLUS 51.18 PROPOSED STATE ROUTE 287, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE NORTH 57 DEGREES 51 MINUTES 2 SECONDS EAST FOR 225.82 FEET, ALONG THE GRANTOR'S NORTHERLY PROPERTY LINE, ALSO BEING THE CENTERLINE OF PROPOSED STATE ROUTE 287, TO A RAILROAD SPIKE (SET) IN THE CENTERLINE OF PROPOSED STATE ROUTE 287 AT STATION 35 PLUS 17.00;

THENCE SOUTH 32 DEGREES 08 MINUTES 58 SECONDS EAST FOR 55.00 FEET, TO A 5/8" IRON PIN WITH ODOT CAP (SET) ON THE PROPOSED RIGHT OF WAY, 55.00 FEET RIGHT OF STATION 35 PLUS 17.00, PROPOSED STATE ROUTE 287;

THENCE SOUTH 57 DEGREES 51 MINUTES 2 SECONDS WEST FOR 226.90 FEET, ALONG THE PROPOSED RIGHT OF WAY, TO A 5/8" IRON PIN WITH ODOT CAP (SET) ON THE GRANTOR'S WESTERLY PROPERTY LINE, 55.00 FEET RIGHT OF STATION 32 PLUS 90.10, PROPOSED STATE ROUTE 287;

THENCE NORTH 31 DEGREES 1 MINUTE 28 SECONDS WEST FOR 55.01 FEET, ALONG THE GRANTOR'S WESTERLY PROPERTY LINE, TO THE TRUE POINT OF BEGINNING.

IT IS UNDERSTOOD THAT THE STRIP OF LAND ABOVE DESCRIBED CONTAINS 0.285 ACRES, MORE OR LESS, INCLUDING THE PRESENT ROAD WHICH OCCUPIES 0.156 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAY AND RESTRICTIONS OF RECORD.

A GROSS TAKE OF 0.286 ACRES INCLUSIVE OF THE PRESENT ROADWAY WHICH OCCUPIES 0.156 ACRES IS TO BE DELETED FROM AUDITOR'S PARCEL NUMBER 03-000-30-03-000.

FOR LAST CONVEYANCE REFER TO OFFICIAL RECORDS VOLUME 40, PAGE 107.

LEAVING 48.489 ACRES, MORE OR LESS, AFTER SAID EXCEPTION.

EXISTING DESCRIPTION
ACCEPTANCE BY TRANSFER
DATE 7/18/01
BY [Signature] ENC

RECORDED
2001 JUL 18 PM 3:14
2600

DR294 PG631

Governor's Deed 185456

State of Ohio

KNOW ALL MEN BY THESE PRESENTS, THAT;

WHEREAS: In connection with the construction of United States Route 33, Section 0.00, Union County, Ohio, the State of Ohio (Ohio Department of Transportation) acquired highway right of way in the Township of Allen, Union County, Ohio, identified as follows:

<u>GRANTOR</u>	<u>PARCEL NO.</u>	<u>VOLUME</u>	<u>PAGE</u>
Sara L. Mounts	34-WL	298	324
John R. & Juanita L. Denune	36-BR	298	709
Charlotte A. McCreary	36-A	334	546
Edith A. Childers	37-BR	298	568

by Warranty Deeds, as are recorded in the Recorder's Office of Union County, Ohio, and;

WHEREAS: The above captioned highway project has been constructed, accepted by the Director of Transportation, and opened to the traveling public, and;

Page 1 of 7 Pages

Grantor has complied with Section 19.202 of the Revised Code.

FEE \$

EXEMPT

ELISE DOWELL, County Auditor

RECORDED

AUG 26 1994

ELISE DOWELL, AUDITOR

WHEREAS: The State of Ohio (Ohio Department of Transportation) finds that portions of Parcel Nos. 34-WL, 36-ER, 36-A and 37-ER, now designated State Parcel No. 36-EL Combined (Two Tracts), is no longer needed for highway purposes, and can be disposed of without affecting the integrity of said highway system and the same should be offered for sale at public auction pursuant to the statutory provisions of Chapter 5501 of the Ohio Revised Code, and;

WHEREAS: By Entry made on March 11, 1994 in the Real Estate Administration Section of the Journal of the Director of Transportation, Volume 23, Page 79, the Director of Transportation determined and declared that State Parcel No. 36-EL Combined (Two Tracts) should be offered for sale pursuant to the statutory provisions of Chapter 5501 of the Ohio Revised Code, and;

WHEREAS: Said Parcel No. 36-EL Combined (Two Tracts) was duly appraised, and the Notice of Sale of Real Estate was advertised in the Marysville Journal-Tribune, a newspaper of general circulation in Union County, Ohio, once a week for two consecutive weeks prior to the date of sale, and;

WHEREAS: The sale at public auction was held at the site on Friday, April 15, 1994 at 10:30 A.M., Ohio Standard Time, as advertised. Then and there came Thomas H. Lagos, representing himself, and his bid of Eighty Three Thousand Dollars and No Cents (\$83,000.00) the highest and best bid received. A Contract of Purchase was executed for said premises between the State of Ohio and Thomas H. Lagos;

NOW, THEREFORE: THE STATE OF OHIO, by GEORGE V. VOINOVICH, GOVERNOR, acting under the authority of Section 5501.34 of the Ohio Revised Code, and in consideration of Eighty Three Thousand Dollars and No Cents (\$83,000.00), receipt of which is hereby acknowledged, does hereby remise, release and forever quitclaim unto Thomas H. Lagos, his heirs and assigns all right, title and interest of the State of Ohio in the following described property:

PARCEL ONE

Being part of Survey 158, in the Virginia Military Lands, Allen Township, Union County, State of Ohio, and being all of parcels 34E, 36E and 37E, as shown on Ohio Department of Transportation Right-of-Way plans UNI-33-0.28, and is recorded in Union County Deeds records volume 298, pages 324, 709 and 568, and being more particularly described as follows:

Beginning for reference at a spike found in the centerline intersection of County Road 167 (West Darby Road) with County Road 150 (Stokes Road),

Thence North 58°00'48" East, along the centerline of said Stokes Road, passing a spike found at a distance of 1049.56 feet, a total distance of 2002.87 feet to a P.K. nail set;

Thence South 32°38'10" East, 793.92 feet to a re-rod set in the northwesterly corner of said Parcel 34E, said re-rod being 539.22 feet right of Sta. 42+46.44, centerline of U.S. 33, also being the TRUE PLACE OF BEGINNING, of the herein described parcel:

Thence along the Southerly right-of-way of U.S. 33 the following (13) courses and distances:

1. North 84°36'41" East, 319.54 feet to a re-rod set, 359.02 feet right of Sta. 45+01.01,
2. North 89°20'23" East, 189.99 feet to a re-rod set, 268.02 feet right of Sta. 46+63.65,
3. South 77°54'36" East, 196.26 feet to a re-rod set in the northeast corner of said parcel 34E, 216.99 feet right of Sta. 48+49.50,
4. South 77°54'36" East, 67.36 feet to a re-rod set, 200.15 feet right of Sta. 49+13.64,

5. South 65°47'00"East, 798.92 feet to a re-rod set, 195 feet right of Sta. 57+00,
6. South 69°49'40"East, 304.80 feet to a re-rod set, 185 feet right of Sta. 60+00,
7. South 74°02'42"East, 305.23 feet to a re-rod set, 160 feet right of Sta. 63+00,
8. South 84°24'09"East, 208.29 feet to a re-rod set, 110 feet right of Sta. 65+00,
9. South 67°40'01"East, 405.17 feet to a re-rod set, 140 feet right of Sta. 69+00,
10. South 75°35'53"East, 266.64 feet to a re-rod set, 130 feet right of Sta. 71+65.54,
11. South 73°25'21"East, passing a re-rod set in the Northeasterly corner of said parcel 36E, at 26.28 feet, a total distance of 237.04 feet to a re-rod set, 135 feet right of Sta. 74+00,
12. South 83°51'20"East, 102.15 feet to a re-rod set, 120 feet right of Sta. 75+00,
13. South 75°44'10"East, 860.06 feet to a re-rod set 148.41 feet right of Sta. 83+50.47,

Thence South 27°39'09" East, along the easterly line of said parcel 37E, 25.28 feet to a re-rod set in the Southeasterly corner of said parcel 37E, and being in the Northerly line of a 16 acre tract as described in Deed Volume 269, pg. 436,

Thence South 56°45'05" West, along the northerly line of said 16 acre tract, 801.06 feet to a re-rod set in the east line of said parcel 36E,

Thence South 32°44'56" East, along the Westerly line of said 16 acre tract, 417.05 feet to a wood post found in the Northeasterly corner of a 3.051 acre tract as recorded in Deed Volume 334, pg. 546, also being the Southeasterly corner of said parcel 36E;

Thence South 57°47'21" West, along the Northerly lines of the following (5) tracts: said 3.051 acres, 28.949 acres deed volume 286, pg. 19, 14.00 acres deed volume 292, pg. 535, 11.00 acres plat volume 11, pg. 6, 50.21 acres deed volume 268, pg. 428, a distance of 2137.65 feet to a re-rod set, in the southwesterly corner of said parcel 36E, and in the Southeasterly corner of a 50 acre tract recorded in deed volume 210, pg. 405;

DESCRIPTION ACCEPTABLE
12-21-94
PLANNING COMMISSION APPROVAL
2017 REQUIRED
DATE 6-23-97

SILVER STATE
COUNTY ENGINEER

Thence North 31°23'37" West, along the easterly line of said 50 acre tract, 1067.15 feet to a re-rod set in the south line of a 56.324 acre tract as recorded in deed volume 244, pg. 484;

Thence North 58°08'32" East, along the South line of said 56.324 acre tract, 59.95 feet to a 3/4 inch iron pin found;

Thence North 32°38'10" West, along the Westerly line of said 56.324 acre tract, passing a re-rod set in the southwest corner of said parcel 34E, at a distance of 781.89 feet, a total distance of 2470.61 feet to the PLACE OF BEGINNING and containing 128.931 acres, more or less and being subject to all legal easements, highways, restrictions and agreement of record. All re-rods set are 3/4 inch in diameter and have aluminum cap stamped "ODOT DIST 6".

All bearings are based upon the centerline of U.S. 33 at Station 95+00 as South 79°55'03" East, as shown on R/W plans UNI-33-0.28.

This description was prepared from a field survey performed by the Ohio Department of Transportation by David R. Albrecht, Registered Professional Surveyor No. 7080, dated March 25, 1994.

Prior deed reference Volume 298, Pages 324, 709 and 568.

PARCEL TWO

Being part of Survey No. 158 in the Virginia Military Lands and being part of a 32 acre tract of land now or formerly owned by Charlotte A. McCreary, deed volume 286, page 19, Allen Township, Union County, State of Ohio and being more particularly described as follows:

Commencing at a railroad spike found in the centerline intersection of County Road 167 (West Darby Road) with Township Road 166 (Smokey Road);

Thence along the centerline of Smokey Road, North 60°49'31" East, a distance of 3024.11 feet to a spike found in the Southwest corner of the Grantor's 32 acre tract;

Thence along the Southerly line of said 32 acre tract and the centerline of Smokey Road, North 60°49'31" East, a distance of 1065.95 feet to a railroad spike set in the Southwest corner of the hereinafter described 3.051 acre tract, said point being the POINT OF BEGINNING;

Thence North 29°36'47" West, passing a re-rod set at a distance of 20.00 feet, a total distance of 1208.43 feet to a re-rod set in the Northerly line of said 32 acre tract and in the Southerly line of a 101.158 acre tract now or formerly owned by the State of Ohio, deed volume 298, page 709;

569

Thence North 60°54'55" East, along the Northerly line of said 32 acre tract, a distance of 110.01 feet to a wood post found in the Northeast corner of said 32 acre tract and in the Southeast corner of said 101.158 acre tract and being in the Westerly line of a 16 acre tract now or formerly owned by Ruth Wible, deed volume 269, page 436;

Thence South 29°36'47" East, along the Easterly line of said 32 acre tract and the Westerly line of said 16 acre tract, passing a re-rod set at a distance of 1188.25 feet, a total distance of 1208.25 feet to a spike set in the centerline of Township Road No. 166 (Smokey Road);

Thence South 60°49'31" West, along the Southerly line of said 32 acre tract and the centerline of said road, a distance of 110.00 feet to the PLACE OF BEGINNING.

Containing 3.051 acres, more or less and being subject to all legal easements, highways, restrictions and agreements of record, this description was prepared from a field survey performed by the Ohio Department of Transportation by David R. Albrecht, Registered Professional Surveyor No. 7080, dated April 8, 1993. All re-rods set are 3/4 inch in diameter and have an aluminum cap stamped "ODO" DISTRICT 6"

Prior deed 212, page 599.

All bearings are based upon the centerline of Smokey Road as being North 60°49'31" East, as shown on survey plat recorded in Survey volume 11, page 6.

DESCRIPTION ACCEPTABLE
3.051 ACRES (30.51 ACRES)
PLANNING COMMISSION APPROVED
4-7 REQUISITE
DATE 8-23-99
STEVE A. STONE
UNION COUNTY ENGINEER

TRANSFER BETWEEN ADJOINING OWNERS
NOT YET APPROVED AS A BUILDING
SITE

TO HAVE AND TO HOLD said premises with all privileges and appurtenances thereunto belonging to Thomas H. Lagos, his heirs and assigns forever.

IN TESTIMONY WHEREOF, I, GEORGE V. VOINOVICH, GOVERNOR, for and in the name of the State of Ohio, have signed this deed at Columbus, Ohio, and have caused the same to be countersigned by the Secretary of State and the Great Seal of the State of Ohio to be hereunto affixed this 24th day of June One Thousand Nine Hundred and Ninety-Four (1994).

BETHEL L. TEMPLE

94 AUG 26 PM 3:08

VOL 343 PAGE 504
B 1349



THE STATE OF OHIO

BY George V. Voinovich
GEORGE V. VOINOVICH
GOVERNOR

COUNTERSIGNED

BY Bob Taft
BOB TAFT
SECRETARY OF STATE

DRAFTED AND PREPARED

BY Thomas E. Ferguson
THOMAS E. FERGUSON
AUDITOR OF STATE
PURSUANT TO SECTION 5501.34 (O.R.C.)
AND SECTIONS 117.50 AND 5301.13 (O.R.C.)

Recorded in Volume 9 Page 50, New Deeds Various State Lands

Land Office, AUDITOR OF STATE

Page 7 of 7 Pages

5-0570

196097

Sutter-11

KNOW ALL MEN BY THESE PRESENTS

THAT

RUTH WIBLE AND JOHN WIBLE, HER HUSBAND

of Union County, State of Ohio, for valuable consideration paid, grant

with GENERAL WARRANTY COVENANTS to

TERRY F. SUTTER AND SHARI L. SUTTER

whose tax mailing address is

2092 Worthingwoods Boulevard, Powell, Ohio 43065

the following real property:

Being part of V.M.S. #158 and being the same 15.968 acre tract and 14.20 acre tract of land, now or formerly owned by Ruth Wible, Deed Vol. 269, Page 436, Allen Township, Union County, State of Ohio and being more particularly described as follows:

Commencing at an existing railroad spike located at the intersection of the centerline of County Road 167 (West Darby Rd.) and West Line of V.M.S. #158 with the centerline of Township Road 166 (Smoky Rd.);

Thence along the centerline of Township Road 166 North 60°49'31" East for a distance of 4200.06 feet to a railroad spike found at Grantor's Southwest corner and Southwest corner of hereinafter described 31.078 acre tract, said point also being the Southeast corner of a 3.051 acre tract, now or formerly owned by Thomas H. Lagos, Deed Vol. 342, Page 564 (passing over a railroad spike found at a distance of 4090.06 feet) and the point of beginning.

Thence along Grantor's West Line North 29°36'26" West for a distance of 1625.30 feet to a 3/4 inch dia. iron pin found at Grantor's Northwest corner, said point being the corner of a 128.931 acre tract of land, now or formerly owned by Thomas H. Lagos, Deed Vol. 342, Page 564 (passing over a 5/8 inch dia. iron pin found at a distance of 20.00 feet and a railroad tie post found at a distance of 1208.25 feet);

thence along Grantor's North Line and South Line of said 128.931 acre tract North 59°53'35" East for a distance of 801.06 feet to a 3/4 inch dia. iron pin found at the Southwest corner of a 33.126 acre tract of land, now or formerly owned by J. Vittorio & M.L. Savko, Trustees, Deed Vol. 307, Page 25;

Thence continuing along Grantor's North Line and South Line of said 33.126 acre tract North 59°53'35" East for a distance of 51.70 feet to an iron pin set on the Southwesterly Limited Access-Right-of-Way of U.S. Route 33;

Thence along said Right-of-Way North 86°57'41" East for a distance of 27.69 feet to an iron pin set at an angle point;

Thence continuing along said Limited Access-Right-of-Way South 72°08'55" East for a distance of 79.09 feet to an iron pin set on Grantor's East Line;

Thence along grantor's East Line and West Line of a 11.815 acre tract of land, now or formerly owned by Larry A. Ream, Deed Vol. 284, Page 417, South 28°07'59" East for a distance of 1272.14 feet to a survey nail set on the centerline of Township Road 166 (passing over an iron pin set at a distance of 1250.94 feet);

Thence along the centerline of Township Road 166 South 42°28'43" West for a distance of 944.00 feet to a railroad spike found (passing over a tract line at a distance of 534 feet, more or less,) and the place of beginning.

CONTAINING 31.078 ACRES, more or less, and subject to legal highways, easements, restrictions and agreements of record. This description prepared from a survey performed by Steven A. Fox,

TRANSFERRED

FEB 14 1996

MARY H. SNODGR. AUDITOR
This Conveyance has been examined and the Grantor has
complied with section 3-9, 202 of the Revised Code
FEE \$ 82.00
EXEMPT

Registered Professional Surveyor 7000, and dated December 9, 1995.
All 5/8 inch dia. iron pins set have a plastic identity cap with
the inscription "Fox P.S. 7000."

For Auditor's Purposes: 15.968 acre tract, now 16.491 Acres
14.20 acre tract, now 14.587 Acres

Prior Deed Vol. 269, Page 436.

Basis of bearings, Survey by Steven Fox, dated 12/1/95,
centerline T.R. 166 South 42°28'43" West.

EXCEPT FOR EASEMENTS AND RESTRICTIONS OF RECORD
AND REAL ESTATE TAXES FOR THE YEAR 1995.

Prior Instrument Reference: Volume 269 Page 436

Grantors respectively release all rights of dower therein.

WITNESS their hands this 14th day of February, 1996.

Signed and acknowledged
in the presence of:

David F. Allen
David F. Allen
Linda L. Fowler
LINDA L. FOWLER

Ruth Wible
RUTH WIBLE
John Wible
JOHN WIBLE

STATE OF OHIO
COUNTY OF UNION, ss:

Before me, a Notary Public in and for said County and State, personally appeared the above named

RUTH WIBLE AND JOHN WIBLE, HER HUSBAND

who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Marysville,

Ohio this 14th day of February, 1996.



David F. Allen
NOTARY PUBLIC

This instrument prepared by:

ALLEN, YURASEK & MERKLIN
Attorneys at Law
233 West Fifth Street
P.O. Box 391
Marysville, OH 43040-0391
Telephone: 513/642-4070

BETHEL L. TEMPLER
RECORDER, UNION COUNTY, OHIO

96 FEB 14 PM 2:36

GR VOL 33 PAGE 715
\$14.00

DESCRIPTION ACCEPTABLE
310218
PLANNING CO. RECORDS
NOT RECORDED
DATE 2-13-96
BY [Signature]
UNION COUNTY ENGINEER

Exhibit A
SURVEY FOR JEFF GOOD
 5.001 Acres
 April 25, 2014

The following described 5.001 acre tract is situated in the State of Ohio, County of Union, Township of Allen, V.M.S. 158, being part of Jeffrey S. Good's 12.546 acre tract described in Instrument 201310210002694, and said 5.001 acre tract being more particularly described as follows:

Beginning for reference at an iron pin set at the intersection of the original centerline of Smokey Road (40 feet wide) with the south line of U.S. Route 33, said iron pin being 165.0 feet right of State of Ohio Department of Transportation centerline Station 94+92.65 as shown in Plans UNT-33-1.69 on page 8 of 16, and said iron pin being in the north line of State of Ohio Parcel 42 WD-1 as shown on said Plan;

Thence North $75^{\circ}56'33''$ West (assumed bearing) 27.26 feet, following a south line of U.S. Route 33 and the north line of said Parcel 42 WD-1, to an iron pin set at the northeast corner of said 12.546 acre tract;

Thence South $28^{\circ}44'35''$ East 197.08 feet, departing from the south line of U.S. Route 33 and following a northeast line of said 12.546 acre tract, the southwest line of said Parcel 42 WD-1, and a southwest line of Smokey Road, to an iron pin set;

Thence North $61^{\circ}15'25''$ East 20.00 feet, departing from the southwest line of Smokey Road, following a northeast line of said 12.546 acre tract and the south line of said Parcel 42 WD-1, to a magnetic nail set in the centerline of Smokey Road;

Thence South $28^{\circ}44'35''$ East 164.36 feet, following the centerline of Smokey Road and a northeast line of said 12.546 acre tract, to a $\frac{5}{8}$ inch iron pin found at an angle point in the centerline of Smokey Road;

Thence South $42^{\circ}28'40''$ West 300.31 feet, following the centerline of Smokey Road and a southeast line of said 12.546 acre tract, to a magnetic nail set and marking the *place of beginning*;

Thence South $42^{\circ}28'40''$ West 463.18 feet, following the centerline of Smokey Road and the southeast line of said 12.546 acre tract, to a magnetic nail found at the southeast corner of Terry F. Sutter and Shari L. Sutter's 31.078 acre tract described in Official Record 33, page 715;

Thence North $28^{\circ}07'58''$ West 910.27 feet, following the southwest line of said 12.546 acre tract and the northeast line of said 31.078 acre tract, passing at 21.29 feet a $\frac{5}{8}$ inch iron pin found, to an iron pin set;

Thence South $61^{\circ}50'05''$ East 674.82 feet, entering said 12.546 acre tract, to an iron pin set;

Thence South $45^{\circ}53'13''$ East 204.84 feet, continuing through said 12.546 acre tract, passing at 184.83 feet an iron pin set, to the *place of beginning*, containing 5.001 acres, more or less, and being subject to all valid easements and restrictions of record.

The above description was prepared from an actual field survey made under the supervision of Paul R. Clapsaddle, Registered Surveyor #6140 during the month of April, 2014. Iron pins set are $\frac{5}{8}$ " by 30" reinforcing rods with caps marked "CLAPSADDLE R.S. #6140." Bearings indicated hereon are based on an assumed meridian and are to denote angles only.

ATTEST:

Paul R. Clapsaddle
 Paul R. Clapsaddle, Registered Surveyor #6140
 19019 West Darby Road
 Marysville, Ohio 43040
 (937) 747-2599

DESCRIPTION ACCEPTABLE

5.001 ACRE TRACT(S)
 PLANNING COMMISSION APPROVAL

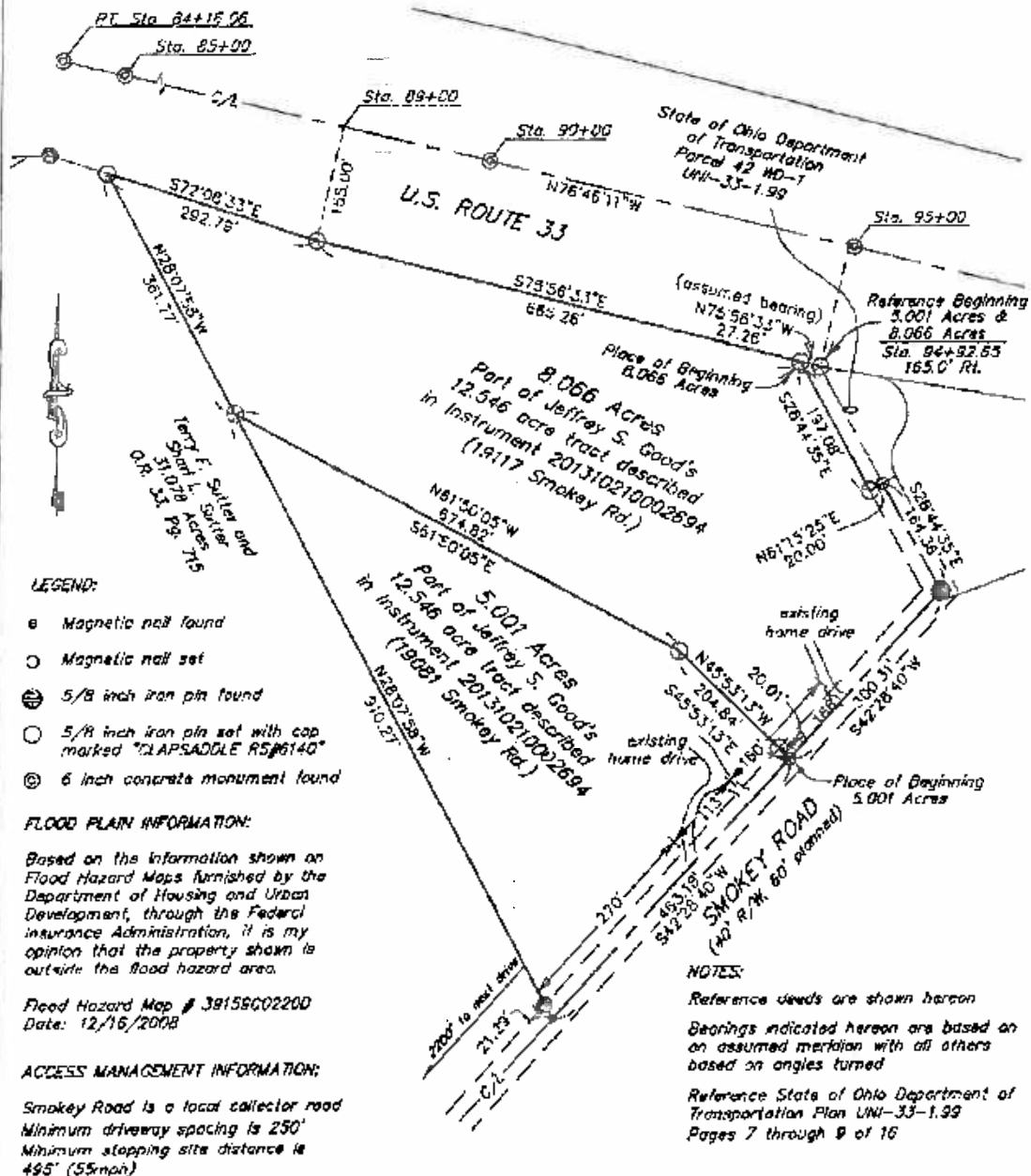
NOT REQUIRED

DATE 5-4-17 JKS
 JEFF STAUCH



SURVEY FOR JEFF GOOD

STATE OF OHIO
COUNTY OF UNION,
TOWNSHIP OF ALLEN
V.M.S. 158



Paul R. Clapsaddle and Associates
REGISTERED ENGINEERS AND SURVEYORS
18018 WEST DARTY ROAD, MARYSVILLE OHIO 43040
(617) 247-2399
Paul R. Clapsaddle, P.E., P.S.

Date: April 22, 2014
Scale: 1"=140'
Project: Good/Smokey Rd/1/3
Drawing: Good/Smokey Rd/01/3

I hereby certify that this plot was prepared from a field survey made under my supervision and that monuments were placed as indicated hereon.

Paul R. Clapsaddle
Paul R. Clapsaddle, R.S. #6140



EXHIBIT A

The following described 8.066 acre tract is situated in the State of Ohio, County of Union, Township of Allen, V.M.S. 158, being part of Jeffrey S. Good's 12.546 acre tract described in Instrument 201310210002694, and said 8.066 acre tract being more particularly described as follows:

Beginning for reference at an iron pin set at the intersection of the original centerline of Smokey Road (40 feet wide) with the south line of U.S. Route 33, said iron pin being 165.0 feet right of State of Ohio Department of Transportation centerline Station 94+92.65 as shown in Plans UNT-33-1.99 on page 8 of 16, and said iron pin being in the north line of State of Ohio Parcel 42 WD-1 as shown on said Plan;

Thence North $75^{\circ}56'33''$ West (assumed bearing) 27.26 feet, following a south line of U.S. Route 33 and a north line of said Parcel 42 WD-1, to an iron pin set at the northeast corner of said 12.546 acre tract, said iron pin marking the place of beginning;

Thence South $28^{\circ}44'35''$ East 197.08 feet, departing from the south line of U.S. Route 33 and following a northeast line of said 12.546 acre tract, the southwest line of said Parcel 42 WD-1, and a southwest line of Smokey Road, to an iron pin set;

Thence North $61^{\circ}15'25''$ East 20.00 feet, departing from the southwest line of Smokey Road, following a northeast line of said 12.546 acre tract and a south line of said Parcel 42 WD-1, to a magnetic nail set in the centerline of Smokey Road;

Thence South $28^{\circ}44'35''$ East 164.36 feet, following the centerline of Smokey Road and a northeast line of said 12.546 acre tract, to a 5/8 inch iron pin found at an angle point in the centerline of Smokey Road;

Thence South $42^{\circ}28'40''$ West 300.31 feet, following the centerline of Smokey Road and a southeast line of said 12.546 acre tract, to a magnetic nail set;

Thence North $45^{\circ}53'13''$ West 204.84 feet, departing from the centerline of Smokey Road and entering said 12.546 acre tract, passing at 20.01 feet an iron pin set, to an iron pin set;

Thence North $61^{\circ}50'05''$ West 674.82 feet, continuing through said 12.5465 acre tract, to an iron pin set in the northeast line of Terry F. Sutter and Shari L. Sutter's 31.078 acre tract described in Official Record 33, page 715;

Thence North $28^{\circ}07'58''$ West 361.77 feet, following the southwest line of said 12.546 acre tract and the northeast line of said 31.078 acre tract, to an iron pin set in a south line of U.S. Route 33;

Thence South $72^{\circ}08'33''$ East 292.79 feet, following a north line of said 12.546 acre tract and a south line of said U.S. Route 33, to an iron pin set and being 155.00 feet right of U.S. Route centerline Station 89+00;

Thence South $75^{\circ}56'33''$ East 665.26 feet, following a north line of said 12.546 acre tract and a south line of U.S. Route 33, to the *place of beginning*, containing 8.066 acres, more or less, and being subject to all valid easements and restrictions of record.

The above description was prepared from an actual field survey made under the supervision of Paul R. Clapsaddle, Registered Surveyor #6140 during the month of April, 2014. Iron pins set are 5/8" by 30" reinforcing rods with caps marked "CLAPSADDLE R.S. #6140." Bearings indicated hereon are based on an assumed meridian and are to denote angles only.

Tu-14

Exhibit "A"
Legal Description
For File: 20146382

Situated in the County of Union in the State of Ohio and in the Township of Allen and bounded and described as follows:

TRACT I

Real Estate situated in the State of Ohio, County of Union, and Township of Allen, Survey No. 158, being described as follows: Beginning at a stone (Ash, Elm and Hickory) at the southeasterly corner of Survey No. 158; thence with the southerly line of said survey South 58° West 96.50 poles to a White Oak and Sugar in said line, being the northwesterly corner to Survey No. 3479; thence continuing with the southerly line of said Survey No. 158, South 53 3/4° West 68.20 poles to a stone, southwesterly corner of a tract of land conveyed by John Cooper and Angeline Cooper, his wife, to Robert J. Wilson, March 14, 1872; thence with the westerly line of said tract of land North 34 1/2° West 87.12 poles to a stone in the center of the Darby Chapel Gravel Road; thence with the center of said road North 33° East 16.80 poles to a stone (Ash and Hickory) thence with the southerly line of a tract of land conveyed by George Jordan to W. S. Smith, Jr., and others, North 73° East 91.12 poles to a stone, corner to a tract of land conveyed by George Jordan to William and Francis J. Robinson; thence with two consecutive lines of said land South 34 1/2° East 35.88 poles to a stone, and North 56° East 60.48 poles to a stone in the center of an unimproved road and in the easterly line of said Survey No. 158; thence with said line South 35° East 26.36 poles to the place of beginning. **Containing 61 acres and 27 poles of land, be the same, more or less.**

Being part of the same premises conveyed by Certificate of Transfer dated December 11, 1953, and recorded in Union County Record of Deeds Volume 189, at Page 105.

EXCEPTING THEREFROM THE FOLLOWING TWO TRACTS:

Parcel No. 42-WL-1 (Highway)

All right, title and interest in fee simple including limitation of access, in the following property:

Beginning at a northeasterly corner of the Owners' 61.17 acre tract of land as described in Deed Book 284, Page 417, Union County Recorder's Office, and being a corner common to the original 72.00 acre tract of land now or formerly owned by Christopher Soteriades and Carmine Menduni as described in Deed Book 238, Page 445, at a point 192.42 feet left of Station 111 plus 32.87 in the centerline of relocated U.S. Route 33; thence South 31°16'30" East along the Owners' easterly property line (passing through centerline Station 113 plus 02.32 at 256.41 feet) a total distance of 442.96 feet to a point on the proposed southerly limited access right of way line of said U.S. Route 33, being 140.00 feet right of Station 114 plus 25.60; thence along said proposed southerly limited access right of way line North 79°54'28" West a distance of 425.60 feet to a point 140.00 feet right of Station 110 plus 00;

Thence North 77°02'43" West, along said proposed southerly limited access right of way line, a distance of 500.62 feet to a point 115.00 feet right of Station 105 plus 00 ahead, being 115.00 feet right of Station 105 plus 01.34 Back;

NOTE: centerline of survey is a straight line, but has a bearing and station equation at Station 105 plus 00 Ahead (South 79°54'28" East Ahead) = Station 105 plus 01.34 Back, (South 79°55'03" East Back);

Thence South 79°55'03" West, along said proposed southerly limited access right of way line, a

distance of 60.88 feet to a point on the Owners' northerly property line at a point 115.00 feet right of Station 104 plus 40.46;

Thence along the Owners' northerly property line, North $76^{\circ}10'55''$ East distance of 66.59 feet to a point 88.02 feet right of Station 105 plus 01.34 Back = Station 105 plus 00 Ahead;

Thence continuing along the Owners' northerly property line, North $76^{\circ}11'31''$ East (passing through Station 106 plus 98.63 at 217.26 feet) a total distance of 692.22 feet to the place of beginning, containing 3.785 acres, more or less. Together with all rights or easements of access to or from said limited access highway from or to the land of said person or persons abutting upon the portion of limited access highway, as shown by the plans of said improvements herein referenced to.

Parcel No. 42-WL-2 (Highway)

All right, title and interest in fee simple, including limitation of access in the following described property:

Beginning at the southeast corner of the Owners' 61.17 acre tract as described in Deed Book 284, Page 419, said point being the corner common to VMS 158 and VMS 12308 on the north line of VMS 3151, being 71.29 feet left of Station 125 plus 66.07;

Thence South $59^{\circ}04'39''$ West, along the Owners' southerly boundary, also being VMS line common to VMS 158 and VMS 3151, (passing through centerline Station 124 plus 84.10 at a distance of 108.63 feet) a total distance of 321.96 feet to a point on the proposed southerly limited access line being 140.00 feet right of Station 123 plus 23.14;

Thence along the proposed southerly limited access right of way line, North $79^{\circ}54'28''$ West, a distance of 667.14 feet to a point on the Owners' northerly property line, being 140.00 feet right of Station 116 plus 56.00;

Thence North $59^{\circ}09'39''$ East along the Owners' northerly property line (passing through Highway Station 118 plus 17.44 at 213.69 feet) a total distance of 373.41 feet to a point on the proposed northerly limited access right of way line, being 104.64 feet left of Station 119 plus 38.11;

Thence along the proposed northerly limited access right of way line, South $75^{\circ}37'07''$ East a distance of 62.06 feet to a point being 100.00 feet left of Station 120 plus 00;

Thence continuing along the proposed northerly limited access right of way line, South $85^{\circ}37'06''$ East a distance of 301.50 feet to a point being 130.00 feet left of Station 123 plus 00;

Thence continuing along the proposed northerly limited access right of way line, South $81^{\circ}20'24''$ East a distance of 212.76 feet to a point on Owners' easterly property line; also being the east line of VMS 158 and the west line of VMS 12308, and being 135.32 feet left of Station 125 plus 12.70;

Thence South $29^{\circ}43'25''$ East, along said Owners' easterly line a distance of 83.36 feet to the place of beginning, containing 3.933 acres, more or less.

Together with all rights or easement of access to or from said limited access highway from or to the land of said person or persons abutting upon the portion of limited access highway, as shown by the plans of said improvements herein referred to.

LEAVING AFTER SAID EXCEPTIONS, 53.3220 ACRES, MORE OR LESS

Parcel No. 03-0003026.0000 (Map #075-00-00-021.000) and 03-0003026.1000 (Map #075-00-00-020.000)

TRACT 2:

The following described tract of land is situated in the State of Ohio, County of Union, Township of Allen, VMS 158, being part of Edgar Compton's original 72 acre tract described in Deed Volume 171, Page 641, said tract being more particularly described as follows:

Beginning at an iron pin set at 159.57 feet right of Station 95+69.48 as shown on U.S. Route #33, Ohio Department of Transportation Project UNI-33-0.28, sheet 14, said pin being in the northerly line of the State of Ohio's 0.205 acre tract described in Deed Volume 299, Page 254 (previously cut out of said original 72 acre tract), said 0.205 acre tract forming the northeasterly part of a cul-de-sac at the end of Smokey Road (south of U.S. Route #33), said pin marking the place of beginning;

Thence South $83^{\circ}57'39''$ East 632.09 feet, following the southerly right of way line of U.S. Route #33, to an iron pin set at 115.00 feet right of Station 102+00;

Thence South $79^{\circ}55'03''$ East 240.46 feet, continuing with the southerly right of way line of U.S. Route #33, to an iron pin set in the northerly line of Larry A. Ream's original 61.17 acre tract described in Deed Volume 284, Page 419, said pin being 115 feet right of Station 104+40.46;

Thence South $76^{\circ}10'55''$ West 776.43 feet, following the northerly line of said 61.17 acre tract and the southerly line of said original 72 acre tract, to an iron pin set;

Thence North $31^{\circ}52'24''$ West 177.40 feet, passing an iron pin found at an angle point in the centerline of Smokey Road at 12.93 feet, continuing with the centerline of said Road, to a railroad spike set at the southwest corner of said 0.205 acre tract;

Thence North $58^{\circ}05'57''$ East 20.00 feet, following the southerly line of said 0.205 acre tract, to an iron pin set;

Thence following the easterly line of said 0.205 acre tract 57.97 feet along a curve to the right having a radius of 50.00 feet, the chord of which bears North $01^{\circ}18'36''$ East 54.77 feet, to an iron pin set;

Thence continuing along the easterly line of said 0.205 acre tract 103.39 feet along a curve to the left having a radius of 50.00 feet, the chord of which bears North $24^{\circ}43'12''$ West 85.93 feet, to the place of beginning, containing 2.947 acres, more or less, and subject to all valid easements and restrictions of record.

The above description was prepared from a field survey completed in December of 1989 by Paul Clapsaddle, Registered Surveyor #6140. Iron pins set area $5/8''$ by $30''$ reinforcing rods with ID caps marked "CLAPSADDLE R.S. #6140." Bearings indicated herein are based on bearings shown on plans for U.S. Route #33, Project UNI-33-0.28.

Parcel No. 03-0003027.0010 Map No. 075-00-00-026.000



Staff Report – Jerome Township Zoning Amendment

Jurisdiction:	Jerome Township Zoning Commission c/o Mark Spagnuolo 9777 Industrial Parkway Plain City, OH 43064 (614) 873-4480
Request:	Review of Jerome Township Zoning Resolution text amendment, initiated by the Zoning Commission. The amendment amends: <ol style="list-style-type: none">1. Section 445.01 Commerce District Permitted Uses2. Section 445.02 Commerce District Conditional Uses
Location:	Jerome Township is in Union County.

Staff Analysis:	<p>This analysis breaks-down the proposal and provides a recommendation.</p> <p>Each zoning district permits certain permitted and conditional uses. The Township Zoning Resolution lists and defines uses by the 2012 North American Industry Classification System (NAICS). This is a hierarchical classification system where each digit in the code is part of a series of progressively narrower categories. No change is proposed to this system.</p> <p>Changes proposed to land uses are minor. The amendment proposes a conditional use be required for all 3261 – Plastics Product Manufacturing. This would remove the exception for 32616 – Plastic Bottle Manufacturing; it is a principally permitted use in the existing text. There are other permitted uses highlighted as changed in the proposal, but the changes are limited to formatting and renumbering.</p> <p>The main purpose of the proposal is to change the maximum building size requirements. The existing text limits some, not all, uses to 25,000 sq. ft. or 100,000 sq. ft. Not all uses have this restriction and it's unclear what the limit applies to—building size, impervious area, etc. The change to permitted uses would cap the aggregate of buildings to 50,000 sq. ft. of a lot covered by buildings. Anything over this amount would require a conditional use. The change to conditional uses</p>
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Staff Report – Jerome Township Zoning Amendment

	<p>would remove the maximum sq. ft. requirement for all uses. (Again, some uses have no maximum sq. ft. requirement.)</p> <p>The Union County-Marysville Economic Development Office shared data on recent economic development leads with the Zoning Commission. Those leads required average minimum building sizes of approximately 98,000 sq. ft.</p> <p>LUC staff generalized the area of each building in the COM District. The mean building size appeared to be around 20,000 sq. ft., but this calculation included any smaller, accessory/storage buildings in the District. Several buildings were between 20,000 sq. ft. and 50,000 sq. ft. Only five buildings appeared larger than 50,000 sq. ft. (Those sizes appeared to be 56,000, 60,000, 75,000, 138,000, and 160,000.) Staff believes a maximum of 50,000 sq. ft. is in keeping with the area's character and development style, and the conditional use process is setup to allow buildings to exceed 50,000 sq. ft. if warranted.</p> <p>There are several commercial/industrial subdivisions in the COM District, ones which have expanded the road network, accommodated additional building lots and businesses. This style of development requires subdivision review, procedures and standards for traffic, circulation, utilities, and other public improvements. There remain some large agricultural parcels in the area, where single-site users could locate; there may be a maximum building sq. ft. that makes sense for conditional uses, but staff defers to the Township.</p> <p>Prosecutor's Office</p> <p>A copy of this proposal was forwarded to the County Prosecutor's Office for further consideration and comment. Before LUC takes official action on the proposal, any comments received from that Office should be reviewed and incorporated into this recommendation.</p>
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Staff Recommendations:	Staff recommends APPROVAL of the proposed zoning amendment based on the comments in this staff report.
Z&S Committee Recommendations:	



Zoning Text Amendment Checklist

Date: Oct. 23, 2018

Township: Jerome

Amendment Title: Chapter 4: Sections 445.01 and 445.02 (Application # 18-ZA-10)

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

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

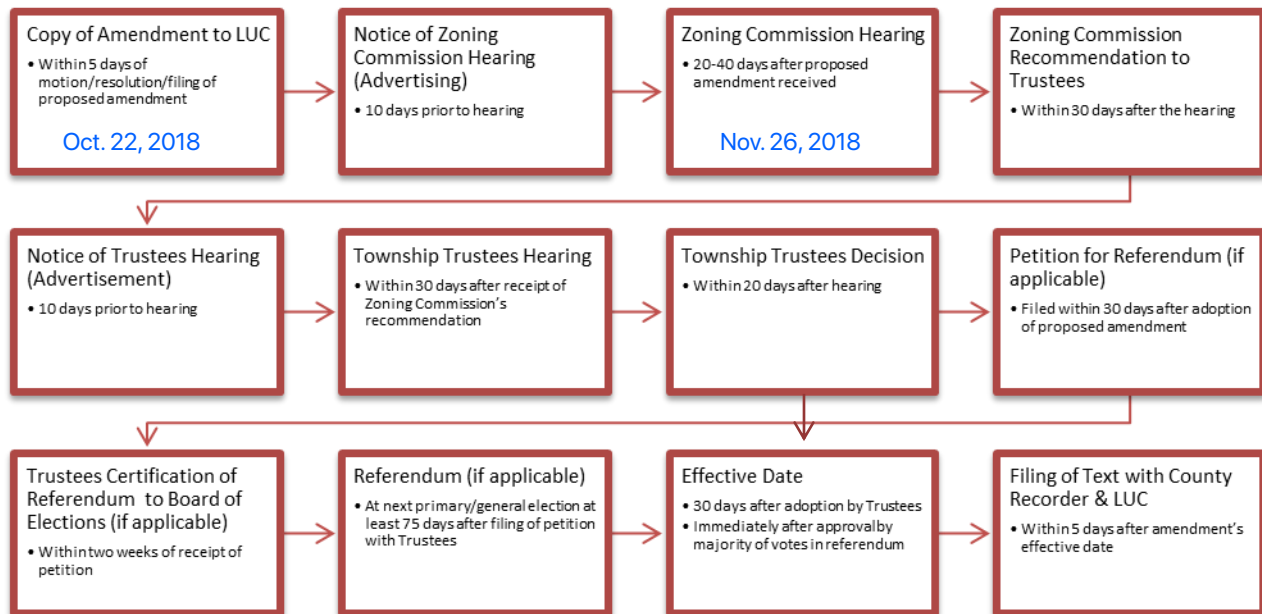
Required Item:	Completed by Requestor:	Received by LUC:
Cover Letter & Checklist	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date of Request (stated in cover letter)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Description of Zoning Text Amendment Change (s)	<input checked=""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

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

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



Township Zoning Amendment Process (ORC 519.12)



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

• Phone: 937-666-3431 • Fax: 937-666-6203
• Email: luc-rpc@lucplanning.com • Web: www.lucplanning.com



Memo

October 24, 2018

Mr. David Gulden
LUC Regional Planning Commission
10820 St. Rt. 347, PO Box 219
East Liberty, Ohio 43319

Dear Mr. Gulden:

This letter is to inform you that on October 22, 2018 the Jerome Township Zoning Commission met and voted to send to the LUC the following Zoning Text Amendments:

Chapter 4, page 19, 445.01 – Permitted uses. **(Application 18-ZA-10)**

The Jerome Township Zoning Commission set the hearing for November 26, 2018 here at the Jerome Township Hall at 9777 Industrial Parkway, Plain City, Ohio 43064 at 7:00 p.m.

It was moved by Jeff Rymer and seconded by Dan Bernstein to send these changes to the LUC Planning Commission for their review, recommendation and approval.

The vote resulted as follows:

Jeff Rymer, yes
Aaron Wright, yes
Ken Gordon, yes
Dan Bernstein, yes
Kermit Morse, yes

If you need further information, please feel free to call.

Sincerely yours,

Mark J. Spagnuolo
Jerome Township Zoning Officer

cc: Brad Bodenmiller



Zoning Text Amendment Checklist

Date: Oct. 23, 2018

Township: Jerome

Amendment Title: Chapter 4: Sections 445.01 and 445.02 (Application # 18-ZA-10)

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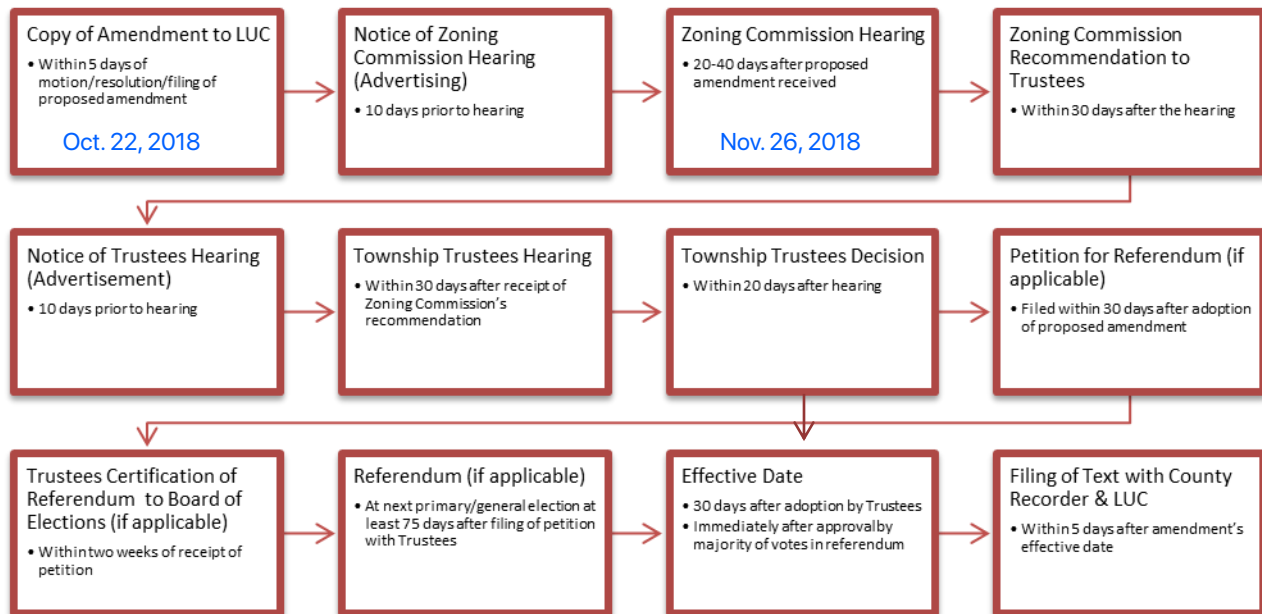
Required Item:	Completed by Requestor:	Received by LUC:
Cover Letter & Checklist	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date of Request (stated in cover letter)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Description of Zoning Text Amendment Change (s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Township Zoning Amendment Process (ORC 519.12)





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Dan Bernstein, yes
Kermit Morse, yes

If you need further information, please feel free to call.

Sincerely yours,

Mark J. Spagnuolo
Jerome Township Zoning Officer

cc: Brad Bodenmiller

445 Commerce District (COM)

The purpose and intent of the Commerce District is to provide opportunities for business uses consisting of warehouse and distribution, flex offices, commercial services, and light industry as identified in the Flex Office / Light Industrial section of the Jerome Township Comprehensive Plan and to provide standards for the development of such uses that protect the value of adjacent properties and promote the desired character of the area as defined by the Jerome Township Comprehensive plan. This district supersedes the B-15 Wholesale and Heavy Retail District, M-1 Manufacturing District, and M-2 Heavy Manufacturing District in existence prior to the enactment of this resolution.

The uses permitted in this district are appropriate for industrial corridors and major and minor arterials where access to interchanges, well designed roads and trucking or shipping routes are available to move goods and services. Manufacturing and industrial uses in this area will be smaller, more specialized operations which are not intrusive by way of noise, dust, odor, vibration or present a danger to surrounding uses. Commerce District uses are more intense land uses that provide employment opportunities and economic development and should be buffered from residential uses.

445.01 Permitted Uses

Within the COM District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted provided that the building, aggregate of buildings, additions or alterations of buildings do not exceed a combined 50,000 square feet of a lot covered by buildings. All buildings or combination of buildings as previously mentioned equal to or exceeding the 50,000 square feet maximum may be permitted as Conditional Uses in the COM District by the Board of Zoning Appeals in accordance with the requirements of Section 240 of this Resolution and subject to the development standards for such uses as established herein:

1. 236 – Construction of buildings
2. 238 – All Specialty Trade Contractors with the exception of:
 - a) 23811 - Poured Concrete Foundation and Structure Contractors
 - b) 23812 - Structural Steel and Precast Concrete Contractors
 - c) 23891 - Site Preparation Contractors
3. 323 – Printing and Related Support Activities
4. ~~32616 – Plastic bottle manufacturing~~
5. 327215 - Glass Product Manufacturing made of purchased glass
6. 33243 - Metal Can, Box, and Other Metal Container (Light Gauge) Manufacturing
7. 3325 – Hardware Manufacturing
8. 3326 – Spring and Wire product Manufacturing

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

9. 3327 – Machine Shops; Turned Product; and Screw, Nut and Bolt Manufacturing.
10. 3329 - Other Fabricated Metal Product Manufacturing with the exception of:
 - a) 332992 Small Arms Ammunition Manufacturing
 - b) 332993 Ammunition (except Small Arms) Manufacturing
 - c) 332994 – Small Arms, Ordnance, and Ordnance Accessories Manufacturing
11. 334 – Computer and Electronic Product Manufacturing
12. 335 – Electrical Equipment, Appliance, and Component Manufacturing with the exception of:
 - a) 33591 – Battery Manufacturing
13. 3363 – Motor Vehicle Parts Manufacturing ~~less than 100,000 square feet.~~
14. 3364 - Aerospace Product and Parts Manufacturing ~~less than less than 100,000 square feet.~~
15. 336991 - Motorcycle, Bicycle, and Parts Manufacturing ~~less than 100,000 square feet.~~
16. 339 – Miscellaneous Manufacturing
17. 4232 - Furniture and Home Furnishing Merchant Wholesalers
18. 4234 – Professional and Commercial Equipment and Supplies Merchant Wholesalers
19. 4236 – Electrical and Electronic Goods Merchant Wholesalers
20. 4237 – Hardware, and Plumbing and Heating Equipment and Supplies Merchant Wholesalers
21. 42384 – Industrial Supplies Merchant Wholesalers
22. 42385 - Service Establishment Equipment and Supplies Merchant Wholesalers
23. 42386 - Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers
24. 4239 - Miscellaneous Durable Goods Merchant Wholesalers
25. 424 – Merchant Wholesalers, Non-Durable Goods, all with the exception of the following non-permitted uses:
 - a) 42452 – Livestock Merchant Wholesalers
 - b) 4247 – Petroleum and Petroleum Products Merchant Wholesalers
26. 425 – Wholesale Electronic Markets and Agents and Brokers
27. 4413 – Automotive Parts and Accessories Stores
28. 4542 - Vending Machine Operators
29. 484 – Truck Transportation ~~under 25,000 square feet~~
30. 485 – Transit and Ground Passenger Transportation ~~under 25,000 square feet~~
31. 487 - Scenic and Sightseeing Transportation
32. 491 – Postal Service
33. 492 – Couriers and Messengers
34. 493 – Warehousing and Storage with the exception of the following uses which are prohibited within the commerce District:

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- a) 493190 Automobile dead storage
- b) 493190 Bulk petroleum storage
- 35. 511 – Publishing Industries
- 36. 512 - Motion Picture and Sound Recording Industries with the exception of:
 - a) 51213 - Motion Picture and Video Exhibition
- 37. 515 - Broadcasting (except Internet)
- 38. 517 – Telecommunications
- 39. 518 – Data Processing, Hosting, and related services
- 40. 519 – Other Information Services
- 41. 52 – Finance and Insurance
- 42. 531 – Real Estate with the exception of:
 - a) 53113 - Lessors of Mini-warehouses and Self-Storage Units
- 43. 532 – Rental and Leasing Services with the exception of:
 - a) 5321 - Automotive Equipment Rental and Leasing
 - b) 5323 – General Rental Centers
 - c) 5324 - Commercial and Industrial Machinery and Equipment Rental and Leasing
- 44. 533 - Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)
- 45. 54 - Professional, Scientific, and Technical Services
- 46. 55 - Management of Companies and Enterprises
- 47. 561 - Administrative and Support Services with the exception of:
 - a) 56173 – Landscaping Services
- 48. 611 – Educational Services
- 49. 621 - Ambulatory Health Care Services
- 50. 622 – Hospitals
- 51. 624 – Social Assistance with the exception of:
 - a) 62422 – Community Housing Services
 - b) 6244 – Child Day Care Services
- 52. 711 - Performing Arts, Spectator Sports, and Related Industries with the exception of:
 - a) 711212 – Racetracks
- 53. 712 - Museums, Historical Sites, and Similar Institutions with the exception of:
 - a) 71213 - Zoos and Botanical Gardens
 - b) 71219 - Nature Parks and Other Similar Institutions
- 54. 7223 – Special Food Services
- 55. 811 – Repair and Maintenance
- 56. 81221 – Funeral Homes and Funeral Services
- 57. 81233 - Linen and Uniform Supply
- 58. 8129 - Other Personal Services with the exception of:
 - a) 81291 - Pet Care (except Veterinary) Services
- 59. 81292 – Photofinishing
- 60. 81293 - Parking Lots and Garages
- 61. 81299 - All Other Personal Services
- 62. 813 - Religious, Grant making, Civic, Professional, and Similar Organizations
- 63. 92 - Public Administration

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

445.02 Conditional Uses

The following uses may be permitted as Conditional Uses in the COM District by the Board of Zoning Appeals in accordance with the requirements of Section 240 of this Resolution and subject to the development standards for such uses as established herein:

1. 237 – Heavy and Civil Engineering Construction
2. 23811 - Poured Concrete Foundation and Structure Contractors
3. 23812 - Structural Steel and Precast Concrete Contractors
4. 23891 - Site Preparation Contractors
5. 311 – Food Manufacturing ~~less than 25,000 square feet in size~~ with the exception of:
 - a) 3116 – Animal Slaughtering and Processing
 - b) 3117 - Seafood Product Preparation and Packaging
 - c) 311811 – Retail Bakeries
6. 3121 – Beverage manufacturing ~~less than 25,000 square feet in size.~~
7. 313 – Textile Mills ~~less than 25,000 square feet in size.~~
8. 314 – Textile Product Mills ~~less than 25,000 square feet in size.~~
9. 315 – Apparel Manufacturing ~~less than 25,000 square feet in size.~~
10. 3162 – Footwear Manufacturing ~~less than 25,000 square feet in size.~~
11. 321911 – Wood Window and Door Manufacturing ~~less than 25,000 square feet in size.~~
12. 321918 – Other millwork (including flooring) ~~less than 25,000 square feet in size.~~
13. 3222 – Converted Paper Product Manufacturing ~~less than 25,000 square feet.~~
14. 3254 - Pharmaceutical and Medicine Manufacturing ~~less than 25,000 square feet.~~
15. 3261 – Plastics Product Manufacturing ~~less than 25,000 square feet with the exception of:~~
 - a) ~~32616 Plastic Bottle Manufacturing.~~
16. 3271 - Clay Product and Refractory Manufacturing ~~less than 25,000 square feet.~~
17. 3272 - Glass and Glass Product Manufacturing ~~less than 25,000 square feet.~~
18. 32733 – Concrete Pipe, Brick, and Block Manufacturing
19. 3274 – Lime and Gypsum Product Manufacturing
20. 3279 – Other Nonmetallic Mineral Product Manufacturing
21. 3312 – Steel Product Manufacturing from Purchased Steel
22. 3321– Forging and Stamping
23. 3322 – Cutlery and Hand tool Manufacturing
24. 3323 – Architectural and Structural Metals Manufacturing
25. 3328 – Coating, Engraving, Heat Treating, and Allied Activities
26. 332994 – Small Arms, Ordnance, and Ordnance Accessories Manufacturing except that no live fire and no explosive material are permitted.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

27. 333 – Machinery Manufacturing
28. 33621 - Motor Vehicle Body and Trailer Manufacturing
29. 3363 – Motor Vehicle Parts Manufacturing ~~larger than 100,000 square feet.~~
30. 3364 - Aerospace Product and Parts Manufacturing ~~over 100,000 square feet.~~
31. 336991 – Motorcycle, bicycle and parts manufacturing ~~over 100,000 square feet.~~
32. 337 – Furniture and Related Product Manufacturing ~~less than 25,000 square feet.~~
33. 42311 - Automobile and Other Motor Vehicle Merchant Wholesalers
34. 42313 - Motor Vehicle Supplies and New Parts Merchant Wholesalers
35. 42313 - Tire and Tube Merchant Wholesalers
36. 4233 – Lumber and Other Construction Materials Merchant Wholesalers
37. 42351 - Metal Service Centers and Other Metal Merchant Wholesalers
38. 42381 - Construction and Mining (except Oil Well) Machinery and Equipment Merchant Wholesalers
39. 42382 - Farm and Garden Machinery and Equipment Merchant Wholesalers
40. 4411 - Automobile Dealers
41. 4412 - Other Motor Vehicle Dealers
42. 44419 - Other Building Material Dealers
43. 4442 - Lawn and Garden Equipment and Supplies Stores
44. 44512 - Convenience Stores
45. 447 - Gasoline Stations, Except for 44719 and 447190 Marine Service Stations and Truck Stops. (Amended June 20, 2016)
46. 4541 - Electronic Shopping and Mail-Order Houses
47. 484 – Truck Transportation ~~over 25,000 square feet~~
48. 485 – Transit and Ground Passenger Transportation ~~over 25,000 square feet~~
49. 4884 - Support Activities for Road Transportation except for Motor Vehicle Towing with On-Site storage or impounding of motor vehicles.
50. 4885 - Freight Transportation Arrangement
51. 4889 - Other Support Activities for Transportation
52. 53113 – Lessors of Mini-Warehouses and Self Storage Units
53. 5321 - Automotive Equipment Rental and Leasing
54. 5323 – General Rental Centers
55. 5324 - Commercial and Industrial Machinery and Equipment Rental and Leasing
56. 56173 – Landscaping Services
57. 6244 – Child Day Care Services
58. 71394 - Fitness and Recreational Sports Centers
59. 71395 - Bowling Centers

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- 60. 71399 - All Other Amusement and Recreation Industries
- 61. 72111 - Hotels (except Casino Hotels) and Motels
- 62. 7225 - Restaurants and Other Eating Places
- 63. 81291 Pet Care (except Veterinary) Services (with the exception of outdoor kennels)

445.03 Lot Size and Yard Setback Standards

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

1. Minimum Lot Size

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

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

2. Minimum Lot Frontage

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

Fig. 445.03 Lot Frontage Requirements for the COM District

Road / Street Classification	Minimum Lot Frontage	
	Lots without SDA	Lots with SDA
Loop or cul-de-sac	150 feet	150 feet
Local Road	200 feet	150 feet
Minor Collector Road	300 feet	200 feet
Major Collector Road	400 feet	250 feet
Minor Arterial Road	600 feet	250 feet
Major Arterial Road	No Access	No Access
* Lots having a Shared Driveway Access (SDA) with an adjacent lot(s) shall be permitted to have a reduced Lot Frontage as shown in the above table.		

400 Adoption of the Zoning District Regulations

Regulations are hereby established and adopted pertaining to the use of land and/or structures and the physical development of such land and structures within each of the zoning Districts and as defined within Chapters 4, 5 and 6 of this Resolution.

405 Application

The standard regulations set forth in Chapter 4 and Chapter 5 of this Resolution shall be interpreted and enforced as follows:

405.01 Identification of Uses

Uses are listed by their customary name or identification, except where they are specifically defined or limited in this Resolution.

When a listed use has a number preceding the name, said number shall indicate the designation provided by the North American Industry Classification System (NAICS), U.S. Department of Commerce, United States Census Bureau, 2012 edition. The NAICS is a 2 through 6 digit hierarchical classification system where each digit in the code is part of a series of progressively narrower categories. In this system the first two digits indicate the economic sector, the third digit indicates the subsector, the fourth digit indicates the industry group, the fifth digit indicates the NAICS industry title, and the sixth digit indicates the national industry title. Where such numbers are listed in this Resolution the following shall apply:

1. Numbers listed by sector and subsector only (2 or 3 digit numbers) shall be deemed to include all industry groups and industry titles (fourth, fifth and sixth digits) listed within the sector and subsector unless those groups and titles are specifically excepted within this Resolution.
2. Numbers listed with industry group, and industry titles (4 and 5 digit numbers) shall include all activities listed under the industry code other than those specifically excepted by this Resolution.

The full text of the listings in the 2012 North American Industry Classification System (NAICS) shall be a part of the definition of the uses listed in this Resolution and is hereby adopted as a part of this Resolution.

405.02 Permitted Uses

Only a use designated as a permitted use shall be allowed as matter of right in any zoning district and any use not so designated shall be prohibited.

405.03 Accessory Uses and Structures

An Accessory Use or Structure is a use or structure which is clearly subordinate to the principal use as defined in Section 300 of this Resolution. Accessory uses or structures may be allowed only in

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

accordance with the specific district regulations and the requirements of section 645 of this Resolution.

405.04 Conditional Uses

A use designated as a Conditional Use may, if approved by the Board of Zoning Appeals, be permitted in the zoning district where the designation occurs. The approval of a Conditional Use shall be subject to the requirements of Section 240 of this Resolution and to the additional development standards outlined in each zoning district.

405.05 Development Standards

The development standards as set forth in this Resolution shall be the minimum allowed for uses permitted in a zoning district. If the development standards are in conflict with the requirements of any lawfully adopted rules, regulations, or laws, the more restrictive or higher standard shall govern.

410 Zoning Districts Established

The following zoning districts are hereby established for Jerome Township, Union County Ohio:

410.01 Agricultural Zoning Districts

AG - Agricultural District

410.02 Residential Zoning Districts

RU - Rural Residential District

LDR - Low Density Residential District

MDR - Medium Density Residential District

410.03 Office and Industrial Zoning Districts

ORM - Office / Research / Medical District

COM - Commerce District

410.04 Commercial Zoning Districts

LR - Local Retail District

RR - Regional Retail District

410.05 Recreation Districts

SRE - Special Recreation District

410.06 Special Zoning Districts

PD - Planned Development District

OS - Open Space District

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

415 Official Zoning Map

The districts and their boundary lines are indicated upon a map entitled “Zoning Districts Map of Jerome Township, Union County, Ohio”, hereinafter called the “Zoning Map”, which is hereby made a part of this Resolution. The Zoning Map, together with all notations, references, and other matters shown thereon, are hereby declared a part of this Resolution. The official Zoning Map shall be held and maintained in the Office of Zoning Inspector for Jerome Township and shall be identified by the signature of the Chairman of the Board of Township Trustees and attested by the Clerk.

415.01 Rules for Interpretation of District Boundaries

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

1. Where district boundaries are indicated approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such as center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines of right-of-way lines of highways, such district boundaries shall be construed parallel thereto and at such distance as indicated on the Zoning Map. If no such distance is given, the dimension shall be determined by the use of the scale shown on said Zoning Map.
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad lines.
5. Where the boundary of a district follows a stream or other body of water, the centerline of the body of water shall be deemed to be the boundary of the zoning district unless otherwise indicated.
6. Where the boundary of a district follows a metes and bounds description approved as a part of a rezoning or annexation of any territory, said metes and bounds description shall have control over all of the foregoing.
7. Questions concerning the exact location of district boundary lines shall be determined by the Zoning Inspector, subject to the owners' right of appeal to the Board of Zoning Appeals as provided herein.

415.02 Vacation of Public Ways

Whenever any street or public right-of-way is vacated by official action of the County Commissioners, the zoning districts adjoining each side of the street or public right-of-way shall be automatically extended to the center of such vacations and all area included in the vacation shall thereafter be subject to all regulations of the extended Districts

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

420 Agricultural District (AG)

The purpose and intent of the Agricultural District (AG) is to; encourage the continuance of agricultural uses, protect prime farmland and agricultural soils, protect the rights of farmers, preserve rural character, and provide for land which is suitable to be used for agriculture as defined in the Jerome Township Comprehensive Plan. Residential land use in the AG District is related to dwellings owned by the persons farming the property. On-site water and sewer facilities are permitted, provided such facilities comply with all applicable county health regulations.

420.01 Agricultural Uses Defined

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

420.02 Permitted Uses

Within the AG District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

1. Agricultural uses, along with buildings and structures incidental to carrying out the agricultural uses, and / or no more than one single-family detached dwelling per lot.
2. Limited Home Occupation Subject to the requirements of Section 635 of this Resolution.
3. 813110 Church or other places of religious worship

420.03 Accessory Uses and Structures

Within the AG District the following accessory uses and structures, developed in accordance with all other provisions of this Resolution, shall be permitted:

1. Accessory buildings or structures normally associated with single-family residential use including detached garages, tool or garden sheds, playhouses, and swimming pools subject to the requirements of section 645 of this Resolution.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

420.04 Conditional Uses

The following uses may be permitted as Conditional Uses in the Ag District by the Board of Zoning Appeals in accordance with the requirements of Section 240 of this Resolution and subject to the development standards for such uses as established herein.

1. Agritourism businesses primarily engaged in providing a farming experience for customers.
2. 423820 Farm machinery and equipment merchant wholesalers
3. 444220 Farm supply stores
4. 444220 Feed stores (except pet)
5. 541940 Livestock veterinary services
6. 721191 Bed-and-Breakfast Inns
7. 812910 Pet Care (except Veterinary) Services
8. Expanded home occupations subject to the requirements of section 635 of this Resolution.
9. Accessory Apartment (Granny Flat) subject to the requirements of section 645 of this Resolution.
10. Small Wind Projects (less than 5 mw) subject to the requirements of section 650 of this Resolution.
11. Private landing fields for private or agricultural aircraft use.
12. Surface Mining Activities

420.05 Lot Size and Yard Setback Standards

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

1. Minimum Lot Size

The minimum lot size for parcels in the AG district shall be 5 acres.

2. Minimum Lot Frontage

Lots in the AG District shall have a minimum 300 feet of continuous frontage as defined in Chapter 3 of this Resolution.

3. Flag Lots

Flag lots are permitted within the AG District provided that some portion of the lot meets the minimum continuous frontage requirements stated above.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

4. Front Yard Setbacks

All Front Yard Setbacks, as defined in Section 300, shall be measured from the right of way of the Dedicated Public Road. Front Yard Setbacks for the AG District shall be as follows:

- a) **Type 'A'** – The setback for Farm Markets shall be a minimum of 15 feet as defined in section 605.
- b) **Type 'B'** – The setback for Single Family Dwellings shall be a minimum of 50 feet.
- c) **Type 'C'** – The setback for all other buildings or structures, with the exception of agricultural buildings, supporting a permitted, conditional, or accessory use of the property shall be 80 feet.

5. Side Yard Setbacks - The minimum side yard setback for buildings and structures in the AG District shall be 25 feet.

6. Rear Yard Setbacks

The minimum rear yard setback for buildings and structures in the AG District shall be 80 feet.

7. Architectural Projections

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

8. Driveways and parking areas

Driveways and parking areas for any residential use or any other permitted, accessory, or approved conditional use shall not be permitted within any side or rear yard setback within the AG district. Except as noted herein, parking areas for any permitted use or approved conditional or accessory use shall not be located within the front yard setback of any property within the AG district.

420.06 Building and Site Development Standards

The following standards shall apply to the development of all permitted uses and accessory uses and structures within the AG District:

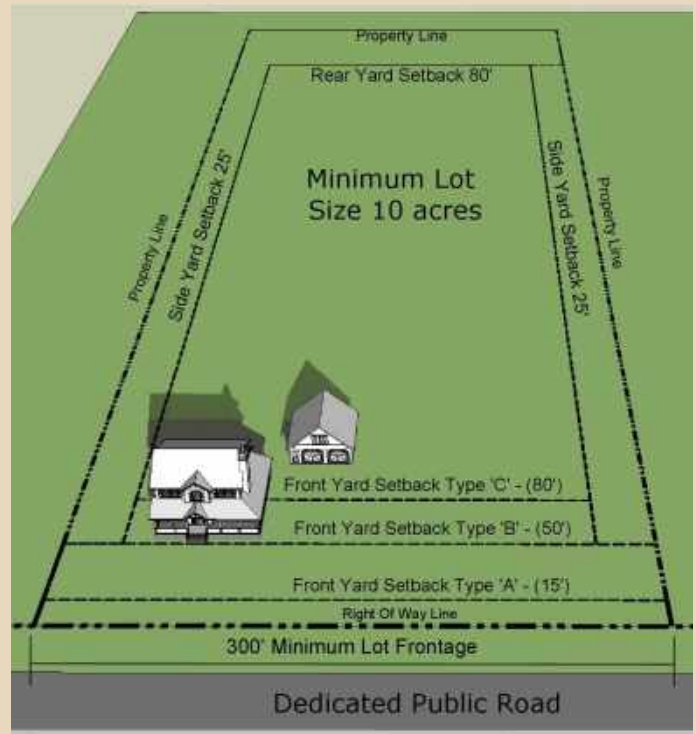


Figure 420.01: Lot size and setback diagram for the AG District

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

1. Minimum and Maximum Square Footages

- a) Residential Accessory Structures – See Section 645 for regulations concerning accessory structures.
- b) Single Family Dwellings – Single family dwellings in the AG District shall provide a minimum of 1,200 square feet of floor area for a single story dwelling and a minimum of 1,600 square feet of floor area for a split-level or multi-story dwelling. Floor area shall be measured as defined in Chapter 3.

2. Maximum Building Height

The maximum height of buildings and structures shall be measured as defined in Section 300 of this Resolution and shall meet the requirements listed below:

- a) Accessory Structures – See Section 645 for regulations concerning accessory structures.
- b) Single Family Dwellings – The maximum building height for single family dwellings in the AG District shall be 35 feet.
- c) All other permitted uses and approved Conditional Uses – The maximum building height for all other permitted uses and approved conditional uses shall be 35 feet.

3. Residential Building Standards

The following standards shall apply to all single-family dwellings within the AG District:

- a) Mobile Homes, Travel Trailers, or Park Trailers– The use as a residence of a Mobile Home, Travel Trailer, or Park Trailer, as defined by ORC 4501.01, is prohibited within the AG District.
- b) Manufactured Home – The use of a permanently sited manufactured home, as defined by ORC 3781.06, is permitted within the AG District provided that the home meets all applicable residential building code standards, is installed on a permanent foundation, and meets all minimum floor area requirements.

420.07 Conditional Use Standards

The following additional development standards shall apply to Conditional Uses approved within the AG District.

1. Veterinary Services and Pet Care

Veterinary Services and Pet Care services approved as a Conditional Use in the AG District shall comply with the following standards:

- a) The owner shall provide a Certificate of Approval from the Union County Board of Health for the proposed method of water supply and sanitary waste disposal.
- b) Parking - Parking for vet services and pet care businesses in the agricultural District shall be either paved or gravel and shall be

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designed in accordance with Section 610. Spaces shall be provided as indicated below:

- (i) Pet care services – 1 parking space per each 400 square feet of floor area of principal structure
- (ii) Livestock Veterinary services – 5 parking spaces per each Veterinarian at the facility
- c) Outdoor Boarding Areas - All outdoor boarding areas associated with a pet care business shall be located to the rear of the principal structure and shall be screened from view on all sides by a continuous fence and evergreen planting meeting the requirements of section 625. Outdoor boarding areas shall be a minimum of 500 feet away from the nearest adjacent residential building.
- d) Livestock and pet containment areas – All animals being held or observed outdoors shall be fully contained on the property by a fence designed specifically for keeping such animals secure and preventing animals from wandering onto adjacent properties or the public right of way. Such fences shall meet all minimum setback requirements.

2. Farm Supply / Feed Store / Farm Equipment Dealer

Farm Supply stores, Feed Stores and Farm Equipment Dealers approved as a Conditional Use in the AG District shall comply with the following standards:

- a) The owner shall provide a Certificate of Approval from the Union County Board of Health for the proposed method of water supply and sanitary waste disposal.
- b) Parking –parking for these uses shall be provided at a rate of 1 space per 200 square feet of floor area. Parking shall be paved and constructed in accordance with section 610 of this Resolution and shall be set back from the right of way a minimum of 50 feet.
- c) The following standards apply to the outdoor sales and outdoor storage of goods or equipment:
 - (i) The outdoor display or storage of goods or equipment shall not be permitted in the front of any business / structure in the agricultural District.
 - (ii) The outdoor storage and display areas shall meet all side and rear yard setbacks for the District.
 - (iii) The outdoor storage and display areas shall be screened from view on all sides by either fencing or a continuous evergreen buffer, similar to buffer type 'C', meeting the requirements of Section 625. Such fence shall meet all side and rear yard setback requirements for the AG District.
 - (iv) The outdoor storage and display areas shall not exceed 150 percent of the area of the principal store or structure.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- d) Loading, delivery, and service areas shall be located to the side or rear of the building and shall be screened from view from all public roads.
- e) Signage – farm supply stores, feed store and equipment dealers approved in the AG District shall be permitted one sign to advertise the business. Such sign shall not exceed 15 square feet per each side or 5 feet in height and shall be set back a minimum of 15 feet from the right of way and shall comply with Section 615 of this Resolution.

3. Private Landing Fields for Aircraft use:

Private Landing Fields approved as a Conditional Use in the AG District shall comply with the following standards:

- a) The applicant shall demonstrate that the design and location of the facility meets all applicable requirements of the Federal Aviation Administration, The Ohio Department of Transportation (ODOT), Division of Aviation, and Union County.
- b) The applicant shall provide proof to the township that all applicable air rights have been secured for all runway paths.
- c) The location of buildings, hangars, and all other structures shall meet the minimum setback requirements established for the district.
- d) All airplanes shall be stored in hangars or garages.
- e) The Private Landing field shall be used for a maximum of 2 planes or helicopters owned by the owner of the property only.
- f) The location of all off-street parking & loading shall be approved by the Board of Zoning Appeals.
- g) The facility shall have water and wastewater facilities that meet the requirements of Union County and the Ohio EPA.
- h) The facility shall be placed a minimum of 500 feet from any existing dwelling or residential district.

420.08 Conditional Use Permits for Surface Mining Activities.

Surface mining activities for the purposes of mineral aggregate extraction that are approved as a Conditional Use in the AG district shall be subject to the requirements in Section 240 of this Resolution and in conformance with Ohio Revised Code Section 1514.02. A copy of the surface mining permit application required by Ohio Revised Code Section 1514.01(A) and any amendments thereto proposed by the state or applicant shall be provided in addition to a site plan for the surface mining operation. In addition the following shall apply to all operations covered under this Section:

1. Surface Mining Activities – Additional Regulations

In addition to the requirements stipulated in Ohio Revised Code 1514.01(A), the following regulations shall apply to all surface mining activities for the purposes of mineral aggregate extraction covered under this Section:

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- a) Setbacks – The setbacks for all mining operations, structures related to such operations, and the parking and storage of equipment related to such operations shall be as follows:
 - (i) Minimum Front Yard Setback – 200 feet
 - (ii) Minimum Side Yard Setbacks – 75 feet
 - (iii) Minimum Rear Yard Setback – 75 feet
- b) Noise - All blasting and quarrying operations (except loading) shall be limited between the hours of 7 o'clock a.m. and 7 o'clock p.m. except in emergencies.
- c) Air Pollution - Control measures shall be implemented on a continuing basis, during times of operation, to control dust on entrance roadways, in equipment operation and throughout the mining site. The Zoning Inspector may require additional control measures during periods of high wind or very dry weather.
- d) Screening from residential uses, Industrial Parkway, State Route 42 and State Route 33 – Any mining operation or parking and storage area for mining equipment visible to adjacent residential lots or uses, Industrial Parkway, State Route 42, and/or State Route 33 shall be entirely screened from view through the use of one of the following:
 - (i) A combination of a continuous 5 foot high earthen mound and completely opaque masonry walls or fences, in accordance with section 625 of this Resolution and deciduous shade trees planted at a maximum of 40' on center similar to buffer type 'A' shown in Appendix 1. Said walls or fences shall be a minimum of 8 feet in height and not exceed 12 feet in height, as measured from the top of mound to the top of wall.
 - (ii) A combination of a continuous 5 foot high earthen mound and a continuous planting of evergreen trees, a minimum of 6 feet in height at the time of planting. Evergreen trees shall be planted on top of the mound and staggered or spaced to achieve 100% screening of the mining operation and equipment within 3 years of the time of planting similar to buffer type 'B' shown in Appendix 1.
- e) Transportation
 - (i) Points of ingress and egress associated with extraction and/or processing sites shall be located as approved by the County Engineer or the Ohio Department of Transportation as appropriate.
 - (ii) The applicant shall include with his submittal a map describing the proposed major access roads to be utilized for ingress and egress for the extraction operation.
- f) Surface Water
 - (i) The hydrographs and quality of water leaving the site of an extraction activity meet the Ohio EPA standards.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- (ii) During mining and reclamation, drainage shall be controlled so as to prevent the causing of flooding, landslides and flood hazards to adjoining lands resulting from the mining operations. Upon completion of mining, ponds shall be left in such condition as to avoid their constituting a hazard to adjoining lands.
- g) Groundwater
 - (i) During mining and reclamation, contamination of underground water supplies shall be prevented. Backfilling or grading of any nature up to a level of 10 feet above the water level shall be accomplished with materials approved by the Zoning Inspector and the Ohio Environmental Protection Agency. Materials contaminating to groundwater shall not be used for filling or grading at any time. Upon completion of reclamation, any lake or pond located within the site boundaries shall be of quality equal to that existing for groundwater on adjacent property.
 - (ii) The storage of fuels and chemical and equipment services facilities required by uses permitted in Section 420.08 shall be located where they are least likely to contaminate groundwater as determined by the Zoning Inspector.
- h) Vibration and Blasting
 - (i) The operation of stationary and mobile equipment shall not cause vibration in excess of that permitted by applicable federal and state law.
 - (ii) Blasting shall be done in accordance with the applicable laws of the state of Ohio and shall be carried out by persons certified to be knowledgeable and competent in the sizing and placing of the explosive to be used for blasting.
 - (iii) When the blasting area is within one thousand (1,000) feet of an existing residential structure the maximum hours of blasting operation shall be 7:00 a.m. to 7:00 p.m.
- i) Slope Stability
 - (i) The sides of excavation sites shall be set back a minimum of 50 feet from the property line with a sufficient slope of excavation to insure the lateral support of surrounding property with the following provisions:
 - The reclaimed sides of excavation sites shall be set back a minimum of 50 feet from the right-of-way of all public streets or roads.
 - (ii) Final slopes shall be graded, contoured or terraced, wherever needed, sufficient to achieve soil stability and control landslides, erosion and sedimentation. High walls will be permitted if they are compatible with the future

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

uses specified in the site plan and measures taken to insure public safety. Where ponds, impoundments, or other resulting bodies of water are intended for recreational use, banks and slopes shall be established that will assure safe access to such bodies of water. Where such bodies of water are not intended for recreation, measure to insure public safety shall be included and one egress provided.

j) Soil Erosion Sedimentation Control

- (i) The area of land affected shall be re-soiled, wherever needed, with topsoil or suitable subsoil, fertilizer, lime or soil amendments, as appropriate, in sufficient quantity and depth to raise and maintain a diverse growth of vegetation adequate to bind the soil and control soil erosion and sedimentation.
- (ii) A diverse vegetative cover of grass and legumes or trees, grasses and legumes capable of self-regeneration and plant succession wherever required by the site plan shall be established.

k) Other Requirements

- (i) Government boundary, section corner and other government survey monuments that were removed by the operator as a result of the mining shall be replaced where practical.
- (ii) Mining and reclamation shall be carried out in the sequence and manner set forth in the site plan and reclamation measure shall be performed in a timely manner. All reclamation of an area of land affected shall be completed no later than three years following the active mining of such area, unless a showing satisfactory to the Zoning Board of Appeals is made that the future use of such area requires a longer period for completing reclamation.
- (iii) During mining, store topsoil or fill in quantities sufficient to complete the backfilling, grading, contouring, terracing and re-soiling that is specified in the plan. Stabilize the slopes of and plant each soil bank to control soil erosion and sedimentation.

2. **Application for a Conditional Use Permit for Surface Mining Activities.**

In addition to the application requirements for Conditional Use Permits established under section 240 of this Resolution, applications for a Conditional Use Permit for surface mining activities for the purposes of mineral aggregate extraction shall be accompanied by site plans and text providing the following information:

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- a) The location, true shape, topography, contours, dimensions, area and description of the lands proposed as a new area of mineral aggregate extraction or the area proposed for expansion of an existing area of aggregate extraction;
- b) The use of all land and the location and use of all buildings and structures lying within a distance of five hundred (500) feet of any of the boundaries of the lands set aside for the purposes of the operation;
- c) The pattern, quality and estimated quantity of the mineral aggregate resources within the property;
- d) The location, height, dimensions and use of all existing or proposed buildings or structures;
- e) Existing and anticipated final grades of excavation;
- f) Engineering plans showing the proposed drainage system;
- g) Proposed entrances, exits and routes to be used by gravel trucks except as provided in section 519.141 (C) of the Ohio Revised Code;
- h) To the extent possible, plans showing the ultimate area of aggregate extraction, progressive and ultimate road plan, any water diversion or storage facilities, location of stockpiles for stripping and products, tree screening and mounding, progressing and ultimate rehabilitation of the site, and where possible, intended use and ownership of the land after aggregate extraction has ceased;
- i) The extent of adjacent property holdings intended for future mineral aggregate extraction;
- j) Additional information such as hydrology, wildlife, vegetation or soil studies which may be required due to special concerns related to a specific site; and any other information as deemed necessary by the township.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

425 Rural Residential District (RU)

The purpose and intent of the Rural Residential District (RU) is to preserve rural character and provide for land which is suitable or used for very low density residences as defined in the Jerome Township Comprehensive Plan. On-site water and sewer facilities are permitted, provided such facilities comply with all applicable County Health Regulations. This district supersedes the U-1 Rural zoning district in existence prior to the enactment of this Resolution.

425.01 Permitted Uses

Within the RU District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

1. One single-family detached dwelling per lot
2. Limited Home Occupation subject to requirements of section 635 of this Resolution
3. The use of land for conservation, preservation, or wetland restoration
4. 6111 – Elementary and Secondary Schools
5. 813110 Church or other places of religious worship
6. 922160 – Fire Protection Services
7. Parks, Playgrounds and Playfields

425.02 Accessory Uses and Structures

1. Accessory buildings or structures normally associated with single family residential use including detached garages, tool or garden sheds, playhouses and swimming pools subject to the requirements of section 645 of this Resolution.

425.03 Conditional Uses

The following uses may be permitted as Conditional Uses in the RR District by the Board of Zoning Appeals in accordance with the requirements of Section 240 of this Resolution and subject to the development standards for such uses as established herein.

1. 721191 Bed-and-Breakfast Inns
2. 921140 – Executive and Legislative Offices
3. Telecommunications towers subject to the requirements of section 655 of this resolution
4. Expanded home occupations subject to the requirements of section 635 of this Resolution.
5. Accessory Apartment (Granny Flat) subject to the requirements of section 645 of this Resolution.
6. Small Wind Projects (less than 5 mw) subject to the requirements of section 650 of this Resolution.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

425.04 Lot Size and Yard Setback Standards

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

1. Minimum Lot Size

The minimum lot size for parcels in the RU District shall be 1.5 acres or as required by the Union County Board of Health for the provision of on-site water and sanitary systems. In addition, the minimum lot size for all permitted and conditional uses shall be adequate to allow for the development of the lot in accordance with the applicable development standards of the RU District and this Resolution. (Amended 08-17-2015)

2. Minimum Lot Frontage

Lots in the RU District shall have a minimum 150 feet of continuous frontage as defined in Chapter 3 of this Resolution. (Amended 08-17-2015)

3. Flag Lots

Flag lots, having an access strip less than the minimum width of 150 feet, are not permitted within the RU District. (Amended 08-17-2015)

4. Front Yard Setbacks

All Front Yard Setbacks, as defined in Section 300, shall be measured from the right of way of the Dedicated Public Road. Such Setbacks for the RU District shall be as follows:

- a) **Type 'A'** – The Setback for Farm Markets shall be a minimum of 15 feet as determined by Section 605 of this Resolution.
- b) **Type 'B'** – The Setback for Single Family Dwellings shall be a minimum of 50 feet.
- c) **Type 'C'** – The setback for all other buildings or structures supporting a permitted, conditional, or accessory use of the property shall be 75 feet.

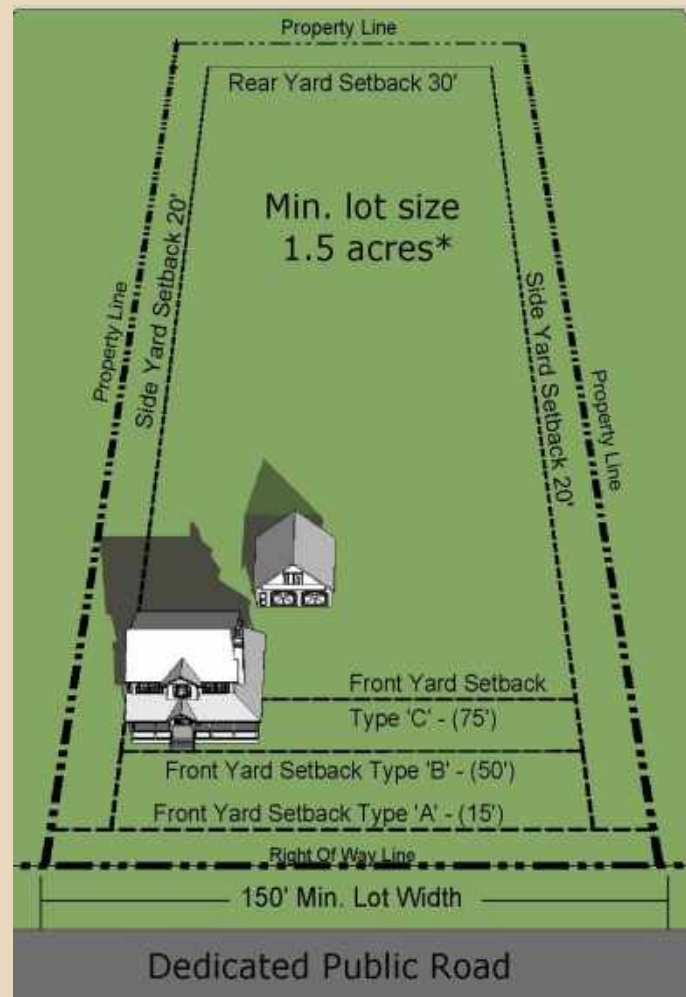


Figure 425.01: Lot size and setback diagram for the RU District

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

5. Side Yard Setbacks

The minimum side yard setback for all buildings and structures in the RU District shall be 20 feet.

6. Rear Yard Setbacks

The minimum rear yard setback for all buildings and structures in the RU District shall be 30 feet.

7. Architectural Projections

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

8. Driveways and parking areas

Driveways and parking areas for any residential use, or any other permitted, accessory, or approved conditional use, shall not be permitted within any side or rear yard setback within the RU District. Except as noted herein, parking areas for any permitted use or approved conditional or accessory use shall not be located within the front yard setback of any property within the RU district.

425.05 Building and Site Development Standards

The following standards shall apply to the development of all permitted uses and structures, accessory uses and structures, and approved conditional uses and structures within the RU District:

2. Minimum and Maximum Square Footages

- a) Residential Accessory Structures – See Section 645 for regulations concerning accessory structures.
- b) Single Family Dwellings – Single family dwellings in the RU District shall provide a minimum of 1,200 square feet of floor area for a single story dwelling and a minimum of 1,600 square feet of floor area for a split-level or multi-story dwelling. Floor area shall be measured as defined in Chapter 3.

3. Maximum Building Height

The maximum height of buildings and structures shall be measured as defined in Section 300 of this Resolution and shall meet the requirements listed below:

- a) Accessory Structures – See Section 645 for regulations concerning accessory structures.
- b) Single Family Dwellings – The maximum building height for single family dwellings in the RU District shall be 35 feet.
- c) All Other Permitted Uses and Approved Conditional Uses – The maximum building height for all other permitted uses and approved Conditional Uses shall be 35 feet.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

4. Residential Building Standards

The following standards apply to all single-family dwellings within the RU District:

- a) Mobile Homes, Travel Trailers, or Park Trailers— The use of a Mobile Home, Travel Trailer, or Park Trailer, as defined by ORC 4501.01, is prohibited within the RU District.
- b) Manufactured Home – The use of a permanently sited Manufactured Home, as defined by ORC 3781.06, is permitted within the RU District provided that the home meets all applicable residential building code standards, is installed on a permanent foundation, and meets all minimum floor area requirements.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

430 Low Density Residential District (LDR)

The purpose and Intent of the Low Density Residential (LDR) District is to provide areas for larger lot, lower density residential uses and / or estate lots that may or may not have access to centralized sewer services as outlined in the Jerome Township Comprehensive Plan. The Low Density Residential (LDR) District will provide a transition between Agricultural and Rural Residential uses and more urbanized areas. This district supersedes the R-1 Low Density Residential District in existence prior to the enactment of this Resolution.

430.01 Permitted uses

Within the LDR District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

1. One single-family detached dwelling per lot
2. Limited Home Occupations subject to the requirements of section 635 of this Resolution.
3. 6111 – Elementary and Secondary Schools
4. 813110 Church or other places of religious worship
5. 922160 – Fire Protection Services
6. Community and Public Parks, playgrounds and sports fields

430.02 Accessory Uses and Structures

Accessory buildings or structures normally associated with single family residential use including detached garages, tool or garden sheds, playhouses and swimming pools subject to the requirements of section 645 of this Resolution.

430.03 Conditional Uses

The following uses may be permitted as Conditional Uses in the LDR District by the Board of Zoning Appeals in accordance with the requirements of Section 240 of this Resolution and subject to the development standards for such uses as established herein.

1. 921140 – Executive and Legislative Offices
2. Telecommunications towers subject to the requirements of Section 655 of this Resolution.
3. Expanded Home Occupation subject to the requirements of Section 635 of this Resolution.
4. Accessory Apartment (Granny Flat), subject to the requirements of Section 645 of this Resolution.
5. Small Wind Projects (less than 5 mw) subject to the requirements of Section 650 of this Resolution.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

430.04 Lot Size and Yard Setback Standards

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

1. Minimum Lot Size

The minimum lot size for parcels having access to public sewer and water services shall be one half (½) acre. Without access to public sewer and water the minimum lot size shall be 2 acres, or such larger size as determined necessary by the Union County Health Department. In addition, the minimum lot size for all permitted and conditional uses shall be adequate to allow for the development of the lot in accordance with the applicable development standards of the LDR District and this Resolution.

2. Minimum Lot Frontage

All lots in the LDR District shall provide a minimum of 120 feet of continuous frontage as defined in Chapter 3 of this Resolution. Lot frontage on a curved road or a cul-de-sac may be reduced to 80 feet provided that a minimum width of 120 feet shall be maintained at the front yard setback line.

3. Flag Lots

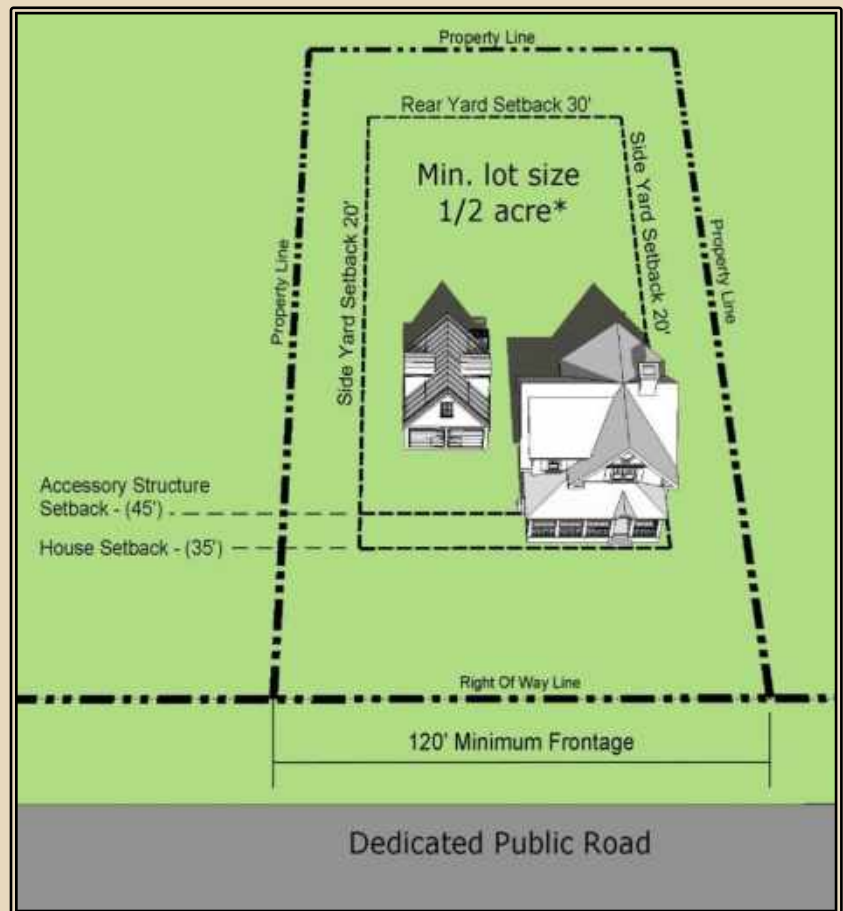
Flag lots are not permitted within the LDR District.

4. Front Yard Setbacks

All front yard setbacks, as defined in Section 300, shall be measured from the right of way of the dedicated public road. Front yard setbacks for the LDR District shall be as follows:

- Single Family Dwellings - The front yard setback for single family dwellings shall be 35 feet.
- The front yard setback for all other buildings or structures supporting a permitted, conditional, or accessory use of the property shall be 45'.

Note: In the LDR District it shall be prohibited to construct any detached garage or residential accessory structure closer to the public road than the principal dwelling.



Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

5. Side yard Setbacks

The minimum side yard setback for all buildings and structures in the LDR District shall be 20 feet.

6. Rear Yard Setbacks

The minimum rear yard setback for all buildings and structures in the LDR District shall be 30 feet.

7. Architectural Projections

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

8. Driveways and parking areas

Driveways and parking areas for any residential use, or any other permitted, accessory, or approved conditional use, shall not be permitted within any side or rear yard setback within the LDR District. Except as noted herein, parking areas for any permitted use or approved conditional or accessory use shall not be located within the front yard setback of any property within the LDR district.

430.05 Building and Site Development Standards

The following standards shall apply to the development of all permitted uses and structures, accessory uses and structures, and approved conditional uses and structures within the LDR District:

1. Minimum and Maximum Square Footages

- a) Residential Accessory Structures – See Section 645 for regulations concerning accessory structures.
- b) Single Family Dwellings – Single family dwellings in the LDR District shall provide a minimum of 1,200 square feet of floor area for a single story dwelling and a minimum of 1,600 square feet of floor area for a split-level or multi-story dwelling. Floor area shall be measured as defined in Chapter 3.

2. Maximum Building Height

The maximum height of buildings and structures shall be measured as defined in Section 300 of this Resolution and shall meet the requirements listed below:

- a) Accessory Structures – See Section 645 for regulations concerning accessory structures.
- b) Single Family Dwellings – The maximum building height for single family dwellings in the LDR District shall be 35 feet.
- c) All Other Permitted Uses and Approved Conditional Uses – The maximum building height for all other permitted and approved conditional uses shall be 35 feet.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

3. Residential Building Standards

The following standards shall apply to all single-family dwellings within the LDR District:

- a) Mobile Homes, Travel Trailers, or Park Trailers– The use of a Mobile Home, Travel Trailer, or Park Trailer, as defined by ORC 4501.01, is prohibited within the LDR District.
- b) Manufactured Home – The use of a permanently sited Manufactured Home, as defined by ORC 3781.06, is permitted within the LDR District provided that the home meets all applicable residential building code standards, is installed on a permanent foundation, and meets all minimum floor area requirements.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

435 Medium Density Residential District (MDR)

The Purpose and intent of the Medium Density Residential (MDR) District is to provide opportunity to develop single-family residential lots at more traditional suburban densities where appropriate, as defined by the Jerome Township Comprehensive Plan. Because of the smaller lot sizes allowed these properties are required to be served by centralized sewer and water services and will provide a transition between more intense commercial uses and lower density residential or agricultural uses. This district supersedes the R-2 Medium Density Residential District in existence prior to the enactment of this Resolution.

435.01 Permitted uses

Within the MDR District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

1. One single-family detached dwelling per lot.
2. Limited Home Occupations subject to the requirements of Section 635 of this Resolution.
3. 6111 – Elementary and Secondary Schools
4. 813110 Church or other places of religious worship
5. 922160 – Fire Protection Services
6. Community and Public Parks, playgrounds and sports fields.

435.02 Accessory Uses and Structures

Accessory buildings or structures normally associated with single family residential use including detached garages, tool or garden sheds, playhouses and swimming pools subject to the requirements of Section 645 of this Resolution.

435.03 Conditional Uses

The following uses may be permitted as Conditional Uses in the MDR District by the Board of Zoning Appeals in accordance with the requirements of Section 240 of this Resolution and subject to the development standards for such uses as established herein.

1. 623110 Nursing Care Facilities.
2. 623312 Assisted Living Facilities for the Elderly.
3. 921140 – Executive and Legislative Offices
4. Telecommunications towers subject to the requirements of Section 655 of this Resolution.
5. Expanded Home Occupation subject to the requirements of Section 635 of this Resolution.
6. Accessory Apartment (Granny Flat), subject to the requirements of Section 645 of this Resolution.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

435.04 Lot Size and Yard Setback Standards

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

1. Minimum Lot Size

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

2. Minimum Lot Frontage

All lots within the MDR District shall provide a minimum of 80 feet of continuous frontage as defined within Chapter 3 of this Resolution. Lot frontage on a curved road or a cul-de-sac may be reduced to a minimum of 65 feet provided that a minimum lot width of 80 feet shall be maintained at the front yard setback line. Corner lots having frontage on two public roads shall provide a minimum lot width of 90 feet.

3. Flag Lots

Flag Lots are not permitted within the MDR District.

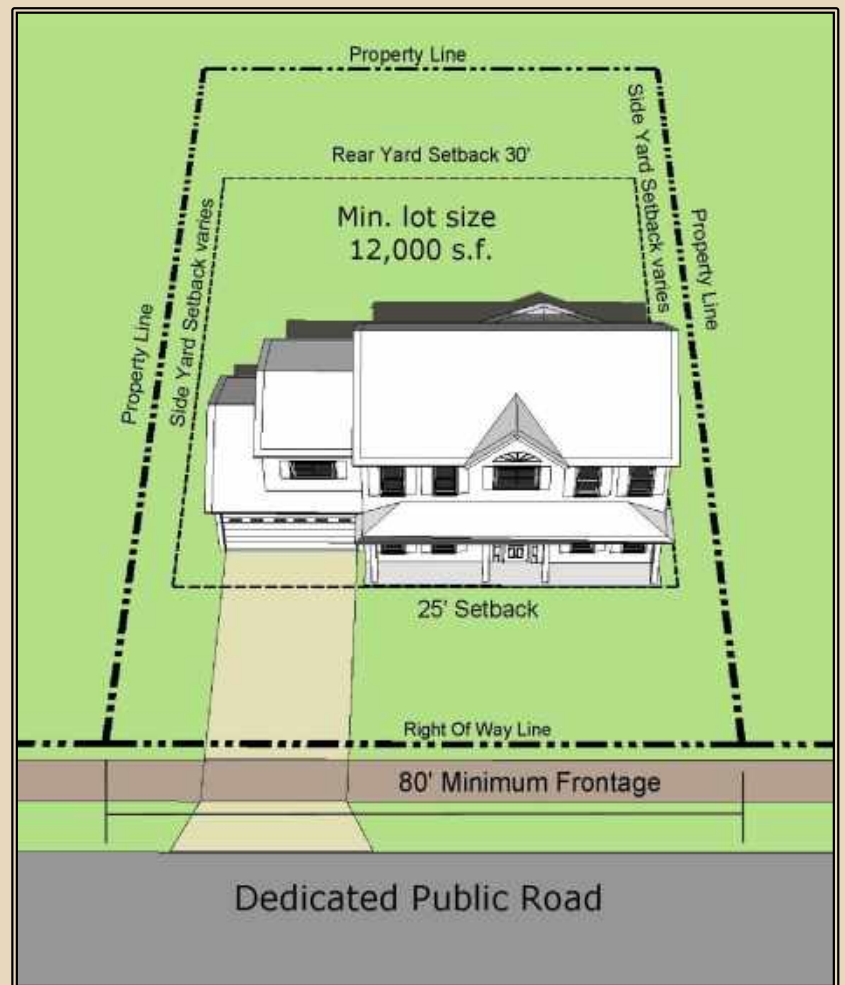
4. Front Yard Setbacks

All Front Yard Setbacks, as defined in Section 300, shall be measured from the right of way of the dedicated public road. The minimum front yard setback for all buildings and structures in the MDR District shall be 25 feet.

5. Side yard Setbacks

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

- For lots having a width of less than 90 feet the minimum side yard setback shall be 6 feet.
- For lots having a width of 90 feet or greater, but less than 100 feet the minimum side yard setback shall be 8 feet.
- For lots having a width of 100 feet or greater the minimum side yard setback shall be 10 feet.



Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- d) For residences with side loaded garages the driveway shall be permitted to extend into the side yard a maximum of 4 feet. For residences with forward facing garages the driveway shall meet all side yard setbacks.

6. Rear Yard Setbacks

The minimum rear yard setback for all buildings and structures in the MDR District shall be 30 feet.

7. Architectural Projections

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

8. Driveways and parking areas

Driveways and parking areas for any residential use, or any other permitted, accessory, or approved conditional use, shall not be permitted within any side or rear yard setback within the MDR District except as permitted by Section 435.04 (5)(d). Except as noted herein, parking areas for any permitted use or approved conditional or accessory use shall not be located within the front yard setback of any property within the MDR district.

435.05 Building and Site Development Standards

The following standards shall apply to the development of all permitted uses and accessory uses and structures within the MDR District:

1. Minimum and Maximum Square Footages

- a) Residential Accessory Structures – See Section 645 for regulations concerning accessory structures.
- b) Single Family Dwellings – Single family dwellings in the MDR District shall provide a minimum of 1,200 square feet of floor area for a single story dwelling and a minimum of 1,600 square feet of floor area for a split-level or multi-story dwelling. Floor area shall be measured as defined in Chapter 3 of this Resolution.

2. Maximum Building Height

The maximum height of buildings and structures shall be measured as defined in Section 300 of this Resolution and shall meet the requirements listed below:

- a) Accessory Structures – See Section 645 for regulations concerning accessory structures.
- b) Single Family Dwellings – The maximum building height for single family dwellings in the MDR District shall be 35 feet.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- c) All Other Permitted Uses and Approved Conditional Uses – The maximum building height for all other permitted uses and approved Conditional Uses shall be 35 feet.

3. Residential Building Standards

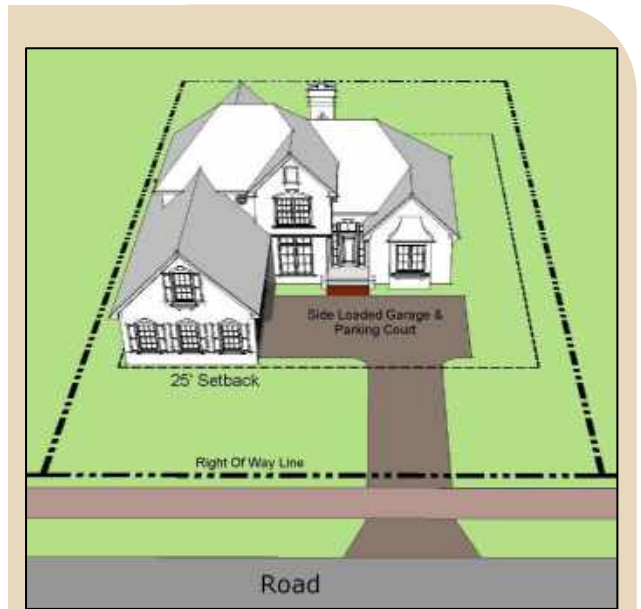
The following standards apply to all single-family dwellings within the MDR District:

- a) Mobile Homes, Travel Trailers, or Park Trailers– The use of a Mobile Home, Travel Trailer, or Park Trailer, as defined by ORC 4501.01, is prohibited within the MDR District.
- b) Manufactured Home – The use of a permanently sited Manufactured Home, as defined by ORC 3781.06, is permitted within the MDR District provided that the home meets all applicable residential building code standards, is installed on a permanent foundation, and meets all minimum floor area requirements.
- c) Attached Garages – The follow standards apply to all single family dwellings with attached garages.
 - (i) The face of all front-loaded garages shall be set back from the face of the principal residence a minimum of 2 feet in the case of 1 and 2 car garages. 3 car front-loaded garages are permitted on lots 90 feet and larger provided the third garage bay is set back a minimum of an additional 2 feet from the first two garage bays
 - (ii) Side-loaded garages are permitted to extend past the front of the principal residence to create a front parking court provided that the elevation of the garage facing the street is treated with windows and the garage meets the front yard setback for the District.

4. Platted Residential Subdivisions

The following standards shall apply to all new platted subdivisions having 20 or more lots within the MDR District.

- a) Architectural Diversity – In the Medium Density Residential District a single-family dwelling with the same or similar front elevation shall not be repeated within 4 houses on the same side of the street and within 2 houses in either direction of the house on the opposite side of the street. The builder is permitted to construct homes that use an identical elevation, but use a different main exterior material or main exterior color, provided that the homes shall be separated by at least 2 homes of a different elevation on the same side of the street and by at least 1 home in either direction of the house on the opposite side of the street.



Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- b) Open Space – the developer of any platted subdivision within the Medium Density Residential District shall dedicate a minimum of 10% of the gross acreage of the property to permanent open space to be used by the residents of the development.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

440 Office / Research / Medical District (ORM)

The purpose of the Office/ Research/Medical (ORM) District is to provide opportunities for higher density corporate offices or lower density professional, research and medical uses as identified by the Jerome Township Comprehensive Plan. These uses provide employment, economic development, and community access to professional services and are typically located in areas easily accessed by commuters and close to support type uses. This district supersedes the B-11 Professional Services District in existence prior to the enactment of this resolution.

In this district hours of operation are typically limited to normal business hours and do not include overnight operations.

Developments can be planned with individual buildings on single sites, or as part of a campus development, and provide a good transition between higher intensity retail uses and residential Districts.

Appropriate sites include areas where access to busier streets is available, where higher density retail uses or lower density residential uses are not appropriate and access to services and restaurants is available.

440.01 Permitted Uses

Within the ORM District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

1. 511 – Publishing Industries
2. 517 – Telecommunications
3. 518 - Data Processing, Hosting, and Related Services
4. 519 - Other Information Services
5. 522 – Credit Intermediation and Related Activities
6. 523 – Securities, Commodity Contracts, and other Financial Investments and Related Activities
7. 524 – Insurance Carriers and Related Activities
8. 525 – funds, Trusts, and other Financial Vehicles
9. 531 – Real Estate, all with the exception of the following uses which are prohibited:
 - a) 53113 – Lessors of Mini-warehouses and Self Storage Units
10. 533 – Lessors of Nonfinancial Intangible Assets
11. 54 – Professional, Scientific, and Technical services, all with the exception of the following uses:
 - a) 54185 – Outdoor Advertising
 - b) 54186 – Direct Mail Advertising
 - c) 54187 – Advertising Material Distribution Services
 - d) 54189 – Other Services Relating to Advertising
 - e) 54192 – Photographic Services
 - f) 54194 – Veterinary Services
12. 55 – Management of Companies and Enterprises (all)
13. 5611 – Office Administrative Services
14. 5613 – Employment Services
15. 5614 – Business Support Services with the exception of

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- a) 561491 – repossession services
- 16. 561492 – Court Reporting and Stenotype Services
- 17. 5615 – Travel Arrangement and Reservation Services
- 18. 621 – Ambulatory Health Care Service, All with the exception of the following:
 - a) 62191 – Ambulance Services
- 19. 622 – Hospitals
- 20. 71132 – Promoters of Performing Arts, Sports, and Similar Events Without Facilities
- 21. 7114 – Agents and Managers for Artists, Athletes, Entertainers, and other Public Figures
- 22. 813110 Church or other places of religious worship
- 23. 8132 – Grant making and Giving Services
- 24. 8133 – Social Advocacy Organizations
- 25. 8134 – Civic and Social Organizations
- 26. 8139 – Business, Professional, Labor, Political, and Similar Organizations
- 27. 92 – Public Administration, all except for the following:
 - a) 92214 – Correctional Institutions
 - b) 92215 – Parole Offices and Probation Offices

440.02 Conditional Uses

The following uses may be permitted as Conditional Uses in the ORM District by the Board of Zoning Appeals in accordance with the requirements of Section 240 of this Resolution and subject to the development standards for such uses as established herein.

- 1. 51211 – Motion Picture and Video Production
- 2. 51219 – Postproduction Services and Other Motion Picture and Video Industries
- 3. 51222 – Integrated Record Production /Distribution
- 4. 51224 – Sound Recording Studios
- 5. 5151 – Radio and Television Broadcasting
- 6. 5152 – Cable and Other Subscription Programming
- 7. 54192 – Photographic Services
- 8. 54194 – Veterinary Services
- 9. 6112 – Junior Colleges
- 10. 6113 – Colleges, Universities and Professional Schools
- 11. 6114 – Business Schools and Computer and Management Training
- 12. 61161 – Fine Arts Schools
- 13. 61163 – Language Schools
- 14. 611691 – Exam Preparation and Tutoring
- 15. 6117 – Educational Support Services
- 16. 6241 – Individual and Family Services (non-residential facilities only)
- 17. 6243 – Vocational Rehabilitation Services
- 18. 6244 Child Day Care Services

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

19. 922 – Justice, Public Order, and Safety Activities with the exception of:

- a) 92214 – Correctional Institutions
- b) 92215 – Parole Offices and Probation Offices

440.03 Lot Size and Yard Setback Standards

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

1. Minimum Lot Size

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

2. Minimum Lot Frontage

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

Fig. 440.03 Lot Frontage Requirements for the ORM District

Road / Street Classification	Minimum Lot Frontage	
	Lots without SDA	Lots with SDA
Cul-De-Sac or Loop	150 feet	150 feet
Local Road	200 feet	150 feet
Minor Collector Road	300 feet	200 feet
Major Collector Road	400 feet	250 feet
Minor Arterial Road	600 feet	250 feet
Major Arterial Road	No Access	No Access
* Lots having a Shared Driveway Access (SDA) with an adjacent lot(s) shall be permitted to have a reduced Lot Frontage as shown in the above table.		

3. Maximum Lot Coverage

The total ground area occupied by all buildings and structures shall not exceed a maximum of 35 percent of the total area of the lot.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

4. Front Yard Setbacks

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

Fig. 440.031 Front Setback Requirements for the ORM District

Road / Street Classification	Minimum Front Setbacks For:	
	All Buildings / Structures	Parking and Circulation
Cul-De-Sac or Loop	40 feet	20 feet
Local Road	40 feet	20 feet
Minor Collector Road	40 feet	20 feet
Major Collector Road	50 feet	30 feet
Minor Arterial Road	60 feet	40 feet
Major Arterial Road	n/a	n/a

5. Side yard Setbacks

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

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

6. Rear Yard Setbacks

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

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

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- b) For all other lots in the ORM District the minimum rear yard setbacks shall be 20' for all buildings, structures, parking, vehicular circulation and loading, delivery, and service areas.

440.04 Building and Development Standards

The following standards shall apply to the development of all permitted uses and structures, accessory uses and structures, and approved conditional uses and structures within the ORM District:

1. Building Construction

All uses within the ORM District shall be housed in permanent structures constructed on solid foundations meeting all applicable regulations for the construction of such structures within the State of Ohio and Union County. Buildings shall be constructed and clad with conventional building materials of a quality equal to or better than buildings in the surrounding area. The use of tents, inflatable buildings, fabric buildings and other such structures for permanent use shall be prohibited.

2. Temporary Structures

Temporary non-residential structures, such as construction trailers, may be used incidental to construction work on the premises, on adjacent public projects, or during the period while a permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use from the Township Zoning Inspector, which permit shall be valid for a period of 6 months. Such permit may be renewed by the Zoning Inspector upon a determination of reasonable progress toward the completion of the permanent structure or project. Said temporary structure shall be removed within 10 days of the earlier of; the completion of the construction project, the issuance of an occupancy permit, or the expiration of the temporary use permit.

3. Building Height

The maximum height of all structures in the ORM District shall be 50 feet, measured as defined in Section 300 of this Resolution.

4. Building Design and Orientation on the Lot

The following standards apply to the construction of all buildings within the ORM District:

- a) Main Entries – All buildings within the ORM District shall be designed and located on the lot so that the main entrance to the building is visible from the street on which the lot fronts. In an office park, where more than one building are served by an internal roadway network, the main entry of individual buildings are permitted to front the interior circulation drive. The main entrance of each building, or to individual tenants of a multi-tenant building, shall be clearly delineated from

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

the rest of the building through the use of architectural projections, a change in architectural design, a change in building materials, awnings, canopies or other such architectural features.

- b) Blank Walls – Large expanses of flat, featureless, exterior wall shall not be permitted on any building elevation within the ORM District. Buildings shall be designed so that, at a minimum, exterior walls are varied through the use of windows, changes in building mass, changes in building materials, landscaping, or a combination of the above. For any use where the side or rear of a building is visible to US 33, SR 42, or Industrial Parkway those elevations visible shall be treated in a similar fashion to the main façade and shall not appear as an obvious side or rear elevation.
- c) Loading Docks and Loading areas – Loading Docks and loading areas shall not be permitted on the side of the building that faces the public right-of-way. Buildings shall be designed and located on the lot so that loading docks and loading areas are at the side or rear of the building.
- d) Building materials – Buildings in the ORM District shall be designed and constructed using similar exterior materials on all four sides of the building.
- e) Roofs – Sloped, mansard, and flat roof systems shall be permitted in the ORM district with the following requirements:
 - (i) Flat roof systems shall be selected by the architect or builder to minimize maintenance concerns and for longevity of service.
- f) Rooftop Mechanical Equipment – To minimize the visual impact on adjacent uses and roadways, rooftop mechanical equipment shall be screened from view on all sides through the use of parapet walls, mansard roofs or special enclosures designed to be harmonious with the building. Simple fence enclosures are not permitted on building roofs for any purpose. To avoid the appearance of multiple roof top screens, mechanical units shall be congregated in one location as permissible within the design of an efficient mechanical system. The following exceptions apply to the screening of rooftop mechanical equipment:
 - (i) Wind turbines and solar panels specifically designed for rooftop use may be excluded from the screening requirements provided the owner can demonstrate that the screening of the proposed equipment will interfere with the intended operation or efficiency of the equipment.

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440.05 Loading, Delivery, and Service Areas

Loading, delivery, and service areas within the ORM District shall meet the following standards:

1. Outdoor Storage

With the exception of emergency power generation equipment and heating/cooling equipment, the outdoor storage of materials or equipment shall be prohibited in the ORM District.

2. Screening

All loading, delivery, and service areas in the ORM District shall be screened from view in accordance with the following standards:

- a) Buffering from Non-Residential Uses – Service and delivery areas, overhead doors, and loading docks, if required, shall be buffered from adjacent non-residential uses by a combination of a 2' mound and the installation of evergreen trees and/or shrubbery of a type and variety normally achieving a minimum of 5 feet in height within 3 years of planting. Evergreen trees and/or shrubbery shall be planted in such a way as to provide a minimum of a 75 percent opacity screen between the service area and/or loading dock and the adjacent use similar to buffer type 'F' in appendix 1. Walls and fences may be used for the purposes of buffering service areas and/or loading docks provided that such walls and fences meet the requirements of section 625 and do not contain any advertising.
- b) Screening from Adjacent Residential Uses, Industrial Parkway, State Route 42, and State Route 33 – All sides of any service areas and/or loading docks that are visible to adjacent residential uses or lots, Industrial Parkway, State Route 42, and State Route 33 shall be entirely screened from view through the use of one of the following:
 - (i) A combination of a 2' mound and completely opaque walls or fences, in accordance with section 625 of this Resolution, to a height necessary for screening the proposed use but not less than 6 feet and not exceeding 12 feet in height similar to buffer type 'A' in appendix 1.
 - (ii) Loading docks may be screened from view by an extension of a building wall provided that the wall is constructed of materials similar to and harmonious with the design of the principal structure.
 - (iii) A combination of a 3' mound and evergreen shrubbery to obtain 100 percent screening of the area, to a minimum of 6 feet in height, within 3 years after planting similar to buffer type 'E' in Appendix 1.
 - (iv) A continuous planting of evergreen trees, a minimum of 6 feet in height at the time of planting, and staggered or spaced to achieve 100 percent screening of the area

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

within 3 years of planting similar to buffer type 'B' in Appendix 1.

- (v) Any combination of the above.
- c) Screening of Dumpsters, Storage Tanks, and Mechanical Equipment – within the ORM District all dumpsters, compactors, trash receptacles, storage and fuel tanks, generators, heating and cooling equipment, and all other similar building service and mechanical equipment shall be screened from view on all sides by the proposed structure and/or free standing walls or fences. Free standing walls or fences shall be at a minimum height necessary to screen the proposed use and shall meet the requirements of Section 625.
- d) Maintenance of Materials - All planting and landscape materials used for the purpose of screening shall be maintained in good condition in accordance with Section 620 of this Resolution.

440.06 Off-Street Parking

Off-street parking for all uses in the ORM District shall be provided at the time of construction of the main structure or building with adequate provisions for ingress and egress. All parking spaces and vehicular circulation areas shall meet the requirements of Section 610 and the following standards:

1. Number of Parking Spaces Required

All uses in the ORM District shall provide a minimum number of off-street parking spaces in accordance with the type of use as defined in Section 610.

2. Parking Lot Landscaping

All uses in the ORM District shall provide parking lot landscaping in accordance with Section 610 and the following standards:

- a) Parking Lot Trees - The owner or developer of the proposed use shall install a minimum of 1 Shade Tree per every 10 parking spaces. Shade trees shall be installed in the center of the required landscape islands to avoid damage. Shade Trees shall be of a species and variety that is typically known for urban tolerance, does not fruit heavily, and shall be a minimum of two inches in caliper at the time of installation.

440.07 Landscaping

All uses within the ORM District shall be landscaped in accordance with section 620 of this Resolution.

440.08 Signage

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

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

1. Number and Type of Signs Permitted in the ORM District

For all uses and lots within the ORM District the total amount of signage permitted shall be as follows:

- a) Single Uses on Individual Lots – Single uses on individual parcels shall be permitted one ground mounted monument sign or one building mounted wall sign. Buildings on corner lots having at least 200 feet of frontage on both public rights-of-way shall be permitted either one monument sign or one wall sign along each right-of-way.
- b) Office Park – Office parks having more than one building constructed along an interior roadway shall be permitted one ground mounted monument sign advertising the name of the development at the entrance to the development and one wall mounted sign at each building with the address of the building and the individual building tenant. Wall mounted signs for individual tenants shall be oriented toward the interior roadway serving the development.
- c) Freeway Oriented Office Buildings – Corporate and professional offices, and hospitals and/or clinics located adjacent to State Route 33, and having 2 or more stories, shall be permitted one building mounted wall sign along the State Route 33 frontage and one ground mounted monument sign along the right-of-way which provides access to the property.

2. Monument Signs

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

- a) Height – Monument signs in the ORM District shall not exceed a total of 6 feet in height including the sign, sign base or support columns.
- b) Location – Monument signs in the ORM District shall be set back at least 15 feet from any right of way or lot line and shall be installed in a location that will not interfere with the Clear Vision Triangle of intersections or driveways. When two monument signs are permitted in the case of a corner lot, each sign shall be installed on a separate road frontage. There shall be no less than 200 feet between the two signs and no less than 50 feet between any one sign and the intersection of the two rights of ways.
- c) Display Area – The total display area of all signage surfaces shall not exceed 64 square feet as defined by Section 615 of this Resolution.
- d) Landscaped area – Each monument sign shall be surrounded by landscaping around the base of the sign totaling a minimum of 50 square feet. Landscaped areas shall be comprised of a variety of plant materials such as annual or perennial flowers, ground covers, and shrubs.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

3. Wall signs

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

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

440.09 Lighting

All exterior lighting within the ORM District shall strictly adhere to the requirements of Section 630 and the following standards:

1. Maximum Height Requirements

The total height of exterior light fixtures used for parking lot and site lighting within the ORM District shall not exceed a maximum height of 24 feet established from the average finished grade of the area intended to be illuminated surrounding the light fixture.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

445 Commerce District (COM)

The purpose and intent of the Commerce District is to provide opportunities for business uses consisting of warehouse and distribution, flex offices, commercial services, and light industry as identified in the Flex Office / Light Industrial section of the Jerome Township Comprehensive Plan and to provide standards for the development of such uses that protect the value of adjacent properties and promote the desired character of the area as defined by the Jerome Township Comprehensive plan. This district supersedes the B-15 Wholesale and Heavy Retail District, M-1 Manufacturing District, and M-2 Heavy Manufacturing District in existence prior to the enactment of this resolution.

The uses permitted in this district are appropriate for industrial corridors and major and minor arterials where access to interchanges, well designed roads and trucking or shipping routes are available to move goods and services. Manufacturing and industrial uses in this area will be smaller, more specialized operations which are not intrusive by way of noise, dust, odor, vibration or present a danger to surrounding uses. Commerce District uses are more intense land uses that provide employment opportunities and economic development and should be buffered from residential uses.

445.01 Permitted Uses

Within the COM District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

1. 236 – Construction of buildings
2. 238 – All Specialty Trade Contractors with the exception of:
 - a) 23811 - Poured Concrete Foundation and Structure Contractors
 - b) 23812 - Structural Steel and Precast Concrete Contractors
 - c) 23891 - Site Preparation Contractors
3. 323 – Printing and Related Support Activities
4. 32616 – Plastic bottle manufacturing
5. 327215 - Glass Product Manufacturing made of purchased glass
6. 33243 - Metal Can, Box, and Other Metal Container (Light Gauge) Manufacturing
7. 3325 – Hardware Manufacturing
8. 3326 – Spring and Wire product Manufacturing
9. 3327 – Machine Shops; Turned Product; and Screw, Nut and Bolt Manufacturing.
10. 3329 - Other Fabricated Metal Product Manufacturing with the exception of:
 - a) 332992 Small Arms Ammunition Manufacturing
 - b) 332993 Ammunition (except Small Arms) Manufacturing
 - c) 332994 – Small Arms, Ordnance, and Ordnance Accessories Manufacturing
11. 334 – Computer and Electronic Product Manufacturing

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

12. 335 – Electrical Equipment, Appliance, and Component Manufacturing with the exception of:
 - a) 33591 – Battery Manufacturing
13. 3363 – Motor Vehicle Parts Manufacturing less than 100,000 square feet.
14. 3364 - Aerospace Product and Parts Manufacturing less than less than 100,000 square feet.
15. 336991 - Motorcycle, Bicycle, and Parts Manufacturing less than 100,000 square feet.
16. 339 – Miscellaneous Manufacturing
17. 4232 - Furniture and Home Furnishing Merchant Wholesalers
18. 4234 – Professional and Commercial Equipment and Supplies Merchant Wholesalers
19. 4236 – Electrical and Electronic Goods Merchant Wholesalers
20. 4237 – Hardware, and Plumbing and Heating Equipment and Supplies Merchant Wholesalers
21. 42384 – Industrial Supplies Merchant Wholesalers
22. 42385 - Service Establishment Equipment and Supplies Merchant Wholesalers
23. 42386 - Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers
24. 4239 - Miscellaneous Durable Goods Merchant Wholesalers
25. 424 – Merchant Wholesalers, Non-Durable Goods, all with the exception of the following non-permitted uses:
 - a) 42452 – Livestock Merchant Wholesalers
 - b) 4247 – Petroleum and Petroleum Products Merchant Wholesalers
26. 425 – Wholesale Electronic Markets and Agents and Brokers
27. 4413 – Automotive Parts and Accessories Stores
28. 4542 - Vending Machine Operators
29. 484 – Truck Transportation under 25,000 square feet
30. 485 – Transit and Ground Passenger Transportation under 25,000 square feet
31. 487 - Scenic and Sightseeing Transportation
32. 491 – Postal Service
33. 492 – Couriers and Messengers
34. 493 – Warehousing and Storage with the exception of the following uses which are prohibited within the commerce District:
 - a) 493190 Automobile dead storage
 - b) 493190 Bulk petroleum storage
35. 511 – Publishing Industries
36. 512 - Motion Picture and Sound Recording Industries with the exception of:
 - a) 51213 - Motion Picture and Video Exhibition
37. 515 - Broadcasting (except Internet)
38. 517 – Telecommunications
39. 518 – Data Processing, Hosting, and related services

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

40. 519 – Other Information Services
41. 52 – Finance and Insurance
42. 531 – Real Estate with the exception of:
 - a) 53113 - Lessors of Mini-warehouses and Self-Storage Units
43. 532 – Rental and Leasing Services with the exception of:
 - a) 5321 - Automotive Equipment Rental and Leasing
 - b) 5323 – General Rental Centers
 - c) 5324 - Commercial and Industrial Machinery and Equipment Rental and Leasing
44. 533 - Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)
45. 54 - Professional, Scientific, and Technical Services
46. 55 - Management of Companies and Enterprises
47. 561 - Administrative and Support Services with the exception of:
 - a) 56173 – Landscaping Services
48. 611 – Educational Services
49. 621 - Ambulatory Health Care Services
50. 622 – Hospitals
51. 624 – Social Assistance with the exception of:
 - a) 62422 – Community Housing Services
 - b) 6244 – Child Day Care Services
52. 711 - Performing Arts, Spectator Sports, and Related Industries with the exception of:
 - a) 711212 – Racetracks
53. 712 - Museums, Historical Sites, and Similar Institutions with the exception of:
 - a) 71213 - Zoos and Botanical Gardens
 - b) 71219 - Nature Parks and Other Similar Institutions
54. 7223 – Special Food Services
55. 811 – Repair and Maintenance
56. 81221 – Funeral Homes and Funeral Services
- 57.
58. 81233 - Linen and Uniform Supply
59. 8129 - Other Personal Services with the exception of:
 - a) 81291 - Pet Care (except Veterinary) Services
60. 81292 – Photofinishing
61. 81293 - Parking Lots and Garages
62. 81299 - All Other Personal Services
63. 813 - Religious, Grant making, Civic, Professional, and Similar Organizations
- 92 - Public Administration

445.02 Conditional Uses

The following uses may be permitted as Conditional Uses in the COM District by the Board of Zoning Appeals in accordance with the requirements of Section 240 of this Resolution and subject to the development standards for such uses as established herein:

1. 237 – Heavy and Civil Engineering Construction
2. 23811 - Poured Concrete Foundation and Structure Contractors

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

3. 23812 - Structural Steel and Precast Concrete Contractors
4. 23891 - Site Preparation Contractors
5. 311 – Food Manufacturing less than 25,000 square feet in size with the exception of:
 - a) 3116 – Animal Slaughtering and Processing
 - b) 3117 - Seafood Product Preparation and Packaging
 - c) 311811 – Retail Bakeries
6. 3121 – Beverage manufacturing less than 25,000 square feet in size.
7. 313 – Textile Mills less than 25,000 square feet in size.
8. 314 – Textile Product Mills less than 25,000 square feet in size.
9. 315 – Apparel Manufacturing less than 25,000 square feet in size.
10. 3162 – Footwear Manufacturing less than 25,000 square feet in size.
11. 321911 – Wood Window and Door Manufacturing less than 25,000 square feet in size.
12. 321918 – Other millwork (including flooring) less than 25,000 square feet in size.
13. 3222 – Converted Paper Product Manufacturing less than 25,000 square feet.
14. 3254 - Pharmaceutical and Medicine Manufacturing less than 25,000 square feet.
15. 3261 – Plastics Product Manufacturing less than 25,000 square feet with the exception of:
 - a) 32616 Plastic Bottle Manufacturing.
16. 3271 - Clay Product and Refractory Manufacturing less than 25,000 square feet.
17. 3272 - Glass and Glass Product Manufacturing less than 25,000 square feet.
18. 32733 – Concrete Pipe, Brick, and Block Manufacturing
19. 3274 – Lime and Gypsum Product Manufacturing
20. 3279 – Other Nonmetallic Mineral Product Manufacturing
21. 3312 – Steel Product Manufacturing from Purchased Steel
22. 3321– Forging and Stamping
23. 3322 – Cutlery and Hand tool Manufacturing
24. 3323 – Architectural and Structural Metals Manufacturing
25. 3328 – Coating, Engraving, Heat Treating, and Allied Activities
26. 332994 – Small Arms, Ordnance, and Ordnance Accessories Manufacturing except that no live fire and no explosive material are permitted.
27. 333 – Machinery Manufacturing
28. 33621 - Motor Vehicle Body and Trailer Manufacturing
29. 3363 – Motor Vehicle Parts Manufacturing larger than 100,000 square feet.
30. 3364 - Aerospace Product and Parts Manufacturing over 100,000 square feet.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

31. 336991 – Motorcycle, bicycle and parts manufacturing over 100,000 square feet.
32. 337 – Furniture and Related Product Manufacturing less than 25,000 square feet.
33. 42311 - Automobile and Other Motor Vehicle Merchant Wholesalers
34. 42313 - Motor Vehicle Supplies and New Parts Merchant Wholesalers
35. 42313 - Tire and Tube Merchant Wholesalers
36. 4233 – Lumber and Other Construction Materials Merchant Wholesalers
37. 42351 - Metal Service Centers and Other Metal Merchant Wholesalers
38. 42381 - Construction and Mining (except Oil Well) Machinery and Equipment Merchant Wholesalers
39. 42382 - Farm and Garden Machinery and Equipment Merchant Wholesalers
40. 4411 - Automobile Dealers
41. 4412 - Other Motor Vehicle Dealers
42. 44419 - Other Building Material Dealers
43. 4442 - Lawn and Garden Equipment and Supplies Stores
44. 44512 - Convenience Stores
45. 447 - Gasoline Stations, Except for 44719 and 447190 Marine Service Stations and Truck Stops. (Amended June 20, 2016)
46. 4541 - Electronic Shopping and Mail-Order Houses
47. 484 – Truck Transportation over 25,000 square feet
48. 485 – Transit and Ground Passenger Transportation over 25,000 square feet
49. 4884 - Support Activities for Road Transportation except for Motor Vehicle Towing with On-Site storage or impounding of motor vehicles.
50. 4885 - Freight Transportation Arrangement
51. 4889 - Other Support Activities for Transportation
52. 53113 – Lessors of Mini-Warehouses and Self Storage Units
53. 5321 - Automotive Equipment Rental and Leasing
54. 5323 – General Rental Centers
55. 5324 - Commercial and Industrial Machinery and Equipment Rental and Leasing
56. 56173 – Landscaping Services
57. 6244 – Child Day Care Services
58. 71394 - Fitness and Recreational Sports Centers
59. 71395 - Bowling Centers
60. 71399 - All Other Amusement and Recreation Industries
61. 72111 - Hotels (except Casino Hotels) and Motels
62. 7225 - Restaurants and Other Eating Places
63. 81291 Pet Care (except Veterinary) Services (with the exception of outdoor kennels)

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

445.03 Lot Size and Yard Setback Standards

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

1. Minimum Lot Size

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

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

2. Minimum Lot Frontage

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

Fig. 445.03 Lot Frontage Requirements for the COM District

Road / Street Classification	Minimum Lot Frontage	
	Lots without SDA	Lots with SDA
Loop or cul-de-sac	150 feet	150 feet
Local Road	200 feet	150 feet
Minor Collector Road	300 feet	200 feet
Major Collector Road	400 feet	250 feet
Minor Arterial Road	600 feet	250 feet
Major Arterial Road	No Access	No Access
* Lots having a Shared Driveway Access (SDA) with an adjacent lot(s) shall be permitted to have a reduced Lot Frontage as shown in the above table.		

3. Maximum Lot Coverage

The total ground area occupied by all buildings and structures shall not exceed a maximum of 45% of the total area of the lot.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

4. Front Yard Setbacks

All Front Yard Setbacks, as defined in Section 300, shall be determined based upon the functional classification of the public roadway upon which the property fronts and shall be measured from the right of way of said public road. The functional roadway classification shall be those determined by the Union County Engineer. The minimum front yard setbacks for the

Fig. 445.031 Front Setback Requirements for the COM District

Road / Street Classification	Minimum Front Setbacks For:	
	Principal Buildings / Structures	Parking and Circulation
Cul-De-Sac or Loop	40 feet	20 feet
Local Road	50 feet	20 feet
Minor Collector Road	50 feet	20 feet
Major Collector Road	60 feet	30 feet
Minor Arterial Road	70 feet	40 feet
Major Arterial Road	n/a	n/a

COM District shall be as follows:

5. Side yard Setbacks

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

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

6. Rear Yard Setbacks

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

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

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- b) When the rear lot line of any lot in the COM District adjoins any lot in any non-residential district the minimum rear yard setbacks shall be as follows:
 - (i) 30 feet for all buildings and structures, loading and delivery, and outdoor storage areas.
 - (ii) 20 feet for all parking and vehicular circulation areas.

7. Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts

Where a non-residential use abuts any lot line of a residential district the minimum side and rear yard requirements for buildings, loading and delivery areas, and outdoor storage areas may be reduced, at the discretion of the Zoning Inspector, by a maximum of 50% of the total requirement provided that additional landscaping and screening is installed by the owner. Such landscaping shall be designed to completely screen the proposed use from view within a period of 5 years and shall be maintained in good condition for the life of the non-residential use.

445.04 Building and Development Standards

The following standards shall apply to the development of all permitted uses and structures, accessory uses and structures, and approved conditional uses and structures within the COM District:

1. Building construction

All uses within the COM District shall be housed in permanent structures constructed on solid foundations meeting all applicable requirements for the construction of such structures within the State of Ohio and Union County. Buildings shall be constructed of conventional building materials of a quality equal to or better than buildings in the immediately surrounding area. The use of tents, inflatable buildings, fabric buildings and other such structures for permanent uses shall be prohibited.

2. Temporary Structures

Temporary non-residential structures, such as construction trailers, may be used incidental to construction work on the premises, on adjacent public projects, or during the period while a permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use from the Township Zoning Inspector, which permit shall be valid for a period of 12 months. Such permit may be renewed by the Zoning Inspector upon a determination of reasonable progress toward the completion of the permanent structure or project. Said temporary structure shall be removed within 10 days of the earlier of; the completion of the construction project, the issuance of an occupancy permit, or the expiration of the temporary use permit.

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3. Building Height

The maximum height of all structures in the COM District shall be 45 feet, measured as defined in Section 300 of this Resolution.

4. Building Design and Orientation on the Lot

The following standards apply to the construction of all buildings within the COM District:

- a) Main Entries – All buildings within the COM District shall be designed and located on the lot so that the main entrance to the building is visible from the street on which the lot fronts. The main entrance to each building shall be clearly delineated from the rest of the building through the use of architectural projections, a change in building materials, awnings, canopies or other such architectural treatments.
- b) Loading Docks and Loading areas – Loading Docks and loading areas shall not be permitted on the sides of the building that fronts the street. Buildings shall be designed and located on the lot so that Loading Docks and loading areas are at the side or rear of the building.
- c) Blank Walls not permitted – For all buildings in the COM District, blank, featureless exterior walls having a length greater than 2 times the height of the wall shall not be permitted. Buildings shall be designed to break up long expanses of exterior wall through the use of windows, doors, architectural projections, changes in materials, landscaping, or a combination of the above.
- d) Building materials – Buildings in the COM District shall be designed and constructed using similar exterior materials on all four sides of the building (except as noted in 445.04 (4)(a) above).
- e) Rooftop Mechanical Equipment - To minimize the visual impact on adjacent uses and roadways, rooftop mechanical equipment shall be screened from view on all sides through the use of parapet walls, mansard roofs or special enclosures designed to be harmonious with the building. Simple fence enclosures are not permitted on building roofs for any purpose. To avoid the appearance of multiple roof top screens, mechanical units shall be congregated in one location as permissible within the design of an efficient mechanical system. The following exceptions apply to the screening of rooftop mechanical equipment:
 - (i) Wind turbines and solar panels specifically designed for rooftop use may be excluded from the screening requirements provided the owner can demonstrate that the screening of the proposed equipment will interfere with the intended operation or efficiency of the equipment.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

445.05 Standards for Outdoor Storage Areas

The outdoor storage of materials, equipment and merchandise in the COM District shall meet the following standards:

1. Location

Areas used for the outdoor storage of materials, equipment, and merchandise shall not encroach into any required front, side or rear building setback for the COM District. Outdoor storage and the required perimeter screening shall not be permitted to extend closer to the right-of-way, or both rights-of-ways in the case of corner lots, than the front 1/3 of the side of the primary building perpendicular to the right of way as shown in Appendix 2.

2. Maximum Lot Area

The maximum lot area devoted to the outdoor storage of materials, equipment and merchandise for all uses shall not exceed 35% of the size of the lot on which the use is located.

3. Height

Materials, equipment and merchandise being stored outdoors shall not exceed a maximum height of 14' from the existing grade to the top of the materials being stored. For the purposes of this definition existing grade shall be defined as the general grade of the lot or area where the materials are being stored and shall not be construed to permit a total of 14' or storage from the top of a mound, ramp or other structure within that lot or area.

4. Materials

The outdoor storage of hazardous, dangerous, flammable or chemical materials or any other materials or equipment that could present a hazard to the health, safety and welfare of the public or provide an attractive nuisance shall be stored according to the following:

- Such materials shall be stored in a secure location within a lockable area.
- Chemicals being stored outdoors shall be in approved containers in good condition and shall meet all applicable requirements of OSHA, OEPA and all other governmental authorities having jurisdiction over such materials.

5. Screening and Buffering

Areas used for the outdoor storage of materials, equipment, and merchandise shall be screened from view in accordance with the following standards:

- Perimeter Screening— Outdoor storage areas shall be entirely screened from view on all sides through the use of the following:
 - A combination of a continuous minimum 3 foot high earthen mound and completely opaque masonry walls, in

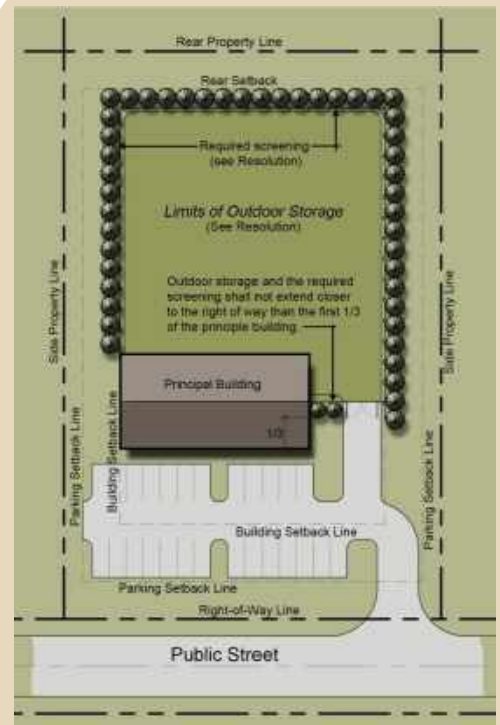


Figure xx – Outdoor storage diagrams
(see section 710 for larger images)

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

accordance with section 625 of this Resolution and deciduous shade trees planted at a maximum of 40' on center similar to buffer type 'A' shown in Appendix 1. Said walls shall be a minimum of 7 feet in height and not exceed 12 feet in height, as measured from the top of mound to the top of wall.

- (ii) A combination of a continuous minimum 3 foot high earthen mound and a continuous planting of evergreen trees and deciduous shade trees planted on top of the mound and staggered or spaced to achieve 100% screening of the outdoor storage within 5 years of the time of planting similar to buffer type 'B' shown in Appendix 1. Evergreen trees shall be a minimum of 6 feet in height at the time of planting.

445.06 Outdoor Loading, Delivery and Service Areas

Outdoor loading, delivery, and service areas shall be permitted within the COM District in accordance with the following standards:

1. Size Standards

The following size standards shall apply to all outdoor loading, delivery, and service areas within the COM District:

- a) Loading, Delivery and Service Areas for Warehousing and Distribution uses - For warehousing and distribution uses only, the size of areas dedicated to loading docks, truck circulation, and the loading and delivery of goods and materials shall not exceed 35 percent of the total lot area.
- b) Loading, Delivery and Service areas for all other uses – For all other uses the size of areas dedicated to the loading and delivery of goods and materials and service uses such as dumpsters and compactors shall not exceed 10% of the total lot area.

2. Screening

All outdoor loading, delivery, and service areas shall be screened from view in accordance with the following standards:

- a) Buffering from adjacent COM District uses –Service areas and loading docks shall be buffered from adjacent uses in the COM District by the use of evergreen trees or shrubbery of a type and variety normally achieving a minimum of 5 feet in height within 3 years of planting and deciduous shade trees planted at a minimum 40' on center. Trees or shrubbery shall be planted in such a way as to achieve a minimum of 75 percent screening of the area being screened similar to buffer type 'F' in Appendix 1. Walls may be used for the purposes of buffering adjacent COM District uses provided that such walls and fences meet the requirements of section 625.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- b) Screening from residential uses, Industrial Parkway, State Route 42, and State Route 33 – Any side of any service areas, and loading docks that are visible to adjacent residential lots or uses, Industrial Parkway, and/or State Route 33 shall be entirely screened from view through the use of one or more of the following:
 - (i) Completely opaque walls, in accordance with section 625 of this Resolution, to a height necessary for screening the proposed use but not less than 6 feet and not exceeding 12 feet in height similar to buffer type ‘A’ in Appendix 1.
 - (ii) Loading docks may be screened from view by an extension of building walls provided that the wall is constructed of materials similar to and harmonious with the design of the principal structure.
 - (iii) A combination of a minimum 3 foot high mound and a continuous planting of evergreen trees, a minimum of 6 feet in height at the time of planting. Evergreen trees shall be planted on top of the mound and staggered or spaced to achieve 100% screening of the area within 5 years of planting similar to buffer type ‘B’ in appendix 1.
- c) Screening of Dumpsters, Storage Tanks, and Mechanical Equipment – within the COM District all dumpsters, trash receptacles, storage and fuel tanks, generators, heating and cooling equipment, and other building mechanical equipment shall be screened from view on all sides by the proposed structure and / or free standing walls or fences. Free standing walls or fences shall be at a minimum height necessary to screen the proposed use and shall meet the requirements of section 625.
- d) Maintenance of materials - All planting and landscape materials used for the purpose of screening shall be maintained in good condition in accordance with Section 620 of this Resolution.

445.07 Off-Street Parking

Off street parking for all uses in the COM District shall be provided at the time of construction of the main structure or building with adequate provisions for ingress and egress. All parking spaces and vehicular circulation areas shall meet the requirements of Section 610 and the following standards:

1. Number of Parking Spaces Required

All uses in the COM District shall provide a minimum number of off-street parking spaces in accordance with the type of use as defined in Section 610

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

2. Parking Lot Landscaping

All uses in the COM District shall provide parking lot landscaping in accordance with Section 610 and the following standards:

- a) Parking Lot Trees - The owner or developer of the proposed use shall install a minimum of 1 Shade Tree per every 10 dedicated parking spaces. Shade trees shall be installed in the center of the required landscape islands to avoid damage. Shade Trees shall be of a species and variety that is typically known for urban tolerance, does not fruit heavily, and shall be a minimum of two inches in caliper at the time of installation.

445.08 Landscaping

All uses within the COM District shall be landscaped in accordance with Section 620 of this Resolution.

445.09 Signage

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

1. Number and Type of Signs Permitted in the COM District

All uses within the COM District shall be permitted to have one ground mounted monument sign or one wall sign. Uses on lots having frontage on more than one public right of way, provided that at least 250 feet of frontage exists along each rights of way, shall be entitled one ground sign or one wall sign along each right of way unless otherwise prohibited below. Multi-tenant buildings are permitted one wall or canopy sign per tenant.

2. Monument Signs

All monument signs within the COM District shall comply with the requirements of Section 615 and the following standards:

- a) Height – Monument signs in the COM District shall not exceed a total of 8 feet in height including the sign, sign base or support columns.
- b) Location – Monument signs in the COM District shall be set back at least 15 feet from any right of way or lot line and shall be installed in a location that will not impede the view of traffic from driveways or intersections. When two monument signs are permitted on a corner lot each sign shall be installed on a separate road frontage. There shall be no less than 200 feet between the two signs and no less than 50 feet between any one sign and the intersection of the rights of ways.
- c) Display Area – The total display area of all signage surfaces for a single sided sign shall not exceed 32 square feet and the display area for double sided signs shall not exceed 64 square feet, as defined by Section 615 of this Resolution.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- d) Landscaped Area – Each monument sign shall be surrounded by landscaping around the base of the sign totaling a minimum of 50 square feet. Landscaped areas shall be comprised of a variety of plant materials such as annual or perennial flowers, ground covers, and shrubs.

3. Wall signs

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

- a) Installation – Wall signs shall be installed and mounted in accordance with Section 615.
- b) Display area - The sign(s) surface(s) of a sign(s) placed flat against the building wall shall not exceed 65% of the length of the side of the building to which the sign(s) is/are attached. The total area of the sign shall not exceed 10 percent of the total area of the wall to which the sign is to be attached up to a total sign area of 125 square feet. In no case shall a wall sign in the COM District exceed 125 square feet.
- c) Location – Wall signs shall be located on or along the wall of the building which faces the street or parking lot and shall not project above the roof line or the cap of parapets of such building whichever is higher. When a building on a corner lot is permitted to have two wall signs, each sign shall be mounted on a separate building frontage and shall be a minimum of 30 feet apart.
- d) Multi-tenant buildings – Multi-tenant buildings are permitted to have one wall sign per tenant mounted above the entry to the space occupied by the tenant and not exceeding 30 square feet of display area per tenant. For all wall signs in a multi-tenant building there shall be uniformity in height between the signs for each tenant and all signs shall be installed at the same height along the face of the building.

445.10 Lighting

All exterior lighting within the COM District shall strictly adhere to the requirements of Section 630 and the following standards:

1. Maximum Height Requirements

The total height of exterior light fixtures used for parking lot and site lighting within the COM District shall not exceed a maximum height of 30' established from the average finished grade of the area intended to be illuminated surrounding the light fixture.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

445.11 Existing Structures, Existing Uses, Existing Outdoor Storage and Other Existing Conditions

1. Existing Structures and Other Existing Conditions

- a) Where a lawful structure exists at the effective date of this amendment (Dated April 20, 2015) that does not comply with the requirements of this Resolution because of restrictions such as minimum lot size, minimum lot frontage, front yard setback, side yard setbacks, rear yard setback, height, building design, screening (except for the screening requirements of subsection 3 of this Section), buffering, landscaping, signage and lighting or other requirements related to the structure and other existing conditions, that structure and other existing conditions may be continued as a conforming existing structure as long as it meets the requirements of this Section.
- b) Existing Structures may be extended, enlarged, altered, remodeled or modernized upon finding of the Township Zoning Officer that all of the following conditions are met:
 - (i) That the existing structure meets all height, area, and/or parking and loading provisions that were applicable immediately prior to the rezoning of the property on which it is located and that the new construction meet all the development standards for the Commerce District.
 - (ii) That the enlargement or extension is limited to the same parcel on which the existing structure(s) is located and is owned by the same owner. The enlargement or extension may not exceed 50% of the ground floor area of the existing structure at the time of the adoption of the Resolution.
 - (iii) That the improvement does not interfere with the use of other properties in the vicinity.
- c) Any existing structure that does not have the minimum number of parking or loading areas required by this Resolution, and which thereafter provides additional parking and/or loading spaces in conjunction with an improvement as permitted under the Resolution, shall be required to meet the minimum number of parking spaces or loading areas as required by the Commerce District.
- d) Reconstruction or Movement
 - (i) Should less than 60% of the value of an existing structure exclusive of foundation be destroyed by an act of God, or other action outside the control of the owner/lessee, that existing structure may be reconstructed as it existed prior to the action causing its destruction. The value of the structure shall be based upon its fair market value as defined herein, which may be determined by the Union

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County Auditors valuation, or an appraisal prepared by a licensed appraiser, on the date the destruction occurred.

- (ii) Any permitted reconstruction shall be started within 12 months of destruction and be continued until completed or the applicant shall comply with the applicable use and development standards of this Resolution.
- (iii) Should the property/building owner or lessee demolish more than 50% of the gross square footage of an existing structure, then all of the improvements on the property must be constructed and/or brought into conformance with the requirements of this Resolution.

2. Existing Uses

The long range implementation of this Resolution requires sensitive treatment of existing uses currently located in the Commerce District and previously located in the M-1 & M-2 Districts. Those businesses/uses represent significant investments in the Township. It is the intent of this section to permit existing uses to continue and to be considered conforming or non-conforming to this Resolution, even if the use is not otherwise permitted in this District, provided that the following requirements are met:

- a) A property that is in use immediately prior to the rezoning caused by this Resolution shall continue to be allowed as permitted on the property in addition to the permitted uses applicable in this district, provided that the use has been operated in an Existing Structure on the property within 24 months prior to the effective date of this Resolution. Such uses shall be known as an "Existing Use." A property with a valid Conditional Use permit issued prior to the effective date of this Resolution shall remain a legal Conditional Use provided that the use continues to meet all of the terms and conditions required with the issuance of the Conditional Use Permit.
- b) In addition to the provisions of paragraph (a), above, any permitted use may be extended throughout any building or parts of a building which were manifestly arranged or designed for that use at the time of adoption or amendment of this Resolution, but the use shall not be extended to occupy any land outside the building except as permitted under the Existing Structures section 1(b) above. Conditional Uses, existing at the effective date of this Resolution, may only be extended in compliance with the terms and conditions outlined in the Conditional Use Permit.
- c) Abandonment of an Existing Use
 - (i) If an Existing Use is abandoned for any reason for a period of more than 24 months, any subsequent use shall conform to the requirements of this Resolution. With

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regard to a multi-tenant building, the term “Existing Use” shall mean all of the existing uses in that building.

- (ii) An existing use shall be determined by the Zoning Officer to be abandoned if one or more of the following conditions exist: utilities, such as water, gas and electricity to the property, have been disconnected; the property, buildings, and grounds, have fallen into disrepair; signs or other indications of the presence of the use have been removed; equipment of fixtures necessary for the operation of the use have been removed; other actions, which in the opinion of the Zoning Officer constitute an intention on the part of the property owner or lessee to abandon the use.
- d) Existing residential uses at the time of the approval of this resolution shall be permitted.

3. Existing Outdoor Storage

The long range implementation of this resolution requires sensitive treatment of Existing Outdoor Storage facilities in the Commerce District, and previously located in the M-1 & M-2 Districts, that represents significant investments in the Township and restrictions would significantly impact the operations of the businesses. It is the intent of this section to permit Existing Outdoor Storage to continue and to be considered conforming to this Resolution, provided that all of the following requirements are met:

- a) Any property that is actively using Existing Outdoor Storage immediately prior to the effective date of this amendment shall continue to be allowed as permitted so that the lessee/owner can comply with the requirements of Section 445.11(3)(b).
- b) All Outdoor Storage Areas shall comply with the Screening and Buffering requirements of Section 445.05 of this district within 1 year of the effective date of this amendment. Compliance shall be evidenced by the issuance of a Certificate of Zoning Compliance for outdoor storage.

450 Not Used

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

455 Local Retail District (LR)

The purpose and intent of the Local Retail District is to allow retail uses that would draw from residents within a three (3) mile radius of the site and typically include grocery stores, smaller retail uses, and restaurants as identified in the Jerome Township Comprehensive Plan. Local retail uses are typically more oriented to the automobile than the pedestrian and should be adjacent to local thoroughfares and have access to public sewer and water. Local retail anchors are no larger than 75,000 square feet in floor area and are often grouped with smaller “in-line” retail tenants and outparcels. This district supersedes the B-13 Retail Store district in existence prior to the enactment of this resolution.

455.01 Permitted Uses

Within the LR District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

1. 4451 Grocery Stores
2. 4452 Specialty Food Stores
3. 4453 Beer, Wine, and Liquor Stores
4. 44611 Pharmacies and Drug Stores
5. 44612 Cosmetics, Beauty Supplies, and Perfume Stores
6. 446191 Food (Health) Supplement Stores
7. 447 - Gasoline Stations, Except for 44719 and 447190 Marine Service Stations and Truck Stops. (Amended June 20, 2016)
8. 4512 Book Stores and News Dealers
9. 4531 Florists
10. 453220 Gift, Novelty, and Souvenir Stores
11. 453910 Pet and Pet Supplies Stores
12. 453991 Tobacco Stores
13. 5221 Depository Credit Intermediation (commercial and private banks and lending institutions)
14. 53223 Video Tape and Disc Rental
15. 722511 Full-Service Restaurants
16. 722513 Limited-Service Restaurants
17. 8121 – Personal Care Services with the exception of the following uses which are prohibited in the Local Retail District:
 - a) 812199 Baths, steam or Turkish
 - b) 812199 Massage parlors
 - c) 812199 Steam baths
 - d) 812199 Tattoo parlors
 - e) 812199 Turkish bathhouses
18. Drive thru windows
19. 813110 Church or other places of religious worship

455.02 Conditional Uses

The following uses may be permitted as Conditional Uses in the LR District by the Board of Zoning Appeals in accordance with the requirements of Section 240 of this Resolution and subject to the development standards for such uses as established herein:

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

1. 44131 Automotive Parts and Accessories Stores
2. 444120 Paint and Wallpaper Stores
3. 44613 Optical Goods Stores
4. 5242 Agencies, Brokerages, and Other Insurance Related Activities
5. 541213 Tax Preparation Services
6. 541921 Photography Studios, Portrait
7. 811191 Automotive Oil Change and Lubrication Shops
8. 811192 Car Washes

455.03 Lot Size and Yard Setback Standards

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

1. Minimum Lot Size

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

2. Maximum square footage

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

3. Minimum Lot Frontage

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

Fig. 455.03 Lot Frontage Requirements for the LR District

Road / Street Classification	Minimum Lot Frontage	
	Lots without SDA	Lots with SDA
Local Road	200 feet	150 feet
Minor Collector Road	300 feet	200 feet
Major Collector Road	400 feet	250 feet
Minor Arterial Road	600 feet	250 feet
Major Arterial Road	No Access	No Access
* Lots sharing a Shared Driveway Access (SDA) with an adjacent lot(s) shall be permitted to have a reduced Lot Frontage as shown in the above table.		

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- a) **Outparcels** – Where two or more outparcels share a Shared Driveway Access, or where outparcels are accessed from a larger retail center and not the public right of way, the minimum lot frontage of the outparcels may be reduced as shown in Figure 455.03.

4. Front Yard Setbacks

All Front Yard Setbacks, as defined in Section 300, shall be determined based upon the functional classification of the public roadway upon which the property fronts and shall be measured from the right of way of said dedicated Public Road. The functional roadway classification shall be as determined by the Union County Engineer. The minimum front yard setbacks for the LR District shall be as follows:

Fig. 455.031 Front Setback Requirements for the LR District

Road / Street Classification	Minimum Front Setbacks For:	
	Principal Buildings / Structures	Parking and Circulation
Local Road	40 feet	20 feet
Minor Collector Road	40 feet	20 feet
Major Collector Road	50 feet	30 feet
Minor Arterial Road	60 feet	40 feet
Major Arterial Road	n/a	n/a

5. Side yard Setbacks

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

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

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6. Rear Yard Setbacks

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

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

7. Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts

Where a non-residential use abuts any lot line of a residential district the minimum side and rear yard requirements for buildings, loading and delivery areas, and outdoor storage areas may be reduced, at the discretion of the Zoning Inspector, by a maximum of 50% of the total requirement provided that additional landscaping and screening is installed by the owner. Such landscaping shall be designed to completely screen the proposed use from view within a period of 5 years and shall be maintained in good condition for the life of the non-residential use.

455.04 Building and Development Standards

The following building and development standards shall apply to all uses and lots in the LR District:

1. Building construction

All uses within the LR District shall be housed in permanent structures constructed on solid foundations meeting all applicable regulations for the construction of such structures within the State of Ohio and Union County. Buildings shall be constructed and clad with conventional building materials of a quality equal to or better than buildings in the surrounding area. The use of tents, inflatable buildings, fabric buildings and other such structures for permanent use shall be prohibited.

2. Temporary Structures

Temporary non-residential structures, such as construction trailers, may be used incidental to construction work on the premises, on adjacent public projects, or during the period while a permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use from the

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Township Zoning Inspector, which permit shall be valid for a period of 6 months. Such permit may be renewed by the Zoning Inspector upon a determination of reasonable progress toward the completion of the permanent structure or project. Said temporary structure shall be removed within 10 days of the earlier of; the completion of the construction project, the issuance of an occupancy permit, or the expiration of the temporary use permit.

3. Building Height

The maximum height of all structures in the LR District shall be 30 feet, measured as defined in Section 300 of this Resolution.

4. Building design and orientation on the Lot

The following standards apply to the construction of all buildings within the LR District:

- a) Blank Walls – Large expanses of flat, featureless, exterior wall shall not be permitted on any front or side building elevation within the LR District. Buildings shall be designed so that, at a minimum, front and side exterior walls are varied through the use of windows, changes in building mass, changes in building materials, or a combination of the above.
- b) Loading Docks and Loading areas – Loading docks and loading areas shall not be permitted on the front of any building or on the side of any building which faces a public right of way.

455.05 Loading, Delivery, and Service Areas

Loading, delivery, and service areas within the LR District shall meet the following standards:

1. Screening

All loading, delivery, and service areas in the LR District shall be screened from view in accordance with the following standards:

- a) Screening from Non-Residential Uses – Service and delivery areas, overhead doors, and loading docks shall be screened from view of adjacent non-residential uses by a combination of a 2' mound and a continuous planting of evergreen trees similar to buffer type 'C' in Appendix 1. Evergreen trees shall be a minimum of 6 feet tall at time of planting and shall be planted in such a way as to provide a minimum of 75 percent opacity screen between the service areas and/or loading docks and the adjacent use at the time of planting. Walls and fences may be used for the purposes of screening service areas and/or loading docks similar to buffer type 'A' in Appendix 1 and shall meet the requirements of Section 625. Walls and screens shall not contain any advertising.
- b) Screening from Adjacent Residential Uses – All sides of any service areas and/or loading docks that are visible to adjacent residential uses shall be entirely screened from view through the use of one of the following:

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- (i) A combination of a 2' mound and completely opaque walls or fences, in accordance with section 625 of this Resolution, to a height necessary for screening the proposed use but not less than 6' and not exceeding 10' in height similar to buffer type 'A' in Appendix 1.
- (ii) A combination of a 2' mound and continuous planting of evergreen trees, a minimum of 6 feet in height at the time of planting, and staggered or spaced to achieve 100% screening of the area within 3 years of planting similar to buffer type 'B' in Appendix 1.
- (iii) A combination of the above.
- c) Screening of Dumpsters, Storage Tanks, and Mechanical Equipment – within the LR District all dumpsters, compactors, trash receptacles, storage and fuel tanks, generators, heating and cooling equipment, and all other similar building service and mechanical equipment shall be screened from view on all sides by the proposed structure and/or free standing walls or fences. Free standing walls or fences shall be at a minimum height necessary to screen the proposed use, shall be constructed of materials harmonious to the building, and shall meet the requirements of section 625.
- e) Maintenance of Materials - All planting and landscape materials used for the purpose of screening shall be maintained in good condition in accordance with Section 620 of this Resolution.

455.06 Off-Street Parking

Off street parking for all uses in the LR District shall be provided at the time of construction of the main structure or building with adequate provisions for ingress and egress. All parking spaces and vehicular circulation areas shall meet the requirements of Section 610 and the following standards:

1. Number of Parking Spaces Required

All uses in the LR District shall provide a minimum number of off-street parking spaces in accordance with the type of use as defined in Section 610.

2. Joint or Common Parking

In the LR District outparcels, tenants, and adjacent commercial uses within a retail development are permitted to share a common parking area provided that cross access easements and shared parking agreements are in place. Where such easements and agreements are in place between uses, the parking and pavement setback between those uses may be reduced to 0 feet to accommodate the joint parking use as defined in Section 610.

3. Parking Lot Landscaping

All uses in the LR District shall provide parking lot landscaping in accordance with Section 610 and the following standards:

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- a) Parking Lot Trees - The owner or developer of the proposed use shall install a minimum of 1 shade tree per every 10 parking spaces. Shade trees shall be installed in the center of the required landscape islands to avoid damage. Shade trees shall be of a species and variety that is typically known for urban tolerance, does not fruit heavily and shall be a minimum of two inches in caliper at the time of installation. To increase the visibility of multi-tenant “strip” retail tenants in the LR District, the owner or developer may provide 1 shade tree per 20 parking spaces provided that the remaining landscape islands are landscaped with shrubs at a minimum.

455.07 Landscaping

All uses within the LR District shall be landscaped in accordance with section 620 of this Resolution.

455.08 Signage

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

1. Number and Type of Signs Permitted in the LR District

For all uses and lots within the LR District the total amount of signage permitted shall be as follows:

Single Uses on Individual Lots – All single uses within the LR District shall be permitted to have one ground mounted monument sign or one building mounted wall sign. Uses on lots having frontage on more than one public right of way, provided that at least 250 feet of frontage exists along each rights of way, shall be entitled one ground sign or one wall sign along each right of way unless otherwise prohibited below.

- a) Multi-tenant Retail Developments – Retail developments having more than one retail tenant shall be permitted one joint identification monument sign advertising the name of the development and one building mounted sign per each retail tenant. Outparcels in such developments shall be permitted one ground mounted monument sign or one building mounted sign.
- b) Gasoline Stations – Gasoline Stations may display signs in addition to the signs allotted for single uses or for outparcels. Such additional signage shall be limited to the following:
 - (i) Price and Grade information – Monument signs for Gasoline Stations may be permitted to display gasoline price and grade information in changeable copy. The total area dedicated to the display of price and grade information may not exceed 50 percent of the total sign area allowed for a Gasoline Station. Price and grade information may be displayed electronically provided such electronic information does not flash, move, rotate,

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change color, or change copy more than once per day to update the price of fuel.

2. Monument Signs

All monument signs within the LR District shall comply with the requirements of Section 615 and the following requirements:

- a) Construction - Monument signs shall be permanently installed on a solid base constructed of durable natural materials or between two posts or columns constructed of durable natural materials.
- b) Location – Monument signs shall be set back at least 15 feet from any right of way or lot line and shall be installed in a location that will not impede the view of traffic from driveways or intersections. When two monument signs are permitted, in the case of a corner lot, each sign shall be installed on a separate road frontage. There shall be no less than 200 feet between the two signs and no less than 50 feet between any one sign and the intersection of the two rights of ways.
- c) Height and Area – The height and area of all monument signs in the LR District shall be as follows:
 - (i) Outparcels – monument signs for retail and restaurant outparcels in the LR District shall not exceed 4 feet in height and 16 square feet of display area per side as defined in Section 615.
 - (ii) Single uses – monument signs for single retail uses in the LR District shall not exceed 4 feet in height and 20 square feet per of display area per side as defined in Section 615.
 - (iii) Joint Identification signs – Monument signs advertising a multi-tenant retail development in the LR District shall not exceed 6 feet in height and 30 square feet of display area per side as defined in Section 615. Monument signs used for this purpose may include the name of only 1 principle tenant in addition to the name of the retail center or development.
 - (iv) Gasoline Stations – Monument signs for Gasoline Stations in the LR District shall not exceed 6 feet in height and 50 square feet of display area for all sides as defined in Section 615.
- d) Landscaped area – Each monument sign shall be surrounded by landscaping around the base of the sign totaling a minimum of 50 square feet. Landscaped areas shall be comprised of a variety of plant materials such as annual or perennial flowers, ground covers, and shrubs.

3. Wall signs

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

- a) Installation – Wall signs shall be installed and mounted in accordance with Section 615.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

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

455.09 Lighting

All exterior lighting within the LR District shall strictly adhere to the requirements of Section 630 and the following standards:

1. Maximum Height Requirements

The total height of exterior light fixtures used for parking lot and site lighting within the LR District shall not exceed a maximum height of 24 feet established from the average finished grade of the area intended to be illuminated surrounding the light fixture.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

460 Regional Retail District (RR)

The purpose and intent of the Regional Retail District is to provide areas for major retail sites that serve areas larger than 5 miles in radius and are located near freeways and freeway interchanges as identified in the Jerome Township Comprehensive Plan. Regional retail uses are characterized by large retail uses having 75,000 square feet or more in floor area, and associated smaller retailers, and require high visibility and accommodation of high traffic volumes. This district supersedes the B-14 Heavy Retail district in existence prior to the enactment of this resolution.

460.01 Permitted Uses

Within the RR District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

1. 4411 Automobile Dealers
2. 4413 Automotive Parts, Accessories, and Tire Stores
3. 442 Furniture and Home Furnishings Stores
4. 443 Electronics and Appliance Stores
5. 4441 Building Material and Supplies Dealers
6. 4451 Grocery Stores
7. 4452 Specialty Food Stores
8. 4453 Beer, Wine, and Liquor Stores
9. 4461 Health and Personal Care Stores
10. 447 - Gasoline Stations, Except for 44719 and 447190 Marine Service Stations and Truck Stops. (Amended June 20, 2016)
11. 448 Clothing and Clothing Accessories Stores
12. 451 Sporting Goods, Hobby, Book, and Music Stores
13. 452 General Merchandise Stores
14. 4531 Florists
15. 4532 Office Supplies, Stationery, and Gift Stores
16. 4533 Used Merchandise Stores
17. 4539 Other Miscellaneous Store Retailers except for the following uses which are prohibited in the regional retail District:
 - a) 45393 Manufactured (Mobile) Home Dealers
 - b) 453998 All Other Miscellaneous Store Retailers (except Tobacco Stores)
18. 491 Postal Service
19. 5221 Depository Credit Intermediation (commercial banks and credit unions)
20. 53222 Formal Wear and Costume Rental
21. 53223 Video Tape and Disc Rental
22. 713940 Fitness centers
23. 72111 Hotels (except casino hotels) including convention hotels
24. 7224 Drinking Places
25. 722511 Full-Service Restaurants
26. 722513 Limited-Service Eating Places

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

27. 8121 Personal Care Services with the exception of the following uses which are prohibited in the Regional Retail District:
 - a) 812199 Baths, steam or Turkish
 - b) 812199 Massage parlors
 - c) 812199 Steam baths
 - d) 812199 Tattoo parlors
 - e) 812199 Turkish bathhouses
28. 81292 Photofinishing
29. 813110 Church or other places of religious worship
30. Drive Thru Windows

460.02 Conditional Uses

The following uses may be permitted as Conditional Uses in the RR District by the Board of Zoning Appeals in accordance with the requirements of Section 240 of this Resolution and subject to the development standards for such uses as established herein:

1. 811192 Car Washes
2. 811191 Automotive Oil Change and Lubrication Shops
3. 811111 General Automotive Repair
4. Outside display of products for sale, not including boats, recreational vehicles, farm equipment, mobile or manufactured homes, or storage buildings.

460.03 Lot Size and Yard Setback Standards

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

1. Minimum Lot Size

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

2. Maximum square footage

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

3. Minimum Lot Frontage

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

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

Fig. 460.03 Lot Frontage Requirements for the RR District

Road / Street Classification	Minimum Lot Frontage	
	Lots without SDA.*	Lots with SDA
Local Road	200 feet	150 feet
Minor Collector Road	300 feet	200 feet
Major Collector Road	400 feet	250 feet
Minor Arterial Road	600 feet	250 feet
Major Arterial Road	No Access	No Access

** Lots sharing a Shared Driveway Access (SDA) with an adjacent lot(s) shall be permitted to have a reduced Lot Frontage as shown in the above table.*

- a) Outparcels – where three or more outparcels share a Shared Driveway Access, or where outparcels are accessed from a larger retail center and not the public right of way, the minimum lot frontage of the outparcels may be reduced as shown in Figure 460.03.

4. Front Yard Setbacks

All Front Yard Setbacks, as defined in Section 300, shall be determined based upon the functional classification of the public roadway upon which the property fronts and shall be measured from the right of way of said dedicated Public Road. The functional roadway classification shall be as determined by the Union County Engineer. The minimum front yard setbacks for the RR District shall be as follows:

Fig. 460.031 Front Setback Requirements for the RR District

Road / Street Classification	Minimum Front Setbacks For:	
	Principal Buildings / Structures	Parking and Circulation
Local Road	50 feet	20 feet
Minor Collector Road	50 feet	20 feet
Major Collector Road	60 feet	30 feet
Minor Arterial Road	60 feet	30 feet
Major Arterial Road	n/a	n/a

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

5. Side Yard Setbacks

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

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

6. Rear Yard Setbacks

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

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

7. Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts

Where a non-residential use abuts any lot line of a residential district the minimum side and rear yard requirements for buildings, loading and delivery areas, and outdoor storage areas may be reduced, at the discretion of the Zoning Inspector, by a maximum of 50% of the total requirement provided that additional landscaping and screening is installed by the owner. Such landscaping shall be designed to completely screen the proposed use from view within a period of 5 years and shall be maintained in good condition for the life of the non-residential use.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

460.04 Building and Development Standards

The following building and development standards shall apply to all uses and lots in the RR District:

1. Building construction

All uses within the RR District shall be housed in permanent structures constructed on solid foundations meeting all applicable regulations for the construction of such structures within the State of Ohio and Union County. Buildings shall be constructed and clad with conventional building materials of a quality equal to or better than buildings in the surrounding area. The use of tents, inflatable buildings, fabric buildings and other such structures for permanent use shall be prohibited.

2. Temporary Structures

Temporary non-residential structures, such as construction trailers, may be used incidental to construction work on the premises, on adjacent public projects, or during the period while a permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use from the Township Zoning Inspector, which permit shall be valid for a period of 6 months. Such permit may be renewed by the Zoning Inspector upon a determination of reasonable progress toward the completion of the permanent structure or project. Said temporary structure shall be removed within 10 days of the earlier of; the completion of the construction project, the issuance of an occupancy permit, or the expiration of the temporary use permit.

3. Building Height

The maximum height of all structures in the LR District shall be 40 feet, measured as defined in Section 300 of this Resolution.

4. Building design and orientation on the Lot

The following standards apply to the construction of all buildings within the RR District:

- a) Large retail buildings – Large expanses of flat, featureless, exterior wall shall not be permitted on any front or side building elevation on large retail buildings within the RR District. Large retail buildings shall be designed so that, at a minimum, front and side exterior walls are varied through the use of windows, changes in building mass, changes in building materials, or a combination of the above.
- a) Outparcels and small retail buildings – The exterior of all outparcel buildings and free-standing small retail buildings within the RR District shall be designed and constructed with similar materials and level of architectural detail on all sides of the building.
- b) Loading Docks and Loading areas – Loading Docks and loading areas shall not be permitted on the front of any

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building or on the side of any building which faces a public right of way.

460.05 Loading, Delivery and Service Areas

Loading, delivery and service areas within the RR District shall meet the following standards:

1. Screening

All loading, delivery, and service areas in the RR District shall be screened from view in accordance with the following standards:

- a) Screening from Non-Residential Uses – Service and delivery areas, overhead doors, and loading docks shall be screened from view of adjacent non-residential uses by a combination of a 2' mound and a continuous planting of evergreen trees similar to buffer type 'C' in Appendix 1. Evergreen trees shall be a minimum of 6 feet tall at time of planting and shall be planted in such a way as to provide a minimum of 75 percent opacity screen between the service areas and/or loading docks and the adjacent use at the time of planting. Walls and fences may be used for the purposes of screening service areas and/or loading docks similar to buffer type 'A' in Appendix 1 and shall meet the requirements of section 625. Walls and screens shall not contain any advertising.
- b) Screening from Adjacent Residential Uses, State Route 33, State Route 42 and Industrial Parkway – In the RR District all sides of any service areas and/or loading docks that are visible to adjacent residential uses, State Route 33, State Route 42 or Industrial Parkway shall be entirely screened from view through the use of the following:
 - (i) A combination of a 3' high mound and completely opaque walls or fences, in accordance with section 625 of this Resolution, to a height necessary for screening the proposed use but not less than 6 feet and not exceeding 10 feet in height similar to buffer type 'A' in Appendix 1.
 - (ii) Loading docks may be screened from view by an extension of building walls provided that the wall is constructed of materials similar to and harmonious with the design of the principal structure.
 - (iii) A combination of a minimum 3' high mound and a continuous planting of evergreen trees, a minimum of 6 feet in height at the time of planting. Evergreen trees shall be planted on top of the mound and staggered or spaced to achieve 100% screening of the area within 5 years of planting similar to buffer type 'B' in Appendix 1.
- c) Screening of Dumpsters, Storage Tanks, and Mechanical Equipment – within the RR District all dumpsters, compactors, trash receptacles, storage and fuel tanks, generators, heating and cooling equipment, and all other similar building service and mechanical equipment shall be

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screened from view on all sides by the proposed structure and/or free standing walls or fences. Free standing walls or fences shall be at a minimum height necessary to screen the proposed use, shall be constructed of materials harmonious to the building, and shall meet the requirements of section 625.

- d) Maintenance of Materials - All planting and landscape materials used for the purpose of screening shall be maintained in good condition in accordance with Section 620 of this Resolution.

460.06 Off-Street Parking

Off street parking for all uses in the RR District shall be provided at the time of construction of the main structure or buildings with adequate provisions for ingress and egress. All parking spaces and vehicular circulation areas shall meet the requirements of Section 610 and the following standards:

1. Number of Parking Spaces Required

All uses in the RR District shall provide a minimum number of off-street parking spaces in accordance with the type of use as defined in Section 610.

2. Joint or Common Parking

In the RR District outparcels, tenants, and adjacent commercial uses within a retail development are permitted to share a common parking area provided that cross access easements and shared parking agreements are in place. Where such easements and agreements are in place between uses, the parking and pavement setback between those uses may be reduced to 0 feet to accommodate the joint parking use as defined in Section 610.

3. Parking Lot Landscaping

All uses in the RR District shall provide parking lot landscaping in accordance with Section 610 and the following standards:

- a) Parking Lot Trees - The owner or developer of the proposed use shall install a minimum of 1 shade tree per every 10 parking spaces. Shade trees shall be installed in the center of the required landscape islands to avoid damage. Shade trees shall be of a species and variety that is typically known for urban tolerance, does not fruit heavily and shall be a minimum of two inches in caliper at the time of installation. To increase visibility of multi-tenant "strip" retail the owner or developer may provide 1 shade tree per 20 parking spaces provided that the remaining landscape islands are landscaped with shrubs at a minimum.

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460.07 Landscaping

All uses within the RR District shall be landscaped in accordance with section 620 of this Resolution.

460.08 Signage

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

1. Number and Type of Signs Permitted in the RR District

For all uses and lots within the RR District the total amount of signage permitted shall be as follows:

Single Uses on Individual Lots – All uses within the RR District shall be permitted to have one ground mounted monument sign or one building mounted wall sign. Uses on lots having frontage on more than one public right of way, provided that at least 250 feet of frontage exists along each rights of way, shall be entitled one ground sign or one wall sign along each right of way unless otherwise prohibited below.

- a) Multi-tenant Retail Developments – Retail developments in the RR District having more than one retail tenant shall be permitted one joint identification monument sign advertising the name of the development and one building mounted sign per each retail tenant. Outparcels in such a development shall be permitted one ground mounted monument sign or one building mounted sign.
- b) Gasoline Stations – Gasoline Stations in the RR District may display signs in addition to the signs allotted for single uses or for outparcels. Such additional signage shall be limited to the following:
 - (i) Price and Grade information – Monument signs for Gasoline Stations may be permitted to display gasoline price and grade information in changeable copy. The total area dedicated to the display of price and grade information may not exceed 50 percent of the total sign area allowed for a Gasoline Station. Price and grade information may be displayed electronically provided such electronic information does not flash, move, rotate, change color, or change copy more than four times per day to update the price of fuel.

2. Monument Signs and Joint Identification Signs

All monument signs within the RR District shall comply with the requirements of Section 615 and the following requirements:

- a) Construction - Monument signs and Joint Identification signs shall be permanently installed on a solid base constructed of durable natural materials or between two posts or columns constructed of durable natural materials.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- b) Location – Monument signs and Joint Identification Signs shall be set back at least 15 feet from any right of way or lot line and shall be installed in a location that will not impede the view of traffic from driveways or intersections. When two monument signs are permitted, in the case of a corner lot, each sign shall be installed on a separate road frontage. There shall be no less than 200 feet between the two signs, as measured along the right-of-way and no less than 50 feet between any one sign and the intersection of the two rights of ways.
- c) Height and Area – The height and area of all monument signs in the RR District shall be as follows:
 - (i) Outparcels – Monument signs for retail and restaurant outparcels in the RR District shall not exceed 5 feet in height and 20 square feet of display area per side as defined in Section 615.
 - (ii) Single uses – Monument signs for single retail uses on single lots in the RR District shall not exceed 5 feet in height and 25 square feet of display area per side as defined in Section 615.
 - (iii) Joint Identification signs – Monument signs advertising a multi-tenant retail development in the RR District may include the names of only 4 principal tenants in addition to the name of the retail center or development. Joint Identification Signs shall not be permitted along the US 33 frontage. In addition Joint Identification Signs shall meet the following size requirements:
 - a Retail centers larger than 300,000 square feet in floor area – Joint Identification signs shall not exceed 18 feet in height and 100 square feet of display area for all sides.
 - b Retail centers larger than 150,000 square feet but not more than 300,000 square feet in floor area – Joint Identification signs shall not exceed 15 feet in height and 75 square feet of display area for all sides.
 - c Retail centers larger than 50,000 square feet but not more than 150,000 square feet in floor area – Joint Identification signs shall not exceed 10 feet in height and 64 square feet of display area for all sides.
 - d Retail centers 50,000 square feet or less in floor area – Joint Identification Signs shall not exceed 6 feet in height and 40 square feet of display area for all sides.
 - (iv) Gasoline Stations – monument signs for Gasoline Stations in the RR District shall not exceed 8 feet in height and 64 square feet of display area for all sides.
- d) Landscaped area – Each monument sign shall be surrounded by landscaping around the base of the sign totaling a minimum of 50 square feet. Landscaped areas shall be

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comprised of a variety of plant materials such as annual or perennial flowers, ground covers, and shrubs.

3. Wall signs

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

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

460.09 Lighting

All exterior lighting within the RR District shall strictly adhere to the requirements of Section 630 and the following standards:

1. Maximum Height Requirements

The total height of exterior light fixtures used for parking lot and site lighting within the RR District shall not exceed a maximum height of 32 feet established from the average finished grade of the area intended to be illuminated surrounding the light fixture.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

470 Special Recreation District (SRE)

The purpose and intent of the Special Recreation District (SRE) is to provide opportunities for a variety of active recreational and entertainment uses not otherwise permitted in the standard zoning districts. These uses provide limited employment opportunities, opportunities for recreation, promote healthy and desirable communities, and based upon design can fit into a variety of settings and land use patterns. Appropriate locations for these uses may vary by use and each application for rezoning to the Special Recreation District shall be required to demonstrate the compatibility of the proposed use with the surrounding land uses. This district supersedes the SR-1 and SR-2 Special Recreation Districts in existence prior to the enactment of this Resolution.

470.01 Permitted Uses

Within the SRE District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

1. 611620 - Sports and Recreation Instruction
2. 712 – Museums, Historical Sites, and Similar Institutions
3. 71391 – Golf Courses and Country Clubs
4. 71394 – Fitness and Recreational Sports Centers
5. 71395 – Bowling centers
6. 713990 – Amateur Sports Teams
7. 713990 – Ballrooms
8. 713990 – Recreational Sports Clubs including baseball, soccer, basketball, softball, lacrosse, hockey, volleyball, football and tennis.
9. 713990 – Billiard Parlors
10. 713990 – Bocce courts
11. 713990 – Day camps
12. 713990 – Driving Ranges
13. 713990 – Fishing clubs
14. 713990 – Miniature Golf Courses
15. 713990 – Golf Driving Ranges
16. 713990 – Recreational Horse Rental Services
17. 713990 – Recreational Horseback Riding
18. 713990 – Recreational sports teams and leagues both youth and adult
19. 713990 – Riding clubs & stables
20. 813110 Church or other places of religious worship

470.02 Conditional Uses

The following uses may be permitted as Conditional Uses in the SRE District by the Board of Zoning Appeals in accordance with the requirements of Section 240 of this Resolution and subject to the development standards for such uses as established herein.

1. 71121 – Spectator Sports

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

2. 713990 – Archery Ranges
3. 713990 – Hunting and Gun clubs
4. 713990 – Shooting Ranges indoor or outdoor
5. 713990 – Trap and skeet shooting facilities

470.03 Conditional Use Standards

In addition to the standards defined in Section 2XX of this zoning resolution the following standards shall apply to all conditional uses within Special Recreation District;

1. Spectator Sports

To be considered for approval as a conditional use in the Special Recreation District, 71121 Spectator Sports, as defined by the NAICS, shall meet the following requirements

- a) Traffic – Prior to the approval of the conditional use permit the applicant shall provide to the township a study prepared by a registered traffic engineer detailing any potential adverse impacts caused by spectator events and mitigation strategies to deal with those impacts
- b) Noise – Prior to the approval of the conditional use permit the applicant shall provide to the township a study that demonstrates the impact that noise levels from typical events will have on the nearest residential areas to the proposed venue. The study will present proposed noise levels in the A-Weighted Decibel Scale (dBA) for the noise to be exceeded 10% of the duration of the event, or the L₁₀ noise level. Proposed noise levels documented in the study shall be substantiated by noise levels physically measured at similar events.

2. Shooting Sports

The purpose of the following requirements is to promote and protect the public health, safety and welfare by regulating shooting ranges. These requirements are intended to prevent adverse effects on adjoining properties relating to shot containment and noise mitigation. Each shooting range shall be designed to contain the bullets, shot, and arrows discharged on or within the range facility and minimize noise impacts. This section does not otherwise apply to the general legal discharge of firearms or bows and arrows in accordance with other applicable laws and regulations. To be approved for a conditional use permit within the Special Recreation District any such facility shall meet the following requirements.

- a) Performance
 - (i) Shooting range facilities shall be designed to contain all of the bullets, shot, arrows or other projectiles or any other debris on the range facility
 - (ii) Noise levels measured at the property line shall not exceed sixty-five (65) dBA when located adjacent to

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

residential or commercial property or (75) dBA when adjacent to industrial property.

b) Development Requirements:

- (i) Technical Advisors – All shooting range facilities shall apply for and have a Range Technical Team Advisor from the National Rifle Association (NRA) or an equivalent organization inspect and evaluate the design and construction of the range according to the guidelines specified by the NRA's Range Source Book: A Guide To Planning and Construction, current addition, and follow the suggestions made by the advisor.
- (ii) Setbacks – all shooting stations and targets in an outdoor facility shall be located a minimum of 300 feet from any property line and the surface danger zone shall be contained within the property boundary line of the range facility.
- (iii) Distance separation – for all outdoor facilities the distance between the range facility and any occupied residential or non-residential building along any target line shall not be less than ½ mile.
- (iv) Warning signs – Warning signs meeting National Rifle Association (NRA) guidelines for shooting ranges shall be posted at 100 feet intervals along the perimeter of the shooting range facility.
- (v) All other local, state, and federal laws and regulations shall be adhered to in the construction and operation of proposed range facilities.

470.04 Lot Size and Yard Setback Standards

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

1. Minimum Lot Size

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

- 2. Minimum Lot Frontage** The minimum lot frontage for all lots in the SRE District shall be determined based upon the functional classification of the roadway upon which the property fronts. Functional roadway classifications shall be those determined by the Union County Engineer. All driveway locations and driveway spacing shall meet the current requirements of the Union County Engineer at the time of construction. The following minimum lot frontages shall apply:

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

Fig. 470.04 Lot Frontage Requirements for the SRE District

Road / Street Classification	Minimum Lot Frontage	
	Lots without SDA	Lots with SDA.*
Local Road	200 feet	100 feet
Minor Collector Road	300 feet	150 feet
Major Collector Road	400 feet	200 feet
Minor Arterial Road	600 feet	200 feet
Major Arterial Road	No Access	No Access
* Lots sharing a Shared Driveway Access with an adjacent lot(s) shall be permitted to have a reduced Lot Frontage as shown in the above table.		

3. Maximum Lot Coverage

The total ground area occupied by all buildings and structures shall not exceed a maximum of 35 percent of the total area of the lot or tract.

4. Front Yard Setbacks

All Front Yard Setbacks, as defined in Section 300, shall be determined based upon the functional classification of the public roadway upon which the property fronts and shall be measured from the right of way of said public road. The functional roadway classification shall be as determined by the Union County Engineer. The minimum front yard setbacks for the SRE District shall be as follows:

Fig. 470.041 Front Setback Requirements for the SRE District

Road / Street Classification	Minimum Front Setbacks For:		
	Principal Buildings / Structures	Parking and Circulation	Sports Fields
Local Road	40 feet	20 feet	40 feet
Minor Collector Road	40 feet	20 feet	80 feet
Major Collector Road	50 feet	30 feet	100 feet
Minor Arterial Road	60 feet	40 feet	120 feet
Major Arterial Road	n/a	n/a	150 feet

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

5. Side yard Setbacks

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

- a) When any lot in the SRE District adjoins any lot zoned in any Residential District the minimum side yard setbacks shall be:
 - (i) 20 feet for all parking and vehicular circulation areas.
 - (ii) 30 feet for any loading, delivery, and service areas.
 - (iii) 50 feet for all buildings and structures.
 - (iv) 50 feet for any outdoor sports field or court including any required outfield areas and perimeter buffers required to prevent stray equipment from entering private residential lots.
- b) When any lot in the SRE District adjoins any lot zoned in any non-residential District the minimum side yard setbacks shall be:
 - (i) 10 feet for all parking and vehicular circulation areas.
 - (ii) 20 feet for any loading, delivery, and service areas.
 - (iii) 30 feet for all buildings and structures.
 - (iv) 30 feet for any outdoor sports field or court including any required outfield areas and perimeter buffers required to prevent stray equipment from entering adjacent property

6. Rear Yard Setbacks

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

- a) When the rear lot line of any lot in the SRE District adjoins any lot zoned in any Residential District the minimum rear yard setbacks shall be as follows:
 - (i) 20 feet for all parking and vehicular circulation areas.
 - (ii) 50 feet for all structures, loading, delivery and service areas.
 - (iii) 50 feet for any outdoor sports field or court including any required outfield areas and perimeter buffers required to prevent stray equipment from entering private residential lots.
- b) When the rear lot line of any lot in the SRE District adjoins a lot in any non-residential district the minimum rear yard setbacks shall be as follows:
 - (i) 30 feet for all buildings, parking, vehicular circulation and loading, delivery, and service areas.
 - (ii) 30 feet for any outdoor sports field or court including any required outfield areas and perimeter buffers required to prevent stray equipment from entering private residential lots.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

7. Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts

Where a non-residential use abuts any lot line of a residential district the minimum side and rear yard requirements for buildings, loading and delivery areas, and outdoor storage areas may be reduced, at the discretion of the Zoning Inspector, by a maximum of 50% of the total requirement provided that additional landscaping and screening is installed by the owner. Such landscaping shall be designed to completely screen the proposed use from view within a period of 5 years and shall be maintained in good condition for the life of the non-residential use.

470.05 Building and Development Standards

The following building and development standards shall apply to all uses and lots in the SRE District:

1. Building Construction

All uses within the SRE District shall be housed in permanent structures constructed on solid foundations meeting all applicable regulations for the construction of such structures within the State of Ohio and Union County. Buildings shall be constructed and clad with conventional building materials of a quality equal to or better than buildings in the surrounding area. The use of tents, inflatable buildings, fabric buildings and other such structures for permanent use shall be prohibited.

2. Temporary Structures

Temporary non-residential structures, such as construction trailers, may be used incidental to construction work on the premises, on adjacent public projects, or during the period while a permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use from the Township Zoning Inspector, which permit shall be valid for a period of 6 months. Such permit may be renewed by the Zoning Inspector upon a determination of reasonable progress toward the completion of the permanent structure or project. Said temporary structure shall be removed within 10 days of the earlier of; the completion of the construction project, the issuance of an occupancy permit, or the expiration of the temporary use permit.

3. Building Height

The maximum height of all structures in the SRE District shall be 28 feet, measured as defined in Section 300 of this Resolution.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

4. Building Design and Orientation on the Lot

The following standards apply to the construction of all buildings within the SRE District:

- a) Main Entries – All buildings within the SRE District shall be designed and located on the lot so that the main entrance to the building is visible from the street on which the lot fronts. The main entrance of each building shall be clearly delineated from the rest of the building through the use of architectural projections, a change in architectural design, a change in building materials, awnings, canopies or other such architectural features.
- b) Blank Walls – Large expanses of flat, featureless, exterior wall shall not be permitted on any building elevation within the SRE District. Buildings shall be designed so that, at a minimum, exterior walls are varied through the use of windows, changes in building mass, changes in building materials, or a combination of the above.
- c) Loading Docks and Loading areas – Loading docks and loading areas shall not be permitted on the side of the building that faces the street. Buildings shall be designed and located on the lot so that loading docks and loading areas are at the side or rear of the building.

470.06 Loading, Delivery and Service Areas

Loading, delivery and service areas within the SRE District shall meet the following standards:

1. Screening

All loading, delivery, and service areas in the SRE District shall be screened from view in accordance with the following standards:

- a) Buffering from Non-Residential Uses – Service and delivery areas, overhead doors, and loading docks, if required, shall be buffered from adjacent non-residential uses by the installation of evergreen trees and/or shrubbery of a type and variety normally achieving a minimum of 5 feet in height within 3 years of planting. Evergreen trees and/or shrubbery shall be planted in such a way as to provide a minimum of a 75 percent opacity screen between the service area and/or loading dock and the adjacent use. Walls and fences may be used for the purposes of buffering service areas and/or loading docks provided that such walls and fences meet the requirements of section 625 and do not contain any advertising.
- b) Screening from Adjacent Residential Uses, Industrial Parkway, State Route 42, and State Route 33 – All sides of any service areas and/or loading docks that are visible to adjacent residential uses or lots, Industrial Parkway, State Route 42, and State Route 33 shall be entirely screened from view through the use of one of the following:

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- (i) Completely opaque walls or fences, in accordance with section 625 of this Resolution, to a height necessary for screening the proposed use but not less than 6 feet and not exceeding 12 feet in height.
- (ii) Loading docks may be screened from view by an extension of a building wall provided that the wall is constructed of materials similar to and harmonious with the design of the principal structure.
- (iii) A combination of mounding and evergreen shrubbery to obtain 100 percent screening of the area, to a minimum of 6 feet in height, within 3 years after planting.
- (iv) A continuous planting of evergreen trees, a minimum of 6 feet in height at the time of planting, and staggered or spaced to achieve 100 percent screening of the area within 3 years of planting.
- (v) Any combination of the above.
- c) Screening of Dumpsters, Storage Tanks, and Mechanical Equipment – within the SRE District all dumpsters, compactors, trash receptacles, storage and fuel tanks, generators, heating and cooling equipment, and all other similar building service and mechanical equipment shall be screened from view on all sides by the proposed structure and/or free standing walls or fences. Free standing walls or fences shall be at a minimum height necessary to screen the proposed use and shall meet the requirements of Section 625.
- d) Maintenance of Materials - All planting and landscape materials used for the purpose of screening shall be maintained in good condition in accordance with Section 620 of this Resolution.

470.07 Off-Street Parking

Off-street parking for all uses in the SRE District shall be provided at the time of construction of the main structure, building, or outdoor sports facility with adequate provisions for ingress and egress. All parking spaces and vehicular circulation areas shall meet the requirements of section 610 and the following standards:

1. Number of Parking Spaces Required

All uses in the SRE District shall provide a minimum number of off-street parking spaces in accordance with the type of use as defined in Section 610.

2. Parking Lot Landscaping

All uses in the SRE District shall provide parking lot landscaping in accordance with Section 610 and the following standards:

- a) Parking Lot Trees - The owner or developer of the proposed use shall install a minimum of 1 shade tree per every 10 parking spaces. Shade trees shall be installed in the center of the required landscape islands to avoid damage. Shade trees

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

shall be of a species and variety that is typically known for urban tolerance, does not fruit heavily and shall be a minimum of two inches in caliper at the time of installation.

470.08 Landscaping

All uses within the SRE District shall be landscaped in accordance with section 620 of this Resolution.

470.09 Signage

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

1. Number and Type of Signs Permitted in the SRE District

For all uses and lots within the SRE District the total amount of signage permitted shall be as follows:

- a) Single Uses on Individual Lots – Single uses on individual parcels shall be permitted one ground mounted monument sign or one building mounted wall sign. Buildings on corner lots having at least 200 feet of frontage on two public rights-of-way shall be permitted either one monument sign or one wall sign along each right-of-way.

2. Monument Signs

All monument signs within the SRE District shall comply with the requirements of Section 615 and the following requirements:

- a) Construction - Monument signs shall be permanently installed on a solid base constructed of durable natural materials or between two posts or columns constructed of durable natural materials.
- b) Height – Monument signs in the SRE District shall not exceed a total of 6 feet in height including the sign, sign base and support columns.
- c) Location – Monument signs in the SRE District shall be set back at least 15 feet from any right of way or lot line and shall be installed in a location that will not impede the view of traffic from driveways or intersections. When two monument signs are permitted, in the case of a corner lot, each sign shall be installed on a separate road frontage. There shall be no less than 200 feet between the two signs and no less than 50 feet between any one sign and the intersection of the two rights of ways.
- d) Display Area – The total display area of all signage surfaces shall not exceed 40 square feet as defined by Section 620 of this Resolution.
- e) Landscaped area – Each monument sign shall be surrounded by landscaping around the base of the sign totaling a minimum of 50 square feet. Landscaped areas shall be comprised of a variety of plant materials such as annual or perennial flowers, ground covers, and shrubs.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

3. Wall signs

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

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

470.10 Lighting

All exterior lighting within the SRE District shall strictly adhere to the requirements of Section 630 and the following standards:

1. Maximum Height Requirements

The total height of exterior light fixtures used for parking lot and site lighting within the SRE District shall not exceed a maximum height of 24 feet established from the average finished grade of the area intended to be illuminated surrounding the light fixture.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

445 Commerce District (COM)

The purpose and intent of the Commerce District is to provide opportunities for business uses consisting of warehouse and distribution, flex offices, commercial services, and light industry as identified in the Flex Office / Light Industrial section of the Jerome Township Comprehensive Plan and to provide standards for the development of such uses that protect the value of adjacent properties and promote the desired character of the area as defined by the Jerome Township Comprehensive plan. This district supersedes the B-15 Wholesale and Heavy Retail District, M-1 Manufacturing District, and M-2 Heavy Manufacturing District in existence prior to the enactment of this resolution.

The uses permitted in this district are appropriate for industrial corridors and major and minor arterials where access to interchanges, well designed roads and trucking or shipping routes are available to move goods and services. Manufacturing and industrial uses in this area will be smaller, more specialized operations which are not intrusive by way of noise, dust, odor, vibration or present a danger to surrounding uses. Commerce District uses are more intense land uses that provide employment opportunities and economic development and should be buffered from residential uses.

445.01 Permitted Uses

Within the COM District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted provided that the building, aggregate of buildings, additions or alterations of buildings do not exceed a combined 50,000 square feet of a lot covered by buildings. All buildings or combination of buildings as previously mentioned equal to or exceeding the 50,000 square feet maximum may be permitted as Conditional Uses in the COM District by the Board of Zoning Appeals in accordance with the requirements of Section 240 of this Resolution and subject to the development standards for such uses as established herein:

1. 236 – Construction of buildings
2. 238 – All Specialty Trade Contractors with the exception of:
 - a) 23811 - Poured Concrete Foundation and Structure Contractors
 - b) 23812 - Structural Steel and Precast Concrete Contractors
 - c) 23891 - Site Preparation Contractors
3. 323 – Printing and Related Support Activities
4. ~~32616 – Plastic bottle manufacturing~~
5. 327215 - Glass Product Manufacturing made of purchased glass
6. 33243 - Metal Can, Box, and Other Metal Container (Light Gauge) Manufacturing
7. 3325 – Hardware Manufacturing
8. 3326 – Spring and Wire product Manufacturing

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

9. 3327 – Machine Shops; Turned Product; and Screw, Nut and Bolt Manufacturing.
10. 3329 - Other Fabricated Metal Product Manufacturing with the exception of:
 - a) 332992 Small Arms Ammunition Manufacturing
 - b) 332993 Ammunition (except Small Arms) Manufacturing
 - c) 332994 – Small Arms, Ordnance, and Ordnance Accessories Manufacturing
11. 334 – Computer and Electronic Product Manufacturing
12. 335 – Electrical Equipment, Appliance, and Component Manufacturing with the exception of:
 - a) 33591 – Battery Manufacturing
13. 3363 – Motor Vehicle Parts Manufacturing ~~less than 100,000 square feet.~~
14. 3364 - Aerospace Product and Parts Manufacturing ~~less than less than 100,000 square feet.~~
15. 336991 - Motorcycle, Bicycle, and Parts Manufacturing ~~less than 100,000 square feet.~~
16. 339 – Miscellaneous Manufacturing
17. 4232 - Furniture and Home Furnishing Merchant Wholesalers
18. 4234 – Professional and Commercial Equipment and Supplies Merchant Wholesalers
19. 4236 – Electrical and Electronic Goods Merchant Wholesalers
20. 4237 – Hardware, and Plumbing and Heating Equipment and Supplies Merchant Wholesalers
21. 42384 – Industrial Supplies Merchant Wholesalers
22. 42385 - Service Establishment Equipment and Supplies Merchant Wholesalers
23. 42386 - Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers
24. 4239 - Miscellaneous Durable Goods Merchant Wholesalers
25. 424 – Merchant Wholesalers, Non-Durable Goods, all with the exception of the following non-permitted uses:
 - a) 42452 – Livestock Merchant Wholesalers
 - b) 4247 – Petroleum and Petroleum Products Merchant Wholesalers
26. 425 – Wholesale Electronic Markets and Agents and Brokers
27. 4413 – Automotive Parts and Accessories Stores
28. 4542 - Vending Machine Operators
29. 484 – Truck Transportation ~~under 25,000 square feet~~
30. 485 – Transit and Ground Passenger Transportation ~~under 25,000 square feet~~
31. 487 - Scenic and Sightseeing Transportation
32. 491 – Postal Service
33. 492 – Couriers and Messengers
34. 493 – Warehousing and Storage with the exception of the following uses which are prohibited within the commerce District:

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- a) 493190 Automobile dead storage
- b) 493190 Bulk petroleum storage
- 35. 511 – Publishing Industries
- 36. 512 - Motion Picture and Sound Recording Industries with the exception of:
 - a) 51213 - Motion Picture and Video Exhibition
- 37. 515 - Broadcasting (except Internet)
- 38. 517 – Telecommunications
- 39. 518 – Data Processing, Hosting, and related services
- 40. 519 – Other Information Services
- 41. 52 – Finance and Insurance
- 42. 531 – Real Estate with the exception of:
 - a) 53113 - Lessors of Mini-warehouses and Self-Storage Units
- 43. 532 – Rental and Leasing Services with the exception of:
 - a) 5321 - Automotive Equipment Rental and Leasing
 - b) 5323 – General Rental Centers
 - c) 5324 - Commercial and Industrial Machinery and Equipment Rental and Leasing
- 44. 533 - Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)
- 45. 54 - Professional, Scientific, and Technical Services
- 46. 55 - Management of Companies and Enterprises
- 47. 561 - Administrative and Support Services with the exception of:
 - a) 56173 – Landscaping Services
- 48. 611 – Educational Services
- 49. 621 - Ambulatory Health Care Services
- 50. 622 – Hospitals
- 51. 624 – Social Assistance with the exception of:
 - a) 62422 – Community Housing Services
 - b) 6244 – Child Day Care Services
- 52. 711 - Performing Arts, Spectator Sports, and Related Industries with the exception of:
 - a) 711212 – Racetracks
- 53. 712 - Museums, Historical Sites, and Similar Institutions with the exception of:
 - a) 71213 - Zoos and Botanical Gardens
 - b) 71219 - Nature Parks and Other Similar Institutions
- 54. 7223 – Special Food Services
- 55. 811 – Repair and Maintenance
- 56. 81221 – Funeral Homes and Funeral Services
- 57. 81233 - Linen and Uniform Supply
- 58. 8129 - Other Personal Services with the exception of:
 - a) 81291 - Pet Care (except Veterinary) Services
- 59. 81292 – Photofinishing
- 60. 81293 - Parking Lots and Garages
- 61. 81299 - All Other Personal Services
- 62. 813 - Religious, Grant making, Civic, Professional, and Similar Organizations
- 63. 92 - Public Administration

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

445.02 Conditional Uses

The following uses may be permitted as Conditional Uses in the COM District by the Board of Zoning Appeals in accordance with the requirements of Section 240 of this Resolution and subject to the development standards for such uses as established herein:

1. 237 – Heavy and Civil Engineering Construction
2. 23811 - Poured Concrete Foundation and Structure Contractors
3. 23812 - Structural Steel and Precast Concrete Contractors
4. 23891 - Site Preparation Contractors
5. 311 – Food Manufacturing ~~less than 25,000 square feet in size~~ with the exception of:
 - a) 3116 – Animal Slaughtering and Processing
 - b) 3117 - Seafood Product Preparation and Packaging
 - c) 311811 – Retail Bakeries
6. 3121 – Beverage manufacturing ~~less than 25,000 square feet in size.~~
7. 313 – Textile Mills ~~less than 25,000 square feet in size.~~
8. 314 – Textile Product Mills ~~less than 25,000 square feet in size.~~
9. 315 – Apparel Manufacturing ~~less than 25,000 square feet in size.~~
10. 3162 – Footwear Manufacturing ~~less than 25,000 square feet in size.~~
11. 321911 – Wood Window and Door Manufacturing ~~less than 25,000 square feet in size.~~
12. 321918 – Other millwork (including flooring) ~~less than 25,000 square feet in size.~~
13. 3222 – Converted Paper Product Manufacturing ~~less than 25,000 square feet.~~
14. 3254 - Pharmaceutical and Medicine Manufacturing ~~less than 25,000 square feet.~~
15. 3261 – Plastics Product Manufacturing ~~less than 25,000 square feet with the exception of:~~
 - a) ~~32616 Plastic Bottle Manufacturing.~~
16. 3271 - Clay Product and Refractory Manufacturing ~~less than 25,000 square feet.~~
17. 3272 - Glass and Glass Product Manufacturing ~~less than 25,000 square feet.~~
18. 32733 – Concrete Pipe, Brick, and Block Manufacturing
19. 3274 – Lime and Gypsum Product Manufacturing
20. 3279 – Other Nonmetallic Mineral Product Manufacturing
21. 3312 – Steel Product Manufacturing from Purchased Steel
22. 3321– Forging and Stamping
23. 3322 – Cutlery and Hand tool Manufacturing
24. 3323 – Architectural and Structural Metals Manufacturing
25. 3328 – Coating, Engraving, Heat Treating, and Allied Activities
26. 332994 – Small Arms, Ordnance, and Ordnance Accessories Manufacturing except that no live fire and no explosive material are permitted.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

27. 333 – Machinery Manufacturing
28. 33621 - Motor Vehicle Body and Trailer Manufacturing
29. 3363 – Motor Vehicle Parts Manufacturing ~~larger than 100,000 square feet.~~
30. 3364 - Aerospace Product and Parts Manufacturing ~~over 100,000 square feet.~~
31. 336991 – Motorcycle, bicycle and parts manufacturing ~~over 100,000 square feet.~~
32. 337 – Furniture and Related Product Manufacturing ~~less than 25,000 square feet.~~
33. 42311 - Automobile and Other Motor Vehicle Merchant Wholesalers
34. 42313 - Motor Vehicle Supplies and New Parts Merchant Wholesalers
35. 42313 - Tire and Tube Merchant Wholesalers
36. 4233 – Lumber and Other Construction Materials Merchant Wholesalers
37. 42351 - Metal Service Centers and Other Metal Merchant Wholesalers
38. 42381 - Construction and Mining (except Oil Well) Machinery and Equipment Merchant Wholesalers
39. 42382 - Farm and Garden Machinery and Equipment Merchant Wholesalers
40. 4411 - Automobile Dealers
41. 4412 - Other Motor Vehicle Dealers
42. 44419 - Other Building Material Dealers
43. 4442 - Lawn and Garden Equipment and Supplies Stores
44. 44512 - Convenience Stores
45. 447 - Gasoline Stations, Except for 44719 and 447190 Marine Service Stations and Truck Stops. (Amended June 20, 2016)
46. 4541 - Electronic Shopping and Mail-Order Houses
47. 484 – Truck Transportation ~~over 25,000 square feet~~
48. 485 – Transit and Ground Passenger Transportation ~~over 25,000 square feet~~
49. 4884 - Support Activities for Road Transportation except for Motor Vehicle Towing with On-Site storage or impounding of motor vehicles.
50. 4885 - Freight Transportation Arrangement
51. 4889 - Other Support Activities for Transportation
52. 53113 – Lessors of Mini-Warehouses and Self Storage Units
53. 5321 - Automotive Equipment Rental and Leasing
54. 5323 – General Rental Centers
55. 5324 - Commercial and Industrial Machinery and Equipment Rental and Leasing
56. 56173 – Landscaping Services
57. 6244 – Child Day Care Services
58. 71394 - Fitness and Recreational Sports Centers
59. 71395 - Bowling Centers

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- 60. 71399 - All Other Amusement and Recreation Industries
- 61. 72111 - Hotels (except Casino Hotels) and Motels
- 62. 7225 - Restaurants and Other Eating Places
- 63. 81291 Pet Care (except Veterinary) Services (with the exception of outdoor kennels)

445.03 Lot Size and Yard Setback Standards

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

1. Minimum Lot Size

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

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

2. Minimum Lot Frontage

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

Fig. 445.03 Lot Frontage Requirements for the COM District

Road / Street Classification	Minimum Lot Frontage	
	Lots without SDA	Lots with SDA
Loop or cul-de-sac	150 feet	150 feet
Local Road	200 feet	150 feet
Minor Collector Road	300 feet	200 feet
Major Collector Road	400 feet	250 feet
Minor Arterial Road	600 feet	250 feet
Major Arterial Road	No Access	No Access
* Lots having a Shared Driveway Access (SDA) with an adjacent lot(s) shall be permitted to have a reduced Lot Frontage as shown in the above table.		



Staff Report – Stokes Township Avondale Allotments

Jurisdiction:	Stokes Township Zoning Commission c/o Sherry Wycoff 8973 Walnut Street Tecumseh Island Hunstville, OH 43324
Request:	<p>Most of Stokes Township is not zoned; only three areas are zoned. Each of these three areas have highly similar, but independent zoning resolutions. The three resolutions are the <u>Avondale Allotments</u>, Indian Isles, and Wolfe Island.</p> <p>Making the resolutions as similar as possible was the goal of the last set of Township updates in 2011/2012.</p> <p>The Zoning Commission initiated text amendments in October 2018. Although there are three applications to LUC, the amendments proposed are the same in each resolution.</p> <p>The amendment amends:</p> <ol style="list-style-type: none">1. Typos/Misspellings2. Section 101 Use of Land or Buildings for Agricultural Purposes Not Affected3. Article II Definition4. Section 301 Contents of Application for Zoning Permit5. Official Schedule of District Regulations & Section 1056 Boat Slips and Docks6. Section 1002 Private Swimming Pools7. Section 1003 Community or Club Swimming Pools8. Section 1009 Fences Walls and Hedges9. Section 1017 Exceptions to Height Regulations10. Section 1027 Erosion11. <i>Creates</i> Section 1028 Site Runoff12. Section 1060 Accessory Buildings13. Section 1061 Accessory Buildings14. Section 1065 Cuts Through/Damage to Drainage Tile15. Section 1113 Drainage16. <i>Adds</i> Appendix Drawings <p><u>This</u> report is a review of the <u>Avondale Allotments</u> text.</p>
Location:	Stokes Township is in Logan County. The <u>Avondale Allotments</u> are on the north side of Indian Lake, west of Turkeyfoot.



Staff Report – Stokes Township Avondale Allotments

Staff Analysis:	<p>The amendments proposed are a direct result of the Zoning Commission's conversations and studies, beginning back in May 2017. LUC staff attended the Zoning Commission's meetings, prepared a summary of the proposed text changes, and updated each resolution on the Zoning Commission's behalf. Please refer to the summary provided.</p> <p>Having worked with the Township on these amendments, Staff reminds the Township to proceed with care and caution in adding a new setback for accessory buildings and in removing exceptions from the height regulations. Those two changes could result in non-conformities.</p> <p>Staff does not recommend the change to Section 301, 2. The change could be interpreted literally to mean a survey is required with each zoning permit. Staff believes the Township will prefer discretion on requiring a survey for smaller buildings, like sheds. If the Zoning Inspector believes a surveyor's certification necessary to determine conformance with the Zoning Resolution, there is a catch-all provision in Section 301 enabling the Zoning Inspector to require "other matters as may be necessary to determine conformance".</p> <p>Prosecutor's Office</p> <p>A copy of this proposal was forwarded to the County Prosecutor's Office for further consideration and comment. Staff questioned whether the language in Section 301, which would require a survey for all zoning permits, might be better left unchanged. The Prosecutor's Office agreed, the language in Section 301, 2. should remain unchanged.</p>
Staff Recommendations:	<p>Staff recommends APPROVAL WITH MODIFICATIONS of the proposed zoning amendment.</p> <p>The recommended modification is below:</p> <ol style="list-style-type: none">1. Do not adopt the change to Section 301, 2.
Z&S Committee Recommendations:	

Date of Request

October 16, 2018

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

**RE: Zoning Text Amendment Application, Stokes Township, Logan County
Zoning Resolution, Avondale Allotments**

Dear LUC Regional Planning Commission Committee Members:

The Stokes Township Zoning Commission met on Tuesday, October 16, 2018. During the meeting, amendments to the Zoning Resolution for the Avondale Allotments were initiated by motion of the Zoning Commission. The amendments propose alterations to the text of the Zoning Resolution.

Description of Zoning Text Amendments.

This proposal is a rewrite of the Zoning Resolution, impacting several pages and sections of the Zoning Resolution. A summary of the proposed zoning text changes is attached. Included with this cover letter, you will find a copy of the Zoning Resolution. Proposed changes are bolded and struck.

Please refer to the attachments for further information.

Public Hearing.

The Stokes Township Zoning Commission of Logan County, Ohio, will hold a public hearing concerning the proposed amendments at 7:00 PM on 11-12, 2018, in the Stokes Twp Hall.

Point of Contact

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

Sheryl A. Wepoff
8923 Walnut St.
Huntsville, OH 43324

Sincerely,

Sheryl A. Wepoff



Logan-Union-Champaign regional planning commission

Zoning Text Amendment Checklist

Date: 10-16-2018

Township: Stokes - Avondale Allotments

Amendment Title: Re-write. See attached sheets "summary of proposed zoning text changes initiated by Stokes Twp Zoning Committee"

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

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

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

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

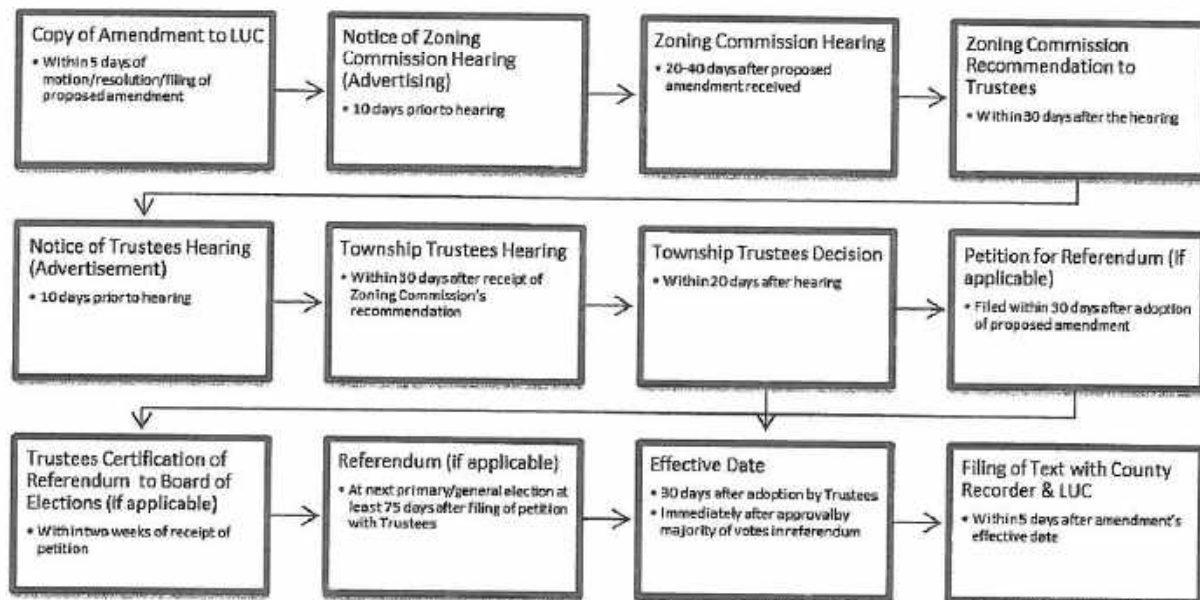
Please see reverse side for a timeline of the Township Zoning Amendment Process, per ORC 519.12

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

• Phone: 937-666-3431 • Fax: 937-666-6203
• Email: luc-rpc@lucplanning.com • Web: www.lucplanning.com



Township Zoning Amendment Process (ORC 519.12)



Summary of proposed Zoning Text changes initiated by Stokes Township Zoning Commission.

Avondale Zoning Resolution
Indian Isles Zoning Resolution
Wolfe Island Zoning Resolution
10-16-2018

Intent of this Summary.

This summary is for convenience only and is to be interpreted as a concise summary of proposed changes to the Zoning Resolutions of Avondale, Indian Isles, and Wolfe Island.

Correct Typos/Misspellings.

Correct misspelled word “factor” to “factory”. See definition of Dwelling, Manufactured Home, paragraph 1, last sentence.

Correct misspelled word, vehicle, See definition of Vehicle, Accessory.

Amend Section 101 Use of Land or Buildings for Agricultural Purposes Not Affected.

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

Amend “Building, Height” definition. This requires moving of the definition to the “H” section in order to be sorted properly in alphabetical order.

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.

Add new definition “Height, All Other Structures & All Building Appurtenances”.

Height, All Other Structures & All Building Appurtenances. The tallest point of all other structures and of all building appurtenances shall not be taller than the maximum building height specified in the Official Schedule of District Regulations. Said structures and appurtenances of buildings shall be measured from the average elevation of the proposed finished grade at the front to the tallest point of said structures and building appurtenances. The only exceptions to this requirement are specified in Section 1017.

Amend Section 301 Contents of Application for Zoning Permit.

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

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

10. Total percentage of lot to be occupied;

11. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Resolution.

Amend Official Schedule of District Regulations.

The columns on Official Schedule of District Regulations under “MINIMUM LOT SIZE” are confusing. The rows and corresponding figures in each cell need to line-up correctly. Solution proposed is to: 1) Split the cells into rows under the existing columns for minimum lot size and frontage; and, 2) Indicate which cells apply to multi-family *only*.

Under Column 21 add note with phrase “-Boat slips/docks: See §1015/1056.”

Height changes proposed require clarification on the Official Schedule of District Regulations. Maximum height as it reads seems to only apply to buildings in Column 9/10. The Column header should read “buildings and structures”.

Amend resolutions to include increased setback for accessory buildings.

Increase setback from front property line for accessory buildings to 20 feet, except boat docks. This will require an amendment to the Official Schedule of District Regulations and a language change to Section 1056 Boat Slips and Docks.

Amend Section 1002 Private Swimming Pools.

Section 1002 Private Swimming Pools. A private swimming pool, not including farm ponds, shall be any pool, lake, or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than twenty four (24) inches. No such swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet shall be allowed in any residential district, except as an accessory use and unless it complies with the following conditions and requirements:

- 1) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located;
- 2) It shall not be located closer than ten (10) feet to the property line of the property on which it is located.
- 3) The swimming pool or the entire property on which it is located shall be walled or fenced to prevent uncontrolled access by ~~children from adjacent properties~~ **unauthorized persons**. Said fence or wall shall be not less than ~~six (6)~~ **four (4)** feet in height and maintained in good condition with a gate and lock. Fences shall not be required on the lake side of pool provided the remaining three sides of pool or property are fenced to the water's edge.

Amend Section 1003 Community or Club Swimming Pools.

Section 1003 Community or Club Swimming Pools. Community and club swimming pools are permitted in any commercial or residential district, but shall comply with the following conditions and requirements:

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

Amend Section 1009 to read:

“Section 1009 Fences Walls and Hedges. Fences, walls and hedges are permitted in all districts, subject to the following conditions: Fences shall be permitted in any yard. Walls shall not be located in the front yard. Furthermore, no wall shall project past the front building line of any principally permitted or conditionally permitted structure. Hedges may be permitted in the required front yard. If no structure exists on said residential property, no fence, wall, or hedge may project past the front building line of the average of the adjacent properties or the minimum front yard setback, whichever is greater. No fence, wall, or hedge shall be closer than (3) feet to any right-of-way line. Fences, walls, and hedges shall not exceed ~~(3-1/2)~~ **four (4)** feet in height in all yards. Fences shall not contain an electric charge. Barbed wire shall be prohibited on any fence. No fence, wall, or

hedge shall violate the sight distance requirements found in **Section 1012**. Fences shall be located within the applicant's property line. The sharing of any fence with any adjoining property owner shall be agreed upon in writing by both property owners and shall accompany the zoning permit application. Posts are to be placed on the applicant's side of any fence erected or installed. In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of ~~(3)~~ **four (4)** feet, and no hedge or vegetation shall be permitted which materially impedes vision across such yard between the height of ~~(3)~~ **four (4)** feet and (10) feet. No fences or hedges shall be constructed on any property line. Wire type farm fence shall not be permitted. Chain link, ornamental rail or various types not over three horizontal rails, wood weave with more open area than closed area to allow light passage, or similar fence may be used. A zoning permit is required from the Zoning Officer for the erection or installation of all fences and walls.

Note: Fence height to be measured from ground up.

Replace Section 1017 Exceptions to Height Regulations.

~~**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 1017 Exceptions to Height Regulations. Other than a chimney, no portion of a building shall be higher than the height limitations contained in the Official Schedule of District Regulations except where the height of such chimney will constitute a hazard.

Amend Section 1027 Erosion.

Section 1027 Erosion. No erosion, by either wind or water, shall be permitted which will carry objectionable substance onto neighboring properties. **Refer to the Logan County Engineer for site-specific requirements.**

Create Section 1028 Site Runoff.

Section 1028 Site Runoff.

Site runoff from gutters, downspouts, roof or area drains shall not be conducted to cause a nuisance either through standing water or accumulation of excessive runoff to neighboring properties.

Site runoff shall be managed by a combination of proper grading away from all structures to a point of convenient discharge such as the lake or storm swale. Runoff from gutters, downspouts and area drains shall be conducted via properly graded swales or a 4" minimum PVC drain tile to the lake or an adjacent storm drain.

Amend Section 1060 Accessory Buildings.

Section 1060 Foundations. No building ~~between 0 and 100~~ over 200 square feet shall be erected or located except on a foundation of gravel, asphalt, concrete or footings. ~~No building greater than 100 square feet shall be erected or located except on a continuous foundation of concrete.~~ Any building or structure 200 square feet and over shall have a footing installed and inspected in accordance with county building regulations.

Amend Section 1061 Accessory Buildings.

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

Amend Section 1065.

Section 1065 ~~Cuts Through/Damage to Drainage Tile.~~ In locations where the ~~footer/footing~~ of new construction ~~cuts/damages~~ a drainage tile, ~~this cut tile/the damaged tile~~ shall be replaced or repaired by the builder in order that proper drainage will be continued. **Furthermore, no change shall violate Section 1028 Site Runoff or Section 1113 Drainage.**

Amend Section 1113 Drainage.

Section 1113 Drainage. All parking loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways. **Furthermore, no change shall violate Section 1028 Site Runoff or Section 1065 ~~Cuts Through~~/Damage to Drainage Tile.**

Add all former drawings to the Appendix.

Add all former drawings to the Appendix. This includes Basement & Story, Flood Plain Terms, Lot Terms, Roof Types and Building Height, Types of Lots.

Add average grade drawing from Upper Arlington to the Appendix.

Add average grade drawing from Upper Arlington to the Appendix.

ZONING RESOLUTION

Stokes Township, Avondale Allotments

Adopted: 03/26/2012

Effective: 04/26/2012

Amended: _____

QUICK REFERENCE GUIDE TO MORE COMMON ZONING SITUATIONS

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PREAMBLE

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

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

ARTICLE I TITLE, INTERPRETATION AND ENACTMENT

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

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

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

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

Section 130 Replacement of Existing Resolutions, Effective Date.

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

ARTICLE II DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Building Line. See setback line.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Corner Lot. See Lot Types.

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

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

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

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

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

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

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

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

Permanently-Sited Manufactured Housing must:

- a. Be constructed pursuant to the HUD Code (Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.A. 88 stat.700, 5401 and 5403) after January 1, 1995;
- b. Have a permanent label or tag attached to it as specified in 42 U.S.C.A. 5415, certifying compliance with all federal construction and safety standards;
- c. Be attached to a permanent frost-free foundation meaning permanent masonry, concrete, or a locally approved footing or foundation (slab, crawl space foundation or full. foundation), and connected to appropriate utilities;

- d. Excluding any additions, have a width of at least twenty two (22) feet and a length of at least twenty two (22) feet, as manufactured;
- e. Have a total living area of one thousand two hundred (1,200) square feet in a U-1 or R-1 District, eight hundred (800) square feet in an R-2 District, six hundred and seventy five (675) square feet in a R-3 District, excluding garages, porches, basements, or attachments;
- f. Have conventional residential siding (i.e. lap, clapboard, shake, masonry, vertical natural materials), a six (6) inch minimum eave overhang, and a minimum "A" roof pitch of 3:12;
- g. Have removed its indicia of mobility (temporary axles, trailer tongue, running lights) upon placement upon its foundation;
- h. Meet all applicable zoning requirements uniformly imposed on all single-family dwellings in the particular district (excepting contrary requirements for minimum roof pitch and requirements that do not comply with HUD code standards for manufactured housing);
- i. And, is not located in a manufactured home park as defined by ORC 3733.01.
- j. Permanently sited manufactured housing having a HUD tag is to be considered stick built.

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

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

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

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

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

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

STATEMENT OF INTENT FOR DWELLING (HOUSING), MANUFACTURED DEFINITION

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

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

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

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

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

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

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

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

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

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

Flood or Flooding. A general or temporary condition of partial or complete inundation of normally dry land areas from any of the following: the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source, or mudslides that are proximately caused by flooding as defined in this section and that are akin to a river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. In addition, a flood or flooding can included the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining that is caused by waves or currents

of water exceeding anticipated cyclical levels or that is suddenly caused by an unusually high water level in a natural body of water, and that is accompanied by a severe storm, by an unanticipated force of some nature, such as a flash flood, by an abnormal tidal surge, or by some similarly unusual and unforeseeable event, that results in flooding as defined in this section.

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

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

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

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

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

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

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

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

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

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

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

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

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.

Height, All Other Structures & All Building Appurtenances. The tallest point of all other structures and of all building appurtenances shall not be taller than the maximum building height specified in the Official Schedule of District Regulations. Said structures and appurtenances of buildings shall be measured from the average elevation of the proposed finished grade at the front to the tallest point of said structures and building appurtenances. The only exceptions to this requirement are specified in Section 1017.

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

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

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

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

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

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

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

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

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

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

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

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

Lot Measurements. A lot shall conform to the following:

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

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

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

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

4. **Reversed Frontage Lot.** A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

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

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

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

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

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

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

Motel or Hotel. A series of attached, semi-detached, or detached sleeping or living units, for the accommodation primarily of automobile transient guests, having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants and including also such accessory commercial uses operated primarily for the convenience of guests and

subject to such restrictions as may be specified in the district where located. Also, see transient lodging.

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

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

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

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

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

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

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

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

Open Space. An area substantially open to the sky which may be on the same with a building. The area may include, along with the natural environmental features, water areas, swimming pools and tennis courts and other recreational facilities that the zoning commission deems 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.

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

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

Parcel. An individual lot held under common ownership.

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

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

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

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

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

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

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

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

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

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

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

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

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

Public Utility. The erection, construction, alteration, operation or maintenance of buildings, power plants, substations, water treatment plant or pump station, sewage disposal plant or pump station, communications facilities and/or equipment, electrical, gas, water and

sewerage service, sanitary landfills and other similar public service structures or facilities whether publicly or privately owned.

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

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

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

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

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

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

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

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

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

Refuse. Refuse shall mean combustible and noncombustible waste materials.

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

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

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

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

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

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

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

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

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

Semitrailer/Sealand Containers. A vehicle designed or used for carrying persons or property with another and separate motor vehicle, so that in operation, a part of its own weight, that of its load, or both, rests upon and is carried by another vehicle. **A semitrailer shall not be used for storage, advertising, business, and residential use.**

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

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

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

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

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

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

1. **Sign, On-Premises.** Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
2. **Sign, Off-Premises (Billboards).** Any sign unrelated to a business or profession conducted or to a commodity or service sold or offered upon the premises where such sign is located. Billboards are considered off-premises signs.

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

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

Solid Wastes. Such unwanted residual solid or semisolid material as results from industrial, commercial agricultural, and community operations, excluding earth or material from

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

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

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

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

Subdivision.

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

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

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

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

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

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

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

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

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

Through Lot. See Lot Types.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Primary Structure. For each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structures include structures such as residences, commercial buildings,

hospitals, and day care facilities. Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages, and barns.

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

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

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

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

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

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

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

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

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

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

ARTICLE III ENFORCEMENT

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

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

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

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

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

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

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

Section 320 Failure to Obtain a Zoning Permit.

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

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

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

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

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

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

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

ARTICLE IV NON-CONFORMITIES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE V ADMINISTRATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE VI AMENDMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE VII PROVISIONS FOR OFFICIAL ZONING MAP

Section 700 Official Zoning Map.

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

Section 710 Identification of the Official Zoning Map.

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

Section 720 Interpretation of District Boundaries.

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

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

ARTICLE VIII ESTABLISHMENT AND PURPOSE OF DISTRICTS

Section 800 Intent.

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

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

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

ARTICLE IX DISTRICT REGULATIONS

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

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

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

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

<u>ZONING DISTRICTS</u>	<u>ACCESSORY BUILDINGS</u>				<u>MINIMUM (MANDATORY) OFF-STREET PARKING SPACE</u>	<u>MINIMUM (MANDATORY) OFF-STREET LOADING SPACE</u>	<u>SIGNS PERMITTED</u>	<u>OTHER PROVISIONS AND REQUIREMENTS</u> (Supplementary regulations, prohibitions, notes, etc.)
	Maximum Height (feet)	Minimum Distance In Feet To						
		Front lot line	Side lot line	Rear lot line				
- (Symbols as used on the Official Zoning Map)								
1	15	16a	16b	1716c	18	19	20	21
R-2 MEDIUM DENSITY RESIDENTIAL	15	20	5	10	See Article XI	None	See Article XII	-Boat slips/docks: See §1015/1056.
B-2 LOCAL BUSINESS	15	20	0	0	"	"	"	*For residential, refer to R-1 regulations, **Non-residential use cannot be conducted closer than 40 feet from any residential lot. -Boat slips/docks: See §1015/1056.

ARTICLE X SUPPLEMENTARY DISTRICT REGULATIONS

Section 1000 General.

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

Section 1001 Conversion of Dwellings to More Units.

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

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

Section 1002 Private Swimming Pools.

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

- 1) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located;
- 2) It shall not be located closer than ten (10) feet to the property line of the property on which it is located.
- 3) The swimming pool or the entire property on which it is located shall be walled or fenced to prevent uncontrolled access by ~~children from adjacent properties~~ **unauthorized persons**. Said fence or wall shall be not less than ~~six (6)~~ **four (4)** feet in height and maintained in good condition with a gate and lock. Fences shall not be required on the lake side of pool provided the remaining three sides of pool or property are fenced to the water's edge.

Section 1003 Community or Club Swimming Pools.

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

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

Section 1004 Temporary Buildings.

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

Section 1005 Parking and Storage of Certain Vehicles.

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

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

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

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

Section 1006 Required Trash Areas.

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

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

Section 1009 Fences Walls and Hedges. Fences, walls and hedges are permitted in all districts, subject to the following conditions: Fences shall be permitted in any yard. Walls shall not be located in the front yard. Furthermore, no wall shall project past the front building line of any principally permitted or conditionally permitted structure. Hedges may be permitted in the required front yard. If no structure exists on said residential property, no fence, wall, or hedge may project past the front building line of the average of the adjacent properties or the minimum front yard setback, whichever is greater. No fence, wall, or hedge shall be closer than (3) feet to any right-of-way line. Fences, walls, and hedges shall not exceed ~~(3-1/2)~~ **four (4)** feet in height in all yards. Fences shall not contain an electric charge. Barbed wire shall be prohibited on any fence. No fence, wall, or hedge shall violate the sight distance requirements found in **Section 1012**. Fences shall be located within the applicant's property line. The sharing of any fence with any adjoining property owner shall be agreed upon in writing by both property owners and shall accompany the zoning permit application. Posts are to be placed on the applicant's side of any fence erected or installed. In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of ~~(3)~~ **four (4)** feet, and no hedge or vegetation shall be permitted which materially impedes vision across such yard between the height of ~~(3)~~ **four (4)** feet and (10) feet. No fences or hedges shall be constructed on any property line. Wire type farm fence shall not be permitted. Chain link, ornamental rail or various types not over three horizontal rails, wood weave with more open area than closed area to allow light passage, or similar fence may be used. A zoning permit is required from the Zoning Officer for the erection or installation of all fences and walls.

Note: Fence height to be measured from ground up.

Section 1010 Supplemental Yard and Height Regulations.

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

Section 1011 Setback Requirements for Corner Buildings.

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

Section 1012 Visibility at Intersections.

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

Section 1014 Yard Requirements for Multi-Family Dwellings.

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

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

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

Section 1016 Architectural Projections.

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

Section 1017 Exceptions to Height Regulations.

~~**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.**~~ Other than a chimney, no portion of a building shall be higher than the height limitations contained in the Official Schedule of District Regulations except where the height of such chimney will constitute a hazard.

Section 1020 Special Provisions for Commercial and Industrial Uses.

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

Section 1021 Fire Hazards.

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

Section 1022 Electrical Disturbance.

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

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

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

Section 1025 Water Pollution.

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

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

Section 1027 Erosion. No erosion, by either wind or water, shall be permitted which will carry objectionable substance onto neighboring properties. **Refer to the Logan County Engineer for site-specific requirements.**

Section 1028 Site Runoff.

Site runoff from gutters, downspouts, roof or area drains shall not be conducted to cause a nuisance either through standing water or accumulation of excessive runoff to neighboring properties.

Site runoff shall be managed by a combination of proper grading away from all structures to a point of convenient discharge such as the lake or storm swale. Runoff from gutters, downspouts and area drains shall be conducted via properly graded swales or a 4" minimum PVC drain tile to the lake or an adjacent storm drain.

Section 1035 Telecommunications Towers.

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

- 1) The applicant must provide proof that the proposal to construct a tower or attach equipment to an existing structure has been approved by all other agencies and governmental entities with jurisdiction (i.e. Federal Communications Commission, Federal Aviation Administration, Ohio Department of Transportation; Ohio Building Basic Code).
- 2) Applicant is required to show cost of construction at this time;
- 3) The applicant shall provide proof of notification to contiguous property owners and those property owners directly across the street as required by ORC Section 519.211;
- 4) The applicant must demonstrate at the time of application that no other existing towers are feasible for co-location, and that no technically suitable and feasible sites are available in a nonresidential district. There shall be an explanation of why co-location is not possible and why a tower at this proposed site is technically necessary;
- 5) All underground installation shall be trenched and not plowed in. Damage to anything must be repaired, and ground restored to original condition;
- 6) Co-location. Applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other users on the same tower to the extent possible. All co-located and multiple-use telecommunication facilities shall be designed to promote facility and site sharing;
- 7) Setbacks from all platted residential uses and residential districts. All new towers shall be setback from the closest subdivision boundary line for all platted residential subdivisions, and for all non-platted residential districts from the closest residence, a distance equal to the height of the tower plus fifty (50) feet;
- 8) Setbacks from all streets and private buildings and public road right of ways. All new towers shall be setback from all road right of ways public and private, a distance equal to the height of the tower plus fifty (50) feet;

- 9) Setbacks from all other uses allowable in the zoning district. All new towers shall be setback from any building that is not associated with or accessory to the telecommunications tower facility a distance equal to the height of the tower plus fifty (50) feet;
- 10) Any and all base station equipment, accessory structures, buildings, etc. used in conjunction with the tower shall be screened with fencing, masonry, shrubbery, or other screening materials.
- 11) The applicant shall notify the Zoning Officer within thirty (30) days of ceasing operations at the site and shall remove all structures within one hundred and twenty (120) days of ceasing operations;
- 12) Lighting. Telecommunication towers shall not be artificially lighted unless required by the Federal Aviation Administration or other applicable regulatory authority. If lighting is required, the lighting design that would cause the least disturbance to the surrounding views shall be chosen. All telecommunication facilities shall be unlit except for security lighting, or when authorized personnel are present;
- 13) No advertising or illumination other than that required by law may be located on the structure or on the required screening;
- 14) An inspection report prepared by a qualified engineer licensed by the State of Ohio shall be submitted to the zoning office every five (5) years, which details the structural integrity of all towers and support structures on the property. The results of such inspections shall be provided to the Logan County Building Regulations Department and Township Zoning Officer. Based upon results of an inspection, the Township Trustees may require repair or removal of a communication tower. Any and all necessary repairs to the tower and/or support structures shall be made within a seven (7) day period or the tower and/or structures shall be removed. The tower owner (applicant) is responsible to cover the cost of all inspections, repair and/or removal;
- 15) The unstaffed storage building and/or unit that houses transmitting equipment is considered an accessory use and/or structure. Setbacks for accessory uses/structures shall comply with distances in the zoned district of the tower location. These facilities may not include offices, long-term vehicle storage, other outdoor storage or broadcast studios except for emergency purposes;
- 16) A six (6) foot safety fence with a locked gate surrounding the tower is required. If high voltage is necessary, signs must be posted every twenty (20) feet along the accessory building and fence saying, "Danger – High Voltage." The operator must also post "No Trespassing" signs.
- 17) Lot shall be mowed and maintained to control weeds;
- 18) Performance Bond. For each telecommunication tower, the owner or operator shall provide to the Township a surety bond or a bank letter of credit so as to assure the Township that the terms and conditions of Section 1035 are performed and complied with, including necessary repairs, repairs to public highways and roads, and the costs and expenses of removal in the event of abandonment; Bond shall equal anticipated demolition, and debris removal cost; the Township Board of Trustees may draw upon the performance bond to recover any costs, damages or expenses incurred by

the Township that may arise out of the violations of Section 1035 or the abandonment or discontinuance of the tower. The bond or letter of credit shall be issued by a Board of Trustees, in a form approved by said Board, and shall be in an amount that is equal to no less than fifty percent (50%) of the construction value of the tower. By its terms, the bond or letter of credit may not expire, be terminated, or cancelled without providing the Township Board of Trustees with written notice of such expiration, termination, cancellation or other event of non-renewal no later than one hundred twenty (120) days prior to the date of such event.

Section 1036 Satellite Television Antennas. A satellite television antenna is an antenna for the purpose of which is to receive television or radio signals from orbiting satellites. A satellite television antenna over three (3) feet in diameter shall not be located in any front yard nor shall it be located in any side yard closer to the building front setback line than the front of an adjoining residential structure, provided the adjoining residential structure is within one hundred (100) feet of the side lot line on which the antenna is proposed. Said antenna shall meet the minimum side and rear yard requirements for accessory structures and buildings. Ground mounted satellite antennas in areas zoned residential shall not extend more than fifteen (15) feet above the ground, twenty (20) feet in all other zones. The satellite television antenna shall be constructed and anchored in such a manner to withstand wind forces up to one hundred (100) miles per hour.

Section 1037 Small Wind Projects Farms less than 5MW

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

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

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

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

1. Any turbine erected on a parcel of land shall be setback 1.1 times the height of the tower, or established "clear fall zone", from all road right-of-way lines and

neighboring property lines. structures, as well as any inhabited structures on the parcel intended for the turbine. A turbine shall need to be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs the turbine and associated structures would be contained solely on the property where the turbine is located, and would not strike any structures including the primary dwelling, and any inhabited structures.

C. Maintenance

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

D. Decibel Levels

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

E. Wiring and electrical apparatuses:

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

F. Warning Signs:

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

G. Building Permits:

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

II. Permits

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

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

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

1. Location of all public and private airports in relation to the location of the wind turbine.
2. An engineering report that shows:
 - a. The total size and height of the unit
 - b. If applicable, the total size and depth of the unit's foundation structure concrete mounting pad, as well as soil and bedrock data.
 - c. A list and/or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection, braking systems, guy wiring & anchors.
 - d. Data specifying the kilowatt size and generating capacity in kilowatts of the particular unit.
 - e. The maximum decibel level of the particular unit. This information shall be obtained from the manufacturer of the turbine unit.
 - f. Ambient noise levels at property lines.

- g. Hazardous materials containment and disposal plan.
- 3. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, and neighboring property lines properties.
- 4. Evidence of established setbacks of 1.1 times the height of the wind turbine and “clear fall zone.” with manufacturer’s recommendation must be attached to the engineering report.
- 4. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.

Section 1038 General Conditions for Adult Entertainment Use.

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

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

8. No screens, loudspeakers, or sound equipment shall be used for adult motion picture theatres (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.
9. Off-street parking shall be provided in accordance with the standards for permitted use within B-1 & B-2 Business Districts.

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

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

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

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

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

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

and comply with Section 1015. The front setback requirements of this Resolution shall not apply to boat slips and docks.

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

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

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

Section 1060 Foundations. No building ~~between 0 and 100~~ over 200 square feet shall be erected or located except on a foundation of gravel, asphalt, concrete or footings. ~~No building greater than 100 square feet shall be erected or located except on a continuous foundation of concrete.~~ Any building or structure 200 square feet and over shall have a footing installed and inspected in accordance with county building regulations.

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

Section 1065 ~~Cuts Through/Damage~~ to Drainage Tile. In locations where the ~~footer/footing~~ of new construction ~~cuts/damages~~ a drainage tile, ~~this cut tile/the damaged tile~~ shall be replaced or repaired by the builder in order that proper drainage will be continued. **Furthermore, no change shall violate Section 1028 Site Runoff or Section 1113 Drainage.**

Section 1066 Portable Toilets. No person or entity shall place or store a portable toilet for more than seventy-two (72) consecutive hours more than four (4) times during any calendar year with a zoning permit issued by the Township Zoning Officer. The placement of portable toilets at a permitted construction site for the benefit of workers at permitted the construction site is not subject to the permit requirement of this section..

ARTICLE XI OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 1100 General Requirements

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

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

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

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

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

walkways. Furthermore, no change shall violate Section 1028 Site Runoff or Section 1065 ~~Cuts Through/Damage to Drainage Tile~~.

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE XII SIGNS

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

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

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

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

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

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

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

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

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

Section 1211 Signs Permitted in any District Requiring a Permit.

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

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

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

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

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

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

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

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

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

ARTICLE XIII

MOBILE HOME PARKS AND MOBILE HOMES INDIVIDUALLY

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

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

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

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

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

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

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

This Resolution is hereby adopted on this _____ day of _____ 20____.

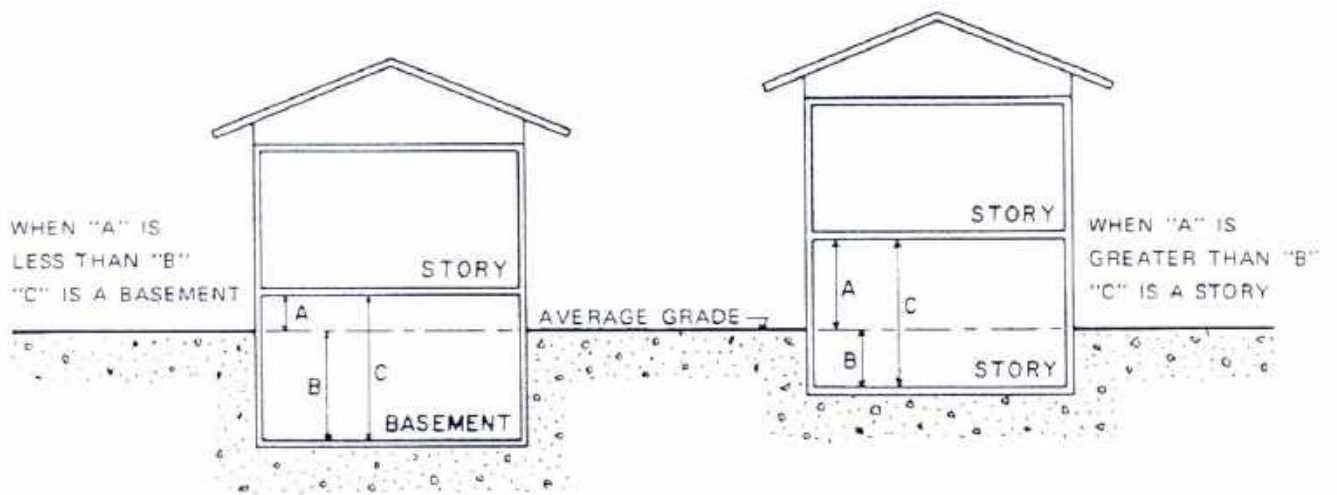
Chairman, Board of Township Trustees

Member, Board of Township Trustees

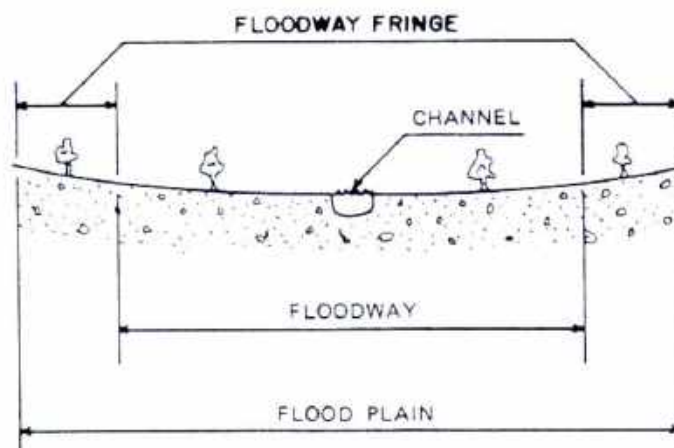
Member, Board of Township Trustees

Attest, Fiscal Officer Township Trustees

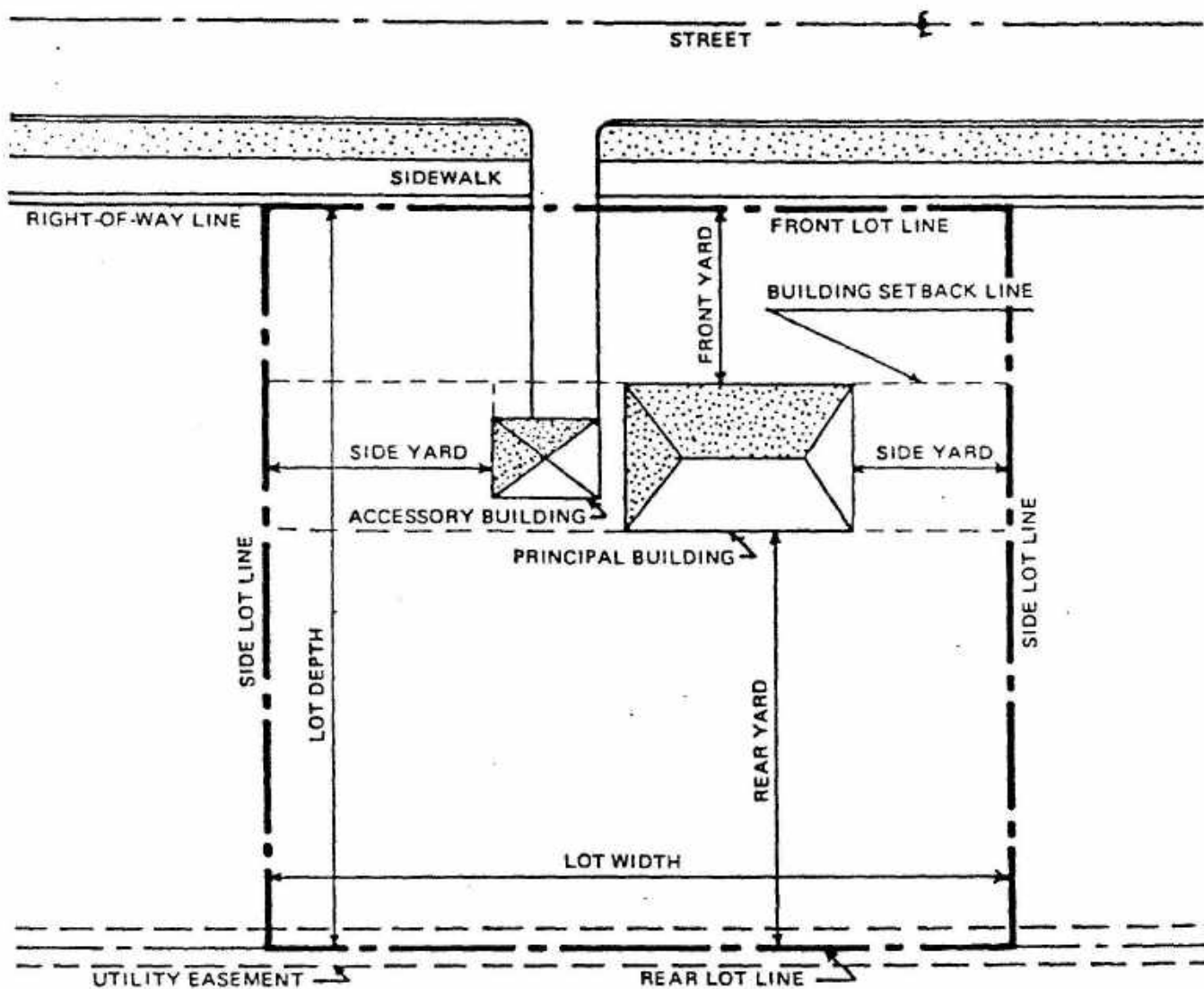




BASEMENT & STORY



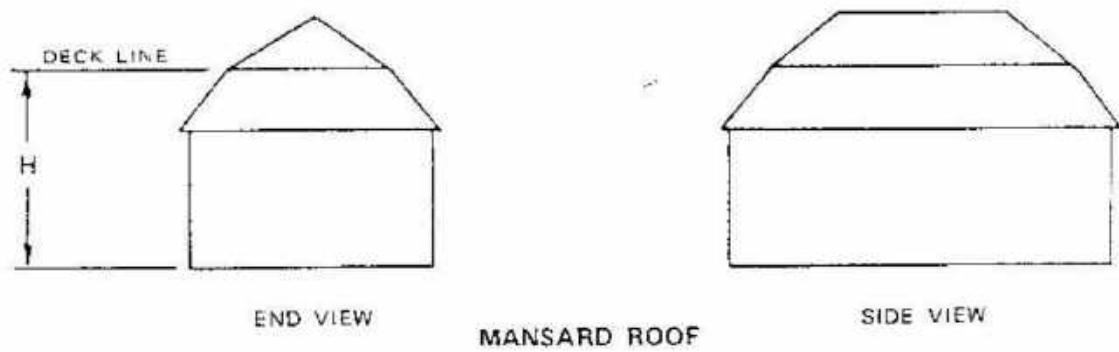
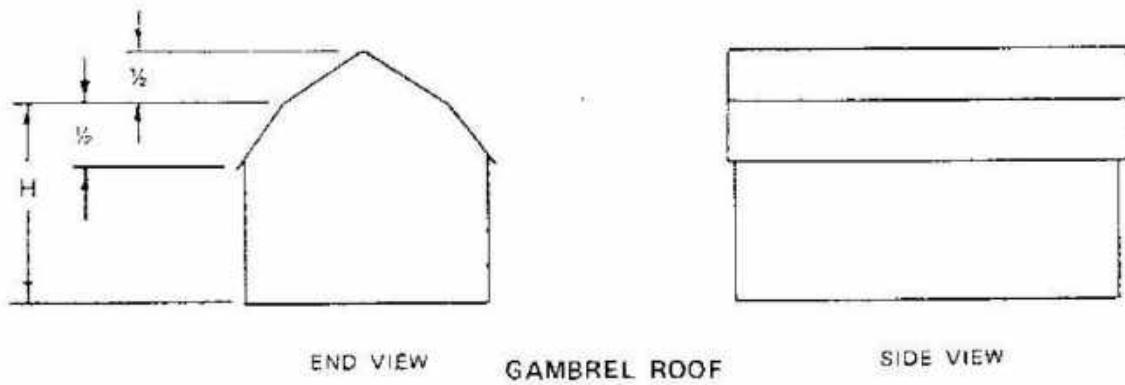
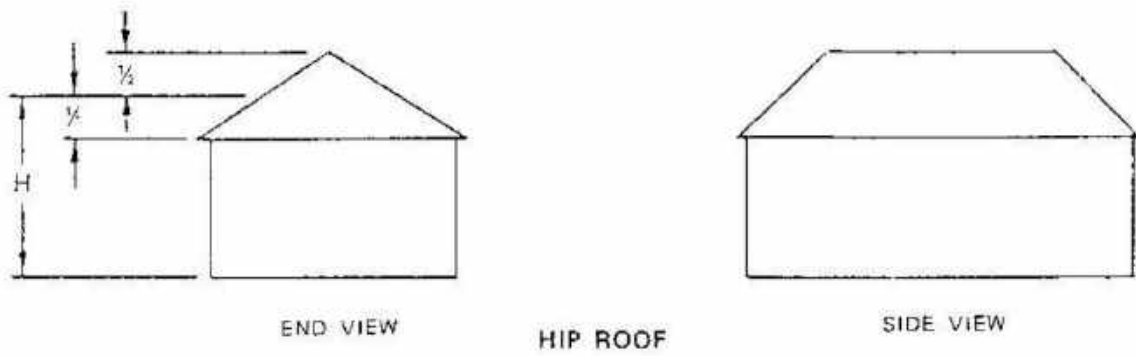
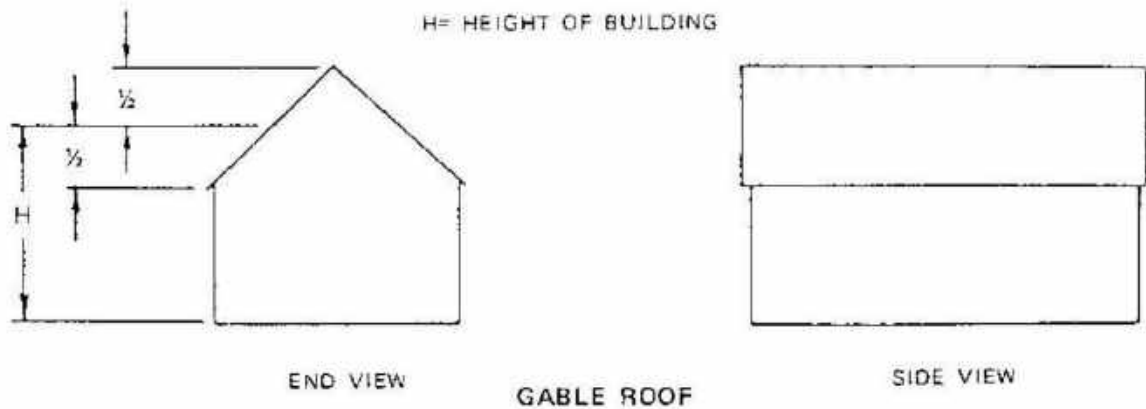
FLOOD PLAIN TERMS



LOT AREA= TOTAL HORIZONTAL AREA

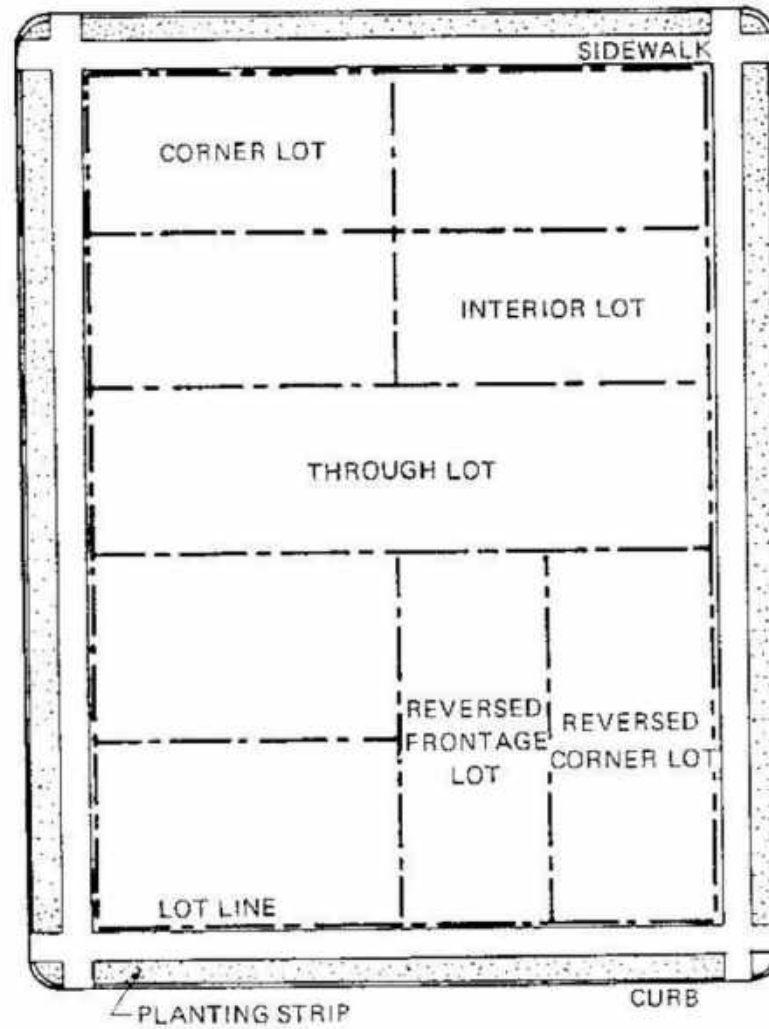
LOT COVERAGE= PER CENT OF LOT OCCUPIED
BY BUILDING

LOT TERMS



ROOF TYPES AND BUILDING HEIGHT

STREET



TYPES OF LOTS



Staff Report – Stokes Township Indian Isles

Jurisdiction:	Stokes Township Zoning Commission c/o Sherry Wycoff 8973 Walnut Street Tecumseh Island Hunstville, OH 43324
Request:	<p>Most of Stokes Township is not zoned; only three areas are zoned. Each of these three areas have highly similar, but independent zoning resolutions. The three resolutions are the Avondale Allotments, <u>Indian Isles</u>, and Wolfe Island.</p> <p>Making the resolutions as similar as possible was the goal of the last set of Township updates in 2011/2012.</p> <p>The Zoning Commission initiated text amendments in October 2018. Although there are three applications to LUC, the amendments proposed are the same in each resolution.</p> <p>The amendment amends:</p> <ol style="list-style-type: none">1. Typos/Misspellings2. Section 101 Use of Land or Buildings for Agricultural Purposes Not Affected3. Article II Definition4. Section 301 Contents of Application for Zoning Permit5. Official Schedule of District Regulations & Section 1056 Boat Slips and Docks6. Section 1002 Private Swimming Pools7. Section 1003 Community or Club Swimming Pools8. Section 1009 Fences Walls and Hedges9. Section 1017 Exceptions to Height Regulations10. Section 1027 Erosion11. <i>Creates</i> Section 1028 Site Runoff12. Section 1060 Accessory Buildings13. Section 1061 Accessory Buildings14. Section 1065 Cuts Through/Damage to Drainage Tile15. Section 1113 Drainage16. <i>Adds</i> Appendix Drawings <p><u>This</u> report is a review of the <u>Indian Isles</u> text.</p>
Location:	<p>Stokes Township is in Logan County. The <u>Indian Isles</u> are off OH-368 in the center of the eastern half of Indian Lake. The islands include Shawnee, Seminole, Crane-Town, Tecumseh, and Minnewauken.</p>



Staff Report – Stokes Township Indian Isles

Staff Analysis:	<p>The amendments proposed are a direct result of the Zoning Commission's conversations and studies, beginning back in May 2017. LUC staff attended the Zoning Commission's meetings, prepared a summary of the proposed text changes, and updated each resolution on the Zoning Commission's behalf. Please refer to the summary provided.</p> <p>Having worked with the Township on these amendments, Staff reminds the Township to proceed with care and caution in adding a new setback for accessory buildings and in removing exceptions from the height regulations. Those two changes could result in non-conformities.</p> <p>Staff does not recommend the change to Section 301, 2. The change could be interpreted literally to mean a survey is required with each zoning permit. Staff believes the Township will prefer discretion on requiring a survey for smaller buildings, like sheds. If the Zoning Inspector believes a surveyor's certification necessary to determine conformance with the Zoning Resolution, there is a catch-all provision in Section 301 enabling the Zoning Inspector to require "other matters as may be necessary to determine conformance".</p> <p>Prosecutor's Office</p> <p>A copy of this proposal was forwarded to the County Prosecutor's Office for further consideration and comment. Staff questioned whether the language in Section 301, which would require a survey for all zoning permits, might be better left unchanged. The Prosecutor's Office agreed, the language in Section 301, 2. should remain unchanged.</p>
Staff Recommendations:	<p>Staff recommends <i>APPROVAL WITH MODIFICATIONS</i> of the proposed zoning amendment.</p> <p>The recommended modification is below:</p> <ol style="list-style-type: none">1. Do not adopt the change to Section 301, 2.
Z&S Committee Recommendations:	

Date of Request.

October 16 2018

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

**RE: Zoning Text Amendment Application, Stokes Township, Logan County
Zoning Resolution, Indian Isles**

Dear LUC Regional Planning Commission Committee Members:

The Stokes Township Zoning Commission met on Tuesday, October 16, 2018. During the meeting, amendments to the Zoning Resolution for the Indian Isles were initiated by motion of the Zoning Commission. The amendments propose alterations to the text of the Zoning Resolution.

Description of Zoning Text Amendments.

This proposal is a rewrite of the Zoning Resolution, impacting several pages and sections of the Zoning Resolution. A summary of the proposed zoning text changes is attached. Included with this cover letter, you will find a copy of the Zoning Resolution. Proposed changes are bolded and struck.

Please refer to these attachments for further information.

Public Hearing.

The Stokes Township Zoning Commission of Logan County, Ohio, will hold a public hearing concerning the proposed amendments at 7:45 PM on 11 12, 2018, in the Stokes Twp Hall.

Point of Contact.

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

Shirley W. Wynn
8973 Walnut St.
Huntsville, OH 43324

Sincerely,

Shirley W. Wynn



Logan-Union-Champaign regional planning commission

Zoning Text Amendment Checklist

Date: 10-16-2018

Township: Stokes - Indian Isles

Amendment Title: Re-write. See attached sheets "summary of proposed zoning text changes initiated by Stokes Twp Zoning Committee"

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

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

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

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

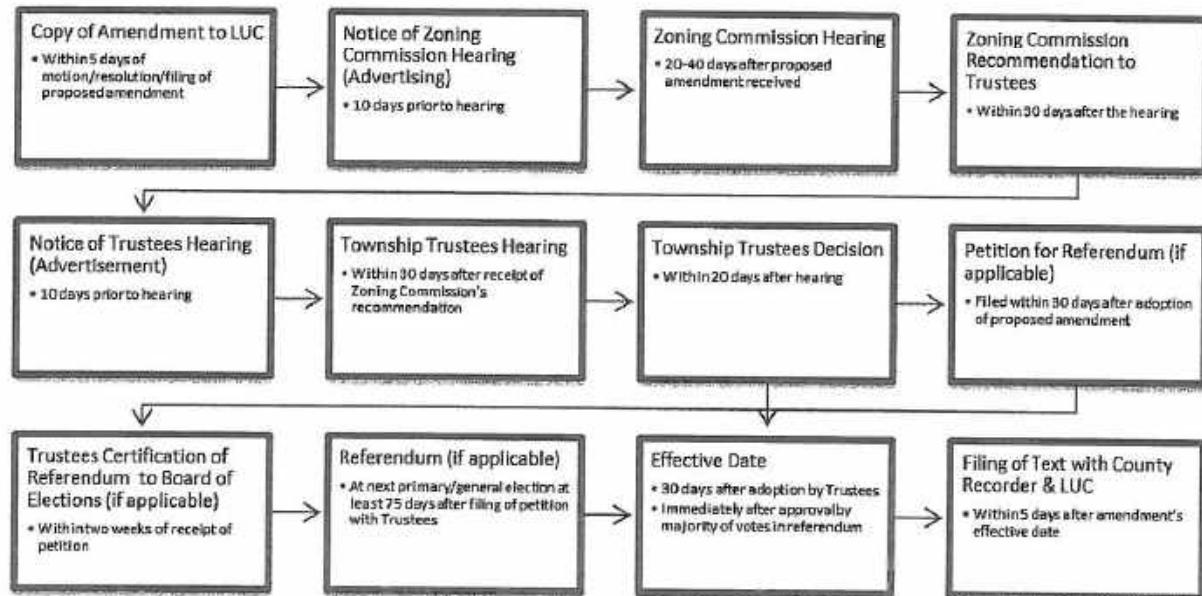
Please see reverse side for a timeline of the Township Zoning Amendment Process, per ORC 519.12

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

• Phone: 937-666-3431 • Fax: 937-666-6203
• Email: luc-rpc@lucplanning.com • Web: www.lucplanning.com



Township Zoning Amendment Process (ORC 519.12)



Summary of proposed Zoning Text changes initiated by Stokes Township Zoning Commission.

Avondale Zoning Resolution
Indian Isles Zoning Resolution
Wolfe Island Zoning Resolution
10-16-2018

Intent of this Summary.

This summary is for convenience only and is to be interpreted as a concise summary of proposed changes to the Zoning Resolutions of Avondale, Indian Isles, and Wolfe Island.

Correct Typos/Misspellings.

Correct misspelled word “factor” to “factory”. See definition of Dwelling, Manufactured Home, paragraph 1, last sentence.

Correct misspelled word, vehicle, See definition of Vehicle, Accessory.

Amend Section 101 Use of Land or Buildings for Agricultural Purposes Not Affected.

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

Amend “Building, Height” definition. This requires moving of the definition to the “H” section in order to be sorted properly in alphabetical order.

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.

Add new definition “Height, All Other Structures & All Building Appurtenances”.

Height, All Other Structures & All Building Appurtenances. The tallest point of all other structures and of all building appurtenances shall not be taller than the maximum building height specified in the Official Schedule of District Regulations. Said structures and appurtenances of buildings shall be measured from the average elevation of the proposed finished grade at the front to the tallest point of said structures and building appurtenances. The only exceptions to this requirement are specified in Section 1017.

Amend Section 301 Contents of Application for Zoning Permit.

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

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

10. Total percentage of lot to be occupied;

11. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Resolution.

Amend Official Schedule of District Regulations.

The columns on Official Schedule of District Regulations under “MINIMUM LOT SIZE” are confusing. The rows and corresponding figures in each cell need to line-up correctly. Solution proposed is to: 1) Split the cells into rows under the existing columns for minimum lot size and frontage; and, 2) Indicate which cells apply to multi-family *only*.

Under Column 21 add note with phrase “-Boat slips/docks: See §1015/1056.”

Height changes proposed require clarification on the Official Schedule of District Regulations. Maximum height as it reads seems to only apply to buildings in Column 9/10. The Column header should read “buildings and structures”.

Amend resolutions to include increased setback for accessory buildings.

Increase setback from front property line for accessory buildings to 20 feet, except boat docks. This will require an amendment to the Official Schedule of District Regulations and a language change to Section 1056 Boat Slips and Docks.

Amend Section 1002 Private Swimming Pools.

Section 1002 Private Swimming Pools. A private swimming pool, not including farm ponds, shall be any pool, lake, or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than twenty four (24) inches. No such swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet shall be allowed in any residential district, except as an accessory use and unless it complies with the following conditions and requirements:

- 1) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located;
- 2) It shall not be located closer than ten (10) feet to the property line of the property on which it is located.
- 3) The swimming pool or the entire property on which it is located shall be walled or fenced to prevent uncontrolled access by ~~children from adjacent properties~~ **unauthorized persons**. Said fence or wall shall be not less than ~~six (6)~~ **four (4)** feet in height and maintained in good condition with a gate and lock. Fences shall not be required on the lake side of pool provided the remaining three sides of pool or property are fenced to the water's edge.

Amend Section 1003 Community or Club Swimming Pools.

Section 1003 Community or Club Swimming Pools. Community and club swimming pools are permitted in any commercial or residential district, but shall comply with the following conditions and requirements:

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

Amend Section 1009 to read:

“Section 1009 Fences Walls and Hedges. Fences, walls and hedges are permitted in all districts, subject to the following conditions: Fences shall be permitted in any yard. Walls shall not be located in the front yard. Furthermore, no wall shall project past the front building line of any principally permitted or conditionally permitted structure. Hedges may be permitted in the required front yard. If no structure exists on said residential property, no fence, wall, or hedge may project past the front building line of the average of the adjacent properties or the minimum front yard setback, whichever is greater. No fence, wall, or hedge shall be closer than (3) feet to any right-of-way line. Fences, walls, and hedges shall not exceed ~~(3-1/2)~~ **four (4)** feet in height in all yards. Fences shall not contain an electric charge. Barbed wire shall be prohibited on any fence. No fence, wall, or

hedge shall violate the sight distance requirements found in **Section 1012**. Fences shall be located within the applicant's property line. The sharing of any fence with any adjoining property owner shall be agreed upon in writing by both property owners and shall accompany the zoning permit application. Posts are to be placed on the applicant's side of any fence erected or installed. In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of ~~(3)~~ **four (4)** feet, and no hedge or vegetation shall be permitted which materially impedes vision across such yard between the height of ~~(3)~~ **four (4)** feet and (10) feet. No fences or hedges shall be constructed on any property line. Wire type farm fence shall not be permitted. Chain link, ornamental rail or various types not over three horizontal rails, wood weave with more open area than closed area to allow light passage, or similar fence may be used. A zoning permit is required from the Zoning Officer for the erection or installation of all fences and walls.

Note: Fence height to be measured from ground up.

Replace Section 1017 Exceptions to Height Regulations.

~~**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 1017 Exceptions to Height Regulations. Other than a chimney, no portion of a building shall be higher than the height limitations contained in the Official Schedule of District Regulations except where the height of such chimney will constitute a hazard.

Amend Section 1027 Erosion.

Section 1027 Erosion. No erosion, by either wind or water, shall be permitted which will carry objectionable substance onto neighboring properties. **Refer to the Logan County Engineer for site-specific requirements.**

Create Section 1028 Site Runoff.

Section 1028 Site Runoff.

Site runoff from gutters, downspouts, roof or area drains shall not be conducted to cause a nuisance either through standing water or accumulation of excessive runoff to neighboring properties.

Site runoff shall be managed by a combination of proper grading away from all structures to a point of convenient discharge such as the lake or storm swale. Runoff from gutters, downspouts and area drains shall be conducted via properly graded swales or a 4" minimum PVC drain tile to the lake or an adjacent storm drain.

Amend Section 1060 Accessory Buildings.

Section 1060 Foundations. No building ~~between 0 and 100~~ over 200 square feet shall be erected or located except on a foundation of gravel, asphalt, concrete or footings. ~~No building greater than 100 square feet shall be erected or located except on a continuous foundation of concrete.~~ Any building or structure 200 square feet and over shall have a footing installed and inspected in accordance with county building regulations.

Amend Section 1061 Accessory Buildings.

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

Amend Section 1065.

Section 1065 ~~Cuts Through/Damage to Drainage Tile.~~ In locations where the ~~footer/footing~~ of new construction ~~cuts/damages~~ a drainage tile, ~~this cut tile/the damaged tile~~ shall be replaced or repaired by the builder in order that proper drainage will be continued. **Furthermore, no change shall violate Section 1028 Site Runoff or Section 1113 Drainage.**

Amend Section 1113 Drainage.

Section 1113 Drainage. All parking loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways. **Furthermore, no change shall violate Section 1028 Site Runoff or Section 1065 ~~Cuts Through~~/Damage to Drainage Tile.**

Add all former drawings to the Appendix.

Add all former drawings to the Appendix. This includes Basement & Story, Flood Plain Terms, Lot Terms, Roof Types and Building Height, Types of Lots.

Add average grade drawing from Upper Arlington to the Appendix.

Add average grade drawing from Upper Arlington to the Appendix.

ZONING RESOLUTION

Stokes Township, Indian Isles

Adopted: 04/26/2010

Effective: 05/26/2010

Amended: 12/31/2010

Amended: 03/26/2012

Amended: _____

QUICK REFERENCE GUIDE TO MORE COMMON ZONING SITUATIONS

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PREAMBLE

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

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

ARTICLE I TITLE, INTERPRETATION AND ENACTMENT

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

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

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

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

Section 130 Replacement of Existing Resolutions, Effective Date.

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

ARTICLE II DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Building Line. See setback line.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Corner Lot. See Lot Types.

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

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

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

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

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

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

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

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

Permanently-Sited Manufactured Housing must:

- a. Be constructed pursuant to the HUD Code (Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.A. 88 stat.700, 5401 and 5403) after January 1, 1995;
- b. Have a permanent label or tag attached to it as specified in 42 U.S.C.A. 5415, certifying compliance with all federal construction and safety standards;
- c. Be attached to a permanent frost-free foundation meaning permanent masonry, concrete, or a locally approved footing or foundation (slab, crawl space foundation or full. foundation), and connected to appropriate utilities;

- d. Excluding any additions, have a width of at least twenty two (22) feet and a length of at least twenty two (22) feet, as manufactured;
- e. Have a total living area of one thousand two hundred (1,200) square feet in a U-1 or R-1 District, eight hundred (800) square feet in an R-2 District, six hundred and seventy five (675) square feet in a R-3 District, excluding garages, porches, basements, or attachments;
- f. Have conventional residential siding (i.e. lap, clapboard, shake, masonry, vertical natural materials), a six (6) inch minimum eave overhang, and a minimum "A" roof pitch of 3:12;
- g. Have removed its indicia of mobility (temporary axles, trailer tongue, running lights) upon placement upon its foundation;
- h. Meet all applicable zoning requirements uniformly imposed on all single-family dwellings in the particular district (excepting contrary requirements for minimum roof pitch and requirements that do not comply with HUD code standards for manufactured housing);
- i. And, is not located in a manufactured home park as defined by ORC 3733.01.
- j. Permanently sited manufactured housing having a HUD tag is to be considered stick built.

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

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

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

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

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

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

STATEMENT OF INTENT FOR DWELLING (HOUSING), MANUFACTURED DEFINITION

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

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

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

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

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

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

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

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

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

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

Flood or Flooding. A general or temporary condition of partial or complete inundation of normally dry land areas from any of the following: the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source, or mudslides that are proximately caused by flooding as defined in this section and that are akin to a river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. In addition, a flood or flooding can included the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining that is caused by waves or currents

of water exceeding anticipated cyclical levels or that is suddenly caused by an unusually high water level in a natural body of water, and that is accompanied by a severe storm, by an unanticipated force of some nature, such as a flash flood, by an abnormal tidal surge, or by some similarly unusual and unforeseeable event, that results in flooding as defined in this section.

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

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

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

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

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

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

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

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

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

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

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

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

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.

Height, All Other Structures & All Building Appurtenances. The tallest point of all other structures and of all building appurtenances shall not be taller than the maximum building height specified in the Official Schedule of District Regulations. Said structures and appurtenances of buildings shall be measured from the average elevation of the proposed finished grade at the front to the tallest point of said structures and building appurtenances. The only exceptions to this requirement are specified in Section 1017.

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

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

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

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

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

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

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

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

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

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

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

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

Lot Measurements. A lot shall conform to the following:

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

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

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

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

4. **Reversed Frontage Lot.** A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

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

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

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

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

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

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

Motel or Hotel. A series of attached, semi-detached, or detached sleeping or living units, for the accommodation primarily of automobile transient guests, having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants and including also such accessory commercial uses operated primarily for the convenience of guests and

subject to such restrictions as may be specified in the district where located. Also, see transient lodging.

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

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

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

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

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

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

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

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

Open Space. An area substantially open to the sky which may be on the same with a building. The area may include, along with the natural environmental features, water areas, swimming pools and tennis courts and other recreational facilities that the zoning commission deems 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.

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

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

Parcel. An individual lot held under common ownership.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Refuse. Refuse shall mean combustible and noncombustible waste materials.

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

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

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

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

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

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

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

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

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

Semitrailer/Sealand Containers. A vehicle designed or used for carrying persons or property with another and separate motor vehicle, so that in operation, a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle. **A semitrailer shall not be used for storage, advertising, business, and residential use.**

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

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

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

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

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

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

1. **Sign, On-Premises.** Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
2. **Sign, Off-Premises (Billboards).** Any sign unrelated to a business or profession conducted or to a commodity or service sold or offered upon the premises where such sign is located. Billboards are considered off-premises signs.
3. **Sign Illuminated.** Any sign illuminated by electricity, gas or other artificial light including reflection or phosphorescent light.

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

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

Solid Wastes. Such unwanted residual solid or semisolid material as results from industrial, commercial agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, and also, and other substances which are not harmful to public health, and includes, but is not limited to, garbage, combustible and

non-combustible material, street dirt, and debris. For purposes of this definition, “material from construction operations” and "material from demolition operations" are those items affixed to the structure being constructed or demolished, such as brick, concrete, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing, plumbing fixtures, wiring, and insulation material.

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

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

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

Subdivision.

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

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

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

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

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

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

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

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

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

Through Lot. See Lot Types.

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

Transient Lodgings. A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such, it is open to the public in

contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined. Examples include: hotel, motel, apartment hotel, and bed and breakfast facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE III ENFORCEMENT

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

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

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

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

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

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

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

Section 320 Failure to Obtain a Zoning Permit.

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

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

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

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

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

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

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

ARTICLE IV NON-CONFORMITIES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE V ADMINISTRATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Current Zoning District;
5. Description of proposed conditional use;
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this Resolution.
7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, odor and fumes on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the Comprehensive Plan.

Section 563 General Standards Applicable to all Conditional Uses. The Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of Article 9 and appears on the Official Schedule of District Regulations adopted by Section 910 for the zoning district involved;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
3. Will not be hazardous or disturbing to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, or odors;
7. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

Section 565 Supplementary Conditions and Safeguards. In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this

Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution and punishable under Section 350 of this Resolution.

Section 566 Procedure for Hearing, Notice. Upon receipt of the application for a conditional use permit specified in Section 562 the Board shall hold a public hearing, publish notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in Section 546 through 548.

Section 567 Action by the Board of Zoning Appeals. Within thirty (30) days after the public hearing required in Section 566, the Board shall either approve, approve with supplementary conditions as specified in Section 565, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Officer to issue a conditional use permit listing the specific conditions specified by the Board for approval. If the application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section 530.

Section 568 Expiration of Conditional Use Permit. A conditional use permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than eighteen (18) months.

Section 569 Revocation. A conditional use permit shall be revoked when the applicant fails to comply with conditions imposed by the Board of Zoning Appeals.

ARTICLE VI AMENDMENT

Section 600 Procedure for Amendment or District Changes. This resolution may be amended utilizing the procedures specified in Sections 601-611, inclusive if this resolution.

Section 601 General. Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of Township Trustees may by Resolution, after receipt of recommendation thereon from the Zoning commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

Section 602 Initiation of Zoning Amendments. Amendments to this Resolution may be initiated in one of the following ways:

1. By adoption of a motion by the Zoning commission;
2. By adoption of a resolution by the Township Trustees;
3. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

Section 603 Contents of Application. Applications for amendments to the Official Zoning Map adopted as part of this Resolution by Section 700 shall contain at least the following information:

1. Name, address, and telephone number of the applicant;
2. Present use;
3. Present zoning district;
4. Proposed use;
5. Proposed zoning district;
6. A vicinity map at a scale approved by the Zoning Officer showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Officer may require;
7. A list of all property owners and their addresses who are within, contiguous to, and directly across the road (street) from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;
8. A fee as established by the Township Trustees, according to Section 360.

Section 604 Transmittal to Zoning commission. Immediately after the adoption of a resolution by the Township Trustees or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Zoning

commission. The Zoning commission shall comply with all the requirements of Chapter 519.12 of the Ohio Revised Code.

Section 605 Public Hearing by Zoning commission. The Zoning commission shall set a public hearing date no less than twenty (20) days nor more than forty (40) days after the filing of the application. Notice of the public hearing must be published in an newspaper of general circulation at least ten (10) days before the hearing. In the case of a zoning amendment to property or parcels, the Zoning commission shall mail a notice of the public hearing by first class mail to all the owners adjacent to or across the road from the property affected by the proposed change.

Section 606 Transmittal to Regional Planning Commission. The Zoning commission must also provide the Regional Planning Commission with copies of the application and attachments, so that the Regional Planning Commission shall review the proposed change at their monthly Executive Committee meeting. The Regional Planning Commission shall recommend approval or denial of the proposed amendment or approval with modifications.

Section 607 Submission to Director of Transportation. Before any zoning amendment is approved effecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway the Zoning commission shall give notice, by registered mail or certified mail to the Director of Transportation. The Zoning commission may proceed as required by law, however, the Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Trustees that he shall proceed to acquire the land needed, then the Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Trustees that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Trustees shall proceed as required by law.

Section 608 Recommendation by Zoning commission. Within seventy (70) days from the receipt of the proposed amendment, and within thirty (30) days of their public hearing, the Zoning commission (after advertised public hearing and complying with all the requirements of Chapter 519.12 of the Ohio Revised Code), shall transmit its recommendation to the Township Trustees. The Zoning commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.

Section 609 Public Hearing by Township Trustees. Upon receipt of the recommendation from the Zoning commission, the Township Trustees shall schedule a

public hearing. Said hearing shall be not more than thirty (30) days from the receipt of the recommendation from the Zoning commission.

Section 610 Notice of Public Hearing in Newspaper. Notice of the public hearing required in Section 607 shall be given by the Township Trustees by at least one (1) publication in one (1) or more newspapers of general circulation in the Township. Said notice shall be published at least ten (10) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment. This shall comply with all the requirements of Chapter 519.12 of the Ohio Revised Code.

Section 611 Action by Township Trustees. Within twenty (20) days after the public hearing required in Section 607, the Township Trustees shall either adopt or deny the recommendation of the Zoning commission, or adopt some modification thereof. In the event the Trustees denies or modifies the recommendation of the Zoning commission, it must do so by a majority vote.

Section 612 Effective Date and Referendum. Such amendment adopted by the Trustees shall become effective thirty (30) days after the date of adoption unless within thirty (30) days after the passage of the Resolution there is presented to the Fiscal Officer a petition signed by a number of qualified voters residing in the Township equal to not less than eight (8) per cent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Trustees to submit the zoning amendment to the electors of the Township for approval or rejection at the next primary or general election. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect. This shall comply with all of the requirements of Section 519.12 of the Ohio Revised Code.

ARTICLE VII PROVISIONS FOR OFFICIAL ZONING MAP

Section 700 Official Zoning Map.

The districts established in Article 8 of this Resolution as shown on the Official Zoning Map which, together with all explanatory matter thereon, are hereby adopted as part of this Resolution.

Section 710 Identification of the Official Zoning Map.

The Official Zoning Map shall be identified by the signature of the chairperson of the Board of Township Trustees and attested by the Township Clerk.

Section 720 Interpretation of District Boundaries.

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

- 1) Where district boundaries are indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines shall be construed to be such boundaries;
- 2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries;
- 3) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map.
- 4) If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
- 5) Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the township unless otherwise indicated.

ARTICLE VIII ESTABLISHMENT AND PURPOSE OF DISTRICTS

Section 800 Intent.

The following zoning districts are hereby established for the Township. For the interpretation of this Resolution, the zoning districts have been formulated to realize the general purposes as set forth in the Preamble of this Resolution. In addition, the specific purpose of each zoning district shall be as stated.

Section 811 Low Density Residential District (R-1).

The purpose of the low-density residential district is to provide land for single-family dwelling units not to exceed four dwellings per acre with a central sewage system. If a central sewage system is not available, then the minimum lot size shall be 40,000 square feet exclusive of road right-of-way. This district shall also include land that is subdivided which requires a major plat under Logan County's Subdivision Regulations. Specific Permitted and Conditional Uses and minimum requirements are listed on the Official Schedule of District Regulations.

Section 812 Medium Density Residential District (R-2). The purpose of the medium density residential district is to provide land for single housing units not to exceed four (4) families per acre. Multi-family housing units and mobile housing units are not permitted. Permitted and Conditional Uses and minimum requirements are listed on the Official Schedule of District Regulations.

Section 814 Local Service Business District (B-1). The purpose of the local service 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. Residential, commercial and industrial development may be introduced under the planned unit development approach. Specific Permitted and Conditional Uses and minimum requirements are listed on the Official Schedule of District Regulations.

Section 815 Local Business District (B-2). The purpose of the local business district is to provide land for small retail and personal service establishments offering convenience-type goods and services for the daily needs of the people in the immediate neighborhood or area. Residential development including mobile homes are prohibited. Group or central sewer facilities are required.

ARTICLE IX DISTRICT REGULATIONS

Section 900 Compliance with Regulations. The regulations for each district set forth by this Resolution shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided; or as otherwise granted by the Board of Zoning Appeals.

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall be erected or altered:
 - a. to provide for greater height or bulk;
 - b. to accommodate or house a greater number of families;
 - c. to occupy a greater percentage of lot area;
 - d. to have narrower or smaller rear yards, front yards, side yards, or other open spaces;
3. No yard or lot existing at the time of passage of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Resolution shall meet at least the minimum requirements set forth herein.

Section 910 Official Schedule of District Regulations Adopted. District regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted and declared to be a part of this Resolution and in Article 10 of this Resolution, "Supplementary District Regulations." Regulations for Mobile Home Parks shall be those specified in Article 13.

<u>ZONING DISTRICTS</u>	<u>PERMITTED USES</u>	<u>CONDITIONAL USES</u>	<u>PROHIBITED USES</u>
(Symbols as used on the Official Zoning Map) 1	(Accessory uses and essential services are included) 2	(Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals) 3	
R-1 LOW DENSITY RESIDENTIAL	Single-family dwelling; Public & Quasi-public use; Permanent foundation sited manufactured dwelling	Multi-family dwelling; Modular & sectional units; Telecommunication towers; Non-commercial recreation; Home occupation	Personal services; Service business; Mobile homes individually; Manufactured or mobile home park; recreational vehicle park; Manufacture of storage of explosives; Dumping, burning, burying of refuse except burning in fireproof container, or refuse the might result from use of dwelling places or places of business; Junk yards, automobile graveyards or other similar places for the collection automotive materials for junk salvage or storage; Dismantling of uses automobiles or machinery; Storage of gas under pressure other than a standard propane tank (12" diameter x 18" height); Outside storage of building materials or machinery and similar items.
R-2 MEDIUM DENSITY RESIDENTIAL	Single-family dwelling; Public & Quasi-public use; Permanent foundation sited manufactured dwelling	Multi-family dwelling; Non-commercial recreation; Home occupation; Modular & sectional units; Telecommunication towers. Manufactured or mobile home park; Animal Husbandry ** (Only applies in platted subdivisions or in areas of 15 or more lots approved under subdivision law that are contiguous (ORC 519.21 (B)(1-3)).	Same as R-1; Additionally: Automobile painting, repairing or rebuilding; Tire retreading or recapping; monument works; manufacture of gas, paint or paint supplies and explosives.
B-1 SERVICE BUSINESS	Service business; Drive-in business; Eating & drinking establishments; Commercial recreation; Retail business; Offices; Personal services; Public & Quasi-public uses; Single-family dwellings*; Convenience-type retail;	Multi-family dwellings; Printing & publishing; Transient lodgings; Signs & advertising structures; Public & service facility; Adult Entertainment; Kennel	Same as R-2; Additionally: Wholesale & warehousing; Food processing; Transport terminals; Animal hospital & clinic; Mobile homes individually; Manufactured or mobile home park; Recreational vehicle park.
B-2 LOCAL BUSINESS	Convenience type retail; Personal services; offices; public & quasi-public uses.	Public service facility; Manufactured homes individually; Shopping type retail; Service station; eating and drinking establishments; commercial recreation;	Same as stated under R-2 and B-2.

<u>ZONING DISTRICTS</u> (Symbols as used on the Official Zoning Map)	<u>MINIMUM LOT SIZE</u>			<u>MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED</u> (Principal and Accessory Buildings)	<u>MINIMUM FLOOR AREA</u> (Square Feet)	<u>MAXIMUM HEIGHT OF (PRINCIPAL) BUILDINGS & STRUCTURES</u>		<u>MINIMUM YARD DIMENSIONS</u> (feet)		
	(Square feet per household)		Frontage (Width) (Feet)			Stories	Feet	Front	Side	Rear
	With On- Site Sewage Treatment	With Group or Central Sewage Treatment								
1	4	5	6	7	8	9	10	11	12	14
R-1 LOW DENSITY RESIDENTIAL	40,000		150	25%	1,200*	2 1/2	35	35	20	40
		10,800	80							
R-2 MEDIUM DENSITY RESIDENTIAL	10,000		60	35%	800*	2	28	30	5	20
		5,400	60							
B-1 SERVICE BUSINESS	15,000		100	30%	none*	2	35	50	5	30
		15,000	100							
B-2 LOCAL BUSINESS	15,000		100	30%	none*	2	35	50	5	30
		15,000	100							

<u>ZONING DISTRICTS</u> (Symbols as used on the Official Zoning Map)	<u>ACCESSORY BUILDINGS</u>				<u>MINIMUM (MANDATORY) OFF-STREET PARKING SPACE</u>	<u>MINIMUM (MANDATORY) OFF-STREET LOADING SPACE</u>	<u>SIGNS PERMITTED</u>	<u>OTHER PROVISIONS AND REQUIREMENTS</u> (Supplementary regulations, prohibitions, notes, etc.)
	Maximum Height (feet)	Minimum Distance In Feet To						
		Front lot line	Side lot line	Rear lot line				
1	15	16a	16b	1716c	18	19	20	21
R-1 LOW DENSITY RESIDENTIAL	15	20	5	10	See Article XI	None	See Article XII	-Boat slips/docks: See §1015/1056.
R-2 MEDIUM DENSITY RESIDENTIAL	15	20	5	10	"	"	"	-Boat slips/docks: See §1015/1056.
B-1 SERVICE BUSINESS	15	20	0	0	"	One space for first 5,000 s.f. of floor area or less and one for each additional 10,000 s.f. or fraction thereof of ground floor area.	"	*For residential, refer to R-1 regulations, **Non-residential use cannot be conducted closer than 40 feet from any residential lot. -Boat slips/docks: See §1015/1056.
B-2 LOCAL BUSINESS	15	20	0	0	"	"	"	*For residential, refer to R-1 regulations, **Non-residential use cannot be conducted closer than 40 feet from any residential lot. -Boat slips/docks: See §1015/1056.

ARTICLE X SUPPLEMENTARY DISTRICT REGULATIONS

Section 1000 General.

The purpose of supplementary district regulations is to set specific conditions for various uses, classification of uses or areas where problems may frequently be encountered.

Section 1001 Conversion of Dwellings to More Units.

A residence may be converted to accommodate an increased number of dwelling units provided:

- 1) The yard dimensions, including minimum lot width still meet the yard dimensions required by the Zoning Regulations for new structures in that district in which the dwelling is located;
- 2) The lot area per family equals the lot area requirements for new structures in that district;
- 3) The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district.
- 4) Conversion of structures to residential use shall not include garages or other accessory buildings in any district.

Section 1002 Private Swimming Pools.

A private swimming pool, not including farm ponds, shall be any pool, lake, or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than twenty four (24) inches. No such swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet shall be allowed in any residential district, except as an accessory use and unless it complies with the following conditions and requirements:

- 1) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located;
- 2) It shall not be located closer than ten (10) feet to the property line of the property on which it is located.
- 3) The swimming pool or the entire property on which it is located shall be walled or fenced to prevent uncontrolled access by ~~children from adjacent properties~~ **unauthorized persons**. Said fence or wall shall be not less than ~~six (6)~~ **four (4)** feet in height and maintained in good condition with a gate and lock. Fences shall not be required on the lake side of pool provided the remaining three sides of pool or property are fenced to the water's edge.

Section 1003 Community or Club Swimming Pools.

Community and club swimming pools are permitted in any commercial or residential district, but shall comply with the following conditions and requirements:

- 1) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;
- 2) The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line;
- 3) The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by ~~children from the thoroughfare or adjacent properties~~ **unauthorized persons**. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition.

Section 1004 Temporary Buildings.

Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a zoning permit authorized by the Zoning Officer.

Section 1005 Parking and Storage of Certain Vehicles.

The following provisions and requirements shall pertain to the parking and storage of certain vehicles:

- 1) The parking or storage, within any district, of automotive vehicles without current license plates, for a period of more than thirty (30) days shall be prohibited unless such vehicle is stored in an enclosed garage or other accessory building;
- 2) The parking or storage, within any district, of a disabled automotive or accessory vehicle for a period of more than thirty (30) days shall be prohibited unless such vehicle is stored in an enclosed garage or other accessory building;
- 3) The parking or storage, within any district, of a junked, dismantled, or wrecked automotive or accessory vehicle or parts thereof which are in public view of any highway for a period of more than thirty (30) days shall be prohibited. After said thirty (30) days, junked, dismantled, or wrecked automotive or accessory vehicle or parts thereof shall be stored in an enclosed garage or other accessory building.
- 4) The parking or storage, within any district, of any recreational vehicle (RV), shall be in accordance with Section 1057, unless such vehicle is stored in an enclosed garage or other accessory building.

For purposes of this section, a junked, dismantled, or wrecked automotive vehicle shall be defined as meeting the following criteria: as one which is damaged, or no longer serviceable, to the extent that it is inoperable or is unsafe to operate upon the public highways; three model years or older; extensively damaged, including, but not limited to missing wheels, tires, engine, or transmission.

This section shall not apply to properly licensed junkyards and motor vehicle salvage facilities which are regulated by appropriate sections of the Ohio Revised Code.

Section 1006 Required Trash Areas.

All commercial, industrial, and multi-family residential uses that provide trash and/or garbage collection areas shall be enclosed on at least three (3) sides by a solid wall or fence a minimum of four (4) feet in height or one (1) foot higher than the receptacles therein if such area is not within an enclosed building or structure.

Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Zoning Officer shall be required.

Section 1009 Fences Walls and Hedges. Fences, walls and hedges are permitted in all districts, subject to the following conditions: Fences shall be permitted in any yard. Walls shall not be located in the front yard. Furthermore, no wall shall project past the front building line of any principally permitted or conditionally permitted structure. Hedges may be permitted in the required front yard. If no structure exists on said residential property, no fence, wall, or hedge may project past the front building line of the average of the adjacent properties or the minimum front yard setback, whichever is greater. No fence, wall, or hedge shall be closer than (3) feet to any right-of-way line. Fences, walls, and hedges shall not exceed ~~(3-1/2)~~ **four (4)** feet in height in all yards. Fences shall not contain an electric charge. Barbed wire shall be prohibited on any fence. No fence, wall, or hedge shall violate the sight distance requirements found in **Section 1012**. Fences shall be located within the applicant's property line. The sharing of any fence with any adjoining property owner shall be agreed upon in writing by both property owners and shall accompany the zoning permit application. Posts are to be placed on the applicant's side of any fence erected or installed. In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of ~~(3)~~ **four (4)** feet, and no hedge or vegetation shall be permitted which materially impedes vision across such yard between the height of ~~(3)~~ **four (4)** feet and (10) feet. No fences or hedges shall be constructed on any property line. Wire type farm fence shall not be permitted. Chain link, ornamental rail or various types not over three horizontal rails, wood weave with more open area than closed area to allow light passage, or similar fence may be used. A zoning permit is required from the Zoning Officer for the erection or installation of all fences and walls.

Note: Fence height to be measured from ground up.

Section 1010 Supplemental Yard and Height Regulations.

In addition to all yard regulations specified in the Official Schedule of District Regulations and in other sections of this Resolution, the provisions of Sections 1011-1017, inclusive shall be used for interpretation and clarification.

Section 1011 Setback Requirements for Corner Buildings.

On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

Section 1012 Visibility at Intersections.

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and a half (2.5) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection.

Section 1014 Yard Requirements for Multi-Family Dwellings.

Multifamily dwellings shall be considered as one (1) building for the purpose of determining front, side and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

Section 1015 Side, and Rear Yard Requirements for Non-Residential Uses

Abutting Residential Districts. Non-residential buildings or uses shall not be located in or conducted closer than forty (40) feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty (50%) percent of the requirement if acceptable landscaping or screening approved by the Zoning Officer is provided.

Section 1016 Architectural Projections.

Open structures such as porches, canopies, balconies, platforms, carports, covered patios and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard.

Section 1017 Exceptions to Height Regulations.

~~**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.**~~ Other than a chimney, no portion of a building shall be higher than the height limitations contained in the Official Schedule of District Regulations except where the height of such chimney will constitute a hazard.

Section 1020 Special Provisions for Commercial and Industrial Uses.

No commercial or industrial use as designated on the Official Schedule of District Regulations and defined herein nor any land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this Resolution may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the performance requirements in Sections 1021-1032, inclusive.

Section 1021 Fire Hazards.

Any activity involving the use or storage of flammable chemicals, petroleum products or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

Section 1022 Electrical Disturbance.

No activity shall emit electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance. The disturbance must be due solely to the creator and not due to defective wiring, equipment etc., at the receiving point.

Section 1023 Storage of Toxic or Hazardous Materials. Except as exempted hereafter, the storage of toxic or hazardous materials, as determined by the Ohio Environmental Protection Agency (EPA), in quantities greater than fifty five (55) gallons liquid or twenty five (25) pounds dry weight for any one material shall be prohibited.

Section 1024 Odors. No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.

Section 1025 Water Pollution.

Water pollution as defined or determined by the County Board of Health or the Ohio Environmental Protection Agency (EPA) shall be subject to corrective measures, requirements, and regulations as established by the Board of Health or the Ohio EPA.

Section 1026 Air Pollution. No pollution of air by fly-ash, dust, fumes, vapors, gases, or other substances shall be permitted which is harmful to health, animals, vegetation or other property or which can cause excessive soiling.

Section 1027 Erosion. No erosion, by either wind or water, shall be permitted which will carry objectionable substance onto neighboring properties. **Refer to the Logan County Engineer for site-specific requirements.**

Section 1028 Site Runoff.

Site runoff from gutters, downspouts, roof or area drains shall not be conducted to cause a nuisance either through standing water or accumulation of excessive runoff to neighboring properties.

Site runoff shall be managed by a combination of proper grading away from all structures to a point of convenient discharge such as the lake or storm swale. Runoff from gutters, downspouts and area drains shall be conducted via properly graded swales or a 4" minimum PVC drain tile to the lake or an adjacent storm drain.

Section 1035 Telecommunications Towers.

Pursuant to the Telecommunications Act of 1996 and the ORC Section 519.211, and the Township Trustees being duly notified of the person's intent to construct a telecommunications tower in any area zoned for residential use, public utilities, or other functionally equivalent providers may site a telecommunications tower as a conditional use provided the following conditions are met:

- 1) The applicant must provide proof that the proposal to construct a tower or attach equipment to an existing structure has been approved by all other agencies and governmental entities with jurisdiction (i.e. Federal Communications Commission, Federal Aviation Administration, Ohio Department of Transportation; Ohio Building Basic Code).
- 2) Applicant is required to show cost of construction at this time;
- 3) The applicant shall provide proof of notification to contiguous property owners and those property owners directly across the street as required by ORC Section 519.211;
- 4) The applicant must demonstrate at the time of application that no other existing towers are feasible for co-location, and that no technically suitable and feasible sites are available in a nonresidential district. There shall be an explanation of why co-location is not possible and why a tower at this proposed site is technically necessary;
- 5) All underground installation shall be trenched and not plowed in. Damage to anything must be repaired, and ground restored to original condition;
- 6) Co-location. Applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other users on the same tower to the extent possible. All co-located and multiple-use telecommunication facilities shall be designed to promote facility and site sharing;
- 7) Setbacks from all platted residential uses and residential districts. All new towers shall be setback from the closest subdivision boundary line for all platted residential subdivisions, and for all non-platted residential districts from the closest residence, a distance equal to the height of the tower plus fifty (50) feet;

- 8) Setbacks from all streets and private buildings and public road right of ways. All new towers shall be setback from all road right of ways public and private, a distance equal to the height of the tower plus fifty (50) feet;
- 9) Setbacks from all other uses allowable in the zoning district. All new towers shall be setback from any building that is not associated with or accessory to the telecommunications tower facility a distance equal to the height of the tower plus fifty (50) feet;
- 10) Any and all base station equipment, accessory structures, buildings, etc. used in conjunction with the tower shall be screened with fencing, masonry, shrubbery, or other screening materials.
- 11) The applicant shall notify the Zoning Officer within thirty (30) days of ceasing operations at the site and shall remove all structures within one hundred and twenty (120) days of ceasing operations;
- 12) Lighting. Telecommunication towers shall not be artificially lighted unless required by the Federal Aviation Administration or other applicable regulatory authority. If lighting is required, the lighting design that would cause the least disturbance to the surrounding views shall be chosen. All telecommunication facilities shall be unlit except for security lighting, or when authorized personnel are present;
- 13) No advertising or illumination other than that required by law may be located on the structure or on the required screening;
- 14) An inspection report prepared by a qualified engineer licensed by the State of Ohio shall be submitted to the zoning office every five (5) years, which details the structural integrity of all towers and support structures on the property. The results of such inspections shall be provided to the Logan County Building Regulations Department and Township Zoning Officer. Based upon results of an inspection, the Township Trustees may require repair or removal of a communication tower. Any and all necessary repairs to the tower and/or support structures shall be made within a seven (7) day period or the tower and/or structures shall be removed. The tower owner (applicant) is responsible to cover the cost of all inspections, repair and/or removal;
- 15) The unstaffed storage building and/or unit that houses transmitting equipment is considered an accessory use and/or structure. Setbacks for accessory uses/structures shall comply with distances in the zoned district of the tower location. These facilities may not include offices, long-term vehicle storage, other outdoor storage or broadcast studios except for emergency purposes;
- 16) A six (6) foot safety fence with a locked gate surrounding the tower is required. If high voltage is necessary, signs must be posted every twenty (20) feet along the accessory building and fence saying, "Danger – High Voltage." The operator must also post "No Trespassing" signs.
- 17) Lot shall be mowed and maintained to control weeds;
- 18) Performance Bond. For each telecommunication tower, the owner or operator shall provide to the Township a surety bond or a bank letter of credit so as to assure the Township that the terms and conditions of Section 1035 are performed and complied with, including necessary repairs, repairs to public highways and roads, and the costs

and expenses of removal in the event of abandonment; Bond shall equal anticipated demolition, and debris removal cost; the Township Board of Trustees may draw upon the performance bond to recover any costs, damages or expenses incurred by the Township that may arise out of the violations of Section 1035 or the abandonment or discontinuance of the tower. The bond or letter of credit shall be issued by a Board of Trustees, in a form approved by said Board, and shall be in an amount that is equal to no less than fifty percent (50%) of the construction value of the tower. By its terms, the bond or letter of credit may not expire, be terminated, or cancelled without providing the Township Board of Trustees with written notice of such expiration, termination, cancellation or other event of non-renewal no later than one hundred twenty (120) days prior to the date of such event.

Section 1036 Satellite Television Antennas. A satellite television antenna is an antenna for the purpose of which is to receive television or radio signals from orbiting satellites. A satellite television antenna over three (3) feet in diameter shall not be located in any front yard nor shall it be located in any side yard closer to the building front setback line than the front of an adjoining residential structure, provided the adjoining residential structure is within one hundred (100) feet of the side lot line on which the antenna is proposed. Said antenna shall meet the minimum side and rear yard requirements for accessory structures and buildings. Ground mounted satellite antennas in areas zoned residential shall not extend more than fifteen (15) feet above the ground, twenty (20) feet in all other zones. The satellite television antenna shall be constructed and anchored in such a manner to withstand wind forces up to one hundred (100) miles per hour.

Section 1037 Small Wind Projects Farms less than 5MW

Wind Projects Farms of 5MW or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations.

Small Wind Projects Farms less than 5MW and used solely for Agriculture will be exempt from these zoning regulations as an Agricultural Use. Any proposed construction, erection, or siting of a small wind project farm less than 5MW including the wind turbine generator or anemometer or any parts thereof shall be a Conditional Use in all Stokes Township Zoning Districts by the issuance of a Conditional Use Permit only if the following conditions are met (both as Permitted and Conditional Use):

A. The maximum height of any turbine shall be 125 ft. For purposes of this Resolution, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the base of the tower.

B. Setbacks: the following shall apply in regards to setbacks.

1. Any turbine erected on a parcel of land shall be setback 1.1 times the height of the tower, or established “clear fall zone”, from all road right-of-way lines and neighboring property lines. structures, as well as any inhabited structures on the parcel intended for the turbine. A turbine shall need to be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs the turbine and associated structures would be contained solely on the property where the turbine is located, and would not strike any structures including the primary dwelling, and any inhabited structures.

C. Maintenance

1. Wind turbines must be maintained in good working order. The owner shall within 30 days of permanently ceasing operation of a wind turbine, tower, provide written notice of abandonment to the Zoning Officer. An unused wind turbine or small wind project farm may stand no longer than 12 months following abandonment. All costs associated with the demolition of the wind turbine tower and associated equipment shall be borne by the owner. A wind turbine is considered abandoned when it ceases transmission of electricity for 30 consecutive days. Wind turbines that become inoperable for more than 12 months must be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing wind turbine.

D. Decibel Levels

1. Decibel levels shall not exceed those provided by the manufacturer as requested in II Permits, 2., e. All units shall operate not more than 5 decibels above the established ambient decibel levels at property lines. This information shall be included in the engineering report described below in Section II of this document. This information shall be obtained from the manufacturer of the turbine, and all decibel readings, if necessary, shall be taken from the nearest neighboring property lines. Those turbines not meeting this requirement will be issued a zoning violation and be required to shut down immediately until the required decibel levels are met.

E. Wiring and electrical apparatuses:

1. All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground and meet all applicable local, state, and federal codes including the County Building Regulations and Residential Building Code of Ohio.

F. Warning Signs:

1. Appropriate warning signs to address voltage shall be posted on the turbine at five (5) feet above ground level tower and meet all other sign requirements in Article XII herein.

G. Building Permits:

1. All Small Wind Projects Farms and parts thereof shall obtain all applicable Building Permits from the State of Ohio and County Building Regulations where required.

II. Permits

A. A permit shall be required before construction can commence on an individual wind turbine project system.

B. As part of the permit process, the applicant shall inquire with the County Building Regulations as to whether or not additional height restrictions are applicable due to the unit's location in relation to any local airports.

C. Applicant shall then provide the Township Zoning Officer with the following items and/or information when applying for a permit:

1. Location of all public and private airports in relation to the location of the wind turbine.
2. An engineering report that shows:
 - a. The total size and height of the unit
 - b. If applicable, the total size and depth of the unit's foundation structure concrete mounting pad, as well as soil and bedrock data.
 - c. A list and/or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection, braking systems, guy wiring & anchors.
 - d. Data specifying the kilowatt size and generating capacity in kilowatts of the particular unit.
 - e. The maximum decibel level of the particular unit. This information shall be obtained from the manufacturer of the turbine unit.

- f. Ambient noise levels at property lines.
 - g. Hazardous materials containment and disposal plan.
3. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, and neighboring property lines properties.
 4. Evidence of established setbacks of 1.1 times the height of the wind turbine and “clear fall zone.” with manufacturer’s recommendation must be attached to the engineering report.
 4. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.

Section 1038 General Conditions for Adult Entertainment Use.

Adult Entertainment Facilities are conditionally permitted within the B-2 Business Districts only, and subject to conditions set forth in the Zoning Resolution Section 1038 and paragraphs 1-9 hereafter set forth.

1. No adult entertainment facility shall be established within one thousand (1,000) feet of any areas zoned for residential use.
2. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any school, library, or teaching facility, whether public or private, governmental or commercial which school, library, or teaching facility is attended by persons under eighteen (18) years of age.
3. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any park or recreational facility attended by persons under eighteen (18) years of age.
4. No adult entertainment facility shall be established within a radius of two thousand (2,000) feet of any other adult entertainment facility.
5. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of established church, synagogue, or permanently established place of religious services which is attended by persons under eighteen (18) years of age.
6. No advertisements, displays, or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.
7. All building openings, entries, windows, etc. for adult uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk, or street. For new construction, the building shall be

oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.

8. No screens, loudspeakers, or sound equipment shall be used for adult motion picture theatres (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.
9. Off-street parking shall be provided in accordance with the standards for permitted use within B-2 Business Districts.

Section 1045 Junk Storage and/or Sales of Junk. The outdoor accumulation, collection, and/or storage of junk (as defined herein and in Section 1050), which is in public view from any highway or adjoining residential structure, shall be prohibited in all zoning districts.

Section 1050 Junk. No trash, debris, litter, rubbish, unused property, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk, and weeds or tall grass measuring over twelve (12) inches, shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard, or nuisance to the Township or general public.

Section 1051 Grass and Weed Control. Noxious weeds and grass must be mowed regularly from March 1 to October 31 to prevent weeds/grass from exceeding twelve (12) inches in height or maturing to seed. Owners of properties that do not comply will receive a notice from the Township to cut or mow the weeds/grass within five (5) days. If the owner fails to do this, the Township will hire a private contractor to do the work at the owner's expense.

Section 1052 Garage, Porch, Yard, or Similar Type Sales. A resident may conduct a garage, porch, yard, or similar type sale provided such sale does not exceed six (6) such events during a calendar year. If such sales exceed (6) such events during a calendar year, a zoning amendment or conditional use permit must be obtained for the operation of a local business. No sale shall exceed three (3) consecutive days in length. Parking shall be provided off the public highway right-of-way and off neighboring property unless consent is obtained from the affected neighbor to do so. All signs advertising such sales shall be removed immediately after the sale has concluded its duration.

Section 1055 Mobile Trailers Prohibited for Business, Storage, Residential and Sign Purposes. The use of a mobile home, tractor trailer, box car, sealand container, or other similar type trailer, container, or structure shall not be permitted as an office or business structure, storage facility, residential structure, or sign structure except as stated in Section 1004.

Section 1056 Boat Slips and Docks. Boat slips and docks shall not exceed fifteen (15) feet in overall height from the lowest level on which the building is located or placed to the maximum peak of the roof or deck railing. Boat slips and docks shall not be enclosed in any

manner. All boat slips and docks shall be setback at least five (5) feet from all side lot lines **and comply with Section 1015. The front setback requirements of this Resolution shall not apply to boat slips and docks.**

Section 1057 Recreational Vehicles. No person shall stand or park a recreational vehicle, motor home, travel trailer, tent, bus or similar equipment that provides living or sleeping quarters in any residential driveway or on any residential premises other than storage in a private garage, for more than a total of 72 hours. For periods exceeding 72 hours, a zoning permit shall be required to stand or park a recreational vehicle, motor home, travel trailer, tent, bus, or similar equipment that provides living or sleeping quarters in any district on Indian Isles. Zoning permits shall be issued in increments of seven (7) days. No more than four (4) permits shall be issued to any person or persons during a calendar year (Jan. 1st – Dec. 31st).

Section 1058 Noise. Noise which is objectionable as determined by the Board or Zoning Officer due to volume, frequency or beat shall be muffled or otherwise controlled. Fire sirens and related apparatus used solely for public purposes are exempt from this requirement.

Section 1059 Erection of More than One Principal Building on a Lot. The erection of more than one principal structure on any lot in any district shall be prohibited.

Section 1060 Foundations. No building ~~between 0 and 100~~ over 200 square feet shall be erected or located except on a foundation of gravel, asphalt, concrete or footings. ~~No building greater than 100 square feet shall be erected or located except on a continuous foundation of concrete.~~ Any building or structure 200 square feet and over shall have a footing installed and inspected in accordance with county building regulations.

Section 1061 Accessory Buildings. No Accessory Building or Structure (such as a garage) as defined in **Article II DEFINITIONS**, shall be built, constructed or placed on a lot unless such accessory building or structure is on the same lot or on an ~~adjacent~~ adjoining lot with and of a nature customarily incidental and subordinate to the **primary structure**, as defined in **Article VIII ESTABLISHMENT AND PURPOSE OF DISTRICTS** and **Article IX DISTRICT REGULATIONS, R-2 MEDIUM DENSITY RESIDENTIAL AND B-2 SERVICE BUSINESS DISTRICT.**

Section 1065 ~~Cuts Through/Damage~~ to Drainage Tile. In locations where the ~~footer/footing~~ of new construction ~~cuts/damages~~ a drainage tile, ~~this cut tile/the damaged tile~~ shall be replaced or repaired by the builder in order that proper drainage will be continued. **Furthermore, no change shall violate Section 1028 Site Runoff or Section 1113 Drainage.**

Section 1066 Portable Toilets. No person or entity shall place or store a portable toilet for more than seventy-two (72) consecutive hours more than four (4) times during any calendar year with a zoning permit issued by the Township Zoning Officer. The placement of portable toilets at a construction site for the benefit of workers at the construction site is not subject to the permit requirement of this section.

ARTICLE XI OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 1100 General Requirements

1. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and/or loading spaces have been provided in accordance with the provisions of this Resolution.
2. The provisions of this Article, except where there is a change of use, shall not apply to any existing building or structure.
3. Whenever a building or structure constructed after the effective date of this Resolution is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this Resolution is enlarged to the extent of fifty (50%) percent or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

Section 1110 Parking Space Dimensions. A parking space shall have minimum rectangular dimensions of not less than nine (9) feet in width and nineteen (19) feet in length for ninety (90) degree parking, nine (9) feet in width and twenty-three (23) feet in length for parallel parking, ten (10) feet in width and nineteen (19) feet in length for sixty (60) degree parking, and twelve (12) feet in width and nineteen (19) feet in length for forty-five (45) degree parking. All dimensions shall be exclusive of driveways, aisles and other circulation areas. The number of required off-street parking spaces is established in Section 1130 of this Resolution.

Section 1111 Loading Space Requirements and Dimensions. A loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles and other circulation areas and a height of clearance of not less than fifteen (15) feet. One off-street loading space shall be provided and maintained on the same lot requiring delivery of goods and having a modified gross floor area of five thousand (5,000) square feet. One loading space shall be provided for each additional ten thousand (10,000) square feet or fraction thereof of ground floor area.

Section 1112 Paving. The required number of parking and loading spaces as set forth in Sections 1111 and 1130, together with driveways, aisles and other circulation areas, shall be improved with such material to provide a durable and dust-free surface.

Section 1113 Drainage. All parking loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or

walkways. **Furthermore, no change shall violate Section 1028 Site Runoff or Section 1065 ~~Cuts Through~~/Damage to Drainage Tile.**

Section 1114 Maintenance. The owner of property used for parking and/or loading shall maintain such area in good condition without holes free of all dust, trash, and other debris.

Section 1115 Lighting. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property.

Section 1116 Location of Parking Spaces. The following regulations shall govern the location of off-street parking spaces and areas:

1. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve;
2. Parking spaces for commercial, industrial, or institutional uses shall be located not more than seven hundred (700) feet from the principal use;
3. Parking spaces for any apartments or similar residential uses shall be located not more than three hundred (300) feet from the principal use.

Section 1117 Screening and Landscaping. Whenever a parking area is located in or adjacent to a residential district it shall be effectively screened on all sides which adjoin or face any property used for residential purposes, by an acceptable designed fence, or planting screen. Such fence or planting screen shall be not less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition. In the event that terrain or other natural features are such that the erection of such fence or planting screen will not serve the intended purpose, then no such fence or planting screen and landscaping shall be required.

Section 1119 Minimum Distance and Setbacks. No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit if located on an adjoining lot, unless separated by an acceptably designed screen. In no case shall any part of a parking area be closer than four (4) feet to any established road right-of-way.

Section 1120 Joint Use. Two (2) or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Zoning Officer shall be filed with the application for a zoning permit.

Section 1121 Wheel Blocks. Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

Section 1122 Width of Driveway Aisle. Driveways serving individual parking spaces shall not be less than twenty-five (25) feet wide for ninety (90) degree parking, twelve (12) feet

wide for parallel parking, seventeen and one-half (17.5) feet for sixty (60) degree parking and thirteen (13) feet for forty-five (45) degree parking.

Section 1130 Parking Space Requirements. For the purpose of this Resolution, the following parking space requirements shall apply:

TYPE OF USE	PARKING SPACES REQUIRED
Single family or two family dwelling.....	Two for each unit
Apartments, or multi-family dwellings.....	Two for each unit
Mobile homes.....	Two for each unit
Outdoor swimming pools, public or community or club	One for each 5 persons capacity plus one for each 4 seats or one for each 30 square feet of floor area used for seating purposes whichever is greater
Retail establishments	One for each 250 sq. ft. of floor area
Offices, public or professional, administrative or service buildings	One for each 400 sq. ft. of floor area
All other types of businesses or commercial uses permitted in any district.....	One for each 300 sq. ft. of floor area
Churches.....	One for each 5 seats
All types of manufacturing, storage, and wholesale uses	one for every 2 employees on the largest shift for which the building is designed

Section 1131 General Interpretations. In the interpretation of this Article, the following rules shall govern.

1. Parking spaces for other permitted or conditional uses not listed in this Article shall be determined by the Board of Zoning Appeals upon an appeal from a decision of the Zoning Officer.
2. Fractional numbers shall be increased to the next whole number.
3. When a reason for parking demand is unusually low, then the parking space provisions cited above may be reduced proportionately by the Board upon an appeal from a decision of the Zoning Officer.

ARTICLE XII SIGNS

Section 1200 Intent. The purpose of this Article is to promote and protect the public health, safety, and welfare by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and to protect the physical appearance of the Township.

Section 1201 Governmental Signs Excluded. For the purpose of this Resolution "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by law, ordinance, or governmental regulation.

Section 1202 General Requirements for all Signs and Districts. The regulations contained in this section shall apply to all signs and all use districts.

1. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there from to be directed or beamed upon a public thoroughfare so as to cause glare or reflection that may constitute a traffic hazard of nuisance;
2. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect, if any;
3. No sign shall be placed on the roof of any building;
4. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 1220 herein;
5. No sign except as provided in Section 1220, or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign;
6. No sign of any classification shall be installed, erected, or attached in any form, shape or manner to a fire escape or any door or window giving access to any fire escape;
7. All signs hung and erected shall be plainly marked with the name of the person, firm, or corporation responsible for maintaining the sign;

8. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Officer, proceed at once to put such sign in a safe and secure condition or remove the sign;
9. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.

Section 1203 Measurement of Sign Area. The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

Section 1210 Signs Permitted in all Districts not Requiring a Permit.

1. Signs advertising the sale, lease or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area on each side, except in all residential districts where the area of the sign shall not be more than eight (8) square feet on each side;
2. Professional name plates not to exceed two (2) feet by three (3) feet in area;
3. Signs denoting the name and address of the occupants of the premises, not to exceed four (4) square feet in area.

Section 1211 Signs Permitted in any District Requiring a Permit.

1. Signs or bulletin boards customarily incidental to places of worship, social clubs, or societies, which signs or bulletin boards shall not exceed fifteen (15) square feet in area and which shall be located on the premises of such institution.
2. Any sign advertising a commercial enterprise, including real estate developers or subdividers in a district zoned rural or residential shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

Section 1220 Temporary Signs. Temporary signs not exceeding thirty-two (32) square feet in area on each side, announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period and then not to exceed the term of the zoning permit or completion of construction, whichever comes first. Such temporary signs shall conform to

the general requirements listed in Section 1202 and have a minimum setback of ten (10) feet from the right-of-way line.

Section 1221 Political Signs. No political sign shall be posted in any place or in any manner that is destructive to property upon posting or removal. No political sign shall be placed in such a way to hinder traffic visibility (from any direction) and public safety.

Section 1240 Sign Setback Requirements. Except as modified in Sections 1243, on-premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least ten (10) feet. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district.

Section 1241 Increased Setback. For every square foot by which any on-premises sign exceeds fifty (50) square feet, the setback shall be increased by one-half (1/2) foot but need not exceed one hundred (100) feet.

Section 1243 Set-backs for Public and Quasipublic Signs. Real estate signs and bulletin boards for a church, school, or any other public, religious or educational institution, and may be erected not less than ten (10) feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.

Section 1244 Special Yard Provisions. On-premises signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on-premises signs shall not be erected or placed within twelve (12) feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than twelve (12) feet, the latter shall apply.

Section 1250 Limitation. For the purposes of this Resolution, wall signs and outdoor advertising off-premises (billboards) signs shall be prohibited in all districts.

Section 1260 Violations. In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Resolution, the Zoning Officer shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Resolution. Failure to comply shall be deemed a violation and shall be punishable under Section 350 of this Resolution.

ARTICLE XIII

MOBILE HOME PARKS AND MOBILE HOMES INDIVIDUALLY

Section 1300 Intent. It is the intent of this Article to regulate the location of, and to encourage, stabilize, and protect the development of well-planned manufactured or mobile home parks if one is proposed.

Section 1310 Approval Procedures. Manufactured or mobile home parks shall be permitted only as a conditional use in the B-2 Districts and shall be developed in according to the general standards and regulations stated and referenced in Article 13.

Section 1320 General Standards for Manufactured or Mobile Home Parks. The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed or expanded manufactured or mobile home park in terms of the following standards and shall find adequate evidence showing that the manufactured or mobile home park development:

- 1) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- 2) Will not be hazardous or detrimental to existing or future neighboring uses;
- 3) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal and schools; or that the persons or agencies responsible for the establishment of the proposed park shall be able to provide adequately any such services;
- 4) Will be consistent with the intent and purpose of this Resolution;
- 5) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets and roads;
- 6) Will not result in the destruction, loss, or damage of natural features of major importance;
- 7) Minimum size of mobile home park shall not be less than seven (7) acres.

Section 1330 Manufactured or Mobile Home Park Requirements. Manufactured or mobile home parks shall be developed in accordance with the requirements of Chapter 37-1-27 of the Ohio Sanitary Code adopted by the Public Health Council under the authority of the Ohio Revised Code Section 3733 and as amended.

Section 1340 Minimum Floor Area. Individual manufactured or mobile homes located within the park shall have a minimum floor area of eight hundred (800) square feet in the B-2 District using the accepted industry measurement standards.

Section 1341 Mobile Homes Individually. The following requirements shall apply to mobile home dwellings that are placed upon an individual lot in any district where conditionally permitted:

1. Individual mobile homes shall have using accepted industry measurement standards a minimum area of eight hundred (800) square feet in the B-2 District.
2. The mobile home's tongue(s), axle(s) and wheels shall be removed and the home shall be placed upon a permanent concrete foundation which is below the frost line and is in accordance with the County Auditor's current requirement for real estate tax purposes and which includes at least two (2) tie-down rings.
3. The mobile home shall be skirted entirely enclosing the bottom section, within one hundred sixty(160) days after its placement. Skirting shall be constructed of vinyl, aluminum, or other suitable material that is designed specifically for skirting
4. The mobile home shall be landscaped with lawn within one hundred sixty (160) days after is placement.
5. The mobile home shall: (1) not be increased in floor area by any means of construction except with a unit specifically designed and constructed by the mobile home manufacturer; (2) not be covered with an additional roof structure.
6. The mobile home lot shall have an accessory structure thereon with minimum dimensions of eight (8) by twelve (12) feet for storage purposes, not to include carports, awnings, or any other accessory structures It shall be located in the side or rear yard.

The Board of Zoning Appeals may set other conditions which it deems reasonable and appropriate.

This Resolution is hereby adopted on this _____ day of _____ 20____.

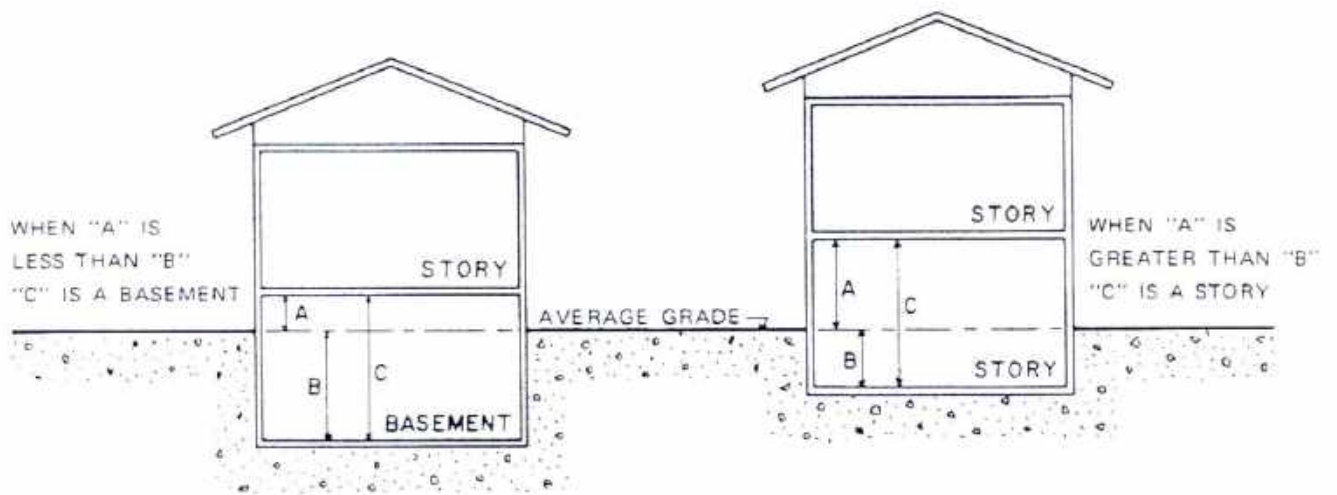
Chairman, Board of Township Trustees

Member, Board of Township Trustees

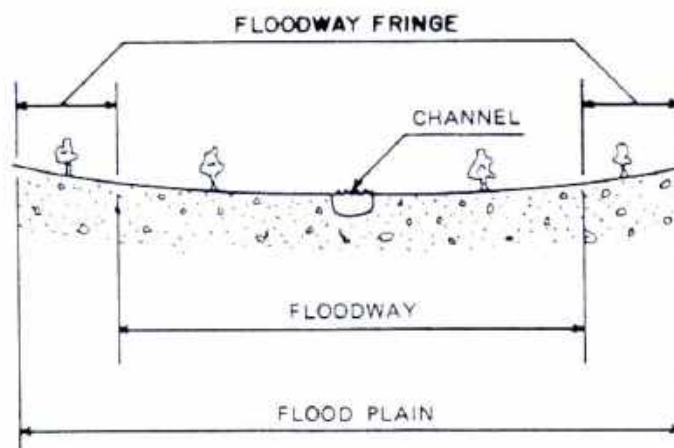
Member, Board of Township Trustees

Attest, Clerk Township Trustees

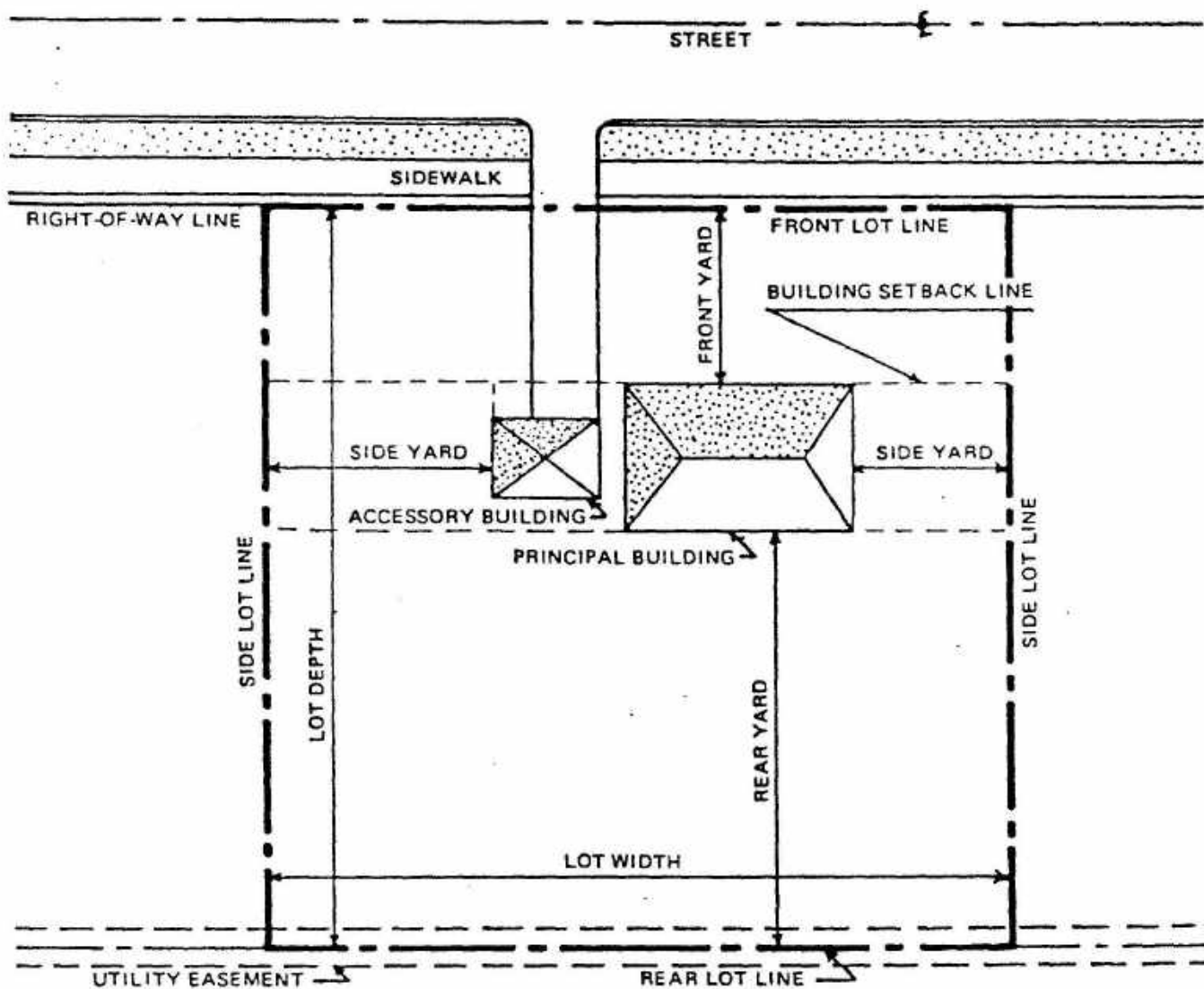




BASEMENT & STORY



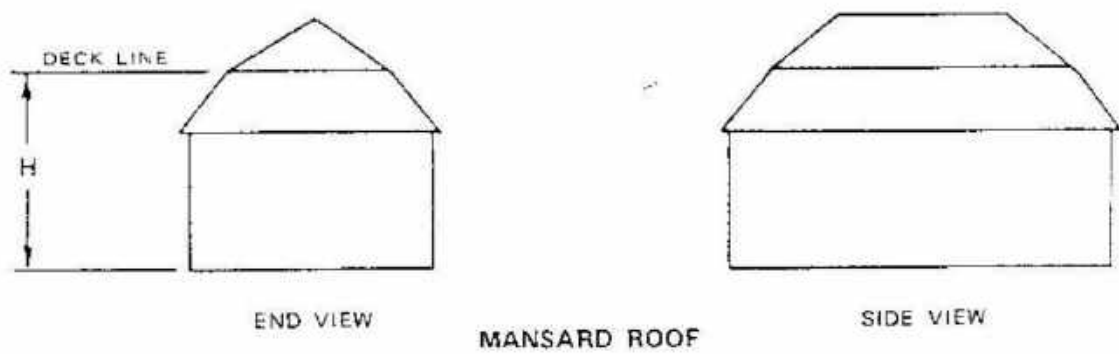
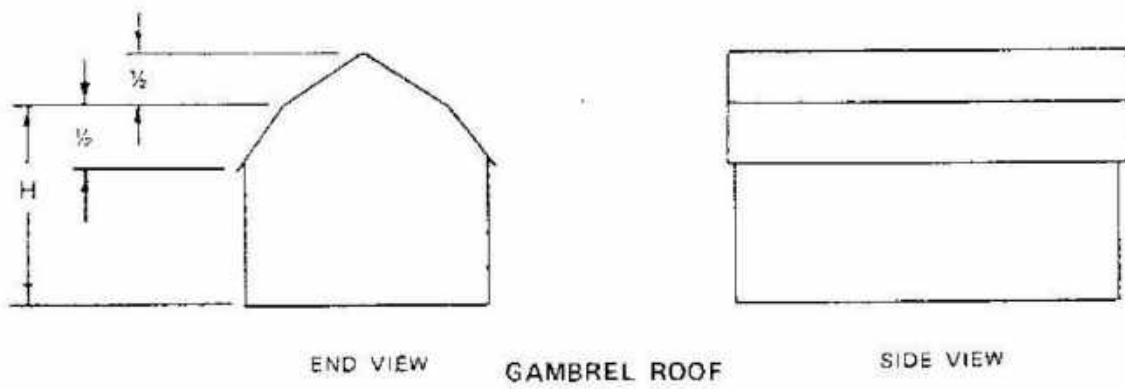
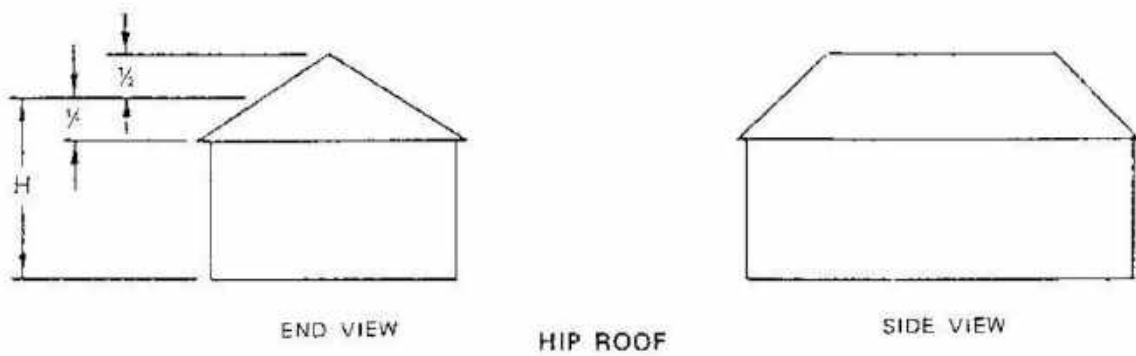
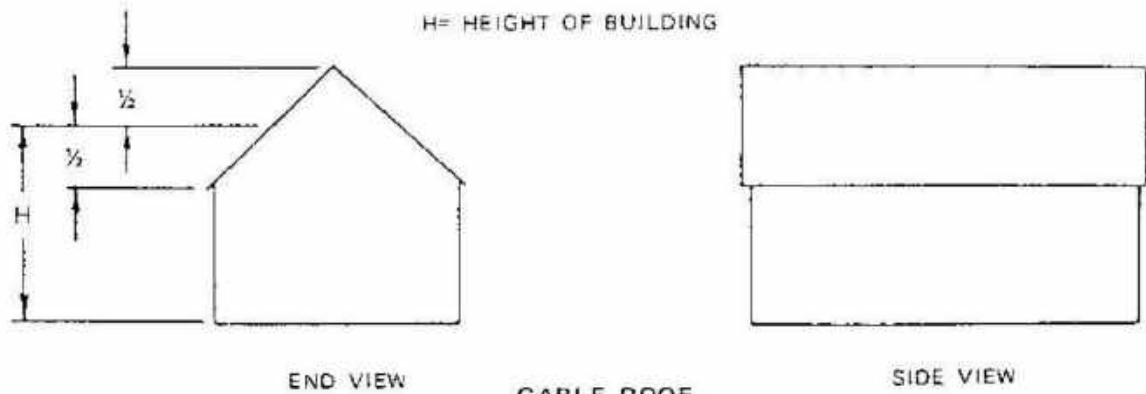
FLOOD PLAIN TERMS



LOT AREA= TOTAL HORIZONTAL AREA

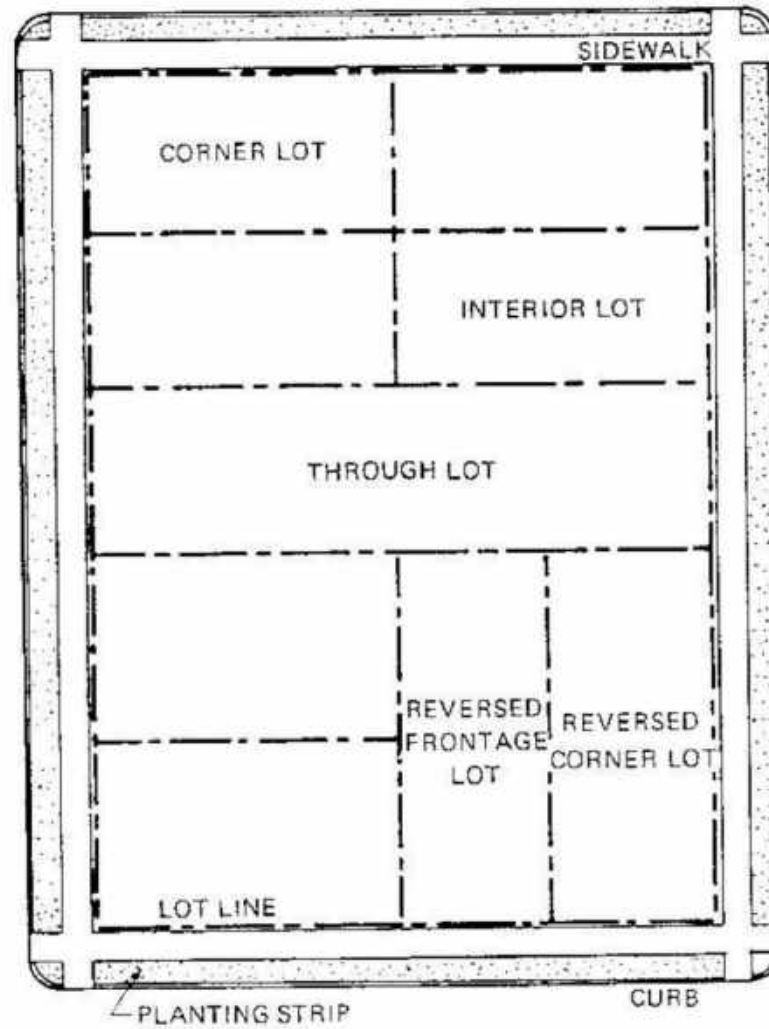
LOT COVERAGE= PER CENT OF LOT OCCUPIED
BY BUILDING

LOT TERMS



ROOF TYPES AND BUILDING HEIGHT

STREET



TYPES OF LOTS



Staff Report – Stokes Township Wolfe Island

Jurisdiction:	Stokes Township Zoning Commission c/o Sherry Wycoff 8973 Walnut Street Tecumseh Island Hunstville, OH 43324
Request:	<p>Most of Stokes Township is not zoned; only three areas are zoned. Each of these three areas have highly similar, but independent zoning resolutions. The three resolutions are the Avondale Allotments, Indian Isles, and <u>Wolfe Island</u>.</p> <p>Making the resolutions as similar as possible was the goal of the last set of Township updates in 2011/2012.</p> <p>The Zoning Commission initiated text amendments in October 2018. Although there are three applications to LUC, the amendments proposed are the same in each resolution.</p> <p>The amendment amends:</p> <ol style="list-style-type: none">1. Typos/Misspellings2. Section 101 Use of Land or Buildings for Agricultural Purposes Not Affected3. Article II Definition4. Section 301 Contents of Application for Zoning Permit5. Official Schedule of District Regulations & Section 1056 Boat Slips and Docks6. Section 1002 Private Swimming Pools7. Section 1003 Community or Club Swimming Pools8. Section 1009 Fences Walls and Hedges9. Section 1017 Exceptions to Height Regulations10. Section 1027 Erosion11. <i>Creates</i> Section 1028 Site Runoff12. Section 1060 Accessory Buildings13. Section 1061 Accessory Buildings14. Section 1065 Cuts Through/Damage to Drainage Tile15. Section 1113 Drainage16. <i>Adds</i> Appendix Drawings <p><u>This</u> report is a review of the <u>Wolfe Island</u> text.</p>
Location:	Stokes Township is in Logan County. <u>Wolfe Island</u> is on the south side of Indian Lake, north of the Village of Russells Point and Orchard Island.



Staff Report – Stokes Township Wolfe Island

Staff Analysis:	<p>The amendments proposed are a direct result of the Zoning Commission's conversations and studies, beginning back in May 2017. LUC staff attended the Zoning Commission's meetings, prepared a summary of the proposed text changes, and updated each resolution on the Zoning Commission's behalf. Please refer to the summary provided.</p> <p>Having worked with the Township on these amendments, Staff reminds the Township to proceed with care and caution in adding a new setback for accessory buildings and in removing exceptions from the height regulations. Those two changes could result in non-conformities.</p> <p>Staff does not recommend the change to Section 301, 2. The change could be interpreted literally to mean a survey is required with each zoning permit. Staff believes the Township will prefer discretion on requiring a survey for smaller buildings, like sheds. If the Zoning Inspector believes a surveyor's certification necessary to determine conformance with the Zoning Resolution, there is a catch-all provision in Section 301 enabling the Zoning Inspector to require "other matters as may be necessary to determine conformance".</p> <p>Prosecutor's Office</p> <p>A copy of this proposal was forwarded to the County Prosecutor's Office for further consideration and comment. Staff questioned whether the language in Section 301, which would require a survey for all zoning permits, might be better left unchanged. The Prosecutor's Office agreed, the language in Section 301, 2. should remain unchanged.</p>
Staff Recommendations:	<p>Staff recommends APPROVAL WITH MODIFICATIONS of the proposed zoning amendment.</p> <p>The recommended modification is below:</p> <ol style="list-style-type: none">1. Do not adopt the change to Section 301, 2.
Z&S Committee Recommendations:	

Date of Request.

October 16, 2018

Logan-Union-Champaign Regional Planning Commission
c/o Brad Bodenmiller
PO Box 219
East Liberty, OH 43319
bradbodenmiller@lucplanning.com

**RE: Zoning Text Amendment Application, Stokes Township, Logan County
 Zoning Resolution, Wolfe Island**

Dear LUC Regional Planning Commission Committee Members:

The Stokes Township Zoning Commission met on Tuesday, October 16, 2018. During the meeting, amendments to the Zoning Resolution for the Wolfe Island were initiated by motion of the Zoning Commission. The amendments propose alterations to the text of the Zoning Resolution.

Description of Zoning Text Amendments.

This proposal is a rewrite of the Zoning Resolution, impacting several pages and sections of the Zoning Resolution. A summary of the proposed zoning text changes is attached. Included with this cover letter, you will find a copy of the Zoning Resolution. Proposed changes are bolded and struck.

Please refer to these attachments for further information.

Public Hearing.

The Stokes Township Zoning Commission of Logan County, Ohio, will hold a public hearing concerning the proposed amendments at 7:30 PM on 11/12 2018, in the Stokes Twp Hall.

Point of Contact.

Please consider the Stokes Township's point of contact for this matter. My contact information is below:

Sherry L. W. Graft
8973 Walnut St.
Huntsville, OH 43324

Sincerely,

Sherry L. W. Graft



Logan-Union-Champaign regional planning commission

Zoning Text Amendment Checklist

Date: 10-16-2018

Township: Stokes - Wolfe Island

Amendment Title: Re-write. See attached sheets "Summary of proposed zoning text changes initiated by Stokes Twp Zoning Committee"

Notice: Incomplete Amendment requests **will not** be processed by our office. LUC Regional Planning Commission will return them to the requestor, stating the reason the amendment was not accepted.

Each Zoning Text Amendment change must be received in our office along with a cover letter, explaining the proposed zoning text change (s). All items listed below must be received **no later than 10 days** before the next scheduled LUC Regional Planning Commission Executive Board Meeting (second Thursday of every month). It is recommended that a person who is able to provide further information on the amendment attend the Zoning and Subdivision Committee meeting to answer any additional questions that may arise.

Required Item:	Completed by Requestor:	Received by LUC:
Cover Letter & Checklist	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date of Request (stated in cover letter)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Description of Zoning Text Amendment Change (s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date of Public Hearing (stated in cover letter)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Township Point of Contact and contact information for zoning amendment (stated in cover letter)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Attachment of Zoning Text Amendment with changes highlighted or bolded	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Copy of current zoning regulation, or section to be modified for comparison	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Non-LUC Member Fee, If applicable	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Additionally, after final adoption regarding this zoning text amendment, please provide LUC with a letter stating the results of the Trustees vote, along with a copy of the adopted language.

Please see reverse side for a timeline of the Township Zoning Amendment Process, per ORC 519.12

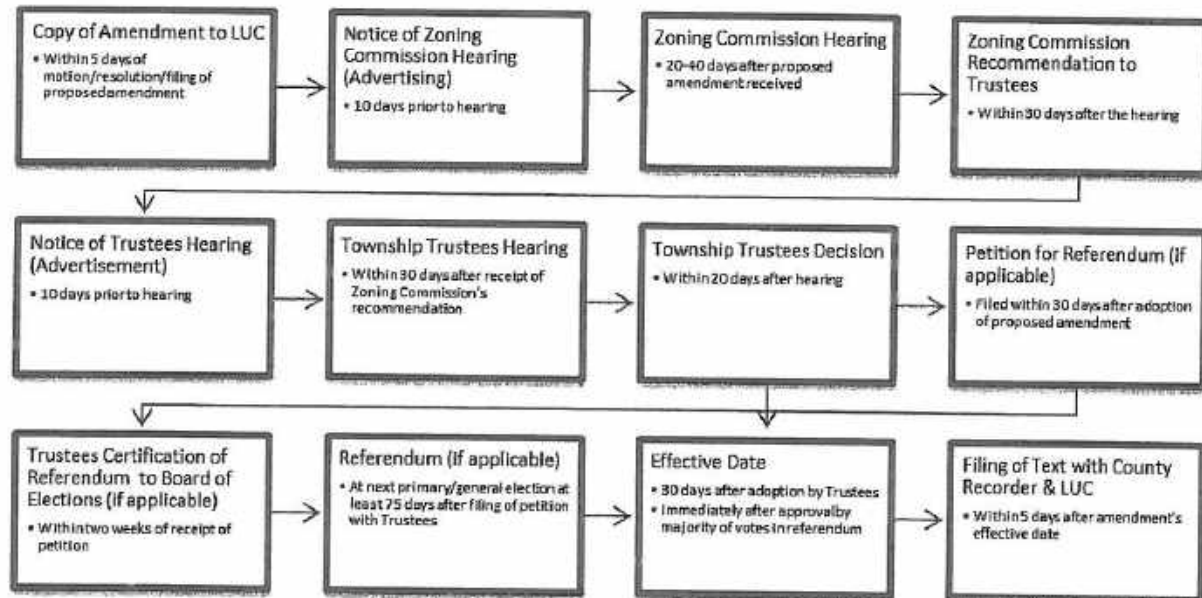
9676 E. Foundry St, PO Box 219
East Liberty, Ohio 43319

• Phone: 937-666-3431 • Fax: 937-666-6203
• Email: luc-rpc@lucplanning.com • Web: www.lucplanning.com



Logan-Union-Champaign regional planning commission

Township Zoning Amendment Process (ORC 519.12)



9676 E. Foundry St, PO Box 219
East Liberty, Ohio 43319

• Phone: 937-666-3431 • Fax: 937-666-6203
• Email: luc-rpc@lucplanning.com • Web: www.lucplanning.com

Summary of proposed Zoning Text changes initiated by Stokes Township Zoning Commission.

Avondale Zoning Resolution
Indian Isles Zoning Resolution
Wolfe Island Zoning Resolution
10-16-2018

Intent of this Summary.

This summary is for convenience only and is to be interpreted as a concise summary of proposed changes to the Zoning Resolutions of Avondale, Indian Isles, and Wolfe Island.

Correct Typos/Misspellings.

Correct misspelled word “factor” to “factory”. See definition of Dwelling, Manufactured Home, paragraph 1, last sentence.

Correct misspelled word, vehicle, See definition of Vehicle, Accessory.

Amend Section 101 Use of Land or Buildings for Agricultural Purposes Not Affected.

Section 101 Use of Land or Buildings for Agricultural Purposes Not Affected. ~~The uses of land or buildings for agricultural purposes are not affected by this Resolution and no zoning certificate shall be required for any such building or structure or use of land. Residential dwellings do require a permit however.~~ 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 this 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.

Amend “Building, Height” definition. This requires moving of the definition to the “H” section in order to be sorted properly in alphabetical order.

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.

Add new definition “Height, All Other Structures & All Building Appurtenances”.

Height, All Other Structures & All Building Appurtenances. The tallest point of all other structures and of all building appurtenances shall not be taller than the maximum building height specified in the Official Schedule of District Regulations. Said structures and appurtenances of buildings shall be measured from the average elevation of the proposed finished grade at the front to the tallest point of said structures and building appurtenances. The only exceptions to this requirement are specified in Section 1017.

Amend Section 301 Contents of Application for Zoning Permit.

Section 301 Contents of Application for Zoning Permit. The application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within six (6) months or substantially completed within one and one-half (1.5) years. At a minimum, the application shall contain the following information.

1. Name, address, and telephone number of the applicant;
2. Legal description of the property (survey ~~and~~ ~~and/or~~ deed);
3. Existing use;
4. Proposed use;
5. Zoning district;
6. Plans in duplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any, and the location and dimensions of the proposed building(s) or alteration;
7. Building heights
8. Number of off-street parking spaces or loading berths;
9. Number of dwelling units;

10. Total percentage of lot to be occupied;

11. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Resolution.

Amend Official Schedule of District Regulations.

The columns on Official Schedule of District Regulations under “MINIMUM LOT SIZE” are confusing. The rows and corresponding figures in each cell need to line-up correctly. Solution proposed is to: 1) Split the cells into rows under the existing columns for minimum lot size and frontage; and, 2) Indicate which cells apply to multi-family *only*.

Under Column 21 add note with phrase “-Boat slips/docks: See §1015/1056.”

Height changes proposed require clarification on the Official Schedule of District Regulations. Maximum height as it reads seems to only apply to buildings in Column 9/10. The Column header should read “buildings and structures”.

Amend resolutions to include increased setback for accessory buildings.

Increase setback from front property line for accessory buildings to 20 feet, except boat docks. This will require an amendment to the Official Schedule of District Regulations and a language change to Section 1056 Boat Slips and Docks.

Amend Section 1002 Private Swimming Pools.

Section 1002 Private Swimming Pools. A private swimming pool, not including farm ponds, shall be any pool, lake, or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than twenty four (24) inches. No such swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet shall be allowed in any residential district, except as an accessory use and unless it complies with the following conditions and requirements:

- 1) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located;
- 2) It shall not be located closer than ten (10) feet to the property line of the property on which it is located.
- 3) The swimming pool or the entire property on which it is located shall be walled or fenced to prevent uncontrolled access by ~~children from adjacent properties~~ **unauthorized persons**. Said fence or wall shall be not less than ~~six (6)~~ **four (4)** feet in height and maintained in good condition with a gate and lock. Fences shall not be required on the lake side of pool provided the remaining three sides of pool or property are fenced to the water's edge.

Amend Section 1003 Community or Club Swimming Pools.

Section 1003 Community or Club Swimming Pools. Community and club swimming pools are permitted in any commercial or residential district, but shall comply with the following conditions and requirements:

- 1) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;
- 2) The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line;
- 3) The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by ~~children from the thoroughfare or adjacent properties~~ **unauthorized persons**. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition.

Amend Section 1009 to read:

“Section 1009 Fences Walls and Hedges. Fences, walls and hedges are permitted in all districts, subject to the following conditions: Fences shall be permitted in any yard. Walls shall not be located in the front yard. Furthermore, no wall shall project past the front building line of any principally permitted or conditionally permitted structure. Hedges may be permitted in the required front yard. If no structure exists on said residential property, no fence, wall, or hedge may project past the front building line of the average of the adjacent properties or the minimum front yard setback, whichever is greater. No fence, wall, or hedge shall be closer than (3) feet to any right-of-way line. Fences, walls, and hedges shall not exceed ~~(3-1/2)~~ **four (4)** feet in height in all yards. Fences shall not contain an electric charge. Barbed wire shall be prohibited on any fence. No fence, wall, or

hedge shall violate the sight distance requirements found in **Section 1012**. Fences shall be located within the applicant's property line. The sharing of any fence with any adjoining property owner shall be agreed upon in writing by both property owners and shall accompany the zoning permit application. Posts are to be placed on the applicant's side of any fence erected or installed. In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of ~~(3)~~ **four (4)** feet, and no hedge or vegetation shall be permitted which materially impedes vision across such yard between the height of ~~(3)~~ **four (4)** feet and (10) feet. No fences or hedges shall be constructed on any property line. Wire type farm fence shall not be permitted. Chain link, ornamental rail or various types not over three horizontal rails, wood weave with more open area than closed area to allow light passage, or similar fence may be used. A zoning permit is required from the Zoning Officer for the erection or installation of all fences and walls.

Note: Fence height to be measured from ground up.

Replace Section 1017 Exceptions to Height Regulations.

~~**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 1017 Exceptions to Height Regulations. Other than a chimney, no portion of a building shall be higher than the height limitations contained in the Official Schedule of District Regulations except where the height of such chimney will constitute a hazard.

Amend Section 1027 Erosion.

Section 1027 Erosion. No erosion, by either wind or water, shall be permitted which will carry objectionable substance onto neighboring properties. **Refer to the Logan County Engineer for site-specific requirements.**

Create Section 1028 Site Runoff.

Section 1028 Site Runoff.

Site runoff from gutters, downspouts, roof or area drains shall not be conducted to cause a nuisance either through standing water or accumulation of excessive runoff to neighboring properties.

Site runoff shall be managed by a combination of proper grading away from all structures to a point of convenient discharge such as the lake or storm swale. Runoff from gutters, downspouts and area drains shall be conducted via properly graded swales or a 4" minimum PVC drain tile to the lake or an adjacent storm drain.

Amend Section 1060 Accessory Buildings.

Section 1060 Foundations. No building ~~between 0 and 100~~ over 200 square feet shall be erected or located except on a foundation of gravel, asphalt, concrete or footings. ~~No building greater than 100 square feet shall be erected or located except on a continuous foundation of concrete.~~ Any building or structure 200 square feet and over shall have a footing installed and inspected in accordance with county building regulations.

Amend Section 1061 Accessory Buildings.

Section 1061 Accessory Buildings. No Accessory Building or Structure (such as a garage) as defined in **Article II DEFINITIONS**, shall be built, constructed or placed on a lot unless such accessory building or structure is on the same lot or on an ~~adjacent~~ adjoining lot with and of a nature customarily incidental and subordinate to the primary structure, as defined in **Article VIII ESTABLISHMENT AND PURPOSE OF DISTRICTS** and **Article IX DISTRICT REGULATIONS, R-2 MEDIUM DENSITY RESIDENTIAL AND B-2 SERVICE BUSINESS DISTRICT.**

Amend Section 1065.

Section 1065 ~~Cuts Through/Damage to Drainage Tile.~~ In locations where the ~~footer/footing~~ of new construction ~~cuts/damages~~ a drainage tile, ~~this cut tile/the damaged tile~~ shall be replaced or repaired by the builder in order that proper drainage will be continued. **Furthermore, no change shall violate Section 1028 Site Runoff or Section 1113 Drainage.**

Amend Section 1113 Drainage.

Section 1113 Drainage. All parking loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways. **Furthermore, no change shall violate Section 1028 Site Runoff or Section 1065 ~~Cuts Through~~/Damage to Drainage Tile.**

Add all former drawings to the Appendix.

Add all former drawings to the Appendix. This includes Basement & Story, Flood Plain Terms, Lot Terms, Roof Types and Building Height, Types of Lots.

Add average grade drawing from Upper Arlington to the Appendix.

Add average grade drawing from Upper Arlington to the Appendix.

ZONING RESOLUTION

Stokes Township, Wolfe Island

Certified by Board of Elections: 11/20/2012

Effective: 11/20/2012

Amended: _____

QUICK REFERENCE GUIDE TO MORE COMMON ZONING SITUATIONS

Section	1016	Architectural Projections	57
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PREAMBLE

A RESOLUTION OF WOLFE ISLAND, TOWNSHIP OF STOKES, LOGAN COUNTY, OHIO ENACTED IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND THE PROVISION OF CHAPTER 519, OHIO REVISED CODE, DIVIDING THE TOWNSHIP INTO ZONES AND DISTRICTS, ENCOURAGING, REGULATING AND RESTRICTING THEREIN THE LOCATION, CONSTRUCTION, RECONSTRUCTION, ALTERATION AND USE OF STRUCTURES AND LAND; PROMOTING THE ORDERLY DEVELOPMENT OF RESIDENTIAL, BUSINESS, INDUSTRIAL, RECREATIONAL, AND PUBLIC AREAS, PROVIDING FOR ADEQUATE LIGHT, AIR, AND CONVENIENCE OF ACCESS TO PROPERTY BY REGULATING THE USE OF LAND AND BUILDINGS AND THE BULK OF STRUCTURES IN RELATIONSHIP TO SURROUNDING PROPERTIES; LIMITING CONGESTION IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING THE COMPATIBILITY OF DIFFERENT LAND USES AND THE MOST APPROPRIATE USE OF LAND; PROVIDING FOR THE ADMINISTRATION OF THIS RESOLUTION AS PROVIDED HEREAFTER, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THIS RESOLUTION OR ANY AMENDMENT THERETO. ALL FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE AND FOR THE REPEAL THEREOF.

THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWNSHIP OF STOKES, LOGAN COUNTY, OHIO.

ARTICLE I TITLE, INTERPRETATION AND ENACTMENT

Section 100 Title. This Resolution shall be known and may be cited to as the "Zoning Resolution of *Wolfe Island, Stokes Township*, Logan County, Ohio."

Section 101 Use of Land or Buildings for Agricultural Purposes Not Affected. ~~The uses of land or buildings for agricultural purposes are not affected by this Resolution and no zoning certificate shall be required for any such building or structure or use of land. Residential dwellings do require a permit however.~~ 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 this 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.

Section 110 Provisions of Resolution Declared to be the Minimum Requirements. In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulations, resolutions or deed restrictions, the most restrictive, or that imposing the higher standards shall govern.

Section 120 Separability Clause. Should any section or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 130 Replacement of Existing Resolutions, Effective Date.

All Resolutions or parts of Resolutions in conflict with this Zoning Resolution or inconsistent with the provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect. This Resolution shall become effective from and after the date of its approval and adoption, as provided by law.

ARTICLE II DEFINITIONS

Interpretation of Terms or Words: For the purpose of this Resolution, certain terms or words used herein shall be interpreted as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
4. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
5. The word "lot" includes the words "plot" or "parcel."

Terms not defined. Where terms not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context applies.

Access Management. The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed.

Accessory Use or Structure. A use or structure (such as a garage) on the same lot with, and of a nature customarily incidental and subordinate to, the ***building or primary structure.***

Acre. A measure of land area. One (1) acre shall equal forty-three thousand, five hundred sixty (43,560) square feet.

Adult Entertainment Facilities. A facility having a significant portion of its function as adult entertainment which includes the following listed categories:

1. **Adult Bookstore.** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" as herein defined or an establishment with a segment or section devoted to the sale or display of such material.
2. **Adult Booth.** Any area of a sexually oriented business establishment or tattoo parlor set off from the remainder of such establishment by one or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate any adult

materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of “specified anatomical areas” or the conduct or simulation of “specified sexual activities.”

3. **Adult Material.** Any of the following, whether new or used:
 - a. Books, magazines, periodicals, or other printed matter, or digitally stored materials that are distinguished or characterized by an emphasis on the exposure, depiction, or description of “specified anatomical areas” or the conduct or simulation of “specified sexual activities.”
 - b. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of “specified anatomical areas” or the conduct or simulation of “specified sexual activities.”
 - c. Instruments, novelties, devices, or paraphernalia that are designed for use in connection with “specified sexual activities” or that depict or describe “specified anatomical areas.”
4. **Adult Mini Motion Picture Theatre.** A facility with a capacity for less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” for observation by patrons therein.
5. **Adult Motion Picture Theatre.** A facility with a capacity of fifty (50) or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” for observation by patrons therein.
6. **Adult Entertainment Business.** Any establishment involved in the sale or services or products characterized by the exposure or presentation of “specified anatomical areas” or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.

Agriculture. "Agriculture" includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and furbearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber, pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

Airport. A tract of land designated and set aside for the landing and take-off of commercial and/or non-commercial aircraft, for the discharge or receiving of cargo and/or passengers, or for the repair, fueling, or storage of aircraft; and which contains facilities for aircraft including specifically a paved strip on which airplanes land and take-off. A airport shall not be construed to be a private landing field as defined herein.

Alley. Any public way or thoroughfare less than twenty (20) feet in width, which has been dedicated to the public or public use.

Alterations, Structural. Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

Animal Feed Lot. A paved animal feeding or holding area or other lot, pen, yard, or other feeding or holding area where grass or other suitable vegetative cover is not maintained.

Apartment. A portion of a building comprising a single dwelling unit consisting of a room or suite of rooms intended, designed, or used as a permanent residence by an individual or one (1) family.

Automotive Repair. The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision services, painting, and steam cleaning of vehicles.

Automotive Service Station. That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel are stored and dispensed from fixed equipment into fuel tanks of motor vehicles. Accessory activities shall be permitted to include automotive repair and maintenance, car wash service, and food sales.

Automotive Vehicle. A vehicle which is designed and manufactured to be self-propelling or self moving upon the public highway. More specifically, as referred to in this Resolution, it includes: automobiles, trucks, tractors, and motorcycles.

Aviation Field (Private). Any privately owned and operated F.A.A. (Federal Aviation Administration) approved runway, landing area or other facility designed, used, or intended to be used for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage facilities and tie-down areas, hangars and other necessary buildings and open spaces.

Basement. A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

Bed and Breakfast Facilities. Single-family dwellings offering room and board without individual kitchen facilities for up to five (5) persons who are transient.

Breezeway. A roofed structure, with or without enclosing walls, connecting an accessory structure to the principal building.

Building. Any structure designed or intended for the support, enclosure shelter, or protection of persons, animals, chattels, or property.

Building, Accessory. A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use. The accessory building may be partially opened or fully enclosed in which animals, chattels, or property are stored or kept.

Building Line. See setback line.

Building, Principal also Principal Structure. A building in which the use is the main or principal use of the lot on which said building is situated. In any residential district, the Principal Building shall be the residential home/structure on the lot on which said building is situated.

Business, Convenience-Type Retail. Retail businesses whose market area is the neighborhood or part of the community, which provides convenience-type goods and personal services for the daily needs of the people within the residential area. Uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry facilities, supermarkets, etc.

Business, Drive-in. Any business, structure, or premise which is designed primarily to serve occupants of motor vehicles without the occupants having to leave the vehicle.

Business, Service. Any profit making activity which renders primarily services to the public or to other commercial or industrial enterprises. Some retail sales may be involved in connection with the service rendered.

Business, Shopping-Type Retail. A retail or service business which supplies a wide variety of comparison goods and services to consumers in a market area that includes the community or an area greater than a community. Examples of shopping-type businesses are furniture stores, automobile sales and services, and clothing shops.

Camp Operator. The operator of a recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp.

Campsite User. A person who enters into a campsite use agreement with the camp operator for the use of a campsite at a recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp.

Campground, Commerical or Private. An area of land providing space for or containing two (2) or more recreational vehicles, camping tents, or other similar temporary recreational structures, where they may be parked or erected for a continuous period of time not exceeding sixty (60) days. Campgrounds shall include any building, structure, tent, vehicle, or enclosure, used or intended for use as part of the equipment of such campground, and providing sewer, water, electric, or other similar facilities required to permit occupancy of such recreational vehicles or camping tents.

Cemetery. Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes.

Channel. A natural or artificial watercourse of perceptible extent with bed and banks to confine and conduct continuously or periodically flowing water.

Chassis. The steel undercarriage, supporting framework to which a dwelling is permanently attached.

Child Day Care. Care provided for any part of the twenty-four hour day for infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians or relatives by blood, marriage, or adoption, in a place or residence other than the child's own home. Places of worship during religious services are not included.

Clinic. A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with room or board or kept overnight on the premises.

Club. A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, fraternal, or recreational purpose primarily for the exclusive use of members and their guests.

Combined Park-Camp. Any tract of land upon which a combination of five (5) or more self-contained recreational vehicles or portable camping units are placed and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the park facilities. A tract of land that is subdivided for lease or other contract of the individual lots is a combined park-camp if a combination of five (5) or more recreational vehicles or portable camping units are placed on it for recreation or vacation purposes. Combined park-camp does not include any tract of land used solely as a temporary park-camp or solely as a manufactured home park.

Commercial Recreation Establishment. Any private, public, or semi-public recreation or amusement facility which is located within an enclosed building or structure and is operated for profit, such as videogame arcades, pinball arcades, or other types of amusement game arcades; tennis or racquetball clubs; bowling alleys, skating rinks, or billiard halls; but not including indoor motion picture theatres.

Common Access Driveway. A common access driveway (CAD) is a privately constructed, privately owned, and privately maintained driveway within an ingress/egress easement serving more than one lot (or parcel) but not more than five lots (or parcels), properly installed in accordance with the requirements of the Logan County Engineer and for which Logan County and the Township accept no responsibility for maintenance, dispute, or liability either initially or at any time in the future. A common access drive provides an alternative to construction of public or private streets for accessing small numbers of lots and reduces the number of driveways along public roads. All lots as part of a Common Access Driveway shall have the required road frontage (see Official Schedule of District Regulations). Lots not meeting the required road frontage shall be required to obtain a variance from the Township Board of Zoning Appeals.

Community Facilities. Structures and uses intended to be of a cultural, educational, recreational, administrative, or service type which provides for areas of public purposes in higher density residential developments.

Comprehensive Development Plan. A plan or any portion thereof, adopted by the Regional Planning Commission and the Board of County Commissioners showing the general location and extent of present and proposed physical facilities including housing, industrial, and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

Conditional Use. A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the Official Schedule of District Regulations.

Conditional Use Permit. A permit issued by the Zoning Officer upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

Construction Trailer. A temporary building or trailer used in conjunction with construction work that only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. **A construction trailer shall not be used as a residential dwelling.**

Corner Lot. See Lot Types.

Deed Restriction. A legal restriction, not enforceable by zoning, on the use of land, contained in the deed to the property.

Density. A unit of measurement; the number of dwelling units per acre of land.

1. **Gross Density.** The number of dwelling units per acre of the total land to be developed.
2. **Net Density.** The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

Dependent recreational vehicle. A recreational vehicle other than a self-contained recreational vehicle. Dependent recreational vehicle includes a park model.

Detached. Not connected in any manner by walls or other structural supports.

Dwelling. Any building or structure which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

Dwelling Unit. Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

Dwelling, Single-Family. A single dwelling unit only, separated from other dwelling units by open space. Detached, individual dwelling units, which accommodate one family living as one housekeeping unit. The type of construction of such units shall conform to the applicable building code, or be classified as an Industrialized Unit under the Ohio Basic Building Code, or conform to the Ohio Revised Code [ORC 519.212] definition of permanently-sited manufactured housing, as follows:

Permanently-Sited Manufactured Housing must:

- a. Be constructed pursuant to the HUD Code (Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.A. 88 stat.700, 5401 and 5403) after January 1, 1995;
- b. Have a permanent label or tag attached to it as specified in 42 U.S.C.A. 5415, certifying compliance with all federal construction and safety standards;
- c. Be attached to a permanent frost-free foundation meaning permanent masonry, concrete, or a locally approved footing or foundation (slab, crawl space foundation or full. foundation), and connected to appropriate utilities;

- d. Excluding any additions, have a width of at least twenty two (22) feet and a length of at least twenty two (22) feet, as manufactured;
- e. Have a total living area of one thousand two hundred (1,200) square feet in a U-1 or R-1 District, eight hundred (800) square feet in an R-2 District, six hundred and seventy five (675) square feet in a R-3 District, excluding garages, porches, basements, or attachments;
- f. Have conventional residential siding (i.e. lap, clapboard, shake, masonry, vertical natural materials), a six (6) inch minimum eave overhang, and a minimum "A" roof pitch of 3:12;
- g. Have removed its indicia of mobility (temporary axles, trailer tongue, running lights) upon placement upon its foundation;
- h. Meet all applicable zoning requirements uniformly imposed on all single-family dwellings in the particular district (excepting contrary requirements for minimum roof pitch and requirements that do not comply with HUD code standards for manufactured housing);
- i. And, is not located in a manufactured home park as defined by ORC 3733.01.
- j. Permanently sited manufactured housing having a HUD tag is to be considered stick built.

Dwelling, Multi-Family. A dwelling, except (Housing) Manufactured, consisting of two or more dwelling units including condominiums with varying arrangements of entrances and party walls.

Dwelling, Manufactured Home. A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the Federal Construction and Safety Standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable Federal construction and safety standards. This category does not include the sub-assembly methods of construction known as pre-fab or pre-cut, in which cases some portion of the preparation or sub-assembly may be done at the ~~factor~~ **factory** but not erected at the foundation site.

- (a) **Modular Unit.** A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site. The term is intended to apply to major assemblies and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements which are to be incorporated into a structure at the site.
- (b) **Sectional Unit.** A dwelling made of two or more modular units transported to the home site, put on a foundation, and joined to make a single dwelling.

Dwelling, Mobile Home. A non self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility, built on a permanent movable chassis which is eight (8) feet or more in width and more than thirty five (35) feet in length, which when erected on site is three hundred and twenty (320) or more square feet, that is transportable in one or more sections and which does not qualify as a manufactured home or industrialized unit as defined herein.

- (a) **Mobile Home, Double-Wide or Triple-Wide:** A mobile home consisting respectively of two or three sections combined horizontally at the site to form a single dwelling, while still retaining their individual chassis for possible future movement.
- (b) **Mobile Home, Expandable.** A mobile home with one or more room sections that fold, collapse, or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living area.
- (c) **Industrialized Unit.** A building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized Unit," includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized Unit" does not include a manufactured or mobile home as defined herein.

Dwelling, Stick-built. A way of describing any structure built from boards of lumber and other building materials, in which a substantial amount of the required material and construction labor are brought together in final form at the foundation site.

STATEMENT OF INTENT FOR DWELLING (HOUSING), MANUFACTURED DEFINITION

Because terms for manufactured housing such as those listed in the above definition titled Dwelling, (Housing) Manufactured tend to change over the years, the purpose and intent of the definition is to draw a distinction between dwellings that are produced and erected in assembly line style at the factory, from those stick-built dwellings (see definition of Stick-built) in which a substantial amount of material and construction labor are brought together in final form at the foundation site. The above explanation is the spirit in which any future interpretation shall be made from this section, no matter what terms for manufactured housing are in vogue at any given time.

This category does not include the sub-assembly methods of construction known as pre-fab or pre-cut, in which cases some portion of the preparation or sub-assembly may be done at the factory but not erected until at the foundation site.

Dwelling, Rooming House (Boarding House, Lodging House Dormitory).

A dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

Easement. Authorization by a property owner for the use by another, and for specified purpose, of any designated part of his property.

Essential Services. The erection, construction, alteration or maintenance, by public utilities, municipal or other governmental agencies, of underground gas, electrical, water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities, municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

Family. One or more related persons occupying a single dwelling unit.

Farm. A farm is an area of land on which at least \$2,500 gross sales from agriculture products was produced and thus must meet the following Current Agricultural Use Value (CAUV) standards: All farms larger than ten (10) acres qualify for CAUV if they have been devoted exclusively to "commercial" agricultural use for the past three (3) years. Farms smaller than ten (10) acres are eligible if the average yearly gross farm income for the past three (3) years is at least \$2,500 from "commercial" agricultural production. See Section 5713.30(A) of the Ohio Revised Code for further explanation.

Farm Market. A building or structure designed or used or intended to be used for the display and/or sale of produce, raised on farms owned or operated by the farm market operator.

Fence. An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas, excluding agricultural fences.

Flood or Flooding. A general or temporary condition of partial or complete inundation of normally dry land areas from any of the following: the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source, or mudslides that are proximately caused by flooding as defined in this section and that are akin to a river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. In addition, a flood or flooding can included the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining that is caused by waves or currents

of water exceeding anticipated cyclical levels or that is suddenly caused by an unusually high water level in a natural body of water, and that is accompanied by a severe storm, by an unanticipated force of some nature, such as a flash flood, by an abnormal tidal surge, or by some similarly unusual and unforeseeable event, that results in flooding as defined in this section.

Flood Plain. That land, including the flood fringe and the floodway subject to inundation by the regional flood. This also includes any area adjoining any river, stream, watercourse, or lake that has been or may be covered by flood water.

Flood, Regional. Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred (100) year recurrence interval flood.

Floodway. That portion of the flood plain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

Floodway Fringe. That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

Floor Area of a Residential Building. The sum of the gross horizontal area or the several floors of a residential building, excluding basement floor areas not devoted to residential use and attached garages, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

Floor Area of a Non-Residential Building (To be used in calculating parking requirements). The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts, and rooms.

Floor Area, Livable. The livable floor area in square feet of existing or proposed buildings or structures or additions thereto shall be computed by multiplying the outside horizontal dimensions with each floor of the livable area. Porches, carports, and similar structures shall not be considered in computing the total livable area.

Floor Area, Useable. Measurement of usable floor area shall be the sum of the horizontal areas of the several areas of the building, measured from the interior faces of the exterior walls.

Food Processing. The preparation, storage or processing of food products. Examples of these activities include bakeries, dairies, canneries, meat processing plants and similar activities.

Foundation, Permanent. Permanent perimeter masonry, concrete, or a locally approved footing or foundation to which a dwelling may be affixed.

Gasoline Service Station. Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail.

Hazardous Wastes. Those substances which, singly or in combination, pose a significant present or potential threat or hazard to human health or to the environment, and which, singly or in combination, require special handling, processing, or disposal, because they are or may be flammable, explosive, reactive, corrosive, toxic, infectious, carcinogenic, bioconcentrative, or persistent in nature, potentially lethal, or an irritant or strong sensitizer.

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.

Height, All Other Structures & All Building Appurtenances. The tallest point of all other structures and of all building appurtenances shall not be taller than the maximum building height specified in the Official Schedule of District Regulations. Said structures and appurtenances of buildings shall be measured from the average elevation of the proposed finished grade at the front to the tallest point of said structures and building appurtenances. The only exceptions to this requirement are specified in Section 1017.

Home Occupation. An occupation conducted in a dwelling unit, provided that: No more than one person other than members of the family residing on the premises shall be engaged in such occupation. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than thirty-five (35%) percent of floor area of the dwelling unit shall be used in the conduct of the home occupation. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, nor exceeding four (4) square feet in area, non-illuminated and mounted flat against the wall of the principal building. No traffic shall be generated by such occupation in greater volume than would normally be expected in such a residential area and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution. No home occupation shall be conducted in any accessory building.

Junk. "Junk" means old scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, junked, dismantled, or wrecked automobiles or parts thereof; iron, steel, and other old or scrap ferrous or non-ferrous materials.

Junk Yard. "Junk Yard" means an establishment or place of business which is maintained or operated, or any other land used, for the purpose of storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. It shall also include scrap metal processing facilities which are located within one thousand (1,000) feet of the nearest edge of the right-of-way of a highway or street.

Kennel. Any lot or premise on which dogs, cats, or other household pets are boarded, bred or exchanged for monetary compensation.

Lake. A body of fresh water of considerable size, surrounded by land.

Litter. Garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, or anything else of an unsightly or unsanitary nature thrown, dropped, discarded, placed, or deposited by a person on public property, private property, or in or on waters of the state.

Loading Space, Off-Street. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

Lot. For purposes of this Resolution, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area for one principal building together with its accessory building and which provides such yards and other open spaces are herein required. Such lot shall have frontage on an improved public street or road, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
4. In no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this Resolution.

Lot Coverage. The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

Lot Frontage. The front of a lot shall be construed to be the portion at the street or road right-of-way line, except for lakefront properties, where the portion of the lot along the water shall be considered the frontage. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to street or road right-of-way lines shall be considered frontage, and yards shall be provided as indicated under "Yard" in this section. (Also, see Lot Measurements, Width.)

Lot, Minimum Area of. The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street or road (See the Official Schedule of District Regulations).

Lot Measurements. A lot shall conform to the following:

1. **Depth.** No lot containing ten (10) acres or less shall have an average depth that is more than four (4) times its width measured at the road right-of-way line. For the purposes of this requirement the average depth shall be the distance between the mid-point of a straight line connecting the foremost points of each side lot line at the front and the mid-point of a straight line connecting the rearmost points of the rear lot line.
2. **Width.** The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the street or road right-of-way line, except on cul-de-sac streets (roads) where it is measured at the setback line. (Also, see Lot Frontage.). For lots containing ten (10) acres or less in area, the actual distance between the side lot lines at any point along the lot depth cannot be less than eighty (80%) percent of the required Lot Frontage. For lots containing more than ten (10) acres, said lot shall comply with road frontage requirements.

Lot of Record. A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types. Terminology used in this Resolution with reference to corner lots, interior lots, and through lots is as follows:

1. **Corner Lot.** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
2. **Interior Lot.** A lot with only one frontage on a street.
3. **Through Lot.** A lot other than a corner lot with frontage on more than one street or road. Through lots abutting two streets or roads may be referred to as double frontage lots.

4. **Reversed Frontage Lot.** A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

Manufactured or Mobile Home Park. Any tract of land upon which three (3) or more manufactured or mobile homes uses for habitation are located, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and on which the individual lots are not for rent or rented, but are for sale or sold for the purpose of locating manufactured or mobile homes is not a manufactured home park unless three (3) or more manufactured or mobile homes used for habitation are located upon any one (1) individual lot. “Manufactured home park” does not include any tract of land used solely for the storage or display for sale of manufactured or mobile homes or solely as a temporary park-camp.

Manufacturing, Heavy. Manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, dust, glare, air pollution, odor, but not beyond the district boundary to any large extent.

Manufacturing, Light. Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor or dust; operate and store within enclosed structures; and generate little industrial traffic and no major nuisances.

Mineral Extraction. Any mining, quarrying or processing of limestone, clay, sand and gravel, natural gas, oil, or other mineral resources.

Mining, Commercial Quarries, Sand and Gravel Pits. Any mining, quarrying or processing of limestone, clay, sand and gravel or other mineral resources. Also referred to as mineral extraction.

Mobile Home. A building unit or assembly of closed construction that is fabricated in an off-site facility, that is more than thirty-five (35) body feet in length or, when erected on site, is three hundred twenty (320) or more square feet, that is built on a permanent chassis and transportable in one or more sections, and that does not qualify as a manufactured home or as an industrialized unit.

Motel or Hotel. A series of attached, semi-detached, or detached sleeping or living units, for the accommodation primarily of automobile transient guests, having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants and including also such accessory commercial uses operated primarily for the convenience of guests and

subject to such restrictions as may be specified in the district where located. Also, see transient lodging.

Motor Vehicle Salvage Facility. Any establishment or place of business which is maintained, used, or operated for buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

Nonconforming Use of Land and Buildings. The lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time of enactment of a zoning resolution or amendment thereto, may be continued, although such use does not conform with the provisions of such resolution or amendment. If any such nonconforming use is discontinued for two (2) years or more, any future use of said land or building shall be in conformity with the current zoning resolution.

Non-Conformities. A building, structure, or use of land existing at the enactment of this resolution and which does not conform to the regulation of the district or zone in which it is situated.

Noxious Weeds. Any type or species that have been included on the official list of noxious plants for the State of Ohio which includes the following: Wild Mustard, Musk Thistle (Nodding Thistle), Oxeye Daisy, Canada Thistle, Poison Hemlock, Wild Carrot (Queen Annes Lace), Purple Loosestrife, Wild Parsnip, Mile-a-Minute Weed, Russian Thistle, Cressleaf Groundsel, Shattercane, Johnsongrass, and Grapevines (abandoned). Noxious weeds possess one or more of the following attributes: aggressive competition with cultivated plants, toxicity to livestock, natural habitat degradation, threat to public health, safety, or navigation.

Nuisance. A building or property that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. A nuisance could constitute an offensive activity on a property that reduces the property value of neighboring properties or results in a lessening of normal use and enjoyment to neighboring properties. Examples include, noise, junk, automobile storage, accumulation of rodents and/or insects or mosquitoes, rubbish, refuse, debris, or weeds and tall grass measuring over twelve (12) inches.

Nursery, Nursing Home. A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

Nursery, (Greenhouse) Tree and Plant. A place where young trees or other plants are raised for transplanting and/or for sale.

Offices. Quasi-commercial uses which may often be transitional between retail business and/or manufacturing and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, clerical, drafting, etc. Institutional offices of a charitable, philanthropic, financial or religious or educational nature are also included in this classification.

Open Space. An area substantially open to the sky which may be on the same with a building. The area may include, along with the natural environmental features, water areas, swimming pools and tennis courts and other recreational facilities that the zoning commission deems 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.

Original Tract. A contiguous quantity of land held in common ownership which has not been platted by the existing owner or owners since the enactment of these Regulations.

Outdoor Recreation Area, Public or Private. Any privately or publicly owned and operated recreation facility or area which is not located within an enclosed building or structure, such as a golf course, tennis courts, ball fields, swimming pools, driving ranges, race tracks, amusement parks, stadiums, motorcross or snowmobile circuits, or campgrounds.

Parcel. An individual lot held under common ownership.

Parking Space, Off-street. For the purpose of this Resolution, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

Permanent Foundation. Permanent masonry, concrete, or locally approved footing or foundation, to which a dwelling may be affixed.

Permanently-Sited Manufactured Housing. See Dwelling, Single Family.

Permitted Use. A use which is specifically authorized by these Zoning Regulations in a particular zoning district.

Personal Services. Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch and clock repair, barber shops, beauty shops, and similar activities.

Planned Unit Development (PUD). A residential or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines. Planned Unit Developments are designed and developed subject to the provisions of these Regulations.

Pond. Any man made structure in which water is impounded by constructing a dam or embankment or by excavating a pit or dugout. Definition for ponds includes retention basins designed to permanently hold water. This definition would not apply to detention basins designed for short-term water containment. This would not include landscape water features less than one hundred and fifty (150) square feet.

Pools, Swimming (Private). Any structure that contains water over twenty four (24) inches in depth and which is used, or intended to be used, for swimming or recreational bathing and which is available only to the family and guests of the householder. This includes in-ground, above ground, on-ground, and portable swimming pools.

Pool Barrier. A fence, a wall, a building wall, the wall of an above-ground swimming pool or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

Portable camping units. Dependent recreational vehicles, tents, portable sleeping equipment, and similar camping equipment used for travel, recreation, or vacation purposes.

Printing and Publishing. Any business which is engaged in the printing and/or publishing of newspapers, magazines, brochures, business cards and similar activities either for profit or non-profit.

Public Facilities. Any building or structure used by government for administrative or service purposes, but not including buildings devoted solely to the storage and maintenance of equipment and materials.

Public Service Facility. The erection, construction, alteration, operation or maintenance of buildings, power plants, substations, water treatment plants or pump station, sewage disposal plant or pump station, communications facilities and/or equipment, electrical, gas, water and sewerage service and other similar public service structures or facilities whether publicly or privately owned; but excluding sanitary landfills.

Public Uses. Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials, public service facilities and public parking.

Public Utility. The erection, construction, alteration, operation or maintenance of buildings, power plants, substations, water treatment plant or pump station, sewage disposal plant or pump station, communications facilities and/or equipment, electrical, gas, water and sewerage service, sanitary landfills and other similar public service structures or facilities whether publicly or privately owned.

Public Way. An alley, bridge, channel, ditch, easement, expressway, freeway, highway, land, road, sidewalk, street, walk, bicycle path; or other ways in which the general public entity have a right, or which are dedicated, whether improved or not.

Quasi-Public Use. Churches and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

Recreation, Commercial. Any business which is operated as a recreational enterprise, either publicly or privately owned, for profit. Examples include, but are not limited to: golf courses, bowling alleys, swimming pools, tourist attractions, etc.

Recreation, Non-Commercial. Any business which is operated as a recreational enterprise, either publicly or privately owned, for non-profit. Examples include, but are not limited to: fishing areas, parks, archery ranges, etc.

Recreation camp. Any tract of land upon which five (5) or more portable camping units are placed and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the camp. A tract of land that is subdivided for lease or other contract of the individual lots is a recreation camp if five (5) or more portable camping units are placed on it for recreation or vacation. A recreation camp does not include any tract of land used solely for the storage or display for sale of dependent recreational vehicles, solely as a temporary park-camp, or solely as a manufactured home park.

Recreational Vehicle. A vehicle type unit primarily designed as temporary living quarters for recreational, camping, or travel use only, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home, buses and tents or similar equipment that provides living or sleeping quarters. **A recreational vehicle shall not be used as a permanent residence or residential dwelling and must have a current license.**

Recreational Vehicle Park. A parcel of land upon which two (2) or more recreational vehicles sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Recreational Vehicle Site. A plot of ground intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis.

Refuse. Refuse shall mean combustible and noncombustible waste materials.

Religious, Cultural, and Fraternal Activity. A use or building owned or maintained by organized religious organizations or nonprofit associations for social, civic or philanthropic purposes, or the purpose for which persons regularly assemble for worship.

Research, Development and Testing. Establishments, structures, facilities and areas devoted to research, product development and scientific testing whether in connection with the development of new products, the discovery of causes of product failure or malfunction, and specifically including without limitation to the conduct of research, development and testing concerning: automotive, vehicular and other forms of transportation; engines, power products and equipment; production equipment; any and all other processes related to any of the foregoing; and improved highway facilities for vehicular traffic.

Right-of-Way. A strip of land taken or dedicated as use for a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features required by the topography or treatment (such as grade separation, landscaped areas, viaducts, and bridges).

Roof, Mean Height. The average of the roof eave height and the height to the highest point on the roof surface, except that eave height shall be used for roof angle of less than or equal to ten (10) degrees.

Rubbish/Trash. Combustible and noncombustible waste materials; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust, discarded food items, and other similar materials.

Salvage Motor Vehicle. Any motor vehicle which is in a wrecked, dismantled, or worn out condition, or unfit for operation as a motor vehicle.

Sanitary Landfill. A land disposal site employing a method of disposing of solid wastes on land in a manner intended to minimize environmental hazards by spreading the solid wastes in thin layers, compacting the solid wastes to the smallest practical volume, and applying and compacting cover material daily.

Seat. For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty four (24) lineal inches of benches, pews, or space for loose chairs.

Screening. To provide privacy of adjoining uses, including masonry walls, solid preservative treated wood, chain link with solid slats, or landscaped with grass and closely planted shrubs or other evergreen plants.

Semitrailer/Sealand Containers. A vehicle designed or used for carrying persons or property with another and separate motor vehicle, so that in operation, a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle. **A semitrailer shall not be used for storage, advertising, business, and residential use.**

Setback Line. A line established by the Zoning Resolution generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said code.

Setback Line, Front. Determined from the edge of the road right-of-way, or the water's edge for lakefront properties.

Sewers, Central or Group. An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

Sewers, On-Site. A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

Sidewalk. That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

Sign. Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.

1. **Sign, On-Premises.** Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
2. **Sign, Off-Premises (Billboards).** Any sign unrelated to a business or profession conducted or to a commodity or service sold or offered upon the premises where such sign is located. Billboards are considered off-premises signs.
3. **Sign Illuminated.** Any sign illuminated by electricity, gas or other artificial light including reflection or phosphorescent light.

4. **Sign, Lighting Device.** Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
5. **Sign, Ground.** A display sign supported by uprights or braces in or upon the ground surface.
6. **Sign, Marquee.** A display sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.
7. **Sign, Pole.** Any sign which is erected on a pole or poles, which is wholly or partially independent of any building for support.
8. **Sign, Political.** A sign which announces the candidacy of a person or slate or persons running for elective office, a political party, or issue or slate of issues.
9. **Sign, Portable.** A sign which is designed to be easily movable.
10. **Sign, Projecting.** A display sign which is attached directly to the building wall and which extends more than fifteen (15) inches from the face of the wall.
11. **Sign, Roof.** A display sign which is erected, constructed, and maintained above the roof of the building.
12. **Sign, Temporary.** A display sign, banner or other advertising device constructed on cloth, canvas, fabric or other light temporary material, with or without a structural frame, intended for a limited period of display, including decorative displays for holidays or public demonstrations.
13. **Sign, Wall.** A display sign which is painted on or attached directly to the building wall and which extends not more than fifteen inches from the face of the wall.

Service Station. Any building, structure, or land used for the dispensing and sale at retail of any automobile fuels, oils, for accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work.

Solid Wastes. Such unwanted residual solid or semisolid material as results from industrial, commercial agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, and also, and other substances which are not harmful to public health, and includes, but is not limited to, garbage, combustible and

non-combustible material, street dirt, and debris. For purposes of this definition, “material from construction operations” and “material from demolition operations” are those items affixed to the structure being constructed or demolished, such as brick, concrete, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing, plumbing fixtures, wiring, and insulation material.

Stick-built. A way of describing any structure built from boards of lumber and other building materials, in which a substantial amount of the required material and construction labor are brought together in final form at the foundation site.

Story. That part of a building between the surface of a floor and the ceiling immediately above.

Structure. Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, and billboards, covered boat slips and seawalls.

Subdivision.

- 1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners where such sale or exchange does not create additional building sites, shall be exempted; or
- 2) The improvement of one (1) or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.

Subdivision, Minor. A subdivision approved by the Logan County Engineer’s Office and the Regional Planning Commission’s designated representative which does not require a plat and which is in conformance with the provisions of Section 329 and Section 803 of the Logan County Subdivision Regulations.

Supply Yards. A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

Swimming Pool. A pool, pond, lake, or open tank containing at least twenty four (24) inches of water at any point and maintained by the owner or manager. Farm ponds and State owned water (i.e. Indian Lake), are exempt from this definition.

1. **Private.** Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.
2. **Community.** Operated with a charge for admission; a primary use.

Telecommunication Tower. Any structure with radio frequency transmission or reception equipment attached that is free standing or is to be connected to a building or other structure. A telecommunication tower shall meet all of the following conditions:

1. It is constructed on or after October 31, 1996;
2. It is owned or principally used by a public utility engaged in the provision of telecommunication services;
3. It is a free standing structure or is attached to another building or structure and is higher than the maximum allowable height permitted in the zoning district in which it is located.

Thoroughfare, Controlled or Limited Access. A thoroughfare on the interstate highway system, or any other thoroughfare which is so designed as to carry large volumes of through traffic and preclude traffic flow interruptions normally resulting from turning and stopped traffic. Controlled or limited access thoroughfares have no grade crossings and utilize exit and entrance ramps, bridges, merge and exit lanes, and other design features to accomplish unimpeded traffic flow, and are not intended to provide direct access to abutting property. Controlled or limited access thoroughfares shall not be construed as providing lot frontage as required by these Regulations.

Thoroughfare, Major or Secondary. An officially designated Federal or State numbered highway or County or other road designated as a major thoroughfare by the Logan County Engineer, or a County or other road designated as a secondary thoroughfare.

Through Lot. See Lot Types.

Toxic or Hazardous Material. Any substance or mixture by physical characteristic such as flammability, corrositivity, toxicity, reactivity, or infectious characteristics as to pose, a significant or potential hazard to water supplies or human health if such substances were discharged to land or waters of the community or township.

Transient Lodgings. A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such, it is open to the public in

contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined. Examples include: hotel, motel, apartment hotel, and bed and breakfast facility.

Transport Terminals. Any business, structure, or premise which primarily receives or distributes goods.

Transportation, Director of. The Director of the Ohio Department of Transportation.

Travel Trailer. A non-self propelled recreational vehicle that does not exceed an overall length of thirty five (35) feet, exclusive of bumper and tongue or coupling, and contains less than three hundred and twenty (320) square feet when erected on site. "Travel trailer" continues to include a tent-type fold-out camping trailer as defined in section 4517.01 of the Ohio Revised Code. A travel trailer is designed to be used as temporary and shall not be used as a residential dwelling.

Use. The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Use, Temporary. A use that is authorized by this code to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors' offices and equipment sheds, fireworks, carnivals, flea markets, and garage sales.

Variance. A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Vehicle, Accessory. Boats, Personal Watercraft , All –Terrain Vehicles, Snowmobiles, Enclosed Trailers, Golf Carts

Very Low Density Residential. Single-family dwellings and/or farm housing units and isolated residential developments not requiring a major plat under Logan County's Subdivision Regulations.

Veterinary Animal Hospital or Clinic. A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include over-night accommodations on the premises for treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

Vicinity Map. A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

Walkway. A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of the road or not.

Wholesale and Warehouse. Business establishments that generally store and sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

Wind Project. The following definitions shall apply to wind projects.

Accessory Structures. Structures such as sheds, storage sheds, pool houses, unattached garages and barns.

Anemometer. An instrument that measures the force and direction of the wind.

Clear Fall Zone. An area surrounding the wind turbine unit into which the turbine and or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located. The purpose of the zone being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel, and will not fall onto dwellings, any inhabited buildings, and will not intrude onto a neighboring property.

Cowling. A streamlined removable metal that encloses the turbines nacelle.

Decibel. A unit of relative loudness equal to ten times that common logarithm of the ratio of two readings. For sound, the decibel scale runs from zero (0) for the least perceptible sound to one hundred thirty (130) for sound that causes pain.

Nacelle: A separate streamlined metal enclosure that sits atop the tower and contains the essential mechanical components of the turbine to which the rotor is attached.

Primary Structure. For each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structures include structures such as residences, commercial buildings, hospitals, and day care facilities. Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages, and barns.

Professional Engineer. A qualified individual who is licensed as a Professional Engineer in the State of Ohio.

Megawatt (MW): A unit of power, equal to one million watts.

Small Wind Project: Any wind project less than 5MW which includes the wind turbine generator and anemometer.

Wind Power Turbine Owner. The person or persons who owns the Wind Turbine structure.

Wind Power Turbine Tower. The support structure to which the turbine and rotor are attached.

Wind Power Turbine Tower Height. The distance from the rotor blade at its highest point to the top surface of the ground at the Wind Power Generating Facility (WPGF) foundation.

Yard. A required open space other than a courtyard unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

1. **Yard, Front.** A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
2. **Yard, Rear.** A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building,
3. **Yard, Side.** A yard extending, from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Zoning Certificate. A document issued by the Zoning Officer authorizing the occupancy or use of a building or structure or the actual use of lots or land in accordance with the previously issued Zoning Permit.

Zoning Permit. A document issued by the Zoning Officer authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

ARTICLE III ENFORCEMENT

Section 300 Zoning Permits Required. No building, or other structure, shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Officer. Said permit shall be obtained before any county permits are obtained. Zoning permits shall be issued only in conformity with the provisions of this Resolution unless the Zoning Officer receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance as provided by this Resolution. A permit for razing a building is also required.

Section 301 Contents of Application for Zoning Permit. The application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within six (6) months or substantially completed within one and one-half (1.5) years. At a minimum, the application shall contain the following information.

1. Name, address, and telephone number of the applicant;
2. Legal description of the property (survey ~~and and/or~~ deed);
3. Existing use;
4. Proposed use;
5. Zoning district;
6. Plans in duplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any, and the location and dimensions of the proposed building(s) or alteration;
7. Building heights
8. Number of off-street parking spaces or loading berths;
9. Number of dwelling units;
- 10. Total percentage of lot to be occupied;**
- 11. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Resolution.**

Section 302 Approval of Zoning Permit. Within thirty (30) days after the receipt or an application, the Zoning Officer shall either approve or disapprove the application in conformance with the provisions of this Resolution. All zoning permits shall, however, be conditional upon the commencement of work within six (6) months. One copy of the plans shall be returned to the applicant by the Zoning Officer, after the Zoning Officer shall have marked, such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Officer. The Zoning Officer shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Resolution.

Section 303 Submission to Director of Transportation. Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification within a radius of five hundred (500) feet from the point of intersection or said centerline with any public road or highway, the Zoning Officer shall give notice, by registered mail to the director of Transportation, that he shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Officer that he shall proceed to acquire the land needed, then the Zoning Officer shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Officer that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Officer shall, if the application is in conformance with all provisions of this Resolution issue the zoning permit.

Section 304 Expiration of Zoning Permit. If the work described in any zoning permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Officer; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within one and one-half (1.5) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Officer, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted. Extensions, if granted, shall be in six (6) months increments, not to exceed one and one-half (1.5) years.

Section 312 Record of Zoning Permits. The Zoning Officer shall maintain a record of all zoning permits and copies shall be furnished upon written request to any person.

Section 320 Failure to Obtain a Zoning Permit.

Failure to obtain a zoning permit or certificate occupancy all be a violation of this Resolution and punishable under Section 350 of this Resolution.

Section 330 Construction and Use To Be As Provided In Applications, Plans, and Permits. Zoning permits issued on the basis of plans and applications approved by the Zoning Officer authorize only the use and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this Resolution and punishable as provided in Section 350 of this Resolution.

Section 335 Zoning Certificate Required. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a zoning certificate shall have been issued therefore by the Zoning Officer stating that the proposed use of the building or land conforms to the requirements of this resolution.

Section 336 Issuance of Zoning Certificate. No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a zoning certificate, and the certificate shall be issued in conformity with the provisions of this resolution upon completion of the work.

Section 340 Complaints Regarding Violations. Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Officer. The Zoning Officer shall record properly such complaint, immediately investigate, and take action thereon as provided by this Resolution.

Section 350 Penalties for Violation. Violation of the provisions of this Resolution or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this Resolution shall constitute a minor misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than the maximum fine allowable for minor misdemeanor offenses under Ohio Revised Code Section 2929.28(A)(b). and in addition shall pay all costs and expenses involved in the case. Such sum may be recovered in a court of jurisdiction in Logan County by the legal representative of the Township, in the name of the Township and for the use thereof. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Board of Township Trustees from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 360 Schedule of Fees, Charges, and Expenses. The Board of Township Trustees shall by Resolution establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, applications, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this Resolution requiring investigation, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Township Trustees, and may be altered or amended only by the Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE IV NON-CONFORMITIES

Section 400 Intent. Within the districts established by this Resolution or future amendments that may later be adopted there exists lots, uses of land, structures, and uses of structures and land in combination which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution or future amendments. It is the intent of this Resolution to permit these non-conformities to continue until they are removed or discontinued. It is further the intent of this Resolution that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Section 410 Incompatibility of Non-Conformities. Non-conformities are declared by this Resolution to be incompatible with permitted uses in the districts in which such use is located. A non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this Resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

Section 420 Avoidance of Undue Hardship. To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction, was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently. Where a building is removed or destroyed, all debris must be cleared and removed from the premises within six (6) months.

Section 430 Single Non-Conforming Lots of Record. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at effective date of adoption or amendment of this Resolution notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Article 9 and 10 of this Resolution other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Section 540 through 549. However, if at some time a lot was created and

recorded that did not meet the minimum requirements in effect at the time of creation of the lot, then said lot shall not be built upon.

Section 431 Non-Conforming Lots of Record in Combination. If two (2) or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Resolution and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Resolution and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Resolution.

Section 440 Non-Conforming Uses of Land. Where, at the time of adoption of this Resolution lawful uses of land exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided;

1. No such non-conforming uses shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.
2. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution.
3. If any such non-conforming uses of land are discontinued or abandoned for more than six (6) months (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.
4. No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such nonconforming use of land.

Section 450 Non-Conforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this Resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity;
2. Should such non-conforming structure or non-conforming portion of structure be destroyed by fire or an Act of God, it may after approval by the Board of Zoning

Appeals, be reconstructed as it previously existed. All remaining debris shall be cleared away and disposed of properly within two (2) months of the time of destruction.

3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 456 Non-Conforming Uses of Structures or of Structures and Land in Combination.

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Resolution that would not be allowed in the district under the terms of this Resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing, structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution; but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any non-conforming use of a structure or structure and land, may upon appeal to the Board of Zoning Appeals, be changed to another non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Resolution;
4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
5. When a non-conforming use of the structure, or structure and land in combination is discontinued or abandoned for more than eighteen (18) months (except when government access impedes access to the premises), the structure or structure and land combination shall not thereafter be used except in conformity with the regulations of the district in which it is located.

6. Where non-conforming use status applies to a structure and land in combination, removal, or destruction of the structure shall eliminate the non-conforming status of the land except as stated in Section 450 paragraph 2.

Section 470 Repairs and Maintenance. On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 480 Uses Under Conditional Use Provisions Not Non-Conforming Uses.

Any use which is permitted as a conditional use in a district under the terms of this Resolution shall not be a non-conforming use in such district, but shall without further action be considered a conforming use.

ARTICLE V ADMINISTRATION

Section 500 Office of Zoning Officer Created. A Zoning Officer designated by the Board of Township Trustees shall administer and enforce this Resolution. He or she may be provided with the assistance of such other persons as the Trustees may direct.

Section 501 Duties of the Zoning Officer. For the purpose of this Resolution, the Zoning Officer shall have the following duties:

1. Upon finding that any of the provisions of this Resolution are being violated, he shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation;
2. Order discontinuance of illegal uses of land, buildings, or structures;
3. Order removal of illegal buildings or structures or illegal additions or structural alterations;
4. Order discontinuance of any illegal work being done;
5. Take any other action authorized by this Resolution to ensure compliance with or to prevent violation(s) of this Resolution. This may include the issuance of and action on zoning and such similar administrative duties as are permissible under the law.

Section 510 Proceedings for Zoning commission. The Zoning commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the Chairman and at such other times as the Zoning commission may determine. All meetings shall be open to the public. The Zoning commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Zoning commission.

Section 511 Duties of Zoning commission. For the purposes of this Resolution the Zoning commission shall have the following duties:

1. Initiate proposed amendments to this Resolution;
2. Review all proposed amendments to this Resolution;
3. Review all planned unit developments (PUD's) and make recommendations to the Board of Zoning Appeals as provided in Article 13.

Section 520 Board of Zoning Appeals Created. A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Board of Township Trustees each for a term of five (5) years, except that the initial appointments shall be one (1), two (2), three (3), four (4), and five (5) year terms. Each member shall be

a resident of the township. Members of the Board may be removed from office by the Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Trustees for the unexpired term of the member affected.

Section 521 Proceedings of the Board of Zoning Appeals. The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

Section 522 Duties of the Board of Zoning Appeals. In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Officer from, whom the appeal is taken. A concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Officer or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution or to effect any variation in the application of this Resolution. For the purpose of this Resolution, the Board has the following specific responsibilities:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Officer;
2. To authorize such variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done;
3. To grant conditional use permits as specified in the Official Schedule of District Regulations and under the conditions specified in Article 9 and such additional safeguards as will uphold the intent of this Resolution.

Section 530 Duties of Zoning Officer, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal. It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Officer, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Officer, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Township Trustees in connection with this Resolution shall not include hearing and deciding questions

of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Resolution. Under this Resolution the Township Trustees shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Resolution as provided by law; and of establishing a schedule of fees and charges as stated in Section 360 of this Resolution. Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board to the courts as provided in the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the Board's written decision.

Section 540 Procedure and Requirements for Appeals and Variances. Appeals and variances shall conform to the procedures and requirements of Section 541-549, inclusive, of this Resolution. As specified in Section 522, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

Section 541 Appeals. Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Officer. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Officer and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Officer shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

Section 542 Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Officer from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him that by reason of facts stated in the application, a stay would in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Officer from whom the appeal is taken on the cause shown.

Section 543 Variances. The Board of Zoning Appeals may authorize upon appeal in special cases such variance from the terms of this Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Resolution would result in unnecessary hardship.

Section 544 Application and Standards for Variances. A variance from the terms of this Resolution shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Officer and the Board of Zoning Appeals containing:

1. Name, address, and telephone number of applicants;
2. Legal description of property as obtained from the County Auditor or said deed;
3. Description or nature of variance requested;
4. A narrative statement demonstrating that the requested variance conforms to the following standards:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - b. That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties, in the same district under the terms of this Resolution;
 - c. That special conditions and circumstances do not result from the actions of the applicant;
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district.

A variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by subsection 4 of this section have been met by the applicant.

Section 545 Supplementary Conditions and Safeguards. Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Resolution in the District involved, or any use expressly or by implication prohibited by the terms of this Resolution in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Resolution and punishable under Section 350 of this Resolution.

Section 546 Public Hearing by the Board of Zoning Appeals. The Board of Zoning Appeals shall hold a public hearing within twenty (20) days after the receipt of an application for an appeal or variance from the Zoning Officer or an applicant.

Section 547 Notice of Public Hearing in Newspaper. Before holding the public hearing required in Section 546, notice of such hearing shall be given in one newspaper of general circulation in the township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

Section 548 Notice to Parties in Interest. Before holding the public hearing required in Section 546, written notice of such hearing shall be mailed by the chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. Parties of interest shall include, but not be limited to, property owners contiguous to and directly across the road (street) from the property concerned. The notice shall contain the same information as required of notices published in newspapers as specified in Section 547. The Chairman of the Zoning Commission shall be notified of all meetings of the Board of Zoning Appeals.

Section 549 Action by Board of Zoning Appeals. Within thirty (30) days after the public hearing required in Section 547, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 545, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. Appeals from Board decisions shall be made in the manner specified in Section 530.

Section 560 Procedure and Requirements for Approval of Conditional Use Permits. Conditional uses shall conform to the procedures and requirements of Section 561-563, inclusive of this Resolution.

Section 561 Conditional Uses/General. It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size and method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Article 9, shall follow the procedures and requirements set forth in Section 562-568, inclusive.

Section 562 Contents of Application for Conditional Use Permit. An application for a conditional use permit shall be filed with the Chairman of the Board of Zoning Appeals by at least one owner or lessee of property for which such conditional use is proposed. At a minimum the application shall contain the following information:

1. Name, address, and telephone number of the applicant;
2. Legal description of property as obtained by the County Auditor or said deed;
3. Description of existing use;

4. Current Zoning District;
5. Description of proposed conditional use;
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this Resolution.
7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, odor and fumes on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the Comprehensive Plan.

Section 563 General Standards Applicable to all Conditional Uses. The Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of Article 9 and appears on the Official Schedule of District Regulations adopted by Section 910 for the zoning district involved;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
3. Will not be hazardous or disturbing to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, or odors;
7. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

Section 565 Supplementary Conditions and Safeguards. In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this

Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution and punishable under Section 350 of this Resolution.

Section 566 Procedure for Hearing, Notice. Upon receipt of the application for a conditional use permit specified in Section 562 the Board shall hold a public hearing, publish notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in Section 546 through 548.

Section 567 Action by the Board of Zoning Appeals. Within thirty (30) days after the public hearing required in Section 566, the Board shall either approve, approve with supplementary conditions as specified in Section 565, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Officer to issue a conditional use permit listing the specific conditions specified by the Board for approval. If the application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section 530.

Section 568 Expiration of Conditional Use Permit. A conditional use permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than eighteen (18) months.

Section 569 Revocation. A conditional use permit shall be revoked when the applicant fails to comply with conditions imposed by the Board of Zoning Appeals.

ARTICLE VI AMENDMENT

Section 600 Procedure for Amendment or District Changes. This resolution may be amended utilizing the procedures specified in Sections 601-611, inclusive if this resolution.

Section 601 General. Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of Township Trustees may by Resolution, after receipt of recommendation thereon from the Zoning commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

Section 602 Initiation of Zoning Amendments. Amendments to this Resolution may be initiated in one of the following ways:

1. By adoption of a motion by the Zoning commission;
2. By adoption of a resolution by the Township Trustees;
3. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

Section 603 Contents of Application. Applications for amendments to the Official Zoning Map adopted as part of this Resolution by Section 700 shall contain at least the following information:

1. Name, address, and telephone number of the applicant;
2. Present use;
3. Present zoning district;
4. Proposed use;
5. Proposed zoning district;
6. A vicinity map at a scale approved by the Zoning Officer showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Officer may require;
7. A list of all property owners and their addresses who are within, contiguous to, and directly across the road (street) from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;
8. A fee as established by the Township Trustees, according to Section 360.

Section 604 Transmittal to Zoning commission. Immediately after the adoption of a resolution by the Township Trustees or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Zoning

commission. The Zoning commission shall comply with all the requirements of Chapter 519.12 of the Ohio Revised Code.

Section 605 Public Hearing by Zoning commission. The Zoning commission shall set a public hearing date no less than twenty (20) days nor more than forty (40) days after the filing of the application. Notice of the public hearing must be published in an newspaper of general circulation at least ten (10) days before the hearing. In the case of a zoning amendment to property or parcels, the Zoning commission shall mail a notice of the public hearing by first class mail to all the owners adjacent to or across the road from the property affected by the proposed change.

Section 606 Transmittal to Regional Planning Commission. The Zoning commission must also provide the Regional Planning Commission with copies of the application and attachments, so that the Regional Planning Commission shall review the proposed change at their monthly Executive Committee meeting. The Regional Planning Commission shall recommend approval or denial of the proposed amendment or approval with modifications.

Section 607 Submission to Director of Transportation. Before any zoning amendment is approved effecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway the Zoning commission shall give notice, by registered mail or certified mail to the Director of Transportation. The Zoning commission may proceed as required by law, however, the Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Trustees that he shall proceed to acquire the land needed, then the Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Trustees that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Trustees shall proceed as required by law.

Section 608 Recommendation by Zoning commission. Within seventy (70) days from the receipt of the proposed amendment, and within thirty (30) days of their public hearing, the Zoning commission (after advertised public hearing and complying with all the requirements of Chapter 519.12 of the Ohio Revised Code), shall transmit its recommendation to the Township Trustees. The Zoning commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.

Section 609 Public Hearing by Township Trustees. Upon receipt of the recommendation from the Zoning commission, the Township Trustees shall schedule a

public hearing. Said hearing shall be not more than thirty (30) days from the receipt of the recommendation from the Zoning commission.

Section 610 Notice of Public Hearing in Newspaper. Notice of the public hearing required in Section 607 shall be given by the Township Trustees by at least one (1) publication in one (1) or more newspapers of general circulation in the Township. Said notice shall be published at least ten (10) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment. This shall comply with all the requirements of Chapter 519.12 of the Ohio Revised Code.

Section 611 Action by Township Trustees. Within twenty (20) days after the public hearing required in Section 607, the Township Trustees shall either adopt or deny the recommendation of the Zoning commission, or adopt some modification thereof. In the event the Trustees denies or modifies the recommendation of the Zoning commission, it must do so by a majority vote.

Section 612 Effective Date and Referendum. Such amendment adopted by the Trustees shall become effective thirty (30) days after the date of adoption unless within thirty (30) days after the passage of the Resolution there is presented to the Fiscal Officer a petition signed by a number of qualified voters residing in the Township equal to not less than eight (8) per cent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Trustees to submit the zoning amendment to the electors of the Township for approval or rejection at the next primary or general election. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect. This shall comply with all of the requirements of Section 519.12 of the Ohio Revised Code.

ARTICLE VII PROVISIONS FOR OFFICIAL ZONING MAP

Section 700 Official Zoning Map.

The districts established in Article 8 of this Resolution as shown on the Official Zoning Map which, together with all explanatory matter thereon, are hereby adopted as part of this Resolution.

Section 710 Identification of the Official Zoning Map.

The Official Zoning Map shall be identified by the signature of the chairperson of the Board of Township Trustees and attested by the Township Clerk.

Section 720 Interpretation of District Boundaries.

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

- 1) Where district boundaries are indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines shall be construed to be such boundaries;
- 2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries;
- 3) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map.
- 4) If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
- 5) Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the township unless otherwise indicated.

ARTICLE VIII ESTABLISHMENT AND PURPOSE OF DISTRICTS

Section 800 Intent.

The following zoning districts are hereby established for the Township. For the interpretation of this Resolution, the zoning districts have been formulated to realize the general purposes as set forth in the Preamble of this Resolution. In addition, the specific purpose of each zoning district shall be as stated.

Section 811 Low Density Residential District (R-1).

The purpose of the low-density residential district is to provide land for single-family dwelling units not to exceed four dwellings per acre with a central sewage system. If a central sewage system is not available, then the minimum lot size shall be 40,000 square feet exclusive of road right-of-way. This district shall also include land that is subdivided which requires a major plat under Logan County's Subdivision Regulations. Specific Permitted and Conditional Uses and minimum requirements are listed on the Official Schedule of District Regulations.

Section 812 Medium Density Residential District (R-2). The purpose of the medium density residential district is to provide land for single housing units not to exceed four (4) families per acre. Multi-family housing units and mobile housing units are not permitted. Permitted and Conditional Uses and minimum requirements are listed on the Official Schedule of District Regulations.

Section 814 Local Service Business District (B-1). The purpose of the local service 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. Residential, commercial and industrial development may be introduced under the planned unit development approach. Specific Permitted and Conditional Uses and minimum requirements are listed on the Official Schedule of District Regulations.

Section 815 Local Business District (B-2). The purpose of the local business district is to provide land for small retail and personal service establishments offering convenience-type goods and services for the daily needs of the people in the immediate neighborhood or area. Residential development including mobile homes are prohibited. Group or central sewer facilities are required.

ARTICLE IX DISTRICT REGULATIONS

Section 900 Compliance with Regulations. The regulations for each district set forth by this Resolution shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided; or as otherwise granted by the Board of Zoning Appeals.

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall be erected or altered:
 - a. to provide for greater height or bulk;
 - b. to accommodate or house a greater number of families;
 - c. to occupy a greater percentage of lot area;
 - d. to have narrower or smaller rear yards, front yards, side yards, or other open spaces;
3. No yard or lot existing at the time of passage of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Resolution shall meet at least the minimum requirements set forth herein.

Section 910 Official Schedule of District Regulations Adopted. District regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted and declared to be a part of this Resolution and in Article 10 of this Resolution, "Supplementary District Regulations." Regulations for Mobile Home Parks shall be those specified in Article 13.

<u>ZONING DISTRICTS</u>	<u>PERMITTED USES</u>	<u>CONDITIONAL USES</u>	<u>PROHIBITED USES</u>
(Symbols as used on the Official Zoning Map) 1	(Accessory uses and essential services are included) 2	(Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals) 3	
R-1 LOW DENSITY RESIDENTIAL	Single-family dwelling; Public & Quasi-public use; Permanent foundation sited manufactured dwelling	Multi-family dwelling; Modular & sectional units; Telecommunication towers; Non-commercial recreation; Home occupation	Personal services; Service business; Mobile homes individually; Manufactured or mobile home park; recreational vehicle park; Manufacture of storage of explosives; Dumping, burning, burying of refuse except burning in fireproof container, or refuse the might result from use of dwelling places or places of business; Junk yards, automobile graveyards or other similar places for the collection automotive materials for junk salvage or storage; Dismantling of uses automobiles or machinery; Storage of gas under pressure other than a standard propane tank (12" diameter x 18" height); Outside storage of building materials or machinery and similar items.
R-2 MEDIUM DENSITY RESIDENTIAL	Single-family dwelling; Public & Quasi-public use; Permanent foundation sited manufactured dwelling	Multi-family dwelling; Non-commercial recreation; Home occupation; Modular & sectional units; Telecommunication towers. Manufactured or mobile home park; Animal Husbandry ** (Only applies in platted subdivisions or in areas of 15 or more lots approved under subdivision law that are contiguous (ORC 519.21 (B)(1-3)).	Same as R-1; Additionally: Automobile painting, repairing or rebuilding; Tire retreading or recapping; monument works; manufacture of gas, paint or paint supplies and explosives.
B-1 SERVICE BUSINESS	Service business; Drive-in business; Eating & drinking establishments; Commercial recreation; Retail business; Offices; Personal services; Public & Quasi-public uses; Single-family dwellings*; Convenience-type retail;	Multi-family dwellings; Printing & publishing; Transient lodgings; Signs & advertising structures; Public & service facility; Adult Entertainment; Kennel	Same as R-2; Additionally: Wholesale & warehousing; Food processing; Transport terminals; Animal hospital & clinic; Mobile homes individually; Manufactured or mobile home park; Recreational vehicle park.
B-2 LOCAL BUSINESS	Convenience type retail; Personal services; offices; public & quasi-public uses.	Public service facility; Manufactured homes individually; Shopping type retail; Service station; eating and drinking establishments; commercial recreation;	Same as stated under R-2 and B-2.

ZONING DISTRICTS - (Symbols as used on the Official Zoning Map) 1	MINIMUM LOT SIZE			MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED (Principal and Accessory Buildings)	MINIMUM FLOOR AREA (Square Feet)	MAXIMUM HEIGHT OF (PRINCIPAL) BUILDINGS & STRUCTURES		MINIMUM YARD DIMENSIONS (feet)		
	(Square feet per household)		Frontage (Width) (Feet)			Stories	Feet	Front	Side	Rear
	With On- Site Sewage Treatment	With Group or Central Sewage Treatment								
	4	5	6	7	8	9	10	11	12	14
R-1 LOW DENSITY RESIDENTIAL	40,000		150	25%	1,200*	2 1/2	35	35	20	40
		10,800	80							
R-2 MEDIUM DENSITY RESIDENTIAL	10,000		60	35%	800*	2	28	30	5	20
		5,400	60							
B-1 SERVICE BUSINESS	15,000		100	30%	none*	2	35	50	5	30
		15,000	100							
B-2 LOCAL BUSINESS	15,000		100	30%	none*	2	35	50	5	30
		15,000	100							

<u>ZONING DISTRICTS</u> (Symbols as used on the Official Zoning Map)	<u>ACCESSORY BUILDINGS</u>				<u>MINIMUM (MANDATORY) OFF-STREET PARKING SPACE</u>	<u>MINIMUM (MANDATORY) OFF-STREET LOADING SPACE</u>	<u>SIGNS PERMITTED</u>	<u>OTHER PROVISIONS AND REQUIREMENTS</u> (Supplementary regulations, prohibitions, notes, etc.)
	Maximum Height (feet)	Minimum Distance In Feet To						
		Front lot line	Side lot line	Rear lot line				
1	15	16a	16b	1716c	18	19	20	21
R-1 LOW DENSITY RESIDENTIAL	15	20	5	10	See Article XI	None	See Article XII	-Boat slips/docks: See §1015/1056.
R-2 MEDIUM DENSITY RESIDENTIAL	15	20	5	10	"	"	"	-Boat slips/docks: See §1015/1056.
B-1 SERVICE BUSINESS	15	20	0	0	"	One space for first 5,000 s.f. of floor area or less and one for each additional 10,000 s.f. or fraction thereof of ground floor area.	"	*For residential, refer to R-1 regulations, **Non-residential use cannot be conducted closer than 40 feet from any residential lot. -Boat slips/docks: See §1015/1056.
B-2 LOCAL BUSINESS	15	20	0	0	"	"	"	*For residential, refer to R-1 regulations, **Non-residential use cannot be conducted closer than 40 feet from any residential lot. -Boat slips/docks: See §1015/1056.

ARTICLE X SUPPLEMENTARY DISTRICT REGULATIONS

Section 1000 General.

The purpose of supplementary district regulations is to set specific conditions for various uses, classification of uses or areas where problems may frequently be encountered.

Section 1001 Conversion of Dwellings to More Units.

A residence may be converted to accommodate an increased number of dwelling units provided:

- 1) The yard dimensions, including minimum lot width still meet the yard dimensions required by the Zoning Regulations for new structures in that district in which the dwelling is located;
- 2) The lot area per family equals the lot area requirements for new structures in that district;
- 3) The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district.
- 4) Conversion of structures to residential use shall not include garages or other accessory buildings in any district.

Section 1002 Private Swimming Pools.

A private swimming pool, not including farm ponds, shall be any pool, lake, or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than twenty four (24) inches. No such swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet shall be allowed in any residential district, except as an accessory use and unless it complies with the following conditions and requirements:

- 1) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located;
- 2) It shall not be located closer than ten (10) feet to the property line of the property on which it is located.
- 3) The swimming pool or the entire property on which it is located shall be walled or fenced to prevent uncontrolled access by ~~children from adjacent properties~~ **unauthorized persons**. Said fence or wall shall be not less than ~~six (6)~~ **four (4)** feet in height and maintained in good condition with a gate and lock. Fences shall not be required on the lake side of pool provided the remaining three sides of pool or property are fenced to the water's edge.

Section 1003 Community or Club Swimming Pools.

Community and club swimming pools are permitted in any commercial or residential district, but shall comply with the following conditions and requirements:

- 1) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;
- 2) The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line;
- 3) The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by ~~children from the thoroughfare or adjacent properties~~ **unauthorized persons**. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition.

Section 1004 Temporary Buildings.

Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a zoning permit authorized by the Zoning Officer.

Section 1005 Parking and Storage of Certain Vehicles.

The following provisions and requirements shall pertain to the parking and storage of certain vehicles:

- 1) The parking or storage, within any district, of automotive vehicles without current license plates, for a period of more than thirty (30) days shall be prohibited unless such vehicle is stored in an enclosed garage or other accessory building;
- 2) The parking or storage, within any district, of a disabled automotive or accessory vehicle for a period of more than thirty (30) days shall be prohibited unless such vehicle is stored in an enclosed garage or other accessory building;
- 3) The parking or storage, within any district, of a junked, dismantled, or wrecked automotive or accessory vehicle or parts thereof which are in public view of any highway for a period of more than thirty (30) days shall be prohibited. After said thirty (30) days, junked, dismantled, or wrecked automotive or accessory vehicle or parts thereof shall be stored in an enclosed garage or other accessory building.
- 4) The parking or storage, within any district, of any recreational vehicle (RV), shall be in accordance with Section 1057, unless such vehicle is stored in an enclosed garage or other accessory building.

For purposes of this section, a junked, dismantled, or wrecked automotive vehicle shall be defined as meeting the following criteria: as one which is damaged, or no longer serviceable, to the extent that it is inoperable or is unsafe to operate upon the public highways; three model years or older;

extensively damaged, including, but not limited to missing wheels, tires, engine, or transmission. This section shall not apply to properly licensed junkyards and motor vehicle salvage facilities which are regulated by appropriate sections of the Ohio Revised Code.

Section 1006 Required Trash Areas.

All commercial, industrial, and multi-family residential uses that provide trash and/or garbage collection areas shall be enclosed on at least three (3) sides by a solid wall or fence a minimum of four (4) feet in height or one (1) foot higher than the receptacles therein if such area is not within an enclosed building or structure.

Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Zoning Officer shall be required.

Section 1009 Fences Walls and Hedges. Fences, walls and hedges are permitted in all districts, subject to the following conditions: Fences shall be permitted in any yard. Walls shall not be located in the front yard. Furthermore, no wall shall project past the front building line of any principally permitted or conditionally permitted structure. Hedges may be permitted in the required front yard. If no structure exists on said residential property, no fence, wall, or hedge may project past the front building line of the average of the adjacent properties or the minimum front yard setback, whichever is greater. No fence, wall, or hedge shall be closer than (3) feet to any right-of-way line. Fences, walls, and hedges shall not exceed ~~(3-1/2)~~ **four (4)** feet in height in all yards. Fences shall not contain an electric charge. Barbed wire shall be prohibited on any fence. No fence, wall, or hedge shall violate the sight distance requirements found in **Section 1012**. Fences shall be located within the applicant's property line. The sharing of any fence with any adjoining property owner shall be agreed upon in writing by both property owners and shall accompany the zoning permit application. Posts are to be placed on the applicant's side of any fence erected or installed. In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of ~~(3)~~ **four (4)** feet, and no hedge or vegetation shall be permitted which materially impedes vision across such yard between the height of ~~(3)~~ **four (4)** feet and (10) feet. No fences or hedges shall be constructed on any property line. Wire type farm fence shall not be permitted. Chain link, ornamental rail or various types not over three horizontal rails, wood weave with more open area than closed area to allow light passage, or similar fence may be used. A zoning permit is required from the Zoning Officer for the erection or installation of all fences and walls.

Note: Fence height to be measured from ground up.

Section 1010 Supplemental Yard and Height Regulations.

In addition to all yard regulations specified in the Official Schedule of District Regulations and in other sections of this Resolution, the provisions of Sections 1011-1017, inclusive shall be used for interpretation and clarification.

Section 1011 Setback Requirements for Corner Buildings.

On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

Section 1012 Visibility at Intersections.

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and a half (2.5) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection.

Section 1014 Yard Requirements for Multi-Family Dwellings.

Multifamily dwellings shall be considered as one (1) building for the purpose of determining front, side and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

Section 1015 Side, and Rear Yard Requirements for Non-Residential Uses

Abutting Residential Districts. Non-residential buildings or uses shall not be located in or conducted closer than forty (40) feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty (50%) percent of the requirement if acceptable landscaping or screening approved by the Zoning Officer is provided.

Section 1016 Architectural Projections.

Open structures such as porches, canopies, balconies, platforms, carports, covered patios and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard.

Section 1017 Exceptions to Height Regulations.

~~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.~~ Other than a chimney, no portion of a building shall be higher than the height limitations contained in the Official Schedule of District Regulations except where the height of such chimney will constitute a hazard.

Section 1020 Special Provisions for Commercial and Industrial Uses.

No commercial or industrial use as designated on the Official Schedule of District Regulations and defined herein nor any land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this Resolution may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the performance requirements in Sections 1021-1032, inclusive.

Section 1021 Fire Hazards.

Any activity involving the use or storage of flammable chemicals, petroleum products or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

Section 1022 Electrical Disturbance.

No activity shall emit electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance. The disturbance must be due solely to the creator and not due to defective wiring, equipment etc., at the receiving point.

Section 1023 Storage of Toxic or Hazardous Materials. Except as exempted hereafter, the storage of toxic or hazardous materials, as determined by the Ohio Environmental Protection Agency (EPA), in quantities greater than fifty five (55) gallons liquid or twenty five (25) pounds dry weight for any one material shall be prohibited.

Section 1024 Odors. No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.

Section 1025 Water Pollution.

Water pollution as defined or determined by the County Board of Health or the Ohio Environmental Protection Agency (EPA) shall be subject to corrective measures, requirements, and regulations as established by the Board of Health or the Ohio EPA.

Section 1026 Air Pollution. No pollution of air by fly-ash, dust, fumes, vapors, gases, or other substances shall be permitted which is harmful to health, animals, vegetation or other property or which can cause excessive soiling.

Section 1027 Erosion. No erosion, by either wind or water, shall be permitted which will carry objectionable substance onto neighboring properties. **Refer to the Logan County Engineer for site-specific requirements.**

Section 1028 Site Runoff.

Site runoff from gutters, downspouts, roof or area drains shall not be conducted to cause a nuisance either through standing water or accumulation of excessive runoff to neighboring properties.

Site runoff shall be managed by a combination of proper grading away from all structures to a point of convenient discharge such as the lake or storm swale. Runoff from gutters, downspouts and area drains shall be conducted via properly graded swales or a 4" minimum PVC drain tile to the lake or an adjacent storm drain.

Section 1035 Telecommunications Towers.

Pursuant to the Telecommunications Act of 1996 and the ORC Section 519.211, and the Township Trustees being duly notified of the person's intent to construct a telecommunications tower in any area zoned for residential use, public utilities, or other functionally equivalent providers may site a telecommunications tower as a conditional use provided the following conditions are met:

- 1) The applicant must provide proof that the proposal to construct a tower or attach equipment to an existing structure has been approved by all other agencies and governmental entities with jurisdiction (i.e. Federal Communications Commission, Federal Aviation Administration, Ohio Department of Transportation; Ohio Building Basic Code).
- 2) Applicant is required to show cost of construction at this time;
- 3) The applicant shall provide proof of notification to contiguous property owners and those property owners directly across the street as required by ORC Section 519.211;
- 4) The applicant must demonstrate at the time of application that no other existing towers are feasible for co-location, and that no technically suitable and feasible sites are available in a nonresidential district. There shall be an explanation of why co-location is not possible and why a tower at this proposed site is technically necessary;
- 5) All underground installation shall be trenched and not plowed in. Damage to anything must be repaired, and ground restored to original condition;
- 6) Co-location. Applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other users on the same tower to the extent possible. All co-located and multiple-use telecommunication facilities shall be designed to promote facility and site sharing;
- 7) Setbacks from all platted residential uses and residential districts. All new towers shall be setback from the closest subdivision boundary line for all platted residential subdivisions, and for all non-platted residential districts from the closest residence, a distance equal to the height of the tower plus fifty (50) feet;

- 8) Setbacks from all streets and private buildings and public road right of ways. All new towers shall be setback from all road right of ways public and private, a distance equal to the height of the tower plus fifty (50) feet;
- 9) Setbacks from all other uses allowable in the zoning district. All new towers shall be setback from any building that is not associated with or accessory to the telecommunications tower facility a distance equal to the height of the tower plus fifty (50) feet;
- 10) Any and all base station equipment, accessory structures, buildings, etc. used in conjunction with the tower shall be screened with fencing, masonry, shrubbery, or other screening materials.
- 11) The applicant shall notify the Zoning Officer within thirty (30) days of ceasing operations at the site and shall remove all structures within one hundred and twenty (120) days of ceasing operations;
- 12) Lighting. Telecommunication towers shall not be artificially lighted unless required by the Federal Aviation Administration or other applicable regulatory authority. If lighting is required, the lighting design that would cause the least disturbance to the surrounding views shall be chosen. All telecommunication facilities shall be unlit except for security lighting, or when authorized personnel are present;
- 13) No advertising or illumination other than that required by law may be located on the structure or on the required screening;
- 14) An inspection report prepared by a qualified engineer licensed by the State of Ohio shall be submitted to the zoning office every five (5) years, which details the structural integrity of all towers and support structures on the property. The results of such inspections shall be provided to the Logan County Building Regulations Department and Township Zoning Officer. Based upon results of an inspection, the Township Trustees may require repair or removal of a communication tower. Any and all necessary repairs to the tower and/or support structures shall be made within a seven (7) day period or the tower and/or structures shall be removed. The tower owner (applicant) is responsible to cover the cost of all inspections, repair and/or removal;
- 15) The unstaffed storage building and/or unit that houses transmitting equipment is considered an accessory use and/or structure. Setbacks for accessory uses/structures shall comply with distances in the zoned district of the tower location. These facilities may not include offices, long-term vehicle storage, other outdoor storage or broadcast studios except for emergency purposes;
- 16) A six (6) foot safety fence with a locked gate surrounding the tower is required. If high voltage is necessary, signs must be posted every twenty (20) feet along the accessory building and fence saying, "Danger – High Voltage." The operator must also post "No Trespassing" signs.
- 17) Lot shall be mowed and maintained to control weeds;
- 18) Performance Bond. For each telecommunication tower, the owner or operator shall provide to the Township a surety bond or a bank letter of credit so as to assure the Township that the terms and conditions of Section 1035 are performed and complied with, including necessary repairs, repairs to public highways and roads, and the costs

and expenses of removal in the event of abandonment; Bond shall equal anticipated demolition, and debris removal cost; the Township Board of Trustees may draw upon the performance bond to recover any costs, damages or expenses incurred by the Township that may arise out of the violations of Section 1035 or the abandonment or discontinuance of the tower. The bond or letter of credit shall be issued by a Board of Trustees, in a form approved by said Board, and shall be in an amount that is equal to no less than fifty percent (50%) of the construction value of the tower. By its terms, the bond or letter of credit may not expire, be terminated, or cancelled without providing the Township Board of Trustees with written notice of such expiration, termination, cancellation or other event of non-renewal no later than one hundred twenty (120) days prior to the date of such event.

Section 1036 Satellite Television Antennas. A satellite television antenna is an antenna for the purpose of which is to receive television or radio signals from orbiting satellites. A satellite television antenna over three (3) feet in diameter shall not be located in any front yard nor shall it be located in any side yard closer to the building front setback line than the front of an adjoining residential structure, provided the adjoining residential structure is within one hundred (100) feet of the side lot line on which the antenna is proposed. Said antenna shall meet the minimum side and rear yard requirements for accessory structures and buildings. Ground mounted satellite antennas in areas zoned residential shall not extend more than fifteen (15) feet above the ground, twenty (20) feet in all other zones. The satellite television antenna shall be constructed and anchored in such a manner to withstand wind forces up to one hundred (100) miles per hour.

Section 1037 Small Wind Projects Farms less than 5MW

Wind Projects Farms of 5MW or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations.

Small Wind Projects Farms less than 5MW and used solely for Agriculture will be exempt from these zoning regulations as an Agricultural Use. Any proposed construction, erection, or siting of a small wind project farm less than 5MW including the wind turbine generator or anemometer or any parts thereof shall be a Conditional Use in all Stokes Township Zoning Districts by the issuance of a Conditional Use Permit only if the following conditions are met (both as Permitted and Conditional Use):

A. The maximum height of any turbine shall be 125 ft. For purposes of this Resolution, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the base of the tower.

B. Setbacks: the following shall apply in regards to setbacks.

1. Any turbine erected on a parcel of land shall be setback 1.1 times the height of the tower, or established “clear fall zone”, from all road right-of-way lines and neighboring property lines. structures, as well as any inhabited structures on the parcel intended for the turbine. A turbine shall need to be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs the turbine and associated structures would be contained solely on the property where the turbine is located, and would not strike any structures including the primary dwelling, and any inhabited structures.

C. Maintenance

1. Wind turbines must be maintained in good working order. The owner shall within 30 days of permanently ceasing operation of a wind turbine, tower, provide written notice of abandonment to the Zoning Officer. An unused wind turbine or small wind project farm may stand no longer than 12 months following abandonment. All costs associated with the demolition of the wind turbine tower and associated equipment shall be borne by the owner. A wind turbine is considered abandoned when it ceases transmission of electricity for 30 consecutive days. Wind turbines that become inoperable for more than 12 months must be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing wind turbine.

D. Decibel Levels

1. Decibel levels shall not exceed those provided by the manufacturer as requested in II Permits, 2., e. All units shall operate not more than 5 decibels above the established ambient decibel levels at property lines. This information shall be included in the engineering report described below in Section II of this document. This information shall be obtained from the manufacturer of the turbine, and all decibel readings, if necessary, shall be taken from the nearest neighboring property lines. Those turbines not meeting this requirement will be issued a zoning violation and be required to shut down immediately until the required decibel levels are met.

E. Wiring and electrical apparatuses:

1. All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground and meet all applicable local, state, and federal codes including the County Building Regulations and Residential Building Code of Ohio.

F. Warning Signs:

1. Appropriate warning signs to address voltage shall be posted on the turbine at five (5) feet above ground level tower and meet all other sign requirements in Article XII herein.

G. Building Permits:

1. All Small Wind Projects Farms and parts thereof shall obtain all applicable Building Permits from the State of Ohio and County Building Regulations where required.

II. Permits

A. A permit shall be required before construction can commence on an individual wind turbine project system.

B. As part of the permit process, the applicant shall inquire with the County Building Regulations as to whether or not additional height restrictions are applicable due to the unit's location in relation to any local airports.

C. Applicant shall then provide the Township Zoning Officer with the following items and/or information when applying for a permit:

1. Location of all public and private airports in relation to the location of the wind turbine.
2. An engineering report that shows:
 - a. The total size and height of the unit
 - b. If applicable, the total size and depth of the unit's foundation structure concrete mounting pad, as well as soil and bedrock data.
 - c. A list and/or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection, braking systems, guy wiring & anchors.
 - d. Data specifying the kilowatt size and generating capacity in kilowatts of the particular unit.
 - e. The maximum decibel level of the particular unit. This information shall be obtained from the manufacturer of the turbine unit.

- f. Ambient noise levels at property lines.
 - g. Hazardous materials containment and disposal plan.
3. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, and neighboring property lines properties.
 4. Evidence of established setbacks of 1.1 times the height of the wind turbine and “clear fall zone.” with manufacturer’s recommendation must be attached to the engineering report.
 4. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.

Section 1038 General Conditions for Adult Entertainment Use.

Adult Entertainment Facilities are conditionally permitted within the B-2 Business Districts only, and subject to conditions set forth in the Zoning Resolution Section 1038 and paragraphs 1-9 hereafter set forth.

1. No adult entertainment facility shall be established within one thousand (1,000) feet of any areas zoned for residential use.
2. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any school, library, or teaching facility, whether public or private, governmental or commercial which school, library, or teaching facility is attended by persons under eighteen (18) years of age.
3. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any park or recreational facility attended by persons under eighteen (18) years of age.
4. No adult entertainment facility shall be established within a radius of two thousand (2,000) feet of any other adult entertainment facility.
5. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of established church, synagogue, or permanently established place of religious services which is attended by persons under eighteen (18) years of age.
6. No advertisements, displays, or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.
7. All building openings, entries, windows, etc. for adult uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk, or street. For new construction, the building shall be

oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.

8. No screens, loudspeakers, or sound equipment shall be used for adult motion picture theatres (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.
9. Off-street parking shall be provided in accordance with the standards for permitted use within B-2 Business Districts.

Section 1045 Junk Storage and/or Sales of Junk. The outdoor accumulation, collection, and/or storage of junk (as defined herein and in Section 1050), which is in public view from any highway or adjoining residential structure, shall be prohibited in all zoning districts.

Section 1050 Junk. No trash, debris, litter, rubbish, unused property, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk, and weeds or tall grass measuring over twelve (12) inches, shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard, or nuisance to the Township or general public.

Section 1051 Grass and Weed Control. Noxious weeds and grass must be mowed regularly from March 1 to October 31 to prevent weeds/grass from exceeding twelve (12) inches in height or maturing to seed. Owners of properties that do not comply will receive a notice from the Township to cut or mow the weeds/grass within five (5) days. If the owner fails to do this, the Township will hire a private contractor to do the work at the owner's expense.

Section 1052 Garage, Porch, Yard, or Similar Type Sales. A resident may conduct a garage, porch, yard, or similar type sale provided such sale does not exceed six (6) such events during a calendar year. If such sales exceed (6) such events during a calendar year, a zoning amendment or conditional use permit must be obtained for the operation of a local business. No sale shall exceed three (3) consecutive days in length. Parking shall be provided off the public highway right-of-way and off neighboring property unless consent is obtained from the affected neighbor to do so. All signs advertising such sales shall be removed immediately after the sale has concluded its duration.

Section 1055 Mobile Trailers Prohibited for Business, Storage, Residential and Sign Purposes. The use of a mobile home, tractor trailer, box car, sealand container, or other similar type trailer, container, or structure shall not be permitted as an office or business structure, storage facility, residential structure, or sign structure except as stated in Section 1004.

Section 1056 Boat Slips and Docks. Boat slips and docks shall not exceed fifteen (15) feet in overall height from the lowest level on which the building is located or placed to the maximum peak of the roof or deck railing. Boat slips and docks shall not be enclosed in any

manner. All boat slips and docks shall be setback at least five (5) feet from all side lot lines **and comply with Section 1015. The front setback requirements of this Resolution shall not apply to boat slips and docks.**

Section 1057 Recreational Vehicles. No person shall stand or park a recreational vehicle, motor home, travel trailer, tent, bus or similar equipment that provides living or sleeping quarters in any residential driveway or on any residential premises other than storage in a private garage, for more than a total of 72 hours. For periods exceeding 72 hours, a zoning permit shall be required to stand or park a recreational vehicle, motor home, travel trailer, tent, bus, or similar equipment that provides living or sleeping quarters in any district on Wolfe Island. Zoning permits shall be issued in increments of seven (7) days. No more than four (4) permits shall be issued to any person or persons during a calendar year (Jan. 1st – Dec. 31st).

Section 1058 Noise. Noise which is objectionable as determined by the Board or Zoning Officer due to volume, frequency or beat shall be muffled or otherwise controlled. Fire sirens and related apparatus used solely for public purposes are exempt from this requirement.

Section 1059 Erection of More than One Principal Building on a Lot. The erection of more than one principal structure on any lot in any district shall be prohibited.

Section 1060 Foundations. No building ~~between 0 and 100~~ over 200 square feet shall be erected or located except on a foundation of gravel, asphalt, concrete or footings. ~~No building greater than 100 square feet shall be erected or located except on a continuous foundation of concrete.~~ Any building or structure 200 square feet and over shall have a footing installed and inspected in accordance with county building regulations.

Section 1061 Accessory Buildings. No Accessory Building or Structure (such as a garage) as defined in **Article II DEFINITIONS**, shall be built, constructed or placed on a lot unless such accessory building or structure is on the same lot or on an ~~adjacent~~ adjoining lot with and of a nature customarily incidental and subordinate to the **primary structure**, as defined in **Article VIII ESTABLISHMENT AND PURPOSE OF DISTRICTS** and **Article IX DISTRICT REGULATIONS, R-2 MEDIUM DENSITY RESIDENTIAL AND B-2 SERVICE BUSINESS DISTRICT.**

Section 1065 ~~Cuts Through/Damage~~ to Drainage Tile. In locations where the ~~footer/footing~~ of new construction ~~cuts/damages~~ a drainage tile, ~~this cut tile/the damaged tile~~ shall be replaced or repaired by the builder in order that proper drainage will be continued. **Furthermore, no change shall violate Section 1028 Site Runoff or Section 1113 Drainage.**

Section 1066 Portable Toilets. No person or entity shall place or store a portable toilet for more than seventy-two (72) consecutive hours more than four (4) times during any calendar year with a zoning permit issued by the Township Zoning Officer. The placement of portable toilets at a construction site for the benefit of workers at the construction site is not subject to the permit requirement of this section.

ARTICLE XI OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 1100 General Requirements

1. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and/or loading spaces have been provided in accordance with the provisions of this Resolution.
2. The provisions of this Article, except where there is a change of use, shall not apply to any existing building or structure.
3. Whenever a building or structure constructed after the effective date of this Resolution is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this Resolution is enlarged to the extent of fifty (50%) percent or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

Section 1110 Parking Space Dimensions. A parking space shall have minimum rectangular dimensions of not less than nine (9) feet in width and nineteen (19) feet in length for ninety (90) degree parking, nine (9) feet in width and twenty-three (23) feet in length for parallel parking, ten (10) feet in width and nineteen (19) feet in length for sixty (60) degree parking, and twelve (12) feet in width and nineteen (19) feet in length for forty-five (45) degree parking. All dimensions shall be exclusive of driveways, aisles and other circulation areas. The number of required off-street parking spaces is established in Section 1130 of this Resolution.

Section 1111 Loading Space Requirements and Dimensions. A loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles and other circulation areas and a height of clearance of not less than fifteen (15) feet. One off-street loading space shall be provided and maintained on the same lot requiring delivery of goods and having a modified gross floor area of five thousand (5,000) square feet. One loading space shall be provided for each additional ten thousand (10,000) square feet or fraction thereof of ground floor area.

Section 1112 Paving. The required number of parking and loading spaces as set forth in Sections 1111 and 1130, together with driveways, aisles and other circulation areas, shall be improved with such material to provide a durable and dust-free surface.

Section 1113 Drainage. All parking loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or

walkways. **Furthermore, no change shall violate Section 1028 Site Runoff or Section 1065 ~~Cuts Through/Damage to Drainage Tile~~.**

Section 1114 Maintenance. The owner of property used for parking and/or loading shall maintain such area in good condition without holes free of all dust, trash, and other debris.

Section 1115 Lighting. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property.

Section 1116 Location of Parking Spaces. The following regulations shall govern the location of off-street parking spaces and areas:

1. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve;
2. Parking spaces for commercial, industrial, or institutional uses shall be located not more than seven hundred (700) feet from the principal use;
3. Parking spaces for any apartments or similar residential uses shall be located not more than three hundred (300) feet from the principal use.

Section 1117 Screening and Landscaping. Whenever a parking area is located in or adjacent to a residential district it shall be effectively screened on all sides which adjoin or face any property used for residential purposes, by an acceptable designed fence, or planting screen. Such fence or planting screen shall be not less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition. In the event that terrain or other natural features are such that the erection of such fence or planting screen will not serve the intended purpose, then no such fence or planting screen and landscaping shall be required.

Section 1119 Minimum Distance and Setbacks. No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit if located on an adjoining lot, unless separated by an acceptably designed screen. In no case shall any part of a parking area be closer than four (4) feet to any established road right-of-way.

Section 1120 Joint Use. Two (2) or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Zoning Officer shall be filed with the application for a zoning permit.

Section 1121 Wheel Blocks. Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

Section 1122 Width of Driveway Aisle. Driveways serving individual parking spaces shall not be less than twenty-five (25) feet wide for ninety (90) degree parking, twelve (12) feet

wide for parallel parking, seventeen and one-half (17.5) feet for sixty (60) degree parking and thirteen (13) feet for forty-five (45) degree parking.

Section 1130 Parking Space Requirements. For the purpose of this Resolution, the following parking space requirements shall apply:

TYPE OF USE	PARKING SPACES REQUIRED
Single family or two family dwelling.....	Two for each unit
Apartments, or multi-family dwellings.....	Two for each unit
Mobile homes.....	Two for each unit
Outdoor swimming pools, public or community or club	One for each 5 persons capacity plus one for each 4 seats or one for each 30 square feet of floor area used for seating purposes whichever is greater
Retail establishments.....	One for each 250 sq. ft. of floor area
Offices, public or professional, administrative or service buildings	One for each 400 sq. ft. of floor area
All other types of businesses or commercial uses permitted in any district.....	One for each 300 sq. ft. of floor area
Churches.....	One for each 5 seats
All types of manufacturing, storage, and wholesale uses	one for every 2 employees on the largest shift for which the building is designed

Section 1131 General Interpretations. In the interpretation of this Article, the following rules shall govern.

1. Parking spaces for other permitted or conditional uses not listed in this Article shall be determined by the Board of Zoning Appeals upon an appeal from a decision of the Zoning Officer.
2. Fractional numbers shall be increased to the next whole number.
3. When a reason for parking demand is unusually low, then the parking space provisions cited above may be reduced proportionately by the Board upon an appeal from a decision of the Zoning Officer.

ARTICLE XII SIGNS

Section 1200 Intent. The purpose of this Article is to promote and protect the public health, safety, and welfare by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and to protect the physical appearance of the Township.

Section 1201 Governmental Signs Excluded. For the purpose of this Resolution "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by law, ordinance, or governmental regulation.

Section 1202 General Requirements for all Signs and Districts. The regulations contained in this section shall apply to all signs and all use districts.

1. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there from to be directed or beamed upon a public thoroughfare so as to cause glare or reflection that may constitute a traffic hazard of nuisance;
2. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect, if any;
3. No sign shall be placed on the roof of any building;
4. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 1220 herein;
5. No sign except as provided in Section 1220, or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign;
6. No sign of any classification shall be installed, erected, or attached in any form, shape or manner to a fire escape or any door or window giving access to any fire escape;
7. All signs hung and erected shall be plainly marked with the name of the person, firm, or corporation responsible for maintaining the sign;

8. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Officer, proceed at once to put such sign in a safe and secure condition or remove the sign;
9. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.

Section 1203 Measurement of Sign Area. The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

Section 1210 Signs Permitted in all Districts not Requiring a Permit.

1. Signs advertising the sale, lease or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area on each side, except in all residential districts where the area of the sign shall not be more than eight (8) square feet on each side;
2. Professional name plates not to exceed two (2) feet by three (3) feet in area;
3. Signs denoting the name and address of the occupants of the premises, not to exceed four (4) square feet in area.

Section 1211 Signs Permitted in any District Requiring a Permit.

1. Signs or bulletin boards customarily incidental to places of worship, social clubs, or societies, which signs or bulletin boards shall not exceed fifteen (15) square feet in area and which shall be located on the premises of such institution.
2. Any sign advertising a commercial enterprise, including real estate developers or subdividers in a district zoned rural or residential shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

Section 1220 Temporary Signs. Temporary signs not exceeding thirty-two (32) square feet in area on each side, announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period and then not to exceed the term of the zoning permit or completion of construction, whichever comes first. Such temporary signs shall conform to

the general requirements listed in Section 1202 and have a minimum setback of ten (10) feet from the right-of-way line.

Section 1221 Political Signs. No political sign shall be posted in any place or in any manner that is destructive to property upon posting or removal. No political sign shall be placed in such a way to hinder traffic visibility (from any direction) and public safety.

Section 1240 Sign Setback Requirements. Except as modified in Sections 1243, on-premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least ten (10) feet. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district.

Section 1241 Increased Setback. For every square foot by which any on-premises sign exceeds fifty (50) square feet, the setback shall be increased by one-half (1/2) foot but need not exceed one hundred (100) feet.

Section 1243 Set-backs for Public and Quasipublic Signs. Real estate signs and bulletin boards for a church, school, or any other public, religious or educational institution, and may be erected not less than ten (10) feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.

Section 1244 Special Yard Provisions. On-premises signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on-premises signs shall not be erected or placed within twelve (12) feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than twelve (12) feet, the latter shall apply.

Section 1250 Limitation. For the purposes of this Resolution, wall signs and outdoor advertising off-premises (billboards) signs shall be prohibited in all districts.

Section 1260 Violations. In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Resolution, the Zoning Officer shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Resolution. Failure to comply shall be deemed a violation and shall be punishable under Section 350 of this Resolution.

ARTICLE XIII

MOBILE HOME PARKS AND MOBILE HOMES INDIVIDUALLY

Section 1300 Intent. It is the intent of this Article to regulate the location of, and to encourage, stabilize, and protect the development of well-planned manufactured or mobile home parks if one is proposed.

Section 1310 Approval Procedures. Manufactured or mobile home parks shall be permitted only as a conditional use in the B-2 Districts and shall be developed in according to the general standards and regulations stated and referenced in Article 13.

Section 1320 General Standards for Manufactured or Mobile Home Parks. The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed or expanded manufactured or mobile home park in terms of the following standards and shall find adequate evidence showing that the manufactured or mobile home park development:

- 1) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- 2) Will not be hazardous or detrimental to existing or future neighboring uses;
- 3) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal and schools; or that the persons or agencies responsible for the establishment of the proposed park shall be able to provide adequately any such services;
- 4) Will be consistent with the intent and purpose of this Resolution;
- 5) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets and roads;
- 6) Will not result in the destruction, loss, or damage of natural features of major importance;
- 7) Minimum size of mobile home park shall not be less than seven (7) acres.

Section 1330 Manufactured or Mobile Home Park Requirements. Manufactured or mobile home parks shall be developed in accordance with the requirements of Chapter 37-1-27 of the Ohio Sanitary Code adopted by the Public Health Council under the authority of the Ohio Revised Code Section 3733 and as amended.

Section 1340 Minimum Floor Area. Individual manufactured or mobile homes located within the park shall have a minimum floor area of eight hundred (800) square feet in the B-2 District using the accepted industry measurement standards.

Section 1341 Mobile Homes Individually. The following requirements shall apply to mobile home dwellings that are placed upon an individual lot in any district where conditionally permitted:

1. Individual mobile homes shall have using accepted industry measurement standards a minimum area of eight hundred (800) square feet in the B-2 District.
2. The mobile home's tongue(s), axle(s) and wheels shall be removed and the home shall be placed upon a permanent concrete foundation which is below the frost line and is in accordance with the County Auditor's current requirement for real estate tax purposes and which includes at least two (2) tie-down rings.
3. The mobile home shall be skirted entirely enclosing the bottom section, within one hundred sixty(160) days after its placement. Skirting shall be constructed of vinyl, aluminum, or other suitable material that is designed specifically for skirting
4. The mobile home shall be landscaped with lawn within one hundred sixty (160) days after is placement.
5. The mobile home shall: (1) not be increased in floor area by any means of construction except with a unit specifically designed and constructed by the mobile home manufacturer; (2) not be covered with an additional roof structure.
6. The mobile home lot shall have an accessory structure thereon with minimum dimensions of eight (8) by twelve (12) feet for storage purposes, not to include carports, awnings, or any other accessory structures It shall be located in the side or rear yard.

The Board of Zoning Appeals may set other conditions which it deems reasonable and appropriate.

This Resolution is hereby adopted on this _____ day of _____ 20____.

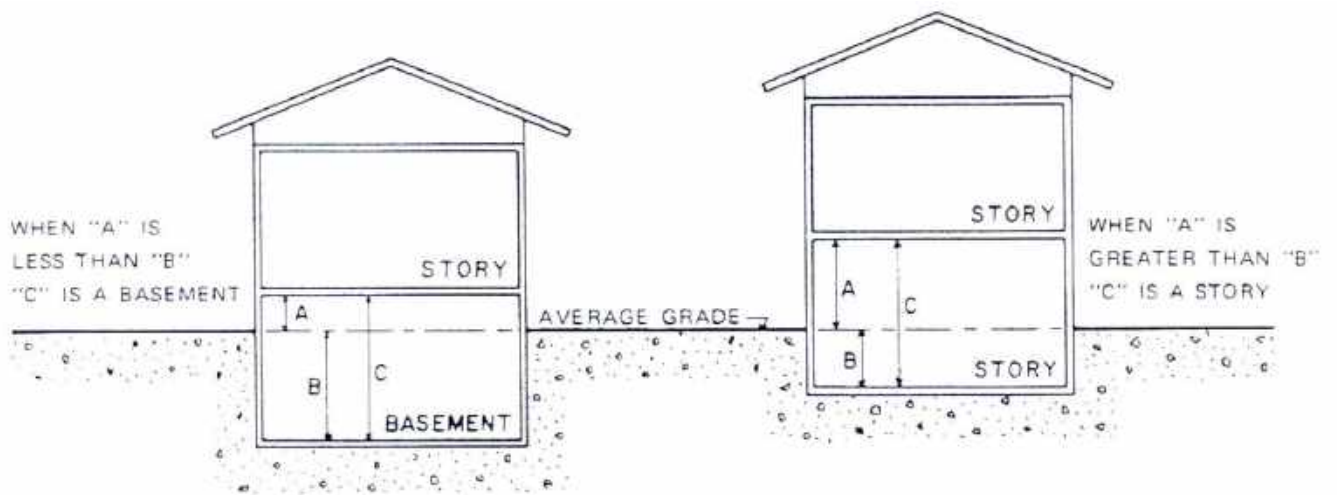
Chairman, Board of Township Trustees

Member, Board of Township Trustees

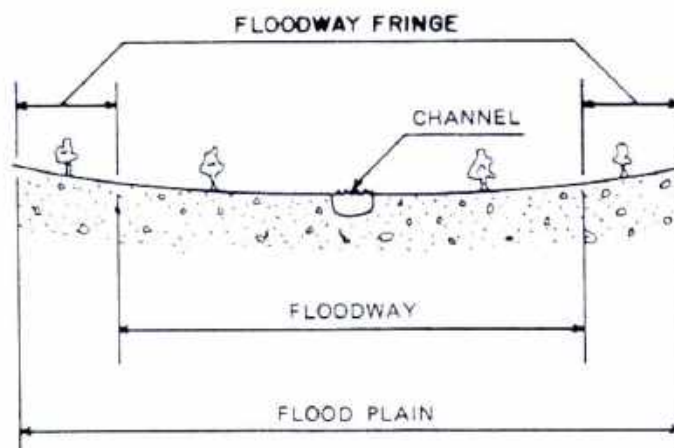
Member, Board of Township Trustees

Attest, Clerk Township Trustees

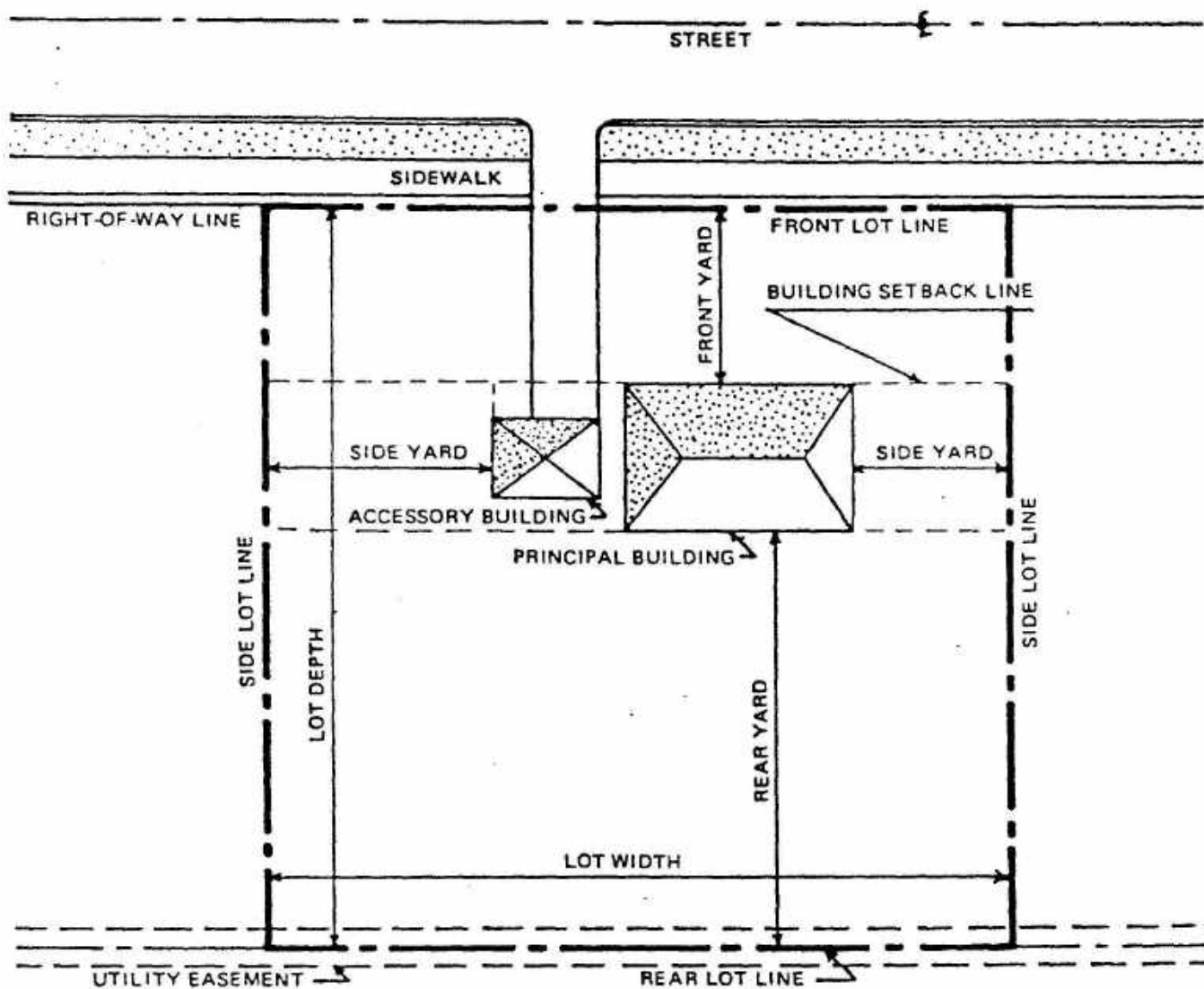




BASEMENT & STORY



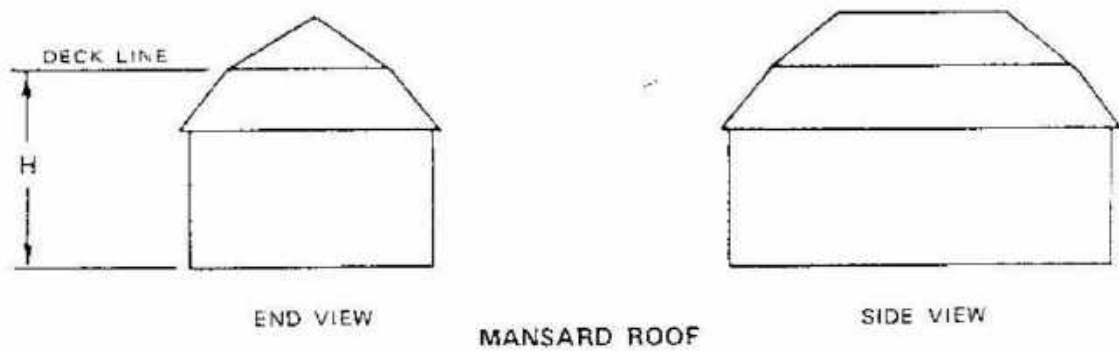
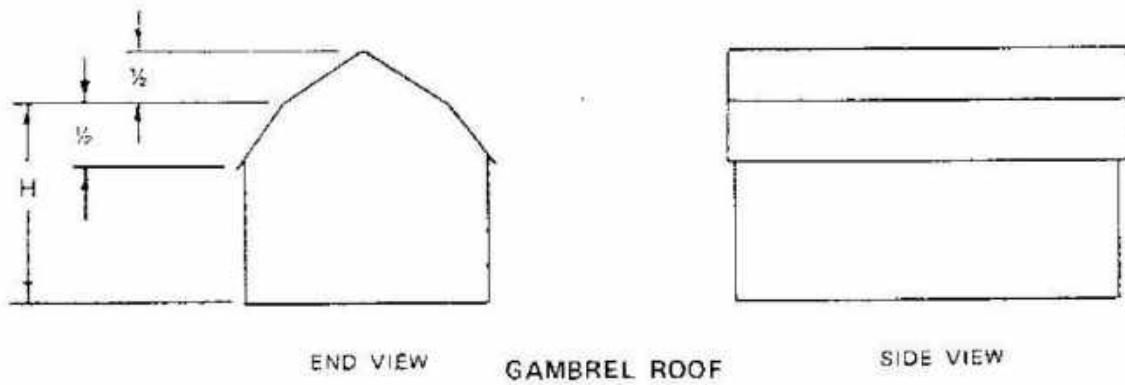
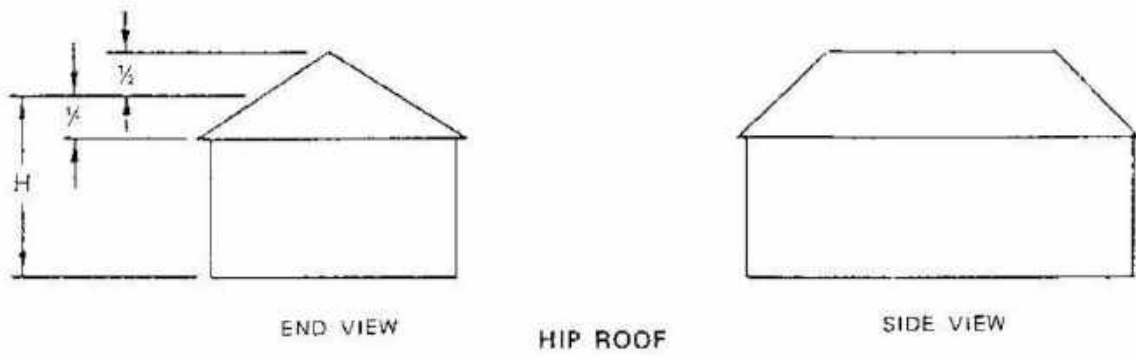
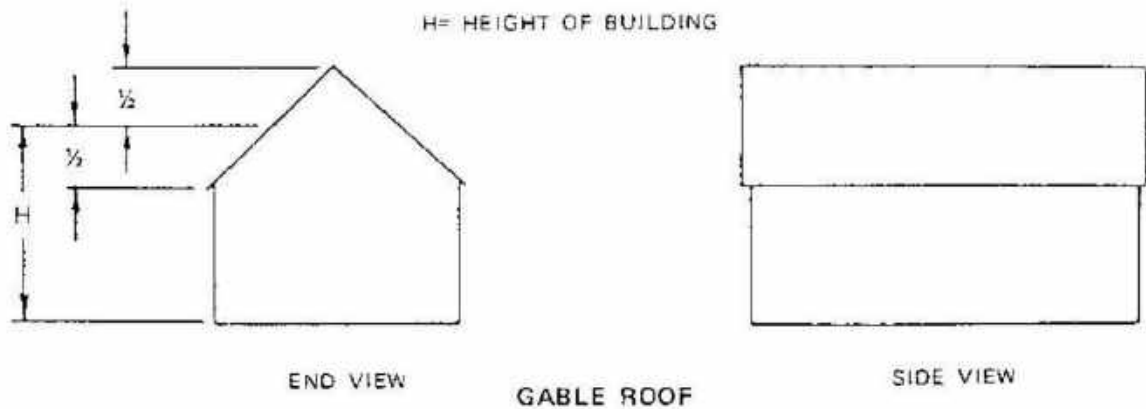
FLOOD PLAIN TERMS



LOT AREA= TOTAL HORIZONTAL AREA

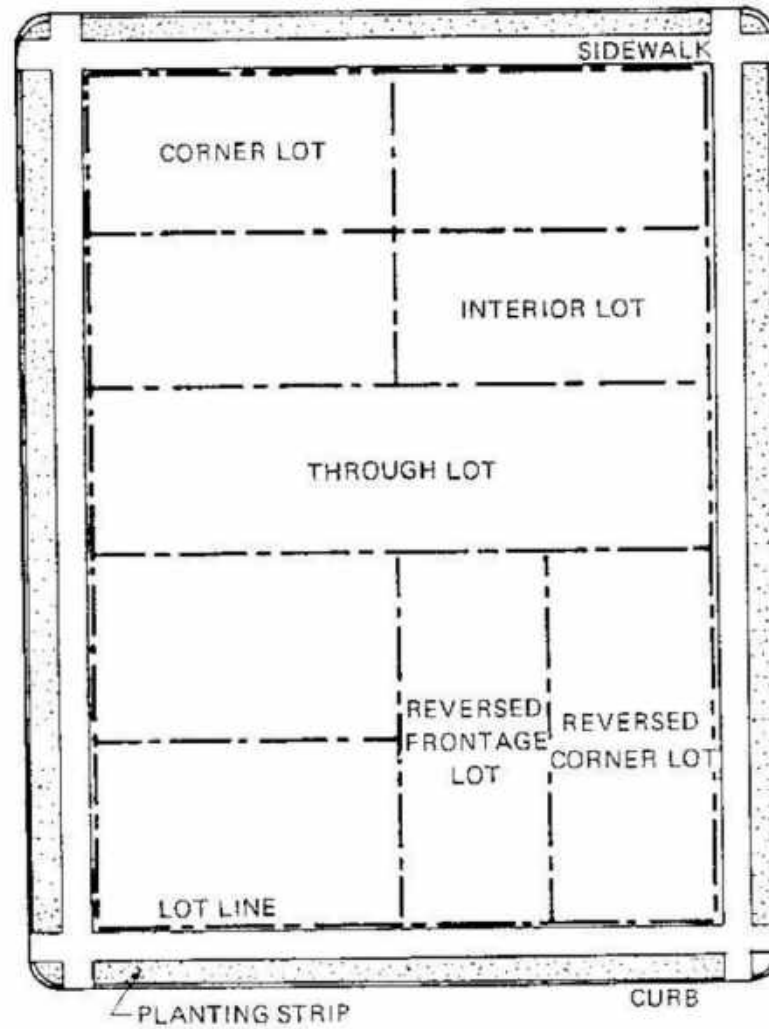
LOT COVERAGE= PER CENT OF LOT OCCUPIED
BY BUILDING

LOT TERMS



ROOF TYPES AND BUILDING HEIGHT

STREET



TYPES OF LOTS



Zoning & Subdivision Committee
Thursday, November 8, 2018

The Zoning and Subdivision Committee met in regular session on Thursday, November 8, 2018 at 12:03 pm at the LUC East Liberty Office.

Zoning & Subdivision Committee Members were in attendance as follows: Brad Bodenmiller, Tyler Bumbalough, Chad Flowers, Dave Gulden, Charles Hall, Steve McCall, Heather Martin, Bill Narducci, Jeff Stauch and Andy Yoder. Absent members were: Scott Coleman, Wes Dodds, Vince Papsidero, and Tom Scheiderer.

Guests included: Don McCreary, Allen Township; Jacob Rausch, Allen Township; Ken Ruff, Allen Township; Mark Spagnuolo, Jerome Township; Justin Wollenberg, Terrain Evolution; Matt Howells.

Andy Yoder chaired the Zoning & Subdivision Committee Meeting.

Charles Hall moved a motion to approve the minutes from the October 11, 2018 meeting as written and Steve McCall seconded. All in favor.

1. Review of ERN-2 Phase 1 Final Plat (Union County) – Staff Report by Brad Bodenmiller
 - Jeff Stauch made the first motion to recommend approval of the ERN-2 Phase 1 Final Plat and Steve McCall seconded. All in favor.
2. Review of GPN-11 Preliminary Plat (Union County) – Staff Report by Brad Bodenmiller
 - Bill Narducci – There's a variance pending regarding the maximum cul-de-sac length. Both cul-de-sacs exceed the regulation by 20 feet, it doesn't have to be approved prior to any action today. We feel comfortable approving the variance for the southern cul-de-sac. It's not a major variance from our maximum standard. The other cul-de-sac, we feel it would be more appropriate to provide a stub street somewhere between lot 17 and 22, to serve that larger piece of land outside the development, in the event it develops in the future. As we work through these last pieces of this development, there's nothing connecting to the adjacent properties. We feel that at some point that piece will develop, so we want to provide some connectivity there. We denied the variance for Redford Court because of this. If a stub street was put in, it wouldn't exceed the length per regulations.
 - Steve McCall – Does the protection services have any requirements?



- Bill Narducci – It would be served by Jerome Township, I don't know if they have any requirements.
- Charles Hall – We did have a similar issue in another development. That's what bothers me, if you have a fire, what's the fire department going to do? Is there going to be room for all services?
- Chad Flowers – From a planning perspective, it's too bad that these later developments aren't included in the master plan and better thought out. Having a bunch of cul-de-sacs doesn't allow for connectivity and services. It's nice to have different routes to exit a development.
- Charles Hall – I would like to have input from Jerome Fire Department.
- Justin Wollenberg – The Fire Code allows for up to 30 units for a single access. We have 19 and 34 units, but 19 on the one cul-de-sac without a turn around. The street width is the same as the other developments. We didn't connect it because of traffic and cut throughs.
 - Chad Flowers – There's way to fix those issues instead of creating dead-in streets.
 - Justin Wollenberg – I agree, that's why we've tried to keep it within the limits of the fire code.
- Steve McCall – To the west, there's a farm?
- Justin Wollenberg – I agree that at some point that will develop. In my opinion, that land is undevelopable. We would take that area and keep it in reserve. When I received Bill's e-mail this morning, I questioned what if we shifted the lots to allow it to expand in a different area. I hesitate to agree that a stub in that area is a viable option. That needs some time to be vetted out. The variance doesn't need to be approved before this approval? I ask that because I believe the layout is going to change some and we're going to have to resubmit it. Is it better to submit an amended plat, or resubmit it?
- Steve McCall – I'd recommend the tabling. I'd hate to recommend something that isn't going to be approved down the road.
- Bill Narducci – Do we have a process that we can submit an amendment process?
- Brad Bodenmiller – As long as the number of lots and lands don't increase, I would let them update the drawing and redistribute it. The only fee would be the tabling fee.
- Justin Wollenberg – Construction can't start until we have a plan in place. I'm not worried about that.
- Chad Flowers – Is there a plan to design it in a way to add a stub and then maybe amend it?
- Justin Wollenberg – I'd prefer to see the cul-de-sac be extended to a point that it could be a throughway. I need to meet with Jeff and Bill to determine what is the best option. It does make sense to have some sort of connection through there.



- Chad Flowers - The more connections you make, the better it is. Look at that and take it into consideration.
 - Charles Hall – Brock Road is on the bottom of this section, if you open those two cul-de-sacs, you're apt to have a lot of traffic.
 - Justin Wollenberg – That's definitely a concern. The intersection with Ryan Parkway, that's the connection to that 151-acre site. It's zoned for 161 units.
 - Charles Hall – What's going to happen on the left?
 - Justin Wollenberg – We don't know, that's not under our control. At some point Ryan Parkway will continue to extend to the west. We want to keep our traffic on Hyland Parkway and Ryan Parkway and discourage the cut throughs of the development. We've tried to discourage a straight through in GPN 7.
 - Justin Wollenberg requested a tabling.
 - Charles Hall made the first motion to accepting Justin Wollenberg's request to table the GPN-11 Preliminary Plat and Tyler Bumbalough seconded. All in favor.
3. Review of Allen Township Zoning Parcel Amendment (Union County) – Staff Report by Brad Bodenmiller
- Charles Hall – I'd like to hear from the Trustees
 - Ken Ruff - From the comp plan standpoint and wanting to be country, the 320 acres is less than 1.20% acres of the township. The residents in the study being upset with traffic, traffic has been an issue since Honda came. Any traffic concerns with regards to the changes isn't going to affect the residents' concerns with traffic. This isn't going to aggravate or alleviate any of those concerns. The concerns involved with the agriculture, it said we need to protect the agriculture land. According to the USDA, it is the least productive in the township. The comp plan with regards to the residents, I don't think any of those are relevant with the requested zoning area. The township has lost a significant amount of money with regard to tax changes, contributions from the tax base from Honda exceed 1.5 million dollars. The Trustees are in the process of canceling a contract with the sheriff due to general fund pressures and looking at a levy so commercial development is going to be key to alleviate some of the pressures. Bringing in a doctor office or a small commercial development isn't going to develop tax revenue. The zoning board went through the checklist as part of an analysis before recommending a zoning change. We feel that these changes meet the comp plan general guidelines. Changing zoning will give the land owners a way to use their property.
 - Chad Flowers – Do you really think retail is the best option there?
 - Ken Ruff – Because of the location, because of access, retail, truck stops would be an ideal location. We've had a couple inquiries regarding a



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- truck stop at that intersection. There's still discussion from developers to look at that area. We would be interested in that.
- Chad Flowers – How much of the township zoned retail is undeveloped currently?
 - Ken Ruff – There's still a lot of commercial lots available.
 - Chad Flowers – It seems that if there's a lot of commercial property already there that's not developed, it's a tough sell. From a planner's perspective, to lean on the comp plan, that's still justification. I think I'm hesitant to go against that. I'd suggest redoing the comprehensive plan and see what the township as a whole wants. I recommend doing one every 10 years.
 - Dave Gulden – ODOT will announce tomorrow who they've chosen to do their plan.
 - Chad Flowers – I'd utilize ODOT's plan to help alleviate the cost. The utilities aren't on that side of the road? If a development is going to occur, the utilities cost could kill the deal.
 - Ken Ruff – The lack of utilities didn't stop them from attempting to purchase the property.
 - Jeff Stauch – From a traffic perspective, we look at each development, so we would ask for a traffic impact study if it's something significant. It's difficult to say what impact it would be between zoning. Looking back at the truck stop proposals, we didn't have any details, our concern is the proximity to the intersection is too close. If that were to happen, there'd have to be a site that doesn't impact how the interchange operates.
 - Ken Ruff – We didn't approve Pilot's request because of the location. We've had two that have requested a zoning change to support the purchase of the land at the corner of St. Rt. 287/Midwest Express. That would have been an ideal location and would have provided a significant portion of lot storage for the semis parked along St. Rt. 287. That one would have gone a lot further, if Mr. Robinson did not have other dealings with Honda.
 - Don McCreary – The ODOT study is the reason we're here for a little more input for how they intend to handle that.
 - Dave Gulden – They're studying the corridor and they're going to look at a period of distance away from the corridor to see land use. They could recommend changes to the ramp, best types of land uses, plus fiber optics, autonomous vehicles. There's a lot we don't know.
 - Don McCreary – The map we saw showed five miles south of Honda Parkway. That ground is part of that, how do we tell the people that own the ground that they can't do anything with it because of ODOT?
 - Dave Gulden – They're not taking land.

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- Don McCreary – They just want to control the land. The guy that owns that ground probably doesn't own an electric car or autonomous vehicle, so he has no control over his property. He's being told what he can do.
 - Brad Bodenmiller – You guys always control the zoning. ODOT cannot tell you what to do.
 - Don McCreary – I sat in on that comp plan. The questions were slanted to get a specific answer. Everything had a slant to it, and when the results came out none of us were happy with it.
 - Chad Flowers – Did the Trustees adopt it?
 - Don McCreary – Yes, it was.
 - Charles Hall made the first motion to recommend denial of the Allen Township Zoning Parcel Amendment with staff and committee comments and Chad Flowers seconded. All in favor.
- 4. Review of Jerome Township Zoning Text Amendment (Union) – Staff Report by Brad Bodenmiller
 - Charles Hall – If I want to build a 100,000 sq. ft. building?
 - Brad Bodenmiller – You have to get a conditional use now.
 - Charles Hall – Is this trying to eliminate or control warehouses?
 - Mark Spagnuolo – I think the average building is 25,000-50,000 sq. ft. We want the township to be able to review them and make sure they do the proper screening. We had that condition on some buildings and some uses but not on others. We just wanted to simplify it and clean it up. If you're over 50,000 sq. ft., we felt that was unusual, so we wanted the BZA to look at that.
 - Charles Hall – So at this point, what if I wanted to put up a 100,000 sq. ft building now?
 - Mark Spagnuolo – It depends what it's for.
 - Dave Gulden – You had an expansion project that ran into this issue.
 - Mark Spagnuolo – We have an issue between two plastic manufacturers one could have an extension and one could not, because of the type of plastic they manufactured.
 - Charles Hall made the first motion to recommend approval of the Jerome Township Zoning Text Amendment and Steve McCall seconded. All in favor.
- 5. Review of Stokes Township Avondale Allotments Zoning Text Amendment (Logan) – Staff Report by Brad Bodenmiller
 - Andy Yoder – The reduction of height for fences around swimming pools?
 - Tyler Bumbalough – It's easier to get over a 4-foot fence than a 6-foot.



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- Brad – Fence heights are based on the Supplement G of the Residential Building Code. My concern with requiring a survey with each zoning permit is it is overly burdensome to require a survey for something like a shed.
 - Tyler Bumbalough – By survey do you think they mean a plat map instead of a survey? I'm fine with the and/or, or the recommendation of taking the survey out and if applicable using plat instead.
 - Steve McCall made the first motion to recommend approval of the Stokes Township Avondale Allotments Zoning Text Amendment with a recommendation to change the text to: survey and/or plat and deed language and Tyler Bumbalough seconded. All in favor.
6. Review of Stokes Township Indian Isles Zoning Text Amendment (Logan) – Staff Report by Brad Bodenmiller
- Charles Hall made the first motion to recommend approval of the Stokes Township Indian Isles Zoning Text Amendment with a recommendation to change the text to: survey and/or plat and deed language and Jeff Stauch seconded. All in favor.
7. Review of Stokes Township Wolfe Island Zoning Text Amendment (Logan) – Staff Report by Brad Bodenmiller
- Steve McCall made the first motion to recommend approval of the Stokes Township Wolfe Island Zoning Text Amendment with a recommendation to change the text to: survey and/or plat and deed language and Charles Hall seconded. All in favor.

The Zoning and Subdivision Committee adjourned at 1:10 pm with Steve McCall moving the motion to adjourn and Charles Hall seconding. All in favor.

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