

**JOHNSON TOWNSHIP**  
**CHAMPAIGN COUNTY, OHIO**  
United States of America

**ZONING RESOLUTION**

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## PREAMBLE

A RESOLUTION OF THE TOWNSHIP OF JOHNSON, CHAMPAIGN COUNTY, OHIO, ENACTED IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND THE PROVISIONS OF CHAPTER 519, OHIO REVISED CODE, DIVIDING THE TOWNSHIP INTO ZONES AND DISTRICTS, ENCOURAGING, REGULATING, AND RESTRICTING THEREIN THE LOCATION, CONSTRUCTION, RECONSTRUCTION, ALTERATION AND USE OF STRUCTURES AND LAND: PROMOTING THE ORDERLY DEVELOPMENT OF RESIDENTIAL, BUSINESS, INDUSTRIAL, RECREATIONAL, AND PUBLIC AREAS: PROVIDING FOR ADEQUATE LIGHT, AIR, AND CONVENIENCE OF ACCESS TO PROPERTY BY REGULATING THE USE OF LAND AND BUILDINGS AND THE BULK OF STRUCTURES IN RELATIONSHIP TO SURROUNDING PROPERTIES: LIMITING CONGESTION IN THE PUBLIC RIGHTS-OF-WAY: PROVIDING THE COMPATIBILITY OF DIFFERENT LAND USES AND THE MOST APPROPRIATE USE OF LAND; PROVIDING FOR THE ADMINISTRATION OF THIS RESOLUTION AS PROVIDED HEREFTER, 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, COMFORT AND GENERAL WELARE; AND FOR THE REPEAL THEREOF

THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWNSHIP OF JOHNSON, CHAMPAIGN COUNTY, OHIO.

## **ARTICLE I - TITLE, INTERPRETATION AND ENACTMENT**

Section 100 - Title. This Resolution shall be known, and may be cited to, as the “Zoning Resolution of the Township of JOHNSON, Champaign County, Ohio.”

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

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

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



## ARTICLE II - DEFINITIONS

Interpretation of Terms or Words. Certain terms or words used herein shall be interpreted as follows:

The word 'person' includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

1. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
2. The word 'shall' is a mandatory requirement, the word 'may' is a permissive requirement, and the word 'should' is a preferred requirement.
3. The words 'used' or 'occupied' include the words 'intended, designed, or arranged to be used or occupied.'
4. The word 'lot' includes the words 'plot' or 'parcel'.

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

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

1. Adult Bookstore. An establishment having 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 a substantial or significant portion of its stock in trade or has a segment, section or sections 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 audiocassettes, 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 use activities or entertainment facilities specified above.

Agriculture. 'Agriculture' shall include farming, dairying, pasturage, horticulture, viticulture, animal and poultry husbandry and the raising and/or sales of agricultural products.

Animal Feed Lot. Means 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.

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

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

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

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

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

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

Building Line. See "Setback Line."

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

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

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

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

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

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

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

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

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

Comprehensive Development Plan. A plan, or any portion thereof, adopted by the Regional Planning Commission and the Board of County Commissioners showing the general location and extent of present and proposed physical facilities including housing, industrial, and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan established 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 Inspector upon approval by the Board of Zoning Appeals to allow a use, other than a principally permitted use, to be established within the district.

Corner Lot. See "Lot Types."

Cul-de-Sac. See "Thoroughfare."

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

1. Gross Density. The number of dwelling units per acre of the total land to be developed.

2. Net Density. The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

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

Dwelling, Accessory. A Dwelling located on the same lot as a principal Single-Family Dwelling, for occupancy by either (a) a Family member over the age of 55 or (b) a Family member with a physical or mental disability. The occupant of an Accessory Dwelling must be a member of the Family of the resident occupant of the principal Single-Family Dwelling.

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

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

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

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

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.

Dwelling, Single-Family. A detached individual dwelling which accommodates one family living as one housekeeping unit. A "principal Single-Family Dwelling" is a Single-Family Dwelling that also constitutes a Principal Building as defined in this Zoning Resolution. The type of construction of a Single-Family Dwelling 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. Permanently-Sited Manufactured Housing must:

1. 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;
2. 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;
3. 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;
4. Excluding any additions, have a width of at least 22 feet and a length of at least 22 feet, as manufactured;
5. Have a total living area of 1,000 square feet, excluding garages, porches, or attachments;
6. Have a conventional residential siding (i.e. lap, clapboard, shake, masonry, vertical natural materials), a 6-inch minimum eave overhang, and a minimum 'A' roof pitch of 3:12;
7. Have removed its indicia of mobility (temporary axles, trailer tongue, running lights) upon placement upon its foundation;
8. 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);
9. And, is not located in a manufactured home park as defined by ORC 3733.01.

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.

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

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

Family. "Family" means either a "traditional family" or a "functional family" occupying a dwelling unit. A traditional family consists of one or more persons related to each other by birth, marriage, or adoption. A functional family consists of two or more persons whose relationship is functionally equivalent to a traditional family, but who are not related by blood, marriage, or adoption. A functional family must have a durable and distinct character with a demonstrable and recognizable bond characteristic of a cohesive family unit.

The following factors are indicators that a group of individuals is a "functional family":

- a. The sharing of social life such that joint economic, social, and cultural life is practiced on a permanent basis.
- b. The presence of minor dependent children regularly residing in the household and enrolled in local schools with one or more members of the household acting in the role of parents.

- c. The household has been living together as a unit for a year or more, whether in the current dwelling unit or other dwelling units.
- d. The individuals use the address of the dwelling unit for the purposes of voter registration, driver's license, motor vehicle registration, receipt of income from employment or governmental program; legal communications or notices, including health insurance or other programmatic communications; and the payment of taxes.
- e. Furniture and appliances are owned in common.
- f. Some members of the household are employed full-time in the community.

The following factors are indicators that a group of individuals is not a functional family:

- a. Different residents of the dwelling unit are away during the summer and do not share a single summer address.
- b. One or more individuals are claimed as dependents on the income tax returns of individuals not resident in the household.
- c. Persons occupying a boarding house, hotel, lodging house, group rental house, or fraternity or sorority house do not constitute a functional family.

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

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

Floodway. That portion of the flood plain, including the channel, which is 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 of the several floors of a residential building, excluding basement floor areas not devoted to residential use and attached garages, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

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

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

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

Forestry. The propagation and harvesting of forest trees.

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

Home Occupation: A trade, profession, or business conducted in a dwelling unit. The term also includes teleworking by a resident of a dwelling, whether conducted in the resident's dwelling or in another building on the same lot as the dwelling.

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

Lighting. The distribution of light; giving light or being lighted; the practice or manner of arranging lights; illumination.

1. Footcandle. A measure of light intensity. The amount of light received by 1 square foot of a surface that is 1 foot from a point source of light.
2. Glare. The brightness of a light source that makes it difficult to visually determine what is present in the field of view. The ability to see clearly is 'clouded' or disrupted by a bright light source that extends beyond an originally desired or planned target area for the lighting.
3. Light Trespass. Light emitted by a luminaire that shines beyond the property on which the luminaire is installed.
4. Lumen. A unit of light flow or luminous flux. The lumen rating of a lamp is a measure of the total light output of the lamp.
5. Luminaire. A complete lighting unit including the lamps or bulbs, together with the parts required to distribute the light, to position and protect the lamps, and to connect the lamps to a power supply.
6. Spotlight or Floodlight. Any lamp that incorporates a reflector or a refractor to concentrate the light out put into a directed beam in a particular direction.

Loading, Space, Off-Street. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used by, 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 the purposes of this Resolution a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area for one principal building together with its accessory building and which provided such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record.

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

Lot, Coverage. The ratio 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 nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets 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.

Lot, Measurements. A lot shall be measured as follows:

1. Depth. The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and rearmost points of the side lot lines in the rear. No lot shall have an average depth, which is more than three (3) times its average width.
2. Width. The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the street or road right-of-way line, except on cul-de-sac streets (roads) where it is measured at the setback line. Also see "Lot Frontage."

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

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

1. Corner Lot. A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
2. Interior Lot. A lot with only one frontage on a street.
3. Through Lot. A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets 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.

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



Manufactured Dwelling (Mobile Home) Park. Any site, or tract of land under single ownership, upon which three (3) or more manufactured dwellings (mobile homes) used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

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

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

Marijuana. All parts of a plant of the genus *cannabis*, whether growing or not; the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture, or preparation of a plant of that type or of its seeds or resin. "Marijuana" does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination.

Medical marijuana. Marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

Medical marijuana entity. A State-licensed medical marijuana cultivator, process, dispensary, or testing laboratory.

Medical marijuana, cultivate. To grow, harvest, package and transport medical marijuana pursuant to Ohio Revised Code 3796.

Medical marijuana cultivator. An entity authorized by the State of Ohio to grow, harvest, package and transport medical marijuana as permitted under Ohio Revised Code 3796.

Medical marijuana dispensary. An entity licensed pursuant to Ohio Revised Code Chapter 3796 and any rules promulgated thereunder to sell or dispense medical marijuana to qualifying patients and caregivers.

Medical marijuana, dispense. The delivery of medical marijuana to a patient or the patient's registered caregiver that is package in a suitable container appropriately labeled for subsequent administration to or use by a patient who has an active patient registration with the State of Ohio, authorizing them to receive medical marijuana.

Medical marijuana, manufacture. The process of converting harvested plant material into marijuana extra by physical or chemical means for use as an ingredient in a medical marijuana product.

Medical marijuana processor. An entity that has been issued a certificate of operation by the State of Ohio to manufacture medical marijuana products.

Medical marijuana testing laboratory. An independent laboratory located in Ohio that has been issued a certificate of operation by the State of Ohio to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research, or analysis.

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

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

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

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

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

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

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

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

Printing and Publishing. Any business which is engaged in the printing and/or publishing of newspapers, magazines, brochures, business cards and similar activities either for profit or non-profit.

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

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

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

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

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

Recreation, Non-commercial. Any business which is operated as a recreational enterprise, either publicly or privately owned, for nonprofit. Examples are: fishing areas, parks, archery ranges, etc.

Recreational Equipment. Means designed or used for transporting people and/or animals from one location to another and back for pleasure, fun and enjoyment whether by land, air, or water. Basic entities include any type of tent, off-road vehicles (i.e. All-Terrain Vehicle- ATV's), light aircraft (i.e., gliders and ultra lights), and water craft (i.e., jet skis and boats).

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

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

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

Right-of-Way. A strip of land taken or dedicated for use as a public way. In addition to the roadway, a right of way 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).

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

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

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

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

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

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

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

1. Sign, On-Premises. Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
2. Sign, Off-Premises. Any sign unrelated to a business or profession conducted or to a commodity or service sold or offered upon the premises where such sign is located.
3. Sign, Illuminated. Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
4. Sign, Lighting Device. Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
5. Sign, Ground. 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, Projecting. A display sign which is attached directly to the building wall and which extends more than fifteen inches from the face of the wall.
9. Sign, Roof. A display sign which is erected, constructed and maintained above the roof of the building.
10. 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.

11. 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.

Stick-Built. A way of describing any structure built from boards or 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.

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

1. Alley. A minor Street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. Arterial Street. A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
3. Collector Street. A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principle entrance and circulation routes within residential subdivisions.
4. Cul-de-Sac. A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. Dead-end Street. A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
6. Local Street. A street primarily for providing access to residential or other abutting property.
7. Loop Street. A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principle radius points of the one hundred eighty (180) degree system of turns are not more than one thousand (1000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
8. Marginal Access Street. A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street).

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

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

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

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

Teleworking: Activities of a trade, profession, or business conducted solely by telephone, computer, or both. Teleworking excludes (a) manufacturing of products or parts of products by means of a computer, (b) shipping or warehousing of products or parts of products, and (c) receiving of products or parts of products other than office supplies or equipment used or consumed in teleworking. Teleworking is deemed a use incidental, subordinate, and accessory to residential use.

Through Lot. See “Lot types.”

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

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

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

Undesirable Conditions. Any use, structure, or activity which, if allowed to exist, will tend to result in undesirable neighborhoods and/or diminishing property values in the surrounding neighborhood. This also includes junk, rubbish, or garbage, or any materials which have fulfilled their intended purpose and are allowed to set for an inordinate amount of time leading to vermin attraction, toxic runoff into land, air or streams, potential human safety hazards, and unsightly landscapes.

1. Rubbish. Waste paper or plastic, tin ware or aluminum ware, tin or aluminum cans, tin or aluminum cuttings, boxes, glass, straw and wood shavings, barrels, lumber, paper cartons not considered recyclable, and yard waste that is not ‘compost material’. Yard waste includes, but is not limited to, logs, branches or cut limbs, brush, lawn cuttings, hedge trimmings, and leaves generated by clearing, maintenance and/or cleaning up of natural materials growing on the property.
2. Garbage. Accumulation of trash, refuse, or litter, specifically including, but not limited to, containers once containing edible, drinkable, or useable materials, as well as dead animals (or animal parts), and discarded edible or drinkable, or perishable items.
3. Junk. Unused or unusable building materials, furniture, machinery, appliances, motor vehicles, or parts from any of these. Building materials include, but are not limited to: lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete, cement, nails, screws, or any other materials used in constructing any structure, and unused or unusable motor vehicles. Motor vehicles include any type of junk motor vehicle as defined in Section 505.173 of the Ohio Revised Code. ‘Parts’ include, but are not limited to, any incomplete portions, sections, or segments of normally complete motor vehicles, appliances, machinery, furniture, and building materials. Parts also include scrap metals (e.g., copper,

brass, iron, steel, aluminum), non- metals (e.g., any form or type of plastic) and any materials that do not otherwise fit the description of rubbish, yard waste, or garbage (e.g., rubber, rope, rags, and batteries.)

4. Nuisance-type activity. Any condition or use of the interior or exterior of a dwelling, premises, or property which is detrimental to the premises or property of another or which causes, or even tends to cause, substantial decrease in the peace and tranquility or value of other property in the surrounding neighborhood.

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

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

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

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

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

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

Wind Energy System. A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has an aggregate rated capacity of less than 5 MW (five megawatts, which equals five million watts). Also see the Ohio Revised Code definition for “Small Wind Energy Systems” - 519.213A.

1. Flicker. The moving shadow created by the sun shining on rotating blades of a wind turbine.
2. L<sub>90</sub> Sound Level. A background noise measurement representing a sound level exceeded 90 percent (90%) of the time.
3. Shadow. The outline created on the surrounding area by the sun shining on a wind energy system.

4. *Tower Height.* The height above grade of the complete wind energy system, including the height of both the turbine tower, and turbine with the blades at their highest point. (See following definitions.)
5. *Turbine.* The parts of a wind system including the rotating devices (e.g., rotor and blades), generator and tail.
6. *Turbine Tower.* The support structure to which the turbine and rotor are attached.

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

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

*Zoning Certificate.* A document issued by the Zoning Inspector authorizing the occupancy or use of a building or structure or the actual use of lots or land in accordance with the previously issued Zoning Permit.

*Zoning Permit.* A document issued by the zoning inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.



## **ARTICLE III - ENFORCEMENT**

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

Section 301 - Contents of Application for Zoning Permit. The application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within six months or substantially completed within one and one-half (1-1/2) years. At a minimum, the application shall contain the following information:

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

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

Section 303 - Submission to Director of Transportation. Before any zoning permit is issued affecting any land within three-hundred (300) feet of the centerline of a proposed new highway, or a highway for which changes are proposed as described in the certification to local officials by the Director of

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

Section 304 - Expiration of Zoning Permit. If the work described in any zoning permit has not begun within six months from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within one and one-half (1½) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted. Extensions, if granted, shall be in six months increments, not to exceed one and one-half (1½) years.

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

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

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

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

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

Section 340 - Complaints Regarding Violations. Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint and 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 up to one-hundred (100) dollars and, in addition, shall pay all costs and expenses involved in the case.

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

## 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 work shall be carried out diligently.

Section 430 - Single Non-Conforming Lots of Record. Where permitted by this Resolution, the construction of a single-family dwelling and customary accessory buildings shall be allowed on any lot of record in existence at the time of the enactment of this Resolution (or at the time of an amendment of this Resolution which affects minimum lot area or width), even if said lot has an area and/or lot width less than that required for such single-family dwelling and customary accessory buildings in the Zoning District in which the lot is located. Said lot must not have continuous frontage with other lots in the same ownership. Except for minimum lot area or minimum lot width, said lot shall conform to all other requirements of this Resolution. Variance of any requirement other than minimum lot area and/or minimum lot width shall be obtained only through action of the Board of Zoning Appeals.

The owner of an improved non-conforming lot may not divide or convey adjacent lots in the same ownership and of continuous frontage, if such conveyance would decrease the lot size or lot width below that required in this Resolution.

Section 431 - Non-Conforming Lots of Record in Combination. Repealed.

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 as long as they remain otherwise lawful, provided:

1. No such non-conforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.

2. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution.
3. If any such non-conforming uses of land are discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.
4. No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such nonconforming use of land.

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

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity;
2. Should such non-conforming structure or non-conforming portion of structure be destroyed by fire or an act of God, it may, after approval by the Board of Zoning Appeals, be reconstructed as it previously existed. All remaining debris shall be cleared away and disposed of properly within two months of the time of destruction;
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 460 - Non-Conforming Uses of Structures or of Structures and Land in Combination. If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Resolution that would not be allowed in the district under the terms of this Resolution, the lawful use may be continued as 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 a structure, or structure and land in combination is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;
6. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land except as stated in Section 450 paragraph 2.

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

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

## ARTICLE V - ADMINISTRATION

Section 500 - Office of Zoning Inspector Created. A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this Resolution. He may be provided with the assistance of such other persons as the Trustees may direct.

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

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

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

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

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

Section 512 – Notice of Meetings of Zoning Commission and Board of Zoning Appeals.

1. The Zoning Commission and Board of Zoning Appeals shall each provide public notice of the time and place of their respective regularly scheduled meetings of the Zoning Commission by at least one of the following methods:
  - (a) Posting the notice on the Township website;
  - (b) Posting the notice on a sign or placard legible from the front door of the Township Hall;  
or
  - (c) Publication in a newspaper of general circulation in the Township.

2. The Zoning Commission and Board of Zoning Appeals shall each provide public notice of the time, place, and purpose of their respective special meetings by either posting on the Township website or by publication in a newspaper of general circulation in the Township. Neither the Zoning Commission nor the Board of Zoning Appeals shall hold a special meeting unless it gives at least 24 hours' advance notice to all news media that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members calling the meeting shall notify all news media that have requested notification immediately of the time, place, and purpose of the meeting.
3. Any person, upon request to the Zoning Commission or Board of Zoning Appeals and payment of a fee of \$20 to either or each body, may obtain reasonable advance notification of all meetings of the body to whom the request is submitted at which any specific type of public business is to be discussed. Advance notification may include distribution of the meeting agenda by email or mailing the meeting agenda in self-addressed, stamped envelope provided by the person requesting notice.
4. This Section 512 does not apply to public hearings conducted by the Board of Zoning Appeals

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

Section 521 - Proceedings of the Board of Zoning Appeals. The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the chairperson and at such other times as the Board may determine. The chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its 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 may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution or to effect any variation in the application of this Resolution. For the purpose of this Resolution the Board has the following specific responsibilities:



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

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

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

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

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

Section 543 - Variances. The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in

unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Resolution would result in unnecessary hardship.

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

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

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

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

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

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

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

Section 550 - 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 561-568, inclusive of this Resolution.

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

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

1. Name, address, and phone number of applicant;
2. Legal description of property;
3. Description of existing use;
4. Zoning district;
5. Description of proposed conditional use;
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine whether the proposed conditional use meets the intent and requirements of this Resolution.

7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, odor and fumes and on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the Comprehensive Plan.

Section 563 - 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 IX and appears on the Official Schedule of District Regulations adopted by Section 910 for the zoning district involved;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
3. Will not be hazardous or disturbing to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; 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 545 through 548.

Section 567 - Action by the Board of Zoning Appeals. Within thirty (30) days after the public hearing required in Section 566, the Board shall either approve, approve with supplementary conditions as specified in Section 565, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a Conditional Use Permit listing the specific conditions specified by the Board for approval. If the application is

disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section 530.

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

## ARTICLE VI - AMENDMENTS

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

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

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

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

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

1. Name, address, and phone number of applicant;
2. Present use;
3. Present zoning district;
4. Proposed use;
5. Proposed zoning district;
6. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require;
7. A list of all property owners and their addresses who are within, contiguous to, or directly across the road (street) from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that 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 Commission.

Section 605 - Submission to Director of Transportation. Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the

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

Section 606 - Recommendation by Zoning Commission. Within seventy (70) days from the receipt of the proposed amendment, the Zoning Commission, after public hearing and complying with all requirements of Chapter 519.12 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 607 - Public Hearing by Township Trustees. Upon receipt of the recommendation from the Zoning Commission, the Township Trustees shall schedule a public hearing. Said hearing shall be not more than thirty (30) days from the receipt of the recommendation from the Zoning Commission.

Section 608 - Notice of Public Hearing in Newspaper. Notice of the public hearing required in Section 607 shall be given by the Township Trustees by at least one (1) publication in one (1) or more newspapers of general circulation in the Township. Said notice shall be published at least fifteen (15) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

Section 610 - Action by Township Trustees. Within twenty (20) days after the public hearing required by 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 unanimous vote.

Section 611 - Effective Date and Referendum. Such amendment adopted by the Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment, there is presented to the Township Trustees a referendum petition, which is filed in accordance with Section 519.12 of the Ohio Revised Code as amended.

## **ARTICLE VII - PROVISIONS FOR OFFICIAL ZONING MAP**

Section 700 - Official Zoning Map. The districts established in Article VII of this Resolution, as shown on the Official Zoning Map, 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 to by the Clerk.

Section 720 - Interpretation of District Boundaries. Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-ways lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries;
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be 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. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.



## **ARTICLE VIII - ESTABLISHMENT AND PURPOSE OF DISTRICTS**

Section 800 - Intent. The following zoning districts are hereby established for the township. For the interpretation of this Resolution, the zoning districts have been formulated to realize the general purposes as set forth in the preamble of this Resolution. In addition, the specific purpose of each zoning district shall be as stated.

Section 810 - Rural District (U-1). The intention of the rural district is to provide land which is-suitable or used for agriculture, conservation, very low density residence and public and quasipublic purpose. Very low density residential land use refers to single-family farm dwellings and isolated residential developments not requiring a major plat under the county's subdivision regulations (A major plat consists of 6 or more lots). On-site water and sewer facilities are permitted, provided such facilities comply with the county health department regulations. Specific permitted and conditional uses are listed on the Official Schedule of District Regulations.

Section 811 - Low Density Residential District (R-1). The purpose of the low density residential district is to provide land for single family dwelling units not to exceed four dwelling units per acre with a central sewerage system. This district shall also include land that is subdivided which requires a major plat under the county's subdivision regulations. (A major plat consists of 6 or more lots). Specific permitted and conditional uses 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 and multi-family housing units not to exceed eight (8) families per acre with a central sewerage system. This district also more closely resembles the existing density in the unincorporated communities within the township.

Section 813 - Grandview Heights and Labon Acres Residential District (R-5). The purpose of the Grandview Heights and Labon Acres residential district is to provide for residential development in accordance with the following prescribed rules and regulations by the residents of Grandview Heights and Labon Acres.

1. Any additional accessory buildings such as utility storage or garage, must be constructed with approved new materials for roof and siding.
2. No mobile homes are permitted.
3. No buildings for business purposes shall be erected without a petition signed by a majority of the 'free holders' to present to the Zoning Commission.
4. No buildings to house or raise poultry or livestock are permitted.
5. New residential buildings shall be set back to conform with existing dwellings plus meet all other zoning regulations.
6. Any owner of camping and recreational equipment may park or store equipment on single family residential property subject to the following conditions:
  - a. Recreational equipment parked and stored shall not have fixed connections to electricity, water, gas, or sanitary sewer facilities, and at no time, shall this equipment be used for living or housekeeping purposes.

- b. If the camping and recreational equipment is parked or stored outside of a garage, it shall be parked or stored to the rear of the front building line, except as provided in 2., subparagraph (e). The setback requirement in the side or rear yard shall be a minimum of three (3) feet.
- c. In spite of the provisions elsewhere herein, camping and recreational equipment may be parked anywhere on the premises for loading or unloading purposes, for a period of not more than forty-eight (48) hours.
- d. All recreational equipment must be kept in good repair.
- e. In the event that there is not access available for said equipment to be moved to the rear of the front building line for not space for storage of equipment on the lot to the rear of the front building line, the said equipment may be parked on the lot forward of said front building line, but as close to the building line as possible.

Section 814 - Local Business District (B-2). The purpose of the local business district is to provide land for retail and personal service establishments offering convenience type goods and services for the daily needs of the people. Specific permitted uses and conditional uses are listed on the Official Schedule of District Regulations.

Section 815 - Heavy Manufacturing District (M-2). The purpose of the heavy manufacturing district is to provide land for major manufacturing, processing, storage, warehousing, research, and testing establishments which require large sites, require ready access to regional transportation, have open storage and service areas, generate traffic, and may create some nuisances beyond the district boundary, but not to any large extent.

## **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 X of this Resolution, "Supplementary District Regulations."

## **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 - 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 Inspector.

Section 1002 - 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 1003 - 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 1004 - Building Appurtenance Height Limitations. 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 1005 - Addition of Dwelling Units. A residence may be converted to accommodate an increased number of dwelling units provided:

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

Section 1006 – Uninhabitable Dwellings. Dwellings that are uninhabitable as determined by the Health Inspector and the Champaign County Building Inspector will be demolished and cleaned up within 30 days of this determination so as to restrict entry. A plan shall be presented to the Health Department to either prepare the building for cleanup or demolition or to restore the dwelling to a habitable condition.

Section 1007 – Yard/Property Requirements. In addition to yard requirements specified in the “Official Schedule of District Regulations” and in other sections of this Resolution, the provisions of Sections 1008-1017, inclusive, shall apply.

Section 1008 - Visibility at Intersections. On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and a half (2-½) and ten (10) feet above the center line grades of the intersecting streets in the

area bounded by the right-of-way lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection.

Section 1009 - Multi-Family Dwellings. Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

Section 1010 - Non-Residential Uses Abutting Residential Districts. Non-residential buildings or uses shall not be located in or conducted closer than forty (40) feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty (50) percent of the requirement, if acceptable landscaping or screening approved by the Zoning Inspector is provided.

Section 1011 - Television Satellite Reception Dishes. A television satellite dish reception dish exceeding twenty-four (24) inches in diameter shall not be located in any front yard nor in any side yard closer to the front lot line than the front of an adjoining residential structure which may exist within one hundred (100) feet from the lot on which the dish is proposed. Said dish shall meet the minimum side and rear yard requirements for accessory structures.

Section 1012 - Solar Energy Systems. Solar energy systems are permitted in all districts, subject to the following conditions:

1. A permit shall be issued by the Township Zoning Inspector after submission and review of the following items. The application for said permit shall include standard drawings and an engineering analysis of the complete solar energy system. The standard drawings shall include a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code and that all conditions set forth in this resolution are addressed (including system location with respect to property lines and all other structures). The analysis shall be certified by a professional mechanical, structural, and/or civil engineer. The analysis shall also show planned maintenance tasks with an appropriate schedule for each.
2. The solar energy system is for the primary purpose of offsetting all or part of the electricity requirements of the property on which the system is to be located. "Offsetting all or part of the electricity requirements of the property on which the system is to be located" means either (a) generation of electricity for direct consumption on the property, or (b) net metering or similar arrangements whereby the electricity produced by the solar energy system displaces electricity that would otherwise be purchased from an electric utility or supplier for the property. Solar energy systems for commercial generation of electricity for resale are not permitted, unless specifically authorized as a permitted or conditional use in the applicable zoning district.
3. The solar energy system shall be set back from side and rear lots according to the minimum distances shown for Accessory Structures Buildings in the "Official Schedule of District Regulations."
4. Visual impacts of a solar energy system will be minimized for the sake of surrounding neighbors and the community. This may include, but not be limited to system

appearance, reflections, and screening of ground mounted electrical and control equipment. All electrical conduits shall be underground.

5. The color of a solar energy system shall either be the stock color from the manufacturer or a non-reflective, unobtrusive color that blends in with the surrounding environment.
6. All signs, both temporary and permanent, are prohibited on the solar energy system except for manufacturer's or installer's identification.
7. Any storage cabinet or building needed for storage cells or related mechanical equipment shall meet all requirements specified herein for Accessory Structures.
8. Any roof mounted solar energy system shall meet the County Building Regulations requirements.

Section 1013 - Swimming Pools. All swimming pools shall be installed to meet Champaign County Building Regulation requirements. Pools, including any walks, paved areas, or accessory structures adjacent thereto, shall not be located closer than ten (10) feet to any property line of the property on which it is located.

Section 1014 - Ponds. Pond construction and use shall be in accordance with requirements established by both the Champaign County Soil & Water Conservation District (CCSWCD) and State Regulations. All pond setbacks shall be at least thirty (30) feet from any lot property line to the high water mark. Should one of the property lines be a roadway, the setback shall be at least one hundred (100) feet from the road right of way to the high water mark. Should earth mounds or tree lines be used, the setback shall be at least fifty (50) feet from the road right of way to the high water mark.

Section 1015 - Trash Areas. All commercial, industrial, and multi-family residential uses that provide trash and/or garbage collection areas shall be enclosed on at least three sides by a solid wall or fence a minimum of four (4) feet in height, or one (1) foot higher than the receptacles therein, if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Zoning Inspector shall be required.

Section 1016 - Vehicle Parking and Storage. Automotive vehicles without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. The parking of a disabled vehicle within a residential district for a period of more than thirty (30) days shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building. The parking or storage of a junked, dismantled or wrecked automotive vehicle or parts thereof within any district which is in public view from any highway for a period of more than thirty (30) days shall be prohibited. This section shall not apply to properly licensed junk yards.

Section 1017 - Undesirable Conditions. The following undesirable condition requirements shall apply. Any undesirable condition found to meet these requirements shall be corrected within 30 days following notification by the Zoning Inspector.

1. No owner or occupant of land shall keep or allow to be kept on the property, any junk, rubbish and/or garbage for a period not to exceed four (4) days within any calendar month (not including any regular rubbish and garbage pickups). Once rubbish and garbage is removed, the same shall not be returned to the property. Rubbish or

garbage must be stored in metal, plastic or rubber container(s) designed for same and to prevent entry by animals. Exception: Junk yard or recycling center licensed and lawfully operating as permitted by the Ohio Revised Code.

2. No person, firm or corporation of any kind shall maintain or permit to be maintained any nuisance type activity on property owned, leased, rented or occupied by such person, firm or corporation which may be injurious to the health, peace and quiet, safety or tranquility of the residents or property owners of the surrounding neighborhood or causes substantial diminution of value of the surrounding properties in the neighborhood. Property owners shall not transfer their property deed until all rubbish, garbage, construction and demolition debris, and junk is removed. New property owners shall not be granted a certificate of occupancy until all rubbish, garbage, construction and demolition debris, and junk is removed.

Section 1018 - Roadside Sales. All roadside sales, including items for sale and any structure(s) used to house or contain them, shall be set back not less than ten (10) feet from the street (road) right-of-way line. If located within two-hundred (200) feet of a street (road) intersection, such sales shall comply with the front yard requirements of the district in which the sale is ~~to be~~ being conducted. Adequate off-street parking must be provided in all cases. Under no circumstances shall items be placed in any road right-of-way.

Section 1019 - Special Provisions for Commercial and Industrial Uses. No commercial or industrial use, as designated on the Official Schedule of District Regulations and as 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. However, 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 are accomplished in accordance with the requirements in Sections 1020-1026, inclusive.

Section 1020 - Home Occupation. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated, and mounted flat against the wall of the structure in which the home occupation is conducted. As an option, a sign could be placed on premises (e.g. viewable from roadway) as long as the setback requirements (Section 1240-1242) are met. No traffic shall be generated by such occupation in greater volume than would normally be expected in such a residential area.

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 additional parking spaces for use in conjunction with the home occupation shall be located in a required front yard.

1. There shall be no sale on the premises of commodities or services other than those produced by the home occupation.

Section 1021 - Fire Hazards. Any activity involving the use or storage of flammable chemicals, petroleum products, or explosive material 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, connections, or equipment at the receiving point.

Section 1023 - Noise. Noise, due to volume or frequency, shall be muffled or otherwise controlled. The Zoning Inspector shall determine acceptable levels following review of the commercial and/or industrial use data showing calculated noise emanations before the use is approved. Disaster or fire sirens and related apparatus used solely for public purposes are exempt from this requirement.

Section 1024 - Air Pollution. Air pollution exceeding Ohio Environment Protection Agency (E.P.A.) standards for the specified material use shall be subject to the requirements and regulations established therein.

Section 1025 - Erosion. Any wearing away of land by running water, wind, or other geological agents progressing toward neighboring properties shall be controlled before changing the existing, neighboring property conditions.

Section 1026 - Water Pollution. Water pollution, as defined or determined by the County Board of Health or the Ohio E.P.A., shall be subject to corrective measures, requirements and regulations as established by the Board of Health or the Ohio E.P.A.

Section 1027 - Mining Extraction, Storage and Processing. The extraction, storage and processing of minerals, clay, sand, and gravel shall be conducted in accordance with the following. The special provisions of Section 1020 shall also apply.

1. The operator shall file with the Zoning Inspector a location map which clearly shows areas to be mined and the location of adjacent properties, roads and natural features.
2. The operator shall submit information on the anticipated depth of excavations and on depth and probable effect on the existing water table as coordinated with the Ohio Division of Water.
3. The operator may be required to file with the Board of Township Trustees a performance bond, or other surety, payable to the township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The bond or other surety shall be released upon written certification of the zoning inspector that the restoration is complete and in compliance with the restoration plan.
4. Mineral extraction, storage or processing shall not be conducted closer than 500 feet from any residential district, nor closer than 500 feet from any structure used for human occupancy in any other district.
5. Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, the Manufacturing Chemists' Association, Inc., Washington, D.C., the United States Bureau of Mines and the Ohio Environmental Protection Agency.
6. The operator may be required to file with the Board of Zoning Appeals a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land.



7. The zoning inspector, prior to the issuance of a zoning permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances. The area being mined or that has been mined shall be posted with "No Trespassing" signs to discourage human injury to the general public.
8. An 8-foot tall fence shall be placed around the complete perimeter of the mined area.

Section 1028 - Gas and Oil Wells. The exploration and drilling of gas and oil wells and the production and storage of gas and/or oil shall comply with the rules and regulations as adopted by the State of Ohio for the drilling and production of gas and/or oil wells. The site shall be maintained in good condition and drilling equipment and structures shall be removed when they are no longer needed for use at the well.

Section 1029 - Wind Energy Systems. Wind energy systems are permitted in all districts, subject to the following conditions:

1. A permit shall be issued by the Township Zoning Inspector after submission and review of standard drawings and an engineering analysis of the complete wind energy system. The standard drawings shall include a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code and that all conditions set forth in this resolution are addressed. The analysis shall be certified by a professional mechanical, structural, and/or civil engineer. The analysis shall include valid proof that the system is designed to meet the flicker, shadow, noise, and wind requirements. It shall also show planned maintenance tasks with an appropriate schedule for each.
2. A permit shall not be issued until evidence has been given that the utility company has been informed of the customer's intent to install a grid-connected, customer-owned wind energy system. Off-grid systems shall be exempt from informing the utility company.
3. Tower height shall not exceed the height for which lighting is required by FAA regulations, nor shall it exceed the height recommended by the manufacturer or distributor of the system.
4. No moving part of the wind energy system shall extend within twenty (20) feet of the ground. No blades may extend over parking areas, driveways or sidewalks.
5. A wind energy system shall be setback at least 1.1 times the tower height from all neighboring property lines and all road right-of-way lines. The system shall be placed in such a manner that, if it was to fall, whatever direction the fall occurs would be contained solely on the property on which the turbine is located.
6. Decibel (sound pressure) levels for a wind energy system shall not exceed 5 decibels (dBA) above preconstruction L90 sound levels measured at the property lines, except during short-term events such as utility outages and severe windstorms.

7. A wind energy system shall comply with all applicable Federal Aviation Administration requirements, including Part 77 of Title 14 of the Code of Federal Aviation Regulations regarding installations close to airports.
8. A wind energy system shall be sited in a manner that does not result in significant shadowing or flicker impacts. The applicant shall have the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses either through citing or mitigation.
9. All signs, both temporary and permanent, are prohibited on the wind energy system, except as follows:
  - a. manufacturer's or installer's identification on the wind turbine.
  - b. appropriate warning signs and placards.

Should these types of signs be used, they shall meet the requirements set forth in ARTICLE XII.

10. Visual impacts of a wind energy system will be minimized for the sake of surrounding neighbors and the community. This may include, but not be limited to system appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be underground.
11. The color of a wind energy system shall either be the stock color from the manufacturer or a non-reflective, unobtrusive color that blends in with the surrounding environment.
12. A wind energy system shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the small wind energy system.
13. A wind energy system shall be maintained in good working order. Should a wind energy system become inoperable or abandoned, and is not brought back to good working order within 30 days, the owner shall provide written notice of inoperation or abandonment to the Zoning Inspector. In the event the system continues to be inoperable or abandoned for more than 180 days, the owner shall be required to dismantle and remove the system, all apparatuses, supports or other associated hardware, above and below grade, from the property within 90 days. Should the owner fail to do so, then the Township, after giving reasonable notice, shall be authorized to enter upon the lands and cause the system and all associated elements to be removed, with the cost of removal assessed against the owner's real estate tax liability.

Section 1030 - General Conditions for Adult Entertainment Use. Adult entertainment facilities are permitted within the M-1 and M-2 zoned districts only and subject to the following conditions:

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 openings, entries, or windows of adult entertainment facilities 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, any adult entertainment facility 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.

Off-street parking shall be provided in accordance with the standards for permitted use within M-1 and M-2 zoned districts.

Section 1031 - General Conditions for Medical Marijuana Entities. In the interest of protecting the public health, safety, and general welfare, this section establishes zoning regulations that provide for State-authorized medical marijuana land uses consistent with Ohio Revised Code Chapter 519 and Ohio Revised Code Chapter 3796. Ohio Revised Code Section 519.21 allows regulation of the location of medical marijuana cultivators, processors, or retail dispensaries within the township.

1. Prohibited in Zoning Districts Unless Explicitly Permitted. No medical marijuana entity shall be located in a zoning district where it is not explicitly listed as a permitted or conditionally permitted use. Further, medical marijuana entities are not permitted as or at home occupations.
2. Not An Agricultural Use. Medical marijuana is not considered an "agricultural" use pursuant to Ohio Revised Code Section 519.21(D).
3. Temporary or Mobile Building Prohibited. No medical marijuana entity shall be located within a temporary or mobile building in any zoning district.

Section 1032—Accessory Dwellings.

1. Where specified within residential zoning districts, Accessory Dwellings may be permitted as a conditional use, subordinate to and associated with a principal Single-Family Dwelling, provided that the following standards are met:
  - a. The size of the Accessory Dwelling shall not be smaller than 600 square feet of floor area, nor larger than 816 square feet of floor area. The height of the Accessory Dwelling shall not exceed 20 feet.
  - b. The Accessory Dwelling shall maintain a single-family residential appearance that is compatible with the principal Single-Family Dwelling and the neighborhood. An architectural rendering and floor plan shall be provided to and approved by the Board of Zoning Appeals.
  - c. The lot coverage required in the Official Schedule of District Regulations shall not be exceeded.
  - d. The Accessory Dwelling shall have public water and sewer service, or both the principal Single-Family Dwelling and the Accessory Dwelling shall be connected to water supply and wastewater disposal systems that are approved by the Health Department.
  - e. Off-street parking for the principal Single-Family Dwelling and the Accessory Dwelling shall meet the requirements of Article XI OFF-STREET PARKING AND LOADING REQUIREMENTS. In addition to the parking spaces required for the Single-Family Dwelling, the Accessory Dwelling shall also provide for two off-street parking spaces. No parking space on the lot shall block another.

The Accessory Dwelling shall meet the standards of the current edition of the Ohio Residential Building Code.

2. As long as the Accessory Dwelling is used as a residence for (a) a Family member over the age of 55 or (b) a Family member with a physical or mental disability, the principal use of the property retains its single-family dwelling status. Conversion of an Accessory Dwelling to a rental unit for the use of persons other than (a) a Family member over the age of 55 or (b) a Family member with a physical or mental disability requires zoning approval as a Multi-Family Dwelling.

## **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 when 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 up to five thousand (5,000) square feet. One loading, space shall be provided for each additional ten thousand (10,000) square feet or fraction thereof of ground floor area.

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

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

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

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

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

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

Section 1117 - Screening and/or Landscaping. Whenever a parking area is located in or adjacent to a residential district it shall be effectively screened on all sides which adjoin or face any property used for residential purposes, by an acceptably 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 1118 - 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 1119 - Joint Use. Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Zoning Inspector shall be filed with the application for a zoning permit.

Section 1120 - 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 1121 - Width of Driveway Aisle. Driveways serving individual parking spaces shall be not less than twenty-five (25) feet wide for ninety (90) degree parking, twelve (12) feet wide for parallel parking, seventeen and one-half (17½) feet for sixty (60) degree parking and thirteen (13) feet for forty-five (45) degree parking.

Section 1130 - Parking Space Requirements. The following parking space requirements shall apply:

<u>TYPE OF USE</u>	<u>PARKING SPACES REQUIRED</u>
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
Retail establishments	One for each 250 sq. ft. of floor area
Offices, public or professional, administration or service buildings	One for each 400 sq. ft. of floor area

All other types of businesses or commercial uses permitted 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. The following rules shall govern:

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

## ARTICLE XII - SIGNS

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

Section 1201 - Governmental Signs Excluded. 'Signs' do not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any 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. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there from to be directed or beamed upon a public thoroughfare so as to cause glare or reflection that may constitute a traffic hazard or nuisance;
2. All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect, if any;
3. No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so that the sign appears to be a continuation of the face of the 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 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 permanent sign erected or maintained in a window of a building, visible from any public or private street or highway, shall occupy more than twenty (20) percent of the window service.
7. 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 fire escape.
8. All Signs hung and erected shall be plainly marked with the name of the person firm, firm, or corporation responsible for maintaining the sign
9. Should any sign be or become unsafe or be in danger of falling, the owner thereof, or the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign.



10. No sign shall be placed in any public right-of-way, except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter, shall be permitted on any property.

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

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

1. Signs advertising the sale, lease or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than eight (8) square feet;
2. Professional name plates not to exceed two (2) feet by three (3) feet in area;
3. Signs denoting the name and address of the occupants of the premises, shall not 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 residential or rural shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

Section 1212 - Signs Permitted in Business and Manufacturing Districts Requiring a Permit.

The regulations set forth in this section shall apply to signs in the business and manufacturing districts and such shall require a permit.

1. On a business or manufacturing district, each business shall be permitted one flat or wall on-premises sign. Notwithstanding the requirement contained in article II (2), Definitions, under the definition of "Sign, Wall," projection of wall signs shall not exceed two (2) feet measured from the face of the main building. The area of all permanent on-premises signs for any single business enterprise may have an area equivalent to one and one-half (1-1/2) square feet of sign area for each lineal foot of building width, or part of a building, occupied by such enterprise but shall not exceed a maximum area of one-hundred (100) square feet; provided however, that in the case of a flat or wall on-premises sign attached to the principle building meets the minimum setback requirements for a principal building exceeding fifty (50) feet, but not exceeding sixty-five (65) feet, in height (as set forth in the Official Schedule of District Regulations for M-2 Heavy Manufacturing District), then the area of the business sign shall not exceed a maximum area of three-hundred (300) square feet.

2. In a business or manufacturing district, two off-premises signs with a total area not exceeding six hundred (600) square feet for both may be permitted at a single location. No single off-premises sign shall exceed one-thousand-two-hundred (1,200) square feet, nor shall off-premises signs visible to approaching traffic have a minimum spacing of less than two hundred (200) feet. Off-premises signs shall conform to all applicable yard and height regulations for the appropriate zoning district.
3. Off-premises wall signs shall have all structural and supporting members concealed from view.

Section 1220 - Temporary Signs. Temporary signs not exceeding sixty- four (64) square feet in area, announcing special public or institutional events, the erection of a building, the architect, the builders or contractors may be erected for a period of sixty (60) days plus the construction period. Such temporary signs shall conform to the general requirements listed in Section 1202, the setback requirements in Section 1240-1243 and, in addition, such other standards deemed necessary to accomplish the intent of this Article as stated in Section 1200.

Section 1221 - Free Standing Signs. Free-standing on-premises signs not over thirty (30) feet in height, having a maximum total sign area of one hundred (100) sq. feet and located not closer than ten (10) feet to any street (road) right-of-way line and not closer than thirty (30) feet to any adjoining lot line may be erected. In an area designated M-2 Heavy Manufacturing District, free standing signs shall have a minimum height of five (5) feet to the bottom of the sign; otherwise such minimum height shall be eight (8) feet.

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

Section 1230 - Political Signs. No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two (2) weeks following election day .

Section 1240 - Sign-Setback Requirements. Except as modified in Sections 1241-1244, on-premises signs, where permitted, shall be set back from the established right-of-way line of any thoroughfare at least ten (10) feet.

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

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

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

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

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

Section 1251 - Violations. In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this resolution, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this resolution. Failure to comply shall be deemed a violation and shall be punishable under Section 350 of this Resolution.

## **ARTICLE XIII - PLANNED UNIT DEVELOPMENT**

Section 1300 - Objective for Planned Unit Developments. It shall be the policy of the Township Trustees to promote progressive development of land and construction thereon by encouraging planned unit developments to achieve:

1. A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements.
2. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessories commercial uses and services.
3. A development pattern which preserves and utilizes natural topography and geologic features, trees, and other vegetation, and prevents the disruption of natural drainage patterns.
4. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.
5. A development pattern in harmony with land use density, transportation facilities, and community facilities.

The Township is also prepared to accept a greater population density in undeveloped areas provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for the private amenities and public benefits to be achieved by the plan of the development.

Section 1301 -Provisions Governing Planned Unit Developments. Because of the special characteristics of planned unit developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this Article and those of the other Articles of the Resolution, the provisions of this Article shall prevail. Subjects not covered by this Article shall be governed by the respective provisions found elsewhere in this Resolution.

Section 1302 - Application and Procedure. Upon approval by the Zoning Commission and the Board of Zoning Appeals, a planned unit development district may be applied to any existing residential district. Upon approval of a final development plan, the Official Zoning Map shall be annotated for the land area involved so that the district name includes 'PUD'. Planned Unit Development districts shall be approved by the Zoning Commission and the Board of Zoning Appeals in the manner provided in Sections 1350-1354 of this Article.

Section 1310 - Uses Permitted. Compatible residential, commercial, industrial, public, and quasi-public uses may be combined in PUD districts provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare. Lot area and other yard requirements of the residential districts established in Article I (1) shall apply except as modified in Section 1325 and Section 1327.

The amount of land devoted to commercial and/or industrial use in a residential-commercial development shall be determined by the Zoning Commission and approved by the Board of Appeals.

Section 1320 - Minimum Project Area. The gross area of a tract of land to be developed in a planned unit development district shall be a minimum of ten (10) acres, provided, however, that smaller parcels may be considered on the basis of their potential to satisfy the objectives of this Article as stated in Section 1300. When the planned unit development proposes a mixture of residential uses with commercial and/or industrial uses, the Zoning Commission may limit the development of not more than eight (8) percent of the tract to commercial uses and not more than twelve (12) percent of the tract to industrial uses.

Section 1321 – Project Ownership. The project land may be owned, leased, or controlled either by a single person, or corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation.

Section 1322 - Common Open Space. A minimum of ten (10) percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be disposed of as required in Section 1323 of this Resolution.

Section 1323 - Disposition of Open Space. The required amount of common open space land reserved under a planned unit development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the Township and retained as common open space for parks, recreation, and related uses. All land dedicated to the Township must meet the Zoning Commission's requirements as to size, shape, and location. Public Utility and similar easements and right-of-ways for water courses and other similar channels are not acceptable for common open space dedication to the Township, unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Zoning Commission. The responsibility of the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

Section 1324 - Utility Requirements. Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be exempted from this requirement if the Zoning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

Section 1325 - Minimum Lot Sizes.

1. Lot area per dwelling unit may be reduced by not more than forty (40) percent of the minimum lot area required in the Official Schedule of District Regulations. A planned unit development need not conform to the density requirements of Article VIII (8). A diversification of lot sizes is encouraged.
2. Lot widths may be varied to allow for a variety of structural designs. It is also recommended that setbacks be varied.

Section 1326 - Lots to Abut Upon Common Open Space. Every property developed under the planned unit development approach should be designed to abut upon common open space or similar areas. A clustering of dwellings is encouraged. In areas where townhouses are used, there shall be no more than eight (8) townhouse units in any contiguous group.

Section 1327 - Height Requirements. For each foot of building height over the maximum height regulations specified in Article IX (9), the distance between such buildings and the side and rear property lines of the planned unit development project area shall be increased by one (1) foot addition to the side and rear yard required in the districts.

Section 1328 - Parking. Off-street parking, loading, and service areas shall be provided in accordance with Article XI (11) of this Resolution. However, off-street parking and loading areas shall not be permitted within fifteen (15) feet of any residential use.

Section 1329 - Perimeter Yards. Notwithstanding the provisions of this Article, every lot abutting the perimeter of the planned unit development district shall maintain all yard requirements specified in Article IX (9) for the applicable conventional zoning district.

Section 1340 - Arrangement of Commercial Uses. When planned unit development districts include commercial uses, commercial buildings and establishments, they shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections and thoroughfares. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas.

The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding non-commercial areas.

All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Zoning Commission.

Section 1341 - Arrangement of Industrial Uses. Planned unit development districts may include industrial uses if it can be shown that the development results in a more efficient and desirable use of land.

Industrial uses and parcels shall be developed in park-like surroundings utilizing landscaping and any existing woodlands as buffers to screen lighting, parking areas, loading areas or docks, and/or outdoor storage of raw materials or products. A planned unit industrial grouping in order to economize in the provision of such utility services is required. Thoroughfares shall be kept to a minimum throughout a planned industrial area in order to reduce through traffic.

Project side yards or forty (40) feet and a rear yard of fifty (50) feet shall be required if the project is located adjacent to any residential uses. All intervening spaces between the right-of-way line and project building line and intervening spaces between buildings, drives, parking areas, and improved areas shall be landscaped with trees and plantings and properly maintained at all times.

Section 1350 - Procedure for Approval of PUD District. Planned unit development districts shall be approved in accordance with the procedures in Sections 1351-1364.

Section 1351 - Pre-Application Meeting. The developer shall meet with the Zoning Inspector and Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Resolution and the criteria and standards contained herein.

Section 1352 - Contents of Application for Approval of Preliminary Development Plan. An application for preliminary planned unit development shall be filed with the Chairperson of the Zoning Commission by at least one owner, optionee, or lessee of property for which the planned unit development is proposed. At a minimum, the application shall contain the following information filed in duplicate:

1. Name, address, and phone number of applicant.
2. Name, address, and phone number of registered surveyor, registered engineer and/or urban planner assisting in the preparation of the preliminary development plan.
3. Legal description of the property.
4. Description of existing use.
5. Zoning district(s).
6. A vicinity map at a scale approved by the Zoning Commission, showing property lines, streets, existing and proposed zoning, and other such items the Zoning Commission may require.
7. A preliminary development plan at a scale approved by the Commission showing topography at two (2) feet intervals; location and type of residential, commercial, and industrial land uses; layout, dimensions, and names of existing and proposed streets, right-of-ways, utility easements, parks, and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings, showing water, sewer, drainage, electricity, telephone, and natural gas; and such other characteristics as the Zoning Commission deems necessary.
8. Proposed schedule for the development of the site.
9. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within two (2) years.

The application for preliminary planned unit development shall be accompanied by a written statement by the developer setting forth the reasons why, in his opinion, the planned unit development would be in the public interest and would be consistent with the Township's statement of objectives for planned unit development in section 1300 of this Resolution.

Section 1353 - Public Hearing by Zoning Commission. Within thirty (30) days after receipt of the preliminary development plan, the Zoning Commission shall hold a public hearing.

Section 1354 - Notice of Public Hearing by Zoning Commission in Newspaper. Before holding the public hearing provided in Section 1353, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Township at least twenty (20) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and a general description of the planned unit development.

Section 1356 - Approval in Principle by Zoning Commission. Within thirty (30) days after the public hearing required by Section 1353, the Zoning Commission shall review the preliminary development plan to determine if it is consistent with the intent and purpose of this Resolution, whether the proposed development advances the general welfare of the Township and neighborhood; and whether the benefits, combination of various land uses, and the interrelationship with the land uses in surrounding area justify deviation from standard district regulations. The Commission's approval in principle of the preliminary development plan shall be necessary before an applicant may submit a final development plan. Approval in principle shall not be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility.

Section 1357 - Final Development Plan. After approval in principle of the preliminary development plan, the developer shall submit a final development plan to the Zoning Commission. The final development plan shall be in general conformance with the preliminary development plan approved in principle. Five (5) copies of the final development plan shall be submitted and shall be endorsed by a qualified professional team which must include a registered land surveyor and registered civil engineer.

Section 1358 - Contents of Application for Approval of Final Development Plan. An application for approval of the final development plan shall be filed with the Chairperson of the Zoning Commission by at least one (1) owner, optionee, or lessee of property for which the planned unit development is proposed. Each application shall be signed by the owner, optionee, or lessee attesting to the truth and exactness of all information supplied on the application for final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two years for the date of issuance of the approval. At a minimum, the application shall contain the following information:

1. A survey of the proposed development site, showing the dimensions and bearings of the property of the property lines, area in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.
2. All the information required on the preliminary development plan; the location and sizes of lots, location and proposed density of dwelling units, non-residential building intensity; and land use considered suitable for adjacent properties.
3. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and street scapes, tabulation of the number of housing units proposed by type; estimated residential population by type of housing; estimated non-residential population; anticipated timing for each unit; and standards for height, open space, building density, parking areas, population density, and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning district or other Resolutions governing development.
4. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements, and nature and extent of earth work required for site preparation and development.
5. Sit plan, showing buildings, various functional use areas, circulation, and their relationship.
6. Preliminary building plans, including floor plans and exterior elevations.
7. Landscaping plans.
8. Deed restriction, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained.



Section 1360 - Recommendation by Zoning Commission. Within thirty (30) days after receipt of the final development plan, the Zoning Commission shall recommend to the Board of Appeals that the final development plan be approved as presented, approved with supplementary conditions, or disapproved. The Zoning Commission shall then transmit all papers constituting the record and the recommendations to the Appeals Board.

Section 1361- Criteria for Recommendation by Zoning Commission. Before making its recommendation as required in Section 1360, the Zoning Commission shall find that the facts submitted with the application and presented at the public hearing establish that:

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

Section 1362 - Action by Appeals Board. Within thirty (30) days after receipt of the final recommendation of the Zoning Commission, the Appeals Board shall, by Resolution, either approve, approve with supplementary conditions, or disapprove the application as presented. If the application is either approved or approved with conditions, the Appeals Board shall direct the Zoning Inspector to issue zoning permits only in accordance with the approved final development plan and the supplementary conditions attached thereto.

Section 1363 - Supplementary Conditions and Safeguards. In approving any planned unit development district, the Appeals Board may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions or safeguards, when made a part of the terms under which the final development plan is approved, shall be deemed a violation of this Resolution and punishable under Section 350 of this Resolution.

Section 1364 - Expiration and Extension of Approval Period. The approval of a final development plan for a planned unit development district shall be for a period not to exceed two (2) years after approval is granted, the approved final development plan shall be void and the land shall revert to the district regulations in which it is located. An extension of the time limit or modification of the approved final development plan may be approved if the Zoning Commission finds that such extension or modification is not in conflict with the public interest.

No zoning amendment passed during the time period granted for the approved final development plan shall in any way effect the terms under which approval of the planned unit development was granted.

## **ARTICLE XIV - MANUFACTURED DWELLING (HOUSING); MOBILE HOME PARKS AND MANUFACTURED DWELLING (HOUSING); MOBILE HOMES INDIVIDUALLY**

Section 1400 - 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 dwelling (mobile home) parks.

Section 1410 - Approval Procedures. Manufactured dwelling (mobile home) parks shall be permitted only as a conditional use in the U-1 District and shall be developed according to the general standards and regulations stated and referenced in Article XIV (14).

Section 1420 - General Standards for Manufactured Dwelling (Mobile Home) Parks. The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed or expanded manufactured dwelling (mobile home) park in terms of the following standards and shall find adequate evidence showing that the manufactured dwelling (mobile home) park development:

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

Section 1430 - Manufactured Dwelling (Mobile Home) Park Requirements. Manufactured dwelling (mobile home) parks shall be developed in accordance with the requirements of Chapter HE-27 of the Ohio Sanitary Code adopted by the Public Health Council under the authority of the Ohio Revised Code, Section 3733.02.

Section 1440 - Minimum Floor Area. Individual Manufactured dwellings (mobile homes) located within the park shall have a minimum floor area of nine hundred (900) square feet using accepted industry measurement standards.

Section 1441 - Manufactured Dwelling (Mobile Homes) Individually. No manufactured dwelling (mobile home) shall be allowed on any individual lot and shall be allowed only in manufactured dwelling (mobile home) parks. In the event that the primary residence becomes unlivable due to a fire or any act of nature, a temporary permit may be issued to place a mobile home on the site to be used as

a temporary dwelling if a conditional use is granted by the Appeals Board. This permit will be renewable on January 1 of each year at a fee set by the Township Trustees. The temporary dwelling may not be on the site for longer than thirty (30) months. (Re)construction of the dwelling must begin within six (6) months of the date of the original disaster or the temporary permit becomes invalid. The temporary mobile home foundation will be of the 'post and pier' type with tie-downs.

## ARTICLE XV - EXTERIOR LIGHTING

Section 1500 - Intent. The intent of this Article is to maximize the creativity of the designer and user of lighting to produce and provide quality lighting while, at the same time, greatly limiting the amount of poor lighting which leads to wasted energy use and garish appearing landscapes. Proper lighting will promote the public safety, health and general welfare. It will also serve to help maintain the rural nature of the township while promoting a climate amenable to business and economic growth and development.

Section 1501 - Plan. An exterior lighting plan shall be submitted, show compliance with this Resolution, and be approved by the Zoning Inspector before a Zoning Permit is issued. The plan shall show layouts for the parking lot(s), driveway(s), pedestrian pathway(s), adjacent right-of-way(s) and locations for all exterior positioned luminaries.

Section 1502 - Illumination Levels. In general, and as a minimum, illumination levels and luminaire placement shall be adequate to facilitate safe and secure conduct of activities that are performed during all hours of night (from official sundown to sunrise). However, illumination shall not exceed 5 footcandles and shall not be continued longer than necessary to ensure the proper and complete conduct of these activities. For non-residential parking lots and pedestrian walkway areas, a minimum of 0.2 footcandles, and an average minimum of 0.5 footcandles, shall be provided over the area(s). The average maximum illumination for these same non-residential areas shall not exceed 3 footcandles. These illumination levels are as measured on the earthen surface onto which the light is directed. Harsh contrasts in lighting levels shall be avoided. Where practical, luminaries shall be automatically controlled so that illumination is discontinued during hours when lighting is not needed.

Section 1503 - Direct Glare Control. Any luminaire with a lamp or lamps rated at a total of MORE than 2000 lumens, and all flood or spot luminaires (floodlights or spotlights) with a lamp or lamps rated at a total of MORE than 1000 lumens shall not:

1. Emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire.
2. Exceed a mounting height of 25 feet from the natural grade of the illuminated area. If the luminaire is placed near a property boundary, the luminaire shall be mounted at a height equal to or less than the value  $3 + (D/3)$ , where D is the distance in feet to the nearest property boundary.

Any luminaire with a lamp or lamps rated at a total of 2000 lumens or LESS, and all flood or spot luminaries with a lamp or lamps rated at 1000 lumens or LESS, may be used without restriction to light distribution or mounting height with the following exception: If any such flood or spot luminaire (floodlight or spotlight) is aimed, directed, or focused to direct light toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate the direct focus or glare.

Section 1504 - Light Trespass. Illumination levels shall not exceed 0.3 horizontal footcandles (HFC) at any property line.

Section 1505 - Prohibited Light. The following light types are prohibited:

1. Laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal.

2. Searchlights for advertising purposes or in novelty outdoor displays (for example, lighthouses).
3. Luminaires or devices with changing light intensity, brightness or color (for example, blinking, flashing, and fluttering). These devices, however, are permitted for temporary holiday displays.
4. All upward directed lights (except those illuminating the American flag).

Section 1506 - Exceptions to Lighting Regulations. The lighting regulations contained herein do not apply to:

1. Temporary situations that are not considered every day use,
2. Agricultural operations (see Article II. DEFINITIONS. Agriculture.)
3. Zoning District U-1

**PROCEDURE FOR AMENDING A TOWNSHIP ZONING RESOLUTION (TEXT) WHEN  
INITIATED BY MOTION OF TOWNSHIP ZONING COMMISSION**

1. Once the proposed amendment(s) have been prepared in final form, the Commission meets to: (1) adopt a motion to initiate the amendment(s) and, (2) to set a public hearing date\*. The Commission must provide notice of this meeting in accordance with Section 512 of the Zoning Resolution.

\* The public hearing date shall not be less than twenty (20) nor more than forty (40) days from the date of the above meeting at which the motion was adopted to initiate the amendment(s).

2. Within five (5) days after the adoption of such motion, the Commission shall transmit a copy thereof together with text and map pertaining thereto to the Logan-Union-Champaign County Planning Commission for its recommendation. The Planning Commission is to return its recommendation to the Township Zoning Commission for consideration at the Zoning Commission's public hearing.

3. Notice of the public hearing (set in item 1 above) shall be given by the Zoning Commission by one (1) publication in a newspaper of general circulation in the township at least ten (10) days in advance of the hearing date. The published notice shall state the date, time and place of the hearing and shall include all of the following:

- a. The name of the Zoning Commission that will be conducting the public hearing.
- b. A statement indicating that the motion is an amendment to the zoning resolution;
- c. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the hearing.
- d. The name of the person responsible for giving notice of the public hearing by publication;
- e. A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action;
- f. Any other information requested by the Zoning Commission.

4. The hearing date arrives and the Zoning Commission holds the public hearing.

5. The Township Zoning Commission shall, within thirty (30) days after such hearing (can be the same night) recommend the approval or denial of the proposed amendment, or the approval of some modification thereof and submit such recommendation together with the resolution (motion), the text and map pertaining thereto, and the recommendation of the Champaign County Planning Commission thereon to the Board of Township Trustees.

6. The Township Trustees shall, upon receipt of the recommendation from the Township Zoning Commission, set a time for a public hearing, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Zoning Commission.

7. Notice of such public hearing shall be given by the Board of Trustees by one publication in a newspaper of general circulation in the Township, at least ten (10) days before the date of such hearing. The published notice shall state the date, time and place of the public hearing and shall include all of the following:

- a. The name of the board that will be conducting the hearing;
- b. A statement indicating that the motion is an amendment to the zoning resolution;
- c. The time and place when the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the hearing;
- d. The name of the person responsible for giving notice of the hearing by publication;
- e. Any other information requested by the Board of Trustees.

8. The hearing date arrives and the Board of Trustees hold the public hearing.

9. Within twenty (20) days after such hearing, the 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 Township Zoning Commission the unanimous vote of the Board of Trustees shall be required.

10. Such amendment adopted by the Trustees become effective thirty (30) days after the date of adoption, unless a petition, signed by a required number of registered electors, is presented to the Trustees requesting that the issue be put on the ballot.



**PROCEDURE FOR AMENDING A TOWNSHIP ZONING RESOLUTION UPON  
APPLICATION BY LANDOWNER OR LESSEE WHEN THE TOWNSHIP ZONING  
COMMISSION INITIATES PROCEEDINGS TO REZONE TEN (10) OR FEWER PARCELS  
OR MORE THAN TEN (10) PARCELS**

1. Although it is permissible for the chairman to set the public hearing date himself, it is advisable for the entire Commission to meet to set the hearing date and to familiarize themselves with the Application. The Commission must provide notice of this meeting in accordance with Section 512 of the Zoning Resolution.
2. At the above meeting the Commission adopts a motion to set a public hearing date for the amendment (rezoning). The public hearing date shall not be less than twenty (20) nor more than forty (40) days from the date of the filing of such Application. This is all the action that is required at this meeting.
3. Within five (5) days after the filing (receipt) of the Application for Zoning Amendment (Rezoning), the Commission shall transmit a copy thereof together with text and map pertaining thereto to the Logan-Union-Champaign County Planning Commission for its recommendation. The Planning Commission is to return its recommendation to the Township Zoning Commission for consideration at the Zoning Commissions next public hearing.
4. Notice of the public hearing (set in item two (2) above) shall be given by the Zoning Commission by one (1) publication in a newspaper or general circulation in the Township at least ten (10) days in advance of the hearing date.
  - a. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the County Auditors current tax list, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the hearing to all owners of property within and contiguous to and directly across the street (road) from the are proposed to be rezoned. The published and mailed notice shall state the date, time and place of the hearing and shall include all of the following:
    - 1) The name of the Zoning Commission that will be conducting the public hearing.
    - 2) A statement indicating that the Application is an amendment to the Zoning Resolution.
    - 3) A list of the addresses of all properties to be rezoned by the proposed amendment and the names of owners of these properties, as they appear on the County Auditor's current tax list.
    - 4) The present zoning classification of the property named in the proposed amendment and the proposed zoning classification of such property.
    - 5) The time and place with the Application proposing to amend the Zoning Resolution will be available for public examination for a period of at least ten (10) days prior to the hearing.
    - 6) The name of the person responsible for giving notice of the hearing by publication.

- 7) A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.
- b. If the proposed Amendment intends to rezone or redistrict more than ten (10) parcels of land, as listed on the County Auditor's current tax list, the published notice shall state the date, time, and place of the hearing and shall include all of the following:
  - 1) The name of the Zoning Commission that will be conducting the public hearing.
  - 2) A statement indicating that the Application is an amendment to the Zoning Resolution.
  - 3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the hearing.
  - 4) The name of the person responsible for giving notice of the hearing by publication.
  - 5) A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.
  - 6) Any other information requested by the Zoning Commission.
  - 7) If more than ten (10) parcels are proposed for rezoning, then individual notices to surrounding property owners are not required.
5. The hearing date arrives and the Zoning Commission holds the public hearing.
6. The Zoning Commission shall, within thirty (30) days after such hearing (can be the same night), recommend the approval or denial of the proposed amendment, or the approval of some modification thereof and submit such recommendation together with the application, the text and map pertaining thereto, and the recommendation of the Planning Commission thereon to the Board of Township Trustees.
7. The Township Trustees shall, upon receipt of the recommendation from the Zoning Commission, set a time for a public hearing, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission.
8. Notice of such public hearing shall be given by the Board of Township Trustees by one publication in a newspaper of general circulation in the Township, at least ten (10) days before the date of such hearing. If the proposed Amendment intends to rezone or redistrict more than ten (10) parcels of land, as listed on the County Auditor's current tax list, the published notice shall state the date, time, and place of the hearing and shall include all of the following:
  - a. The name of the Board that will be conducting the public hearing.
  - b. A statement indicating that the Application is an amendment to the Zoning Resolution.
  - c. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the hearing.
  - d. The name of the person responsible for giving notice of the hearing by publication.

e. Any other information requested by the Board of Trustees.

9. The hearing date arrives and Board of Trustees holds the public hearing.

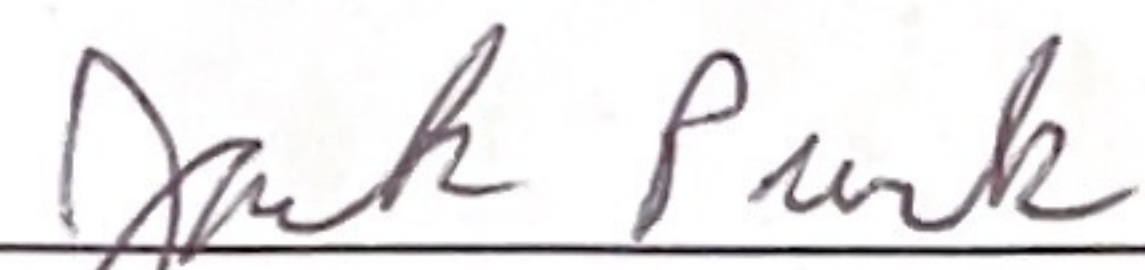
10. Such amendment adopted by the Trustees becomes effective thirty (30) days after the date of adoption, unless a petition, signed by a required number of registered electors, is presented to the Trustees requesting that the issue be put on the ballot.

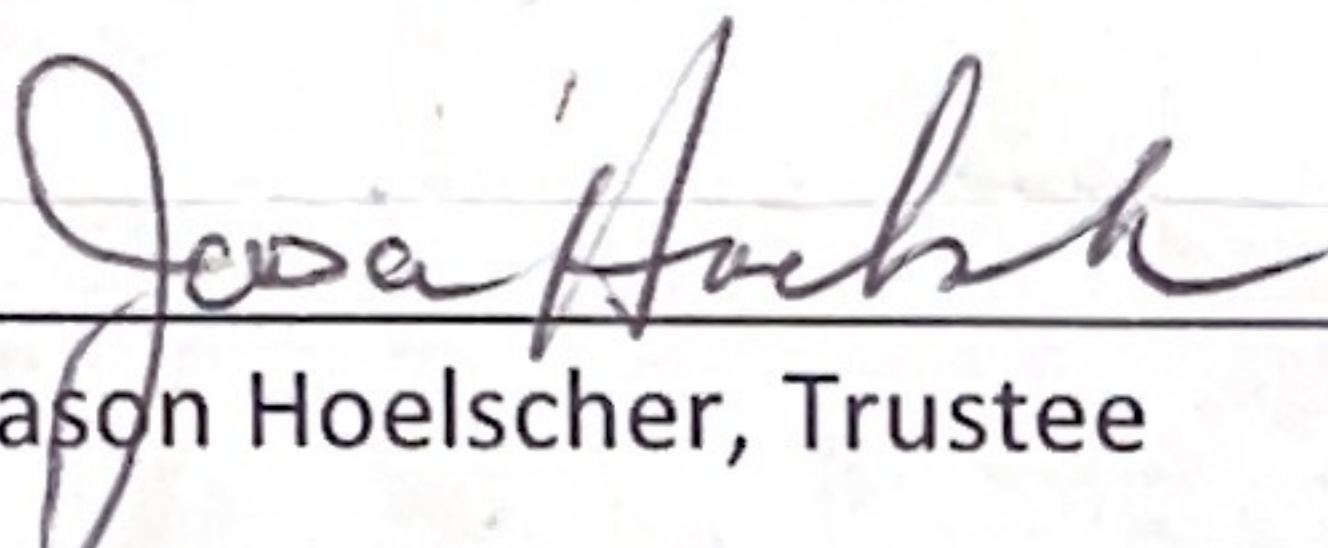


Date of Trustees' Approval of Zoning Resolution Text Amendments: July 18, 2022

SIGNATURES:

  
Dennis Kauffman, Trustee

  
Jack Purk, Trustee

  
Jason Hoelscher, Trustee



## Johnson Township Zoning District Schedule

ZONING DISTRICTS	PERMITTED USES	CONDITIONAL USES	PLANNED UNIT DEVELOPMENT USES
(Symbols as used on the official zoning map)	(Accessory uses (except <u>Accessory dwellings</u> ) and essential services are included) See Sections 561 through 568 for uses other than permitted.	(Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals)	(Permitted upon Approval by the Zoning Commission and Issuance of Certificate by the Board of Zoning Appeals)
1	2	3	4
<b>U-1</b> RURAL	Single-family dwelling, Agriculture, Forestry, Home occupation, Public uses	Personal services, Craft & gift shop, Service business, Quasi public uses, Animal hospital & clinic, food processing, Accessory dwelling, Non-commercial recreation, Mobile homes individually***	
<b>R-1</b> LOW DENSITY RESIDENTIAL	Single-family dwelling, Home occupation, Public and Quasi-public uses	Multi-family dwelling**, Accessory Dwelling, Public service facility, Service business, Personal services, Mobile homes individually***	Residential, Commercial, Public & Quasi-public uses individually or in combination
<b>R-2</b> MEDIUM DENSITY RESIDENTIAL	Single-family dwelling, Home occupation, Public and Quasi-public uses	Multi-family dwelling**, Accessory dwelling, Public service facility, Service business, Personal services, Mobile homes individually***	Residential, Commercial, Public & Quasi-public uses individually or in combination
<b>R-5</b> GRANDVIEW HEIGHTS & LaBON ACRES RESIDENTIAL	Single-family dwelling, Home occupation, Public and Quasi-public uses	Accessory dwelling.	Residential, Commercial, Public & Quasi-public uses individually or in combination
<b>B-2</b> LOCAL BUSINESS	Personal Services, Offices, Service Business, Eating & Drinking Establishments, Food Processing, Commercial Recreation, Travelers' Lodgings, Farm Implement Sales & Service	Business; Public service facility; Animal hospital clinic; Drive-in; Club or fraternal organization; Nursing home; Food processing; Nursery; Light manufacturing; Commercial recreation; Printing and publishing; Signs and advertising structures; Mining; Commercial quarries; Sand and gravel pits; Kennels; Mobile home individually***	Residential, Commercial, Public & Quasi-public uses individually or in combination
<b>M-2</b> HEAVY MANUFACTURING	Light and Heavy Manufacturing & directly related offices & retail sales, Wholesale & Warehousing, Transport Terminals, Food processing, Home occupation, Supply yards, Service Business, Animal Hospital Clinic, Single-family dwelling*	Low density residential; Storage facility; Public service facility; Junk storage & sales; Shopping type retail business; Adult entertainment; Mining, Commercial quarries, Sand and gravel pits; Mobile homes individually***	Commercial, Industrial, Public & Quasi-public uses individually or in combination

### Johnson Township Zoning District Schedule

ZONING DISTRICTS	MINIMUM LOT SIZE			MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED	MINIMUM FLOOR AREA	MAXIMUM HEIGHT OF (PRINCIPAL) BUILDINGS	
(Symbols as used on the official zoning map)	(Square feet per household)		FRONTAGE Width (feet)		(Square feet) (Principal Buildings)	Stories	Feet
	With on-Site Sewage Treatment	With Group or Central Sewage Treatment					
1	5	6	7	9	10	11	12
U-1 RURAL	87,120	20,000	300 150	25	1,100	2 1/2	35
R-1 LOW DENSITY RESIDENTIAL	43,560	10,800	200 80	25	1,100	2 1/2	35
R-2 MEDIUM DENSITY RESIDENTIAL	43,560	5,400 (multi)	200 60	25	1,100	2 1/2	35
R-5 GRANDVIEW HEIGHTS & LaBON ACRES RESIDENTIAL	43,560 4,500 Lot of record	None	200 50	25	1,100	2 1/2	35
B-2 LOCAL BUSINESS	43,560	None	200 60	50	None*	2	40
M-2 HEAVY MANUFACTURING	120,000	40,000	200 150	50	None*	4	50**

### Johnson Township Zoning District Schedule

ZONING DISTRICTS	MINIMUM YARD DIMENSIONS (feet)				ACCESSORY BUILDINGS		
(Symbols as used on the official zoning map)	Front	Side Yards		Rear	Maximum height (feet)	Minimum Distance In Feet to	
		One Side Yard	Sum of Side Yards			Side Lot Line	Rear Lot Line
1	13	14	15	16	17	18	19
U-1 RURAL	50	20	40	40	20	5	10
R-1 LOW DENSITY RESIDENTIAL	35	10	20	40	15	5	10
R-2 MEDIUM DENSITY RESIDENTIAL	30***	4	10	30	15	2	5
R-5 GRANDVIEW HEIGHTS & LaBON ACRES RESIDENTIAL	*	*	*	*	15	2	5
B-2 LOCAL BUSINESS	30	None*	None*	30	15	0*	0*
M-2 HEAVY MANUFACTURING	40	25	50	50	25	10*	20

### Johnson Township Zoning District Schedule

<b>ZONING DISTRICTS</b>	<b>MINIMUM (MANDATORY) OFF-STREET PARKING SPACE</b>	<b>MINIMUM (MANDATORY) OFF-STREET LOADING SPACE</b>	<b>SIGNS PERMITTED</b>	<b>OTHER PROVISIONS AND REQUIREMENTS</b>
(Symbols as used on the official zoning map)				(Supplementary regulations, prohibitions, notes, etc.)
1	20	21	22	23
<b>U-1</b> RURAL	Two spaces for each dwelling unit	None	Yes, under Article XII	Use of land or buildings for agriculture 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 structures do require a permit**
<b>R-1</b> LOW DENSITY RESIDENTIAL	Two spaces for each dwelling unit	None	Yes, under Article XII	
<b>R-2</b> MEDIUM DENSITY RESIDENTIAL	Two spaces for each dwelling unit	None	Yes, under Article XII	***Front setback for lots of record may be same as nearest adjoining residential structure
<b>R-5</b> GRANDVIEW HEIGHTS & LaBON ACRES	Two spaces for each dwelling unit	None	Yes, under Article XII	*See Section 813
<b>B-2</b> LOCAL BUSINESS	See Article XI	One space for the first 5,000 sq. ft. of floor area or less and one additional for each additional 10,000 sf or fraction thereof of ground floor area	Yes, under Article XII	
<b>M-2</b> HEAVY MANUFACTURING	See Article XI	One space for the first 5,000 sq. ft. of floor area or less and one additional for each additional 10,000 sf or fraction thereof of ground floor area	Yes, under Article XII	Mineral extraction cannot be conducted closer than 500 feet from any residential district and no other manufacturing operation shall be less than 200 feet to any residential structure. *Refer to R-2 regs. **50; provided that, in the case of a principal building which has been set back a minimum depth of 200 feet from the front from the rear lot line and a minimum width on either side of the principal building of 100 feet from the side lot lines with the combined minimum width of both sides of 200 feet, then the maximum height of a principal building shall not exceed 65 feet
No new dwelling shall be constructed within 1500' of an existing animal feed lot.				