

ZONING RESOLUTION
PARIS TOWNSHIP
UNION COUNTY, OHIO


Last Updated: December 7, 2021

Previously amended: October 1, 2019


This Resolution is hereby adopted on this 7th day of December, 2021.



Dave Cook - Chairman (Trustee)



Tony Eufinger - Trustee



Steve Westlake - Trustee



Attest, Clerk for Paris Township

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PREAMBLE

A RESOLUTION OF THE TOWNSHIP OF PARIS, UNION COUNTY, OHIO ENACTED IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND THE PROVISION OF CHAPTER 519, OHIO REVISED CODE, DIVIDING THE TOWNSHIP INTO ZONES AND DISTRICTS, ENCOURAGING, REGULATING AND RESTRICTING THEREIN THE LOCATION, CONSTRUCTION, RECONSTRUCTION, ALTERATION AND USE OF STRUCTURES AND LAND: PROMOTING THE ORDERLY DEVELOPMENT OF RESIDENTIAL, BUSINESS, INDUSTRIAL, RECREATION, 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 PUBLIC RIGHT-OF-WAYS: 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 AND GENERAL WELFARE: AND FOR THE AMENDMENT THEREOF.

THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF PARIS TOWNSHIP, UNION COUNTY, OHIO.

ARTICLE I – INTERPRETATION & APPLICATION OF THE RESOLUTION

Section 100 Title:

This Resolution shall be known and may be cited to as the “Zoning Resolution of the Township of Paris, Union County, Ohio”.

Section 101 Use of Land or Buildings for Agricultural Purposes Not Affected:

Use of land or buildings for agricultural purposes shall be governed by the provisions of Ohio Revised Code § 519.21 as it may be amended. Residential dwellings on agriculturally zoned land require a permit. On lots which conform to the description set out in Ohio Revised Code § 519.21(B):

(1) there shall be no agricultural uses permitted on lots of one (1) acre or less;

(2) on lots greater than one (1) acre but less than five (5) acres, buildings or structures incident to use of the land for agricultural purposes shall conform to the set back, maximum percentage of lot to be occupied and building height requirements subject further that the size of any such building shall not exceed one (1%) percent of the total square footage of the lot.

Section 102 -Medical Marijuana

the cultivation, processing or dispensing of medical marijuana is prohibited in the unincorporated territory of Paris Township. The terms “cultivation” “processing,” “dispensing” and “medical marijuana” shall be interpreted in a manner that is consistent with the definitions found in the Ohio Administrative Code Chapter 3796:1-1-01.

Section 109 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 buildings, 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 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 110 Provisions of Resolution Declared to be the Minimum Requirements:

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Whenever the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulations, or resolutions, the most restrictive, or that imposing the higher standards shall govern. Where private building restrictions in recorded deeds or on a platted subdivision are greater than those imposed by this Resolution, they are not replaced by the provisions of this Resolution.

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 this approval and adoption, as provided by law.

ARTICLE II – ESTABLISHMENT OF DISTRICTS

Section 200 – Zoning Districts:

For the purpose of this Resolution, the following districts are hereby created in order that the unincorporated area of Paris Township, Union County, Ohio, may be divided into one or more such districts:

- U-1 - Farm / Residential District
- R-1 - Low Density Residential District
- B-2 – Local Business District

M-2 – Heavy Manufacturing District

Section 210 – District Regulations:

All District Regulations are found in subsequent Articles.

Section 220 – Prohibited Uses:

Any use not specifically authorized by the express terms of this Zoning Resolution shall be prohibited unless approval is received from the Board of Zoning Appeals.

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 eighteen months of issuance. At a minimum, the application shall contain the following information.

1. Name, address, and telephone number of the applicant;
2. Legal description of property;
3. Existing use;
4. Proposed use;
5. Zoning district;
6. Plans in duplicate 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 buildings 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.
11. Documentation of any reports and recommendations from the Soil and Water Conservation District, as required by other sections of the Resolution.
12. Fees - The application for a Zoning permit must be accompanied by the appropriate fee required.

Section 302 - Approval of Zoning Permit:

Within ten (10) 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 has 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 proposed use or alteration is in conformance with the provisions of this Resolution.

Section 303 - Submission to Director of Transportation:

Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification within a radius of five-hundred (500) feet from the point of intersection 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 the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution issue the zoning permit.

Section 304 - Expiration of Zoning Permit:

If the work described in any zoning permit has not begun within six months from issuance thereof, said permit shall expire and be deemed terminated. The zoning permit holder shall provide the Township written notice of work commencement. The zoning permit shall be deemed void if the zoning permit holder fails to provide written notice of work commencement within six months of the permit's issuance, unless this provision is waived by written acknowledgment of the Zoning Inspector, executed upon the original permit.

If the work described in any zoning permit has not been completed within eighteen months of the issuance thereof, said permit shall expire and be deemed terminated. All work performed

pursuant to a zoning permit that expires shall cease and the property restored to the condition existing prior to the permits issuance. If the permit holder fails to promptly restore the property to its prior condition upon receipt of written notice, then the Township may cause the property to be restored to its original condition and assess the costs against the real property tax duplicate.

If the work described in any zoning permit is substantially completed, then prior to the expiration of one year from the permit issuance, the zoning permit holder may apply for one extension up to six months from the Zoning Inspector.

Section 310 - Certificate of Compliance:

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

Section 312 - Record of Zoning Permits and Certificates of Compliance:

The Zoning Inspector shall maintain a record of all zoning permits and certificates of compliance and copies shall be furnished upon request to any person.

Section 320 - Construction and Use To Be As Provided In Applications, Plans, Permits, and Certificates:

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

Section 340 - Complaints Regarding Violations:

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

Section 350 - Penalties for Violation:

Violation of the provisions of this Resolution for failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this Resolution shall constitute a minor misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five-hundred (\$500.00) dollars and in addition shall pay all costs and expenses involved in the case. Such sum may be recovered in a court of jurisdiction in the county by the legal representative of the township, in the name of the township and for the use thereof. Each day such violation continues shall be considered a separate offense. The owner or tenant of any building structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or

maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Board of Township Trustees from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 360 - Schedule of Fees, Charges, and Expenses:

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

ARTICLE IV - NON-CONFORMITIES

Section 400 – Intent:

Within the districts established by this Resolution or future amendments that may later be adopted there exist 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. The addition of other uses of a nature which would be generally prohibited in the district in which such use is located are likewise prohibited.

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 and diligently carried on prior to the effective date of adoption or amendment of this Resolution. 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 and diligently carried out preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction.

Section 430 – Single Non-Conforming Lots of Record:

In any district in which single family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution. Such lot must be in separate ownership and may not be of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Zoning Appeals.

Section 431 – Non-Conforming Lots of Record in Combination:

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

Section 440 – Non-Conforming Uses of Land:

Where at the time of passage of this Resolution lawful use of land exists which would not be permitted by the regulations imposed by this Resolution, the use may be continued so long as it remains otherwise lawful, provided:

1. No such non-conforming use shall be enlarged, 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 use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Resolution.
3. If any such non-conforming use of land ceases for any reason for a period of more than 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 structures not conforming to the requirements of this Resolution shall be erected in connection with such non-conforming use of land.

Section 450 – Non-Conforming Structures:

Where a lawful structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, lot coverage, height, bulk, yards, its location on the lot, 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 any way which increases its non-conformity, but any structure or portion thereof may be altered to decrease

its non-conformity, except when authorized by the Board of Zoning Appeals in accordance with this Zoning Resolution.

2. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than 50 percent of its reproduction value at time of damage then such non-conforming structure or non-conforming portion shall not be restored except in conformity with the provisions of the regulations of the zoning district in which it is located - unless it is approved to be reconstructed as it previously existed by the Board of Zoning Appeals within 6 months of the time of destruction upon presentment of extraordinary circumstances to the Board of Zoning Appeals. All remaining debris shall be cleared-away and disposed of properly within 2 months of the time of destruction.

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

Section 460 – Non-Conforming Uses of Structures or of Structures and Premises in Combination:

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

1. No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building;

3. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Board of Zoning Appeals, by making findings in the specific case, finds 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 the 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 premises in combination, is discontinued or abandoned for 2 years (except when government action impedes access to the premises), the structure, or structure and premises 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 premises 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 in any period of 12 consecutive months 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. If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the Zoning district in which it is located. Nothing in this Resolution 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.

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. The zoning inspector may be provided with the assistance of such other persons as the Trustees may direct.

Section 501 Duties of the Zoning Inspector:

For the purpose of this Resolution, the zoning Inspector shall have the following duties:

1. Upon finding that any of the provisions of this Resolution are being violated, he shall notify in writing the person responsible for such violations, 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, structures, 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 violations of this Resolution. This may include the issuance of and action on zoning permits and certificates of compliance permits and such similar administrative duties as are permissible under the law.

Section 510 Zoning Commission:

The Zoning Commission shall exist and comply with Ohio Revised Code Section 519.04

Section 511 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 chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Commission.

Section 512 Duties of Zoning Commission:

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

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

Section 520 The Board of Zoning Appeals:

The Board of Zoning appeals shall exist and Comply with Ohio Revised Code Section 519.13.

Section 521 Proceedings of the Board of Zoning Appeals:

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

Section 522 Duties of the Board of Zoning Appeals:

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decisions, or determination appealed from and make such order, requirement, decisions, 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, decisions, 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 the 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 Article 5 of this Resolution and under such additional conditions and safeguards as will uphold the intent of this Resolution; and
4. for all such additional powers as specified in Ohio Revised Code § 519.14, as amended.

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 of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board of Zoning Appeals 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 of Zoning Appeals to the courts as provided in the Ohio Revised Code. Any appeal shall be taken within the time permitted by state statute.

Section 540 Procedure and Requirements for Appeals and Variances:

Appeals and variances shall conform to the procedures and requirements of Section 541-549, included, of this Resolution. The Board of Zoning Appeals shall have appellate jurisdiction relative to appeals and variances as specified in Section 522.

Section 541 Appeals:

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be filed 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 filed within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, all necessary forms, documents and electronic communication 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 the Zoning Inspector that a stay would cause imminent peril to life or property.

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 Chairman of the Board of Zoning Appeals containing:

1. Name, address, and telephone number of applicants;
2. Legal description of property;
3. Description or nature of variance requested;
4. A narrative statement demonstrating that the requested variance conforms to the following standards;
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district;
 - b. That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Resolution;
 - c. That special conditions and circumstances do not result from the actions of the applicant;
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district.
5. Names and addresses of all parties in interest, as described in Section 548.

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 as a part of the terms under which the appeal or variance is granted.

Section 546 Public Hearing by the Board of Zoning Appeals:

The Board of Zoning Appeals shall hold a public hearing within a reasonable time after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

Section 547 Notice of Public Hearing in Newspaper:

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

Section 548 Notice to Parties in Interest:

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

Section 549 Action by Board of Zoning Appeals: Within a reasonable time after the public hearing required in Section 547, the Board of Zoning Appeals shall, in writing either approve, approve with supplementary conditions as specified in Section 545, or disapprove the request for appeal or variance. If approved, 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 and method of operation, circulation, and

public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted shall follow the procedures and requirements set forth in Section 562-568, inclusive.

Section 562 Contents of Application for Conditional Use Permit:

A written application for a conditional use permit shall be submitted to the Zoning Inspector and the Chairman of the Board of Zoning Appeals by at least one owner and if the property is to be leased, by the putative lessee, of property for which such conditional use is proposed. At a minimum the application shall contain the following information:

1. Name, address, and telephone number of the applicant(s);
2. Legal description of property;
3. Description of existing use;
4. Zoning District;
5. Description of proposed conditional use;
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, driveways, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require determining if the proposed conditional use meets the intent and requirements of this Resolution.
7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, odor and fumes on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district.
8. Names and addresses of all parties in interest, as described in Section 548.

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 the appropriate district for which the use is being requested;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
3. Will not be hazardous or disturbing to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and

sewer; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

5. Will not create excessive additional requirements at public costs 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.
8. No permit shall be issued for a conditional use for a property where there is an existing violation of this Resolution.

Section 564 General Conditions Applicable to All Conditional Uses: The Zoning Inspector can review a conditional use at any time. The Board of Zoning Appeals may modify a current Conditional Use Permit to account for changes in the activity granted under the Conditional Use Permit. This modification may occur as a consequence of the Zoning Inspector's review or at the request of the entity holding the Conditional Use Permit.

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 filing of the application for a Conditional Use Permit as specified in Section 562, the Board shall give written notice to all parties in interest, publish notice in a newspaper, and hold a public hearing, all according to the procedures specified in Section 546 through 548.

Section 567 Action by the Board of Zoning Appeals: Within a reasonable time after the public hearing required in Section 566, the Board shall in writing 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 one (1) year.

Section 569 Filing Effective and Permit Effective: Any application for variance filed pursuant to § 544 of this Resolution or any application for conditional use filed pursuant to § 562 of this resolution shall not be deemed filed until such time as the appropriate fee is paid to the Township Clerk and the application is received and time stamped by the Zoning Inspector.

Any permit granted by the Zoning Inspector or any permit or variance granted by the Board of Zoning Appeals shall not be deemed effective until such time as the document is executed by the Zoning Inspector or in the case of an action taken by the Board of Zoning Appeals, executed by each member of the Board of Zoning Appeals involved in the decision, and such document is time stamped as having been officially received by the Township Clerk.

Section 570 Procedure for Amendment or District Changes: This Resolution may be amended utilizing the procedures specified in Sections 570-581, inclusive of this Resolution.

Section 571 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 572 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 the passage of a resolution by the Township Trustees; or,
3. By the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the township zoning commission.

Section 573 Contents of Application: Applications for amendments to the Official Zoning Map adopted as part of this Resolution shall contain at least the following information:

1. Name, address, and telephone number of the applicant;
2. Present use;
3. Present zoning district;
4. Proposed use;
5. Proposed zoning district;
6. A description of the proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness;
7. Site plan showing property lines, existing and proposed future buildings including the building footprint. Setbacks should be clearly marked;
8. 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;

9. A list of all property owners and their addresses who are within, contiguous to , and directly across the road (street) from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;
10. A fee as established by the Township Trustees.

Section 574 Transmittal to Zoning Commission: Immediately after the adoption of a resolution by the Township Trustees or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Zoning Commission. The Zoning Commission shall comply with all the requirements of Chapter 519.12 of the Ohio Revised Code, as amended.

Section 575 Involvement of the Regional Planning Commission: Within five days after the adoption of the motion by the Township Zoning Commission, certification of the resolution by the Township Trustees to the Zoning Commission, or filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the township zoning commission, all as described in Section 572 of this resolution, the township zoning commission shall transmit a copy of it together with text and map pertaining to it to the county or regional planning commission.

Section 576 Submission to Director of Transportation: Before any zoning amendment is approved affecting any land within three hundred 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 feet from the point of intersection or said centerline with any public road of highway, the Commission shall give notice, by registered mail 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 days from the date the notice is received by the Director of Transportation. 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 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 577 Recommendation by Zoning Commission: Upon the adoption of a motion by the township zoning commission, the certification of a resolution by the board of township trustees to the commission, or the filing of an application by property owners or lessees as described in section 572 with the commission, the commission shall set a date for a public hearing, which date shall not be less than twenty nor more than forty days from the date of the certification of such a resolution, the date of adoption of such a motion, or the date of the filing of such an application. Notice of the hearing shall be given by the commission by one publication in one or more newspapers of general circulation in the township at least ten days before the date of the hearing.

Section 578 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 579 Notice of Public Hearing in Newspaper: Notice of the public hearing required in Section 578 shall be given by the township trustees in compliance with all the requirements of Chapter 519.12 of the Ohio Revised Code as amended.

Section 580 Action by Township Trustees: Within twenty days after the public hearing required in Section 578, the township trustees shall either adopt or deny the recommendation of the Zoning Commission, or adopt some modification thereof. In the event the trustees deny or modify the recommendation of the Zoning Commission, they must do so by a majority vote.

Section 581 Effective Date and Referendum: Such amendment adopted by the trustees shall become effective thirty days after the date of adoption unless within thirty days after the adoption of the amendment there is presented to the trustees a referendum petition, filed in accordance with Section 519.12 of the Ohio Revised Code as amended.

Section 582 Official Zoning Map:

The districts established in Section 200 of this Resolution as shown on the Official Zoning Map which, together with all explanatory matter thereon, are hereby adopted as part of this Resolution.

Section 583 Identification of the Official Zoning Map:

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

Section 584 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 centerlines of thoroughfares or highways, street lines, or highway right-of-way lines, such centerlines, 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 centerlines or street lines of streets, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Zoning Map.

ARTICLE VI - U-1 FARM/RESIDENTIAL DISTRICT

Section 610 – U-1 Farm / Residential District Purpose:

The purpose of this district is to provide land which is suitable or used for agriculture, conservation, very low density residential, public and quasi-public uses, permit construction

of low density single family residences and permit other non-urban types of residential and agricultural activities so that the basically rural character of these areas may be preserved and maintained. Very low density residential land use refers to farm housing units and isolated residential developments not requiring a major plat under the County's Subdivision Regulations. In addition, the development of these lands shall be in accordance with the ability of the land to support development without central sewerage disposal and / or central water facilities, to prevent pollution of such lands and aquifers by excessive development, and to protect the aquifer recharge areas.

Section 611 – U-1 Farm / Residential District Permitted Uses:

The following uses as defined in this Resolution, developed in accordance with all other provisions of this Resolution, shall be permitted:

- a. Agricultural uses as defined by the Ohio Revised Code in § 519.01, including:
 - i. Stables and indoor and outdoor arenas;
 - ii. Wholesale and retail Tree & Plant nurseries;
 - iii. Farm markets provided that at least fifty (50%) percent of the gross income from the market is derived from sale of produce raised on farms owned and operated by the market operator in a normal crop year, and adequate area exists adjacent thereto for parking so as not to interfere with traffic on adjacent thoroughfares. All permanent farm market structures must conform to the standards set forth in this Resolution.
 - iv. Facilities for the storage, sorting, preliminary processing or sale of agricultural products shall be permitted if such products are used in the production of other farm products, and if said storage, processing, sorting or sales is carried on incident to other farming operations by the owner/proprietor.
- b. Projects designed for watershed protection, conservation of soil or water, or for flood control
- c. Single family dwellings
- d. Child day care provided in home for six (6) or fewer children who are not members of the immediate resident family, provided the day care is accessory to the use of the dwelling as the provider's residence and further provided that such day care qualifies as a Type B family day care home as defined in Ohio Revised Code Section 5104.01.
- e. Accessory buildings and accessory uses including swimming pools and private garages provided they meet the standards outlined in this Resolution.

Section 612 – U-1 Farm / Residential Conditional Uses:

No conditional use shall be implemented without a conditional use permit approved by the Board of Zoning Appeals, issued by the Zoning Inspector or as otherwise provided by Ohio Revised Code § 519.14.

- a. Home occupations as outlined in Definitions Article of this Resolution;
- b. Commercial recreation (Examples Hunting clubs / Campgrounds)

- i. Recreational camping guest stays are limited to no longer than fourteen (14) consecutive days;
 - ii. the use must be approved by the Union County Health Department and comply with all health and sanitary regulations of the State of Ohio and Union County Health Departments.
- c. Non-commercial recreation;
- d. Veterinary Service or Boarding Kennels, provided that the building or structure dedicated to the use is located at least two hundred (200) feet from any lot line and is subject to the following conditions:
 - i. No building or structure used for the purpose of an animal shelter shall be located closer than four hundred (400) feet from the lot line of any residence, church, school, or any institution of human care.
 - ii. Suitable fencing and/or screening shall be provided as approved by the Paris Township Board of Zoning Appeals.
 - iii. The minimum lot size is five (5) acres.
 - iv. Outside runs are not within 400 feet of adjoining properties;
- e. Cemeteries provided the following standards are met:
 - i. Interment shall not be within 300' of a dwelling house, unless the owner of such dwelling house gives consent, or unless the entire tract appropriated is a necessary addition to or enlargement of a cemetery already in use, as further provided in ORC 1721.03.
 - ii. A mausoleum shall not be within 300' of any property line.
 - iii. A crematory or other structure shall not be within 1000' of any property line.
 - iv. Every cemetery company or association shall cause a plat of its grounds and of the lots laid out by it to be made and recorded or filed in the offices of the county recorder in accordance with ORC 1721.09;
- f. Bed and Breakfast Operations
 - i. The Bed and Breakfast must be owner-operated; it must be the principal residence of the owner, and occupied by the owner, unless authorized differently as a conditional use by the Board of Zoning Appeals.
 - ii. One (1) individual not residing in the Bed and Breakfast may be employed in its operation.
 - iii. No more than four (4) rooms shall be offered for rent. The Board of Zoning Appeals may permit more rooms in Residential Zoning Districts which permit multi-family dwellings.

- iv. Each room rented shall contain a minimum of one-hundred (100) square feet. No rented room shall have independent outside entrance (emergency fire exits are permitted).
 - v. Neither any rented room nor the owner's dwelling space shall be located in an accessory structure, unless authorized differently as a conditional use by the Board of Zoning Appeals.
 - vi. No cooking facilities of any type shall be permitted in the rented rooms.
 - vii. A minimum of one (1) on-site parking space per room offered for rent, and two (2) spaces for the owners shall be required.
 - viii. No changes to the outside appearance of the dwelling shall occur as a result of the operation of the bed and breakfast facility.
 - ix. One (1) sign not exceeding four (4) square feet in area shall be permitted identifying the dwelling as a Bed and Breakfast.
 - x. Comply with all state and governmental requirements.
 - xi. The owner shall notify the Zoning Inspector in writing of his intentions to use the structure in this manner each year.
 - xii. Subject to Health Department and Fire Department inspection and approval;
 - xiii. Any other condition or safeguard deemed appropriate by the Board of Zoning Appeals.
- g. Conservation subdivisions as defined in this Resolution.
 - h. Public service facilities as defined in Definitions of this Resolution.
 - i. Public and Quasi-public uses as defined in Definitions of this Resolution.
 - j. Service business as defined in Definitions of this Resolution.
 - k. Convenience type retail business as defined in Definitions of this Resolution.
 - l. Personal services business as defined in Definitions of this Resolution.
 - m. Offices as defined in Definitions of this Resolution.
 - n. Wholesale and warehousing as defined in Definitions of this Resolution.

- o. Essential services as defined in Definitions of this Resolution.
- p. Light manufacturing uses as defined in Definitions of this Resolution.
- q. Nursing home as defined in Definitions of this Resolution.
- r. Shopping type retail business as defined in Definitions of this Resolution.
- s. Private airstrips for landing private small aircraft subject to the Noise Regulations article in this Resolution and current regulation of the Federal Aviation Administration.
- t. Manufactured home parks.

Section 613 – U-1 Farm / Residential District Development Standards:

The use of land and structures within this district shall conform to the standards contained in sections 610 to 623.

Section 614 – U-1 Farm / Residential District Minimum Lot Area:

Minimum lot size shall be one and one-half (1 ½) acres except for conservation subdivisions where minimum lot area is as approved.

Section 615 – U-1 Farm / Residential District Minimum Lot Width and Frontage:

- i. State highways: 150 feet;
- ii. Major collector: 150 feet;
- iii. Minor collector: 150 feet;
- iv. Local road: 150 feet;

Section 616 – U-1 Farm / Residential District Minimum Yard Setbacks:

- i. Front(depth): Fifty (50) feet as measured from the road right of way
- ii. Rear (depth): Thirty (30) feet as measured from the rear lot line. No accessory use or building shall be located closer than ten (10) feet to the rear lot line.
- iii. Side (width): Twenty (20) feet on each side as measured from the side lot line. No accessory use or building shall be located closer than fifteen (15) feet to the side lot line.

Section 617 – U-1 Farm / Residential District Maximum Building Height:

The maximum building height for non farm structures is Thirty-five (35) feet. The maximum building height for non-farm accessory structures is twenty (20) feet.

Section 618 – U-1 Farm / Residential District Minimum Living Space Requirements:

For any residential dwelling unit (exclusive of the porch, basement and garage) - 1,400 square feet.

Section 619 – U-1 Farm / Residential District Maximum Lot Coverage:

Ground floor area – Twenty-five (25) percent

Section 620 – U-1 Farm / Residential District Required Lot Ratios:

a) Depth:

Maximum: 3:1 depth to width ratio

Minimum: Depth may not be less than 100% of required lot frontage

b) Width: Minimum of 100% of lot frontage

Section 621 – U-1 Farm / Residential District Screening and/or Landscaping:

Landscaping shall be in compliance with the provisions of Article XIII.

Section 622 – U-1 Farm / Residential District Off-street Parking and Loading:

Off-street parking and loading shall be in compliance with the provisions of Article XI.

Section 623 – U-1 Farm / Residential District Signs

Signs shall be in compliance with the provisions of Article XIV.

ARTICLE VII - R-1 LOW DENSITY RESIDENTIAL DISTRICT

Section 710 – R-1 Low Density Residential District Purpose:

The purpose of the Low Density Residential District (R-1) is to provide land for low density development not to exceed 3 dwelling units per acre with a central sewage system. The majority of land in the Low Density Residential District does not have access to central water and wastewater service; therefore, development shall be in accordance with the ability of the land to wells and septic systems.

Section 711 – R-1 Low Density Residential District Permitted Uses:

The following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- a. Single family dwellings
- b. Projects designed for watershed protection, conservation of soil or water, or for flood control
- c. Public uses as defined in this Resolution
- d. Child day care provided in home for six (6) or fewer children who are not members of the immediate resident family, provided the day care is accessory to the use of the dwelling as the provider's residence and further provided that such day care qualifies as a Type B family day care home as defined in Ohio Revised Code Section 5104.01.
- e. Accessory buildings and accessory uses including swimming pools and private garages provided they meet the standards outlined in this Resolution.
- f. Accessory uses are limited to one accessory building or use, which may be in addition to a swimming pool, however, prohibits the parking of commercial tractors, commercial trucks or trailers.

Section 712 – R-1 Low Density Residential District Conditional Uses:

No conditional use shall be implemented until a conditional use permit is approved by the Board of Zoning Appeals and then issued by the Zoning Inspector or as otherwise provided by Ohio Revised Code § 519.14.

- a. Home occupations as defined in this Resolution
- b. Non-commercial or Commercial recreation
- c. Public service facilities as defined in this Resolution
- d. Quasi-public uses as defined in this Resolution
- e. Group homes or Residential Care Facilities

f. Roadside sales of agriculturally grown products shall be a conditioned use in this district provided that at least fifty percent of the gross income from the market is derived from sale of produce raised on farms owned or operated by the market operator, and adequate area exists adjacent thereto for parking so as not to interfere with traffic on adjacent thoroughfares. No permanent buildings or structures shall be placed without permission of the Board of Zoning Appeals and issuance of a Conditional Use Permit.

g. Essential services, personal services and service business as defined in this Resolution.

h. Multi-family dwelling.

i. Nursing home.

j. Personal services.

k. Service business.

Section 713 – R-1 Low Density Residential District Development Standards:

The use of land and structures within this district shall conform to the standards contained in sections 710 - 723.

Section 714 – R-1 Low Density Residential District Minimum Lot Area:

The minimum lot size shall be:

Public water and sewer not available: 65,340 square feet;

Public water and sewer available: 21,780 square feet.

Section 715 – R-1 Low Density Residential District – Minimum Lot Width and Frontage:

- i. Lots with public water and sewer not available: 150 feet frontage
- ii. Lots with public water and sewer available: 125 feet frontage

The widths of all lots shall conform to the lot measurement – lot width limitations reflected in the definitions of this resolution.

Section 716 – R-1 Low Density Residential District Minimum Yard Setbacks:

No principal building or accessory building shall be located nearer than the distances established herein:

- i. Lots with public water and sewer not available: 50 feet as measured from the road right of way
- ii. Lots with public water and sewer available: 35 feet as measured from the road right of way

iii. Rear (depth): Thirty (30) feet as measured from the rear lot line for principal buildings. No accessory use or building shall be located closer than ten (10) feet to the rear lot line.

iv. Side (width): Principal Building: Twenty (20) feet on each side as measured from the side lot line. No accessory use or building shall be located closer than fifteen (15) feet to the side lot line.

Section 717 – R-1 Low Density Residential District Maximum Building Height:

For any non-farm structure – Thirty-five (35) feet. For any non-farm accessory structure – Twenty (20) feet.

Section 718 – R-1 Low Density Residential District Minimum Living Space Requirements:

For any residential dwelling unit (exclusive of the porch, basement and garage) - 1,400 square feet

Section 719 – R-1 Low Density Residential District Maximum Lot Coverage:

Ground floor area – Twenty-five percent (25%)

Section 720 – R-1 Low Density Residential District Required Lot Ratios:

a) Depth:

Maximum: 3:1 depth to width ratio

Minimum: Depth may not be less than 100% of required lot frontage

b) Width: Minimum of 100% of lot frontage

Section 721 – R-1 Low Density Residential District Screening and/or Landscaping:

Landscaping shall be in compliance with the provisions of Article XIII.

Section 722 – R-1 Low Density Residential District Off-street Parking and Loading:

Off-street parking and loading shall be in compliance with the provisions of Article XI.

Section 723 – R-1 Low Density Residential District Signs

Signs shall be in compliance with the provisions of Article XIV.

ARTICLE VIII - B-2 LOCAL BUSINESS DISTRICT

Section 810 – B-2 Local Business District Purpose:

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. Shopping-type retail facilities are also permitted within this district.

Section 811 – B-2 Local Business District Permitted Uses:

The following uses as defined in this Resolution, developed in accordance with all other provisions of this Resolution, shall be permitted:

- a. Accessory buildings and accessory uses including swimming pools and private garages provided they meet the standards outlined in this Resolution. Accessory buildings and accessory uses supporting a conditional use shall follow the application process for conditional uses in the B-2 district.
- b. Convenience and shopping type retail
- c. Craft and gift shop
- e. Nursery (Greenhouse) tree & plant
- g. Offices
- h. Personal services
- i. Public and quasi-public uses
- j. Single family dwellings (refer to R-1 District regulations)

Section 812 – B-2 Local Business District Conditional Uses:

No conditional use shall be implemented until a conditional use permit is approved by the Board of Zoning Appeals and then issued by the Zoning Inspector or as otherwise provided by Ohio Revised Code § 519.14.

- a. Bed & Breakfasts
- b. Non-commercial or Commercial recreation
- c. Drive-in business, including any drive-thru establishment that sells wine, beer or alcohol
- d. Eating and drinking establishments
- e. Essential services

- f. Light manufacturing
- g. Multi-family dwelling (refer to R-1 District regulations)
- h. Nursing home
- i. Public Service facility
- j. Service business
- k. Service station
- l. Storage facility

Section 813 – B-2 Local Business District Development Standards:

The use of land and structures within this district shall conform to the standards contained in sections 814 - 820.

Section 814 – B-2 Local Business District Minimum Lot Area:

No minimum lot size required. However, lot size shall be adequate to provide the minimum lot width, setback requirements, building size, parking requirements, maximum height and percentage of lot coverage requirements reflected in sections 815 – 820.

Section 815 – B-2 Local Business District – Minimum Lot Width and Frontage:

- i. Lots with public water and sewer not available: 150 feet frontage
- ii. Lots with public water and sewer available: 100 feet frontage

The widths of all lots shall conform to the lot measurement – lot width limitations reflected in the definitions of this resolution.

Section 816 – B-2 Local Business District Minimum Yard Setbacks:

No principal building or accessory building shall be located nearer than the distances established herein:

- i. Lots with public water and sewer not available: 30 feet as measured from the road right of way
- ii. Lots with public water and sewer available: 30 feet as measured from the road right of way
- iii. Side yards: A side yard setback of 15 feet shall be required.
- iv. Rear yard setback: A rear yard setback of thirty (30) feet shall be required.

Section 817 – B-2 Local Business District Maximum Building Height:

Thirty-five (35) feet for principal buildings. Twenty (20) feet for accessory buildings.

Section 818 – B-2 Local Business District Maximum Lot Coverage:

- i. Principal and accessory Buildings – Fifty (50) percent
- ii. Buildings plus parking and loading areas – Seventy-five (75) percent

Section 819 – B-2 Local Business District Screening and/or Landscaping:

Landscaping shall be in compliance with the provisions of Article XIII.

Section 820 – B-2 Local Business District Parking:

Parking requirements shall be in compliance with the provisions of Article XI of this regulation.

Section 821 – B-2 Local Business District Signs

Signs shall be in compliance with the provisions of Article XIV.

Section 822 – Maximum Building Square Footage for Approved Business Uses in the B-2 District

The maximum combined square footage footprint for any approved business use in the B-2 District shall be a total of 10,000 square feet for all buildings. Business uses requiring a footprint of more than a combined total of 10,000 square feet for all buildings shall follow the procedures in place for conditional uses. This section shall not apply to public and quasi-public uses.

ARTICLE IX - M-2 MANUFACTURING DISTRICT

Section 910 – M-2 Manufacturing District Purpose:

The purpose of this manufacturing district is to provide land for the development or operation of manufacturing, processing, warehousing, research and testing facilities and supply yards. These activities may require extensive community facilities or reasonable access to collector and arterial highways and railroad facilities. They may have extensive open storage and service areas and generate heavy traffic.

Section 920 – M-2 Manufacturing District Permitted Uses:

Within the M-2 Manufacturing District, the following uses as defined in this Resolution, developed in accordance with all other provisions of this Resolution, shall be permitted.

- a. Offices
- b. Light and Heavy Manufacturing and Assembly
- c. Public and quasi-public uses

- d. Research laboratories, Research assembly services and Research testing facilities
- e. Service business
- f. Supply yards
- g. Transport terminals
- h. Warehouse or storage activities
- i. Wholesale businesses

Section 930 – M-2 Manufacturing District Conditional Uses:

No conditional use shall be implemented until a conditional use permit is issued by the Zoning Inspector or as otherwise provided by Ohio Revised Code § 519.14.

- a. Adult entertainment facilities
- b. Mineral extraction
- c. Public service facility
- d. Recycling facilities
- e. Sanitary landfill

Section 940 – M-2 Manufacturing District Development Standards:

The use of land and structures within this district shall conform to the standards contained in sections 910 - 947.

Section 941 – M-2 Manufacturing District Minimum Lot Size:

- a) Without public services – Three (3) acres
- b) With public services – One (1) acre

Section 942 – M-2 Manufacturing District Minimum Lot Width: 250 feet

Section 943 – M-2 Manufacturing District Yard Requirements and Setbacks:

- a) A front yard setback of eighty (80) feet shall be required from the right-of-way.
- b) Side yards: A side yard of twenty-five (25) feet on each side shall be required. If the use is adjacent to a U-1 or R-1 district, such side yard setback shall be One hundred (100) feet from the shared lot line.

c) Rear yard setback: A rear yard setback of fifty (50) feet shall be required. If the use is adjacent to a U-1 or R-1 district, the rear yard setback shall be one hundred (100) feet from the shared lot line.

Section 944 – M-2 Manufacturing District Maximum Lot Coverage:

- a) Principal & Accessory Buildings - Twenty-five percent (25%)
- b) Building Plus Parking & Loading Areas – Fifty percent (50%)

Section 945 – M-2 Manufacturing District Maximum Building Height:

- a) Principal buildings: Fifty (50) feet

Section 946 – M-2 Manufacturing District Accessory Buildings:

- a) Must be located behind the principal structure
- b) Maximum height of twenty-five (25) feet
- c) May not be located closer than five (5) feet to any non-residential property line; may not be located closer than fifty (50) feet to any residential property line.

Section 947 – M-2 Manufacturing District Design Standards:

- a) Landscaping: Shall comply with the requirements of Section 1300 et seq.
- b) Parking: parking facilities shall comply with the pertinent provisions relating to parking as contained in Section 1100 et seq.
- c) Loading: loading facilities shall comply with the pertinent provisions relating to loading requirements as contained in Section 1100 et seq.
- d) Signs: All signs shall comply with the requirements of Section 1200 et seq.

ARTICLE X - PARKING AND STORAGE OF CERTAIN VEHICLES

Section 1010 - Parking and Storage of Certain Vehicles. The following provisions and requirements shall pertain to the parking and storage of certain vehicles:

1. The parking or storage, within any district, of automotive vehicles without current license plates, including trailers detached from semi tractors, for a period exceeding

fourteen (14) days shall be prohibited unless such vehicle is stored in an enclosed garage or other accessory building;

2. The parking or storage, within any district, of a disabled automotive vehicle for a period of more than thirty days shall be prohibited unless such vehicle is stored in an enclosed garage or other accessory building;
3. The parking or storage, within any district, of a junked, dismantled or wrecked automotive vehicle or parts thereof which is in public view of any highway for a period of more than thirty days shall be prohibited;
4. The parking and storage of one, unoccupied, recreational vehicle shall be permitted, providing the vehicle is parked at the rear of the front edge of the dwelling and complies in all other respects with the provisions of this resolution and all laws and ordinances, including but not limited to licensing and registration requirements.
5. No motor home or camper of any type may be occupied by any guest of the resident owner for more than fourteen (14) days in any one calendar year. Only one motor home or camper will be permitted at any time.

For purposes of this section, a junked, dismantled or wrecked automotive vehicle shall be one which is damaged to the extent that it is inoperable, or is unsafe to operate upon the public highways. This section shall not apply to properly licensed junk yards and motor vehicle salvage facilities which are regulated by appropriate sections of the Ohio Revised Code.

ARTICLE XI - GENERAL PARKING REGULATIONS

Section 1100 - General Requirements

1. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off street parking and/or loading spaces have been provided in accordance with the provisions of this Resolution.
2. The provisions of this Article, except where there is a change of use, shall not apply to any existing building or structure. However, unless otherwise provided herein, the provisions of this Article shall apply to all zoning districts.
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 constructed or enlarged in gross floor area, by number of employees, by number of dwelling units, by seating capacity or otherwise after the effective date of this Resolution such as to create a requirement under this chapter for an increase of fifty (50) percent or more in the

number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

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, eighty (80) 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 Section 1111 and 1130, together with driveways, aisles, and other circulation areas, shall be improved with such material to provide a durable surface.

Section 1116 Location of Parking Spaces. 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 no more than seven hundred (700) feet from the principal use;
3. Parking spaces for any apartments, or similar residential uses shall be located not more than three hundred (300) feet from the principal use.

Section 1117 Screening and/or Landscaping. Whenever a parking area is located in or adjacent to a residential district it shall be effectively screened on all sides which adjoin or face any property used for residential purposes by an acceptable designed fence or planting screen. Such fence or planting screen shall be not less than four (4) feet nor more than six (6) feet in height, shall be maintained in good condition, and shall comply with the provisions of Section 1303 of this Resolution. In the event that terrain or other natural features are such that the erection of such fence or planting screen will not serve the intended purpose, then no such fence or planting screen and landscaping shall be required.

Section 1119 Minimum Distance and Setbacks. No part of any parking garage or 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 garage or parking area be closer than four (4) feet to any established road right-of-way. In all other cases, any parking garage or parking area shall be no closer than ten (10) feet from any adjoining property line.

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

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

Section 1122 Width of Driveway Aisle. Driveway aisles 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 wide for sixty (60) degree parking and thirteen (13) feet wide for forty-five (45) degree parking.

Section 1130 Parking space Requirements. For the purpose of this Resolution, 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
Outdoor swimming pools, public or community or club	One for each 5 persons capacity plus one for each 4 seats or one for each 30 sq. ft. floor area used for seating purposes whichever is greater
Retail establishments	One for each 250 sq. ft. of floor area
Offices, public or professional, administrative or service buildings	One for each 400 sq. ft. of floor area
All other types of businesses or commercial uses permitted in any district	One for each 300 sq. ft. of floor area
Churches	One for each 5 seats

All types of manufacturing, storage and wholesale uses

One for every 2 employees on the largest shift for which the building is designed

Bed and Breakfast

As mandated by Section 1790

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

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

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, and enhance the physical appearance of the township.

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

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

1. In no circumstance shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare so as to cause glare or reflection that may constitute a traffic hazard or nuisance;
2. No sign shall be placed on the roof of any building;
3. No sign of any classification shall be installed, erected or attached in any form, shape or manner to a fire escape or any door or window giving access to any fire escape;
4. All billboard signs shall be plainly marked with the name of the person, firm or corporation responsible for maintaining the sign;

5. 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;
6. 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 are permitted on any property.
7. No sign shall be placed to obstruct any portion of a window, doorway, transom, or other architectural detail.
8. No sign shall project above the edge of the roof of a structure.
9. No sign shall project more than 12 inches from the surface upon which it is attached.

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

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

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

Section 1211 Signs Permitted In All Districts Requiring a Permit.

1. Any sign advertising a commercial enterprise, including real estate developers or subdividers in a district zoned rural or residential shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

Section 1212 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. In a business or manufacturing district, each business shall be permitted one flat or wall on-premises sign. Projection of wall signs shall not exceed 12 inches 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 square feet of sign area

for each lineal foot of building width, or part of a building, occupied by such enterprises but shall not exceed a maximum area of one hundred square feet.

2. In a business or manufacturing district, one off-premises sign with a total area not exceeding three hundred square feet may be permitted at a single location. Off-premises signs visible to approaching traffic shall have a minimum spacing of not less than two hundred feet. Off-premises signs shall conform to all applicable yard and height regulations for the appropriate Zoning district, and comply with limitations specified in Section 1250.

Section 1220 Temporary Signs. Temporary signs not exceeding sixty-four 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 days plus the construction period. Such temporary signs shall conform to the general requirements listed in Section 1202, the setback requirements in Sections 1240-1243 and, in addition, such other standards deemed necessary to accomplish the intent as stated in Section 1200.

Section 1221 Free Standing Signs. Free-standing on-premises signs not over thirty feet in height, having a maximum total sign area of one hundred square feet per display area and located not closer than fifteen feet to any adjoining lot line may be placed to serve a business or group of business establishments. There shall be only one free-standing sign for each building, regardless of the number of businesses conducted in said building.

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

Section 1230 Political Signs. No political sign shall be posted in any place or in any manner on public property including township right of way. No political sign shall be posted more than ten days (10) before absentee voting begins. All candidates for public office, their campaign committees, or other persons responsible for posting political signs or campaign material shall remove such material within one week following Election Day.

Section 1240 Sign Setback Requirements. Except as modified in Sections 1241 and 1243, on-premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least ten feet. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district.

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

Section 1243 Setbacks for Public and Quasi-public 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 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 1250 Limitation. For the purposes of this Resolution, outdoor advertising off-premises signs shall be classified as a business use in all districts zoned for business, manufacturing, or lands used for agricultural purposes. In addition, regulation of signs along primary highways shall conform to the requirements of the Ohio Revised Code, Chapter 5516 and the regulations adopted pursuant thereto, however, no outdoor advertising off-premises sign shall be permitted within fifteen hundred (1500) feet of any other outdoor advertising off-premises sign. All outdoor advertising off-premises signs shall be a conditional use in all districts.

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 - LANDSCAPING REQUIREMENTS

Section 1301 Purpose

The goal of this Article is to preserve and promote landscaping as a suitable and necessary aspect of land development and to promote the public health, safety and general welfare. It is further the purpose of this Article to promote the proper utilization of landscaping as a buffer between certain land uses so as to minimize conflicts and to protect, preserve and promote the character of the Township.

Section 1302 Township Rights

The Township shall have the right to plant, prune, maintain or remove trees, plants and shrubs within the rights of way of all streets, alleys, avenues, lanes and other public grounds as may be necessary to ensure public safety or to preserve or enhance the environmental quality and beauty of such public grounds. The Zoning Inspector may cause or order the removal of any tree, shrub, vegetation or other obstacle or part thereof which is in unsafe condition or which by reason of its nature poses a threat to the interruption of service to sewers, electric power lines, water lines, water flow or general road safety.

Section 1303 Reduction of Side and Rear Lot Setbacks

When a non-residential use abuts a residential use, the minimum side and rear lot setback requirements mandated by this Resolution may be reduced up to fifty (50) percent by the Township Board of Zoning Appeals if acceptable landscaping or screening is approved pursuant to a conditional use permit or upon issuance of a variance approved by the Board.

Section 1304 Supplemental Landscape Requirements

Whenever a parking area is located in or adjacent to a residential district it shall be effectively screened on all sides which adjoin or face any property used for residential purposes by an acceptable designed fence or planting screen. Such fence or planting screen shall be not less than four (4) feet nor more than six (6) feet in height, shall be maintained in good condition, and shall comply with the provisions of Section 1117 of this Resolution. 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.

ARTICLE XIV - NOISE REGULATIONS

Section 1401 – Loud and Unnecessary noises prohibited

No person shall make, continue or cause to be made or continued, any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the Township.

Section 1402 – Certain Loud and Disturbing Noises Enumerated

The following acts are declared to be loud, disturbing and unnecessary noises, but such enumeration shall not be deemed to be exclusive, namely:

a. Animals and Birds. The keeping of any animal or bird by causing frequent or long continued noise disturbing the comfort or repose of any persons in the vicinity.

b. Defect in Vehicle or Load. The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

c. Domestic Power Tools. Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, snow blower, small power equipment, or similar device used outdoors in residential areas between the hours of 11:00 p.m. and 8:00 a.m. the following day so as to cause a noise disturbance across a residential real property boundary.

d. Drums. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale; not including school functions and athletic events.

e. Engine-Repair and Testing. It shall be unlawful for any person to repair, rebuild or test any engine so as to create a noise disturbance between the hours of 11:00 PM and 8:00 AM the following day.

f. Exhaust. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises.

g. Loudspeakers / Public Address System

i. Using or operating for any noncommercial purpose any loudspeaker, public address system, or similar device between the hours of 10:00 p.m. and 8:00 a.m. the following day, such that the sound there from creates a noise disturbance across a residential real property boundary or within a noise sensitive zone.

ii. Using or operating for any commercial purpose any loudspeaker, public address system, or similar device (a) such that the sound there from creates a noise

disturbance across a real property boundary or within a noise sensitive zone; or (b) between the hours of 8:00 p.m. and 10:00 a.m. the following day on a public right-of-way or public space.

h. Radios, Musical Instruments and Similar Devices. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound:

i. Between the hours of 11:00 p.m. and 8:00 a.m. the following day in such a manner as to create a noise disturbance across a real property boundary or within a noise sensitive zone.

ii. In such a manner as to create a noise disturbance at 50 feet from such device, when operated in or on a motor vehicle on a public right-of-way or public space, or,

iii. In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any passenger on a common carrier.

Section 1404 – Measurement and Control of Noise:

a. Noise Prohibited. No person shall make, continue or cause to be made or continued any noise in excess of the noise levels set forth herein unless such noise is reasonable necessary to the preservation of life, health, safety or property.

b. Measurement and Control. It shall be unlawful for any person to cause a sound from a stationary source which exceeds any sound level as set forth in the applicable column in the following table titled "Maximum Permissible Sound Levels" when measured at any point within any other property affected by the sound. Measurement shall be made by a duly authorized individual who is knowledgeable in the proper use of the measurement equipment. Measurement shall be made in slow response, A-weighting, except in the case of impulsive sound which shall be measured with an impulsive sound level meter, ANSI S1.4-1971. Octave band measurements, where noted, shall be made with an octave band analyzer.

Maximum Permissible Sound Levels from Stationary Sources <i>Zoning District</i>	<i>Time of Day</i>	<i>Continuous Sound (db)</i>	<i>Impulsive Sound (db)</i>
U-1, R-1	All	60	80
B-2	All	65	90
M-2	All	70	110

ARTICLE XV - LIGHTING STANDARDS

Section 1500 – Lighting Standards and Requirements:

The following standards shall apply to all exterior light fixtures within the Township, except street lighting and associated traffic devices provided by a public utility or governmental entity within a public right-of-way.

Section 1501 – Lighting Standards (All Zoning Districts):

1. All lights shall be shielded in such a way as to direct all light toward the Earth's surface and away from reflective surfaces.
2. Light fixtures or lamps shall be shielded / shaded in such a manner as to direct incident rays away from all adjacent property.
3. No luminaire shall have any blinking, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness or color nor is any beacon light permitted, except those required for fire alarm and/or emergency systems.
4. Neither the direct nor reflected light from any luminaire shall create a disabling glare causing traffic hazards on public thoroughfares.
5. Lights on poles shall not be taller than the building whose area they illuminate nor taller than twenty-five (25) feet whichever is shorter.
6. Any facilities which may require floodlighting may not arrange the light in such a way that it will shine towards roadways, onto adjacent residential property or residential use property or into the night sky.
7. Any interior lighted signs may not be lit at night when any face of the sign is removed or damaged in such a way that the light may distract drivers or homeowners.
8. The level of lighting shall not exceed 0.5 foot-candles at any residential property line or 1.0 foot-candle at any non-residential property line.

ARTICLE XVI - MISCELLANEOUS REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS

Section 1601 - Sale of Chattels from Residential Property. The sale of chattels from residential property, in the form of garage sales, barn sales, yard sales, and the like, shall be permitted for a period of no more than three (3) consecutive days and not more than two (2) times per year. Sales at any other times are prohibited.

Section 1602 - Supplemental Yard and Height Regulations. In addition to all yard regulations specified in the Official Schedule of District Regulations and in other sections of this Resolution, the provisions of the following subsections shall be used for interpretation and clarification.

1. 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.

2. 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 one and one-half (1 ½) to fifteen (15) feet above the centerline grades of the intersecting streets or roads in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street or road lines one hundred (100) feet from the point of intersection.

3. 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 specific 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.

4. Non-residential buildings or uses shall not be located in or conducted closer than forty (40) feet to any lot line of a residential structure, 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. The landscaping or screening shall be living material forming a natural fence which material must be at least 4 feet at time of planting, and maintained at no less than 4 feet. Any agreed upon barrier, or landscaping shall not obscure traffic visibility at an intersection.

5. 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.

6. Height limitation 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 1603 - Special Provisions for Commercial and Industrial Uses. No commercial or industrial use as designated in this Resolution nor any land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this Resolution may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits are taken.

Section 1604 - Fire Hazards. Any activity involving the permitted use or storage of flammable chemicals, petroleum products or explosive materials shall be protected by adequate fire-fighting and fire prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

Section 1605 - Electrical Disturbance.

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

Section 1606 - Adequate Drainage Outlet and Acceptable Soils. Every lot shall have an adequate drainage outlet and acceptable soils consistent with the requirements for the proposed use. The Union Soil & Water Conservation District shall be consulted to determine the drainage outlet adequacy and the soils acceptability. This statement along with a plot map of the drainage systems shall accompany the application for permit. Furthermore, all construction (including construction of ponds and driveways) within the Township shall be accomplished in a manner consistent with the maintenance and good surface drainage. In all improvements or uses where submittal of drainage plans is not specifically required, proper drainage on subject property and adjacent or servient properties shall be maintained or restored at equal or greater capacity as determined by the Union Soil and Water Conservation District. In no event shall any person interdictor interfere with any existing tile or surface drain chancel unless it is determined that such tile or channel can be removed or relocated without interfering with the drainage on adjacent properties. Pre-existing drainage tile draining adjoining property shall be restored or re-routed when cut, crushed, or otherwise affected by any construction, excavation, or utility installation on any lot.

Section 1607 - Water Pollution. Water pollution as defined or determined by the County Board of Health or the Ohio Environmental Protection Agency shall be subject to corrective measures, requirements and regulations as established by the Board of Health or the Ohio E.P.A.

Section 1608 - Mining, Mineral, Sand and Gravel Extraction, Storage and Processing

The extraction, storage and processing of minerals shall be conducted in accordance with the following requirements:

1. 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.

2. 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.

3. 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.

4. 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.

5. The operator may be required to file with the Board of Township Trustees a bond, or other surety in an amount acceptable to the Board of Township Trustees, payable to the township and conditioned on the faithful performance of all requirements contained in the approved restoration plan including repairs to township roads damaged in the process. 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.

6. 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 and shall utilize other safeguards as may be mandated by the Board of Zoning Appeals to discourage human injury to the general public.

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

Section 1609 - Roadside Produce Stands. A building for the sale of home-grown produce may be located not less than twenty-five feet from the highway right-of-way if it is a portable building. If portable, it shall be removed from its roadside location during the season that it is not in use as a roadside produce stand. A permanent structure for such use may be constructed, but shall be located not less than fifty feet from the highway right-of-way line. Parking shall be provided off the highway right-of-way.

Section 1610 - Sanitary Landfill and Incinerator. No person shall begin, operate or maintain for commercial business purposes, a sanitary landfill or incinerator as defined in Section 1901 of this resolution.

Section 1611 - Storage of Toxic or Hazardous Materials. Except as exempted hereafter, the storage of toxic or hazardous materials, as determined by the Ohio Environmental Protection Agency, in quantities greater than 55 gallons liquid or 25 pounds dry weight for any one material shall be prohibited. This section shall not apply to fuels stored in less than 1,100 gallon tanks that conform with the Ohio Fire Code for the purpose of heating buildings and located on site, nor to materials stored for on-site residential, industrial, commercial or agricultural purposes.

"Storage" when used in connection with this section, means the containment of hazardous materials, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of the material.

Section 1613 – Manufactured & Mobile Homes / Mobile Home Parks Purpose:

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

Section 1614 – Manufactured Homes Permitted Uses:

Manufactured homes are permitted in Paris Township pursuant to the pertinent provisions of the Ohio Revised Code. These homes are permitted in any Zoning District that permits single family residential housing, so long as they comply with all other criteria of that district. Manufactured homes must sit on a permanent foundation which is constructed around the perimeter of the house.

Section 1615 – Permanently Sited Manufactured Housing:

A permanently sited manufactured home must meet the following criteria

- a. The structure is attached to a permanent foundation and is connected to facilities and utilities.
- b. The structure, excluding any addition, has a minimum width of 22 feet.
- c. It must have a total living area, excluding a garage, porch or other attachments, of at least 1,400 square feet.
- d. It has a minimum of 3:12 roof pitch, conventional residential siding and a 6" minimum eave overhang including appropriate gutters.
- e. It was manufactured after January 1, 1995.

f. It is not located in a mobile home park.

Section 1616 - Intent

It is the intent of this Article to regulate the location of, and to encourage, stabilize and protect the development of well-planned mobile home parks if one is proposed after the adoption or amendment of this Resolution.

Section 1617 - Approval Procedures

Mobile homes shall only be permitted in mobile home parks. Mobile home parks shall be permitted only as a Conditional Use in the U-1 District.

Section 1618 - General Standards for Mobile Home Parks

A new or expanded mobile home park shall:

1. 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. not be hazardous or detrimental to existing or future neighboring uses;
3. be served adequately by essential public facilities and services such as highways, police and fire protection, drainage, refuse disposal, etc.; or that the persons or agencies responsible for the establishment of the proposed park shall be able to provide adequately any such needed services;
4. be consistent with the intent and purpose of this Resolution;
5. have vehicular approaches to the property which shall be so designed as not to create an interference with the traffic on surrounding public highways;
6. not result in the destruction, loss or damage of natural features or major importance.

Section 1619 - Mobile Home Park Requirements

Mobile home parks shall be developed in accordance with the requirements of the pertinent provisions of the Ohio Revised Code and all state and local sanitary restrictions including Chapter 37-1-27 of the Ohio Sanitary Code as well as Ohio Revised Code, Section 4781, as amended.

Section 1620 - Minimum Floor Area

Individual mobile homes located within the park shall have a minimum floor area of nine hundred (900) square feet using accepted industry measurement standards.

ARTICLE XVII - SUPPLEMENTARY DISTRICT REGULATIONS

Section 1700 - General

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

These regulations apply to all districts in which the uses may be allowed.

Section 1710 - Conversion of Dwellings to More Units

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

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

Section 1720 - 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 1730 - Private Swimming Pools

Any private swimming pool, exclusive of portable swimming pools with a diameter less than 12 feet or with an area of less than 100 square feet, must comply with the following conditions and requirements:

1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located;

2. It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than 10 feet to any property line of the property on which it is located;
3. The swimming pool or the entire property on which it is located shall be walled or fenced to prevent uncontrolled access by children from adjacent properties. Said fence or wall shall be not less than five feet in height and maintained in good condition with a gate and lock.

Section 1740 - Community or Club Swimming Pools start here in October 2013

Community and club swimming pools are permitted as commercial or non-commercial recreation and shall comply with the following conditions and requirements:

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

Section 1750 - Ponds/Wetlands.

Manmade ponds or wetlands greater than 1000 square feet in area may be excavated as a conditional use providing the following standards are met:

1. The pond or wetland shall be designed in accordance with, and reviewed by the Union County Soil and Water Conservation District. The District shall be responsible for the on-site inspection to assure the pond is constructed according to approved plans.
2. A private engineer must design the pond or wetland. Every pond must have an approved outlet to a creek, river or adequate swale.

3. No pond, wetland or the resulting construction thereof, shall interfere with the natural flow of water in the area.
4. The Union County Soil and Water Conservation District must review and approve any pond site prior to pond design for ponds greater than 9,000 square feet.

Section 1760 - Telecommunications Towers

As provided for in Section 519.211 of the Ohio Revised Code, Public Utilities or other functionally equivalent providers may site a telecommunications tower as a conditional use provided the following conditions are met:

1. The maximum height of a tower shall not exceed 200'.
2. The tower and any stabilization structures or guide wires shall comply with the following setbacks and requirements:
 - (a) A distance equal to 1.1 times its total height from any public road right of way, unless written permission is granted from the governmental entity with jurisdiction over the road;
 - (b) A distance equal to 1.1 times its total height from any overhead utility lines, unless written permission is granted from the affected utility;
 - (c) A distance equal to 1.1 times its total height from all property lines, and
 - (d) To provide for a "clear fall zone" that shall be maintained at all times the tower is standing. The "clear fall zone" along with the manufacturers recommendations of such a zone must be attached to the engineering report submitted as part of the application.
3. The tower shall not be placed closer than a distance equal to 1.1 times its total height from any existing structure dwelling.
4. Minimum lot size for which a tower is to be placed shall be 2 acres.
5. Security fencing shall be provided to prevent uncontrolled access to the tower site.
6. The tower shall be designed to aesthetically complement the surrounding community. Towers shall be painted in a non-contrasting color minimizing visibility unless otherwise required by the FCC or FAA.

7. A landscaping plan must be submitted and approved by the Board of Zoning Appeal. An evergreen hedge planted three feet on center or an evergreen tree line planted five feet on center is suggested. All existing vegetation shall be retained and maintained to the extent possible.
8. Advertising shall not be permitted anywhere on the tower or site with the exception of identification signs and no trespassing signs, which are required.
9. The tower shall not be artificially lighted except to assure safety or as required by the FAA.
10. Towers must be designed and certified by an engineer to be structurally sound and, at a minimum, in conformance with the Ohio Basic Building Code.
11. The tower shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance.
12. Applicant or tower provider shall demonstrate that the telecommunication tower must be located where it is proposed in order to service the applicant's service area and that no viable siting alternative exists. There shall be an explanation of why a tower at this proposed site is technically necessary.
13. Where the tower is located on a property with another principle use, the applicant shall present documentation that the owner of the property supports the application and that vehicular access is provided to the property. Reasonable access and circulation shall be provided to the tower.
14. Applicant shall provide a signed statement indicating that:
 - (a) the applicant agrees to allow for the potential co-location of other users on the same tower to the extent possible;
 - (b) the tower shall be removed within one hundred eighty (180) days after the site's use is discontinued;
 - (c) other co-location opportunities have been explored and are unavailable;
 - (d) notice has been provided as required in Section 303.211 of the Ohio Revised Code.
15. A tower may be attached to a residential or non-residential building or a structure that is a permitted use in the district; including, but not limited to, a church, a municipal or governmental building or facility, agricultural building, and a building or structure owned by a utility, provided conditions 2 through 14 above are met and the tower height does not exceed 20 feet above the existing building or structure to which the tower is attached.

Section 1761 – Exception to Telecommunications Towers Regulations

Should a public telecommunication organization desire to co-locate a tower with either another existing tower or a utility structure (i.e. water tower) then a Zoning Compliance Certificate may be obtained in lieu of a Conditional Use Permit provided conditions 3, 5, 6, 7, 9, 10 and 11 of § 1760 are observed.

Section 1770 - Small Wind Energy Project Regulations

Section 1771 - Authority

This regulation is adopted pursuant to authority granted by O.R.C. § § 519.02 to 519.25.

Section 1772 - Purpose

The purpose of this regulation is to establish regulations for small wind energy projects in order to preserve and protect the public health and safety.

Section 1773 – Applicability

This regulation applies to all lands within the boundaries of Paris Township, Union County, Ohio.

Section 1774 – Terms relevant to Small Wind Energy Project Regulation

In this regulation:

- (1) "Owner" means the person that owns a small wind energy project or met tower and the property on which the small wind energy project or met tower is located.
- (2) "Rotor Diameter" means the cross sectional dimension of the circle swept by the rotating blades.
- (3) "Small wind energy project" means a wind energy project that has a nameplate capacity of 25 kilowatts or less, has a total height of 140 feet or less, and is primarily used to generate energy for use by its owner.
- (4) "Total height" means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.
- (5) "Tower" means either the freestanding, guyed, or monopole structure that supports a wind generator or the freestanding, guyed, or monopole structure that is used as a met tower.
- (6) "Wind energy project" means equipment that converts and then stores or transfers energy from the wind into usable forms of energy (as defined by ORC § 1551.20) and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the project.
- (7) "Wind generator" means the mechanical and electrical conversion components mounted at the top of a tower in a wind energy project.

Section 1775 Standards - Small Wind Energy Project

A small wind energy project shall be a conditional use in any district subject to the following requirements:

- (1) Set backs. A wind tower for a small wind energy project must be set back:
 - (a) A distance equal to 1.1 times its total height from any public road right of way, unless written permission is granted from the governmental entity with jurisdiction over the road;
 - (b) A distance equal to 1.1 times its total height from any overhead utility lines, unless written permission is granted from the affected utility;
 - (c) A distance equal to 1.1 times its total height from all property lines, and
 - (d) To provide for a "clear fall zone" that shall be maintained at all times the turbine or tower is standing. The "clear fall zone" along with the manufacturers recommendations of such a zone must be attached to the engineering report submitted as part of the application.

- (2) Sound. The noise generated by the operation of a small wind energy project may not exceed 45 decibels measured at the closest neighboring property line, except during short-term events such as utility outages and severe windstorms.

- (3) Blade Clearance. The vertical distance from ground level to the tip of a wind generator blade when the blade is at its lowest point shall be at least 30 feet.

- (4) Access. All ground-mounted electrical and control equipment must be labeled and secured to prevent unauthorized access. A tower may not have step bolts or a ladder within 8 feet of the ground that is readily accessible to the public.

- (5) Electrical Wires. All electrical wires associated with a small wind energy project, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, must be located underground.

- (6) Lighting. A wind tower and generator may be artificially lighted only if lighting is required by the Federal Aviation Administration.

- (7) Appearance, Color, and Finish. The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer.

- (8) Signs. No sign, other than a warning sign or installer, owner, or manufacturer identification sign, may be placed on any component of a small wind energy project.

- (9) Code Compliance. A small wind energy project, including tower, shall comply with all applicable state construction and electrical codes, and the National Electrical Code.

- (10) Signal Interference. The owner of a small wind energy project or met tower must take reasonable steps to prevent and eliminate any interference with the transmission and reception of electromagnetic communications, such as microwave, radio, telephone, or television signals.

- (11) Utility Interconnection. A small wind energy project that connects to the electric utility must comply with all pertinent provisions of the Ohio Revised Code.

Section 1776 – Standards: Met Tower. A met tower shall be a conditional use in any district subject to the same standards as a small wind energy project set forth in Section 1700, except for the standards contained in subs. 1775(2) and 1775(3).

Section 1777 - Permit Requirements.

- (1) Conditional Use Permit. A Conditional Use permit is required for the installation of a small wind energy project or a met tower.
- (2) Site Plan Review. The Conditional Use Permit application shall be accompanied by a site plan which includes the following:
 - (a) Property lines and physical dimensions of the property;
 - (b) Location, dimensions, and types of existing major structures on the property;
 - (c) Location of the proposed wind project tower;
 - (d) Location of any overhead utility lines on or adjacent to the property;
 - (e) The right-of-way of any public road that is contiguous with the property;
 - (f) Description and specifications of the components of the small wind energy project, met tower, or both, including the manufacturer, model, capacity, blade length, rotor diameter, and total height of any small wind energy project; and
 - (g) A statement from the applicant that all Wind Energy Project(s) will be installed in compliance with manufacturer's specifications, and a copy of those manufacturer's specifications.
- (3) Fees. The application for a Conditional Use permit for a small wind energy project must be accompanied by the appropriate fee required.
- (4) Expiration. A Conditional Use permit issued pursuant to this regulation shall expire if:
 - (a) The small wind energy project or met tower is not installed and functioning within 12 months from the date the Conditional Use permit is issued; or
 - (b) The small wind energy project is out of service or otherwise unused for a continuous 12-month period.
- (5) Building Permits- Applicants for all small wind energy projects and parts thereof shall obtain all applicable Building Permits from the State of Ohio and the County Building Regulators, as required.
- (6) The system shall comply with all applicable Federal Aviation Administration (FAA) requirements, including Part 77 of Title 14 of the Code of Federal Aviation Regulations regarding installations close to airports.
- (7) The Conditional Use Permit application for a small wind energy project shall include standard drawings and an engineering analysis and report of the system's tower and certification by a professional mechanical, structural, or civil engineer.

Section 1778 - Abandonment. (1) A small wind energy project or met tower that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Township Zoning Inspector may issue a Notice of Abandonment to the owner of the small wind energy project or met tower that is deemed to have been abandoned. The owner shall have the right to respond to the Notice of Abandonment within 30 days from the Notice date. The Township Zoning Inspector shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides verification that demonstrates the small wind energy project or met tower has not been abandoned.

(2) If the small wind energy project or met tower is determined to be abandoned, the small wind energy project or met tower must be removed within 90 days of the Notice of Abandonment and the site must be reclaimed. Reclamation includes removal of all apparatuses, supports and or other hardware associated with the existing wind turbine. If the owner fails to remove a small wind energy project or met tower and reclaim the site, the Township may remove or cause the removal of the small wind energy project or met tower and cause the site to be reclaimed. The cost of removal and reclamation will become a lien upon the property and may be collected in the same manner as property taxes.

Section 1779 - Conditional Use Permit Procedure.

- (1) An Owner shall submit an application to the township zoning inspector for a conditional use permit for a small wind energy project. The application must be on a form approved by the Township and must be accompanied by seven (7) copies of the site plan identified in Section 1777(2) above.
- (2) The Board of Zoning Appeals shall authorize issuance of a permit or deny the application within the time provisions set out in Section 541 of the Paris Township Zoning Resolution.
- (3) The Board of Zoning Appeals may authorize the issuance of a conditional use permit for a small wind energy project after a public hearing held pursuant to the provisions of § 546 on the application if the application and supporting materials show that the proposed small wind energy project meets the requirements of this regulation and the use is otherwise authorized by the Board of Zoning Appeals.
- (4) The Owner shall conspicuously post the conditional use permit on the premises so as to be visible to the public at all times until construction or installation of the small wind energy project is complete.

Section 1780 - Violations. (1) It is unlawful for any person to construct, install, or operate a small wind energy project or met tower that is not in compliance with this regulation or with any condition contained in a permit issued pursuant to this regulation. A small wind energy project or met tower that was installed prior to the effective date of this regulation is exempt from the requirements of this regulation.

(2) It is unlawful for a person to disobey, fail, neglect, or refuse to comply with or otherwise resist an order issued pursuant to this regulation.

Section 1781 - Enforcement. (1) The Zoning Inspector may enter any property for which a permit has been issued under this regulation to conduct an inspection to determine whether there is any violation of this regulation or whether the conditions stated in the permit have been met.

(2) The Township Zoning Inspector may issue an order to abate any violation of this regulation.

(3) The Township Zoning Inspector may issue a citation for any violation of this regulation.

(4) The Township Zoning Inspector may refer a violation of this regulation to legal counsel for legal action.

Section 1782 - Penalties. (1) Any person who fails to comply with any provision of this regulation or a building permit issued pursuant to this regulation shall be subject to enforcement and penalties as stipulated in the Paris Township Zoning Regulations.

(2) Nothing in this section shall be construed to prevent the Paris Township Board of Trustees from using any other lawful means to enforce this regulation.

Section 1783 - Relationship to Other Regulations. This regulation does not abrogate, annul, impair, interfere with, or repeal any existing regulation.

Section 1784 - Severability. The provisions of this regulation are severable, and the invalidity of any section, subsection, paragraph, or subdivision will not affect the validity or effectiveness of the remainder of the regulation.

Section 1790 - Bed and Breakfast Operations

A valid zoning permit must be obtained and the following conditions must be met for all bed and breakfast operations:

1. The Bed and Breakfast must be owner-operated; it must be the principal residence of the owner, and occupied by the owner, unless authorized differently as a conditional use by the Board of Zoning Appeals.
2. One (1) individual not residing in the Bed and Breakfast may be employed in its operation.
3. No more than four (4) rooms shall be offered for rent. The Board of Zoning Appeals may permit more rooms in Residential Zoning Districts which permit multi-family dwellings.
4. Each room rented shall contain a minimum of one-hundred (100) square feet. No rented room shall have independent outside entrance (emergency fire exits are permitted).
5. Neither any rented room nor the owner's dwelling space shall be located in an accessory structure.

6. No cooking facilities of any type shall be permitted in the rented rooms.
7. A minimum of one (1) on-site parking space per room offered for rent, and two (2) spaces for the owners shall be required.
8. No changes to the outside appearance of the dwelling shall occur as a result of the operation of the bed and breakfast facility.
9. One (1) sign not exceeding four (4) square feet in area shall be permitted identifying the dwelling as a Bed and Breakfast.
10. Comply with all state and governmental requirements.
11. The owner shall notify the Zoning Inspector in writing of his intentions to use the structure in this manner each year.
12. Any other condition or safeguard deemed appropriate by the Board of Zoning Appeals.
13. If problems are created or result from the use of the dwelling as a Bed and Breakfast, or if the foregoing provisions shall have been violated by the owner thereof, the zoning permit may be revoked by the Zoning Inspector after a review of the circumstances by the Zoning Board of Appeals.

ARTICLE XVIII ADULT ENTERTAINMENT

Section 1801 Purpose and Intent

(A) In enacting this Ordinance, pursuant to Sections 503.51 and 503.52 of the Ohio Revised Code, the Paris Township Board of Trustees makes the following statement of intent and findings:

(1) Adult entertainment establishments require special supervision from the public safety agencies of Paris Township in order to protect and preserve the health, safety and welfare of the patrons and employees of the businesses as well as the citizens of this Township.

(2) The Paris Township Board of Trustees finds that adult entertainment establishments are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.

(3) The concern over sexually transmitted diseases is a legitimate health concern of Paris Township that demands reasonable regulation of adult entertainment establishments by this Township in the specified manner and expanded authority for reasonable regulation of

adult entertainment establishments by local governments, in order to protect the health and well-being of the citizens.

(4) Minimal regulations enacted by Paris Township are a legitimate and reasonable means of accountability to ensure that operators of adult entertainment establishments comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.

(5) There is convincing documented evidence that adult entertainment establishments, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, cause increased crime, particularly in the overnight hours, and downgrade property values.

(6) The Paris Township Board of Trustees desires to minimize and control these adverse effects by regulating adult entertainment establishments in the specified manner. And by minimizing and controlling these adverse effects, the Paris Board of Trustees seeks to protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight.

(7) The Paris Township Board of Trustees has determined that current local zoning and other locational criteria do not adequately protect the health, safety, and general welfare of the people of Paris Township and that expanded regulation of adult entertainment establishments is necessary.

(8) It is not the intent of the Paris Township Board of Trustees in enacting this act to suppress or authorize the suppression of any speech activities protected by the First Amendment, but to enact content-neutral statutes that address the secondary effects of adult entertainment establishments.

(9) It is not the intent of the Paris Township Board of Trustees to condone or legitimize the distribution of obscene material, and the Board of Trustees recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in this state.

(B) It is the intent of the Paris Township Board of Trustees in enacting this Ordinance to regulate in the specified manner adult entertainment establishments in order to promote the health, safety, morals, and general welfare of the citizens of Paris Township and establish reasonable regulations to prevent the deleterious secondary effects of adult entertainment establishments within Paris Township. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent of the Paris Board of Trustees in enacting this Ordinance to restrict or deny, or authorize the restriction or denial of, access by adults to sexually oriented materials protected by the First Amendment, or to deny, or authorize the denial of, access by the distributors and exhibitors of adult entertainment and adult materials to their intended market. Neither is it the intent nor effect of the Paris Board of Trustees in enacting this Ordinance to condone or legitimize the distribution or exhibition of obscene material.

Section 1802 – Permitted Adult Entertainment Establishments

Adult Entertainment Establishments, with the exception of "touching businesses", are conditional uses, conditionally permitted in the M-2 Manufacturing District provided:

a. Adult entertainment establishments shall not be permitted within 1500 feet (measured from the closest property line of each use) of:

i. A religious institution

ii. A kindergarten -12th grade school or teaching facility, whether public or private, governmental or commercial which is attended by persons under eighteen (18) years of age

iii. A park, playground, or recreational facility attended by persons under eighteen (18) years of age

iv. Any residence

v. The boundary of any residential zoning district

vi. A library

vii. A day care center

viii. Another adult entertainment establishment

b. Only one adult entertainment establishment (i.e. adult arcade, adult bookstore, adult cabaret, adult motion picture theater, adult theater, lingerie modeling studio, nude or seminude model studio, or sexual encounter establishment) is permitted in a single building. No co-location of adult entertainment establishments is permitted within one building. It is not permissible to co-locate an adult bookstore with an adult theater, for example.

c. Hard core material is not displayed publicly, as defined in the Definitions section of this Resolution.

d. No adult entertainment establishment shall be open for business prior to 10:00 a.m. or later than 11:00 p.m.

e. Viewing booths shall not be used in conjunction with any "touching business" that results in the touching of clients by employees or employees by clients.

f. Adult entertainment stores that sell both mainstream media and hard core material shall physically and visually separate hard core material from main stream media using the standards in Section 1804.

Section 1803 – Prohibited Adult Entertainment Establishments:

"Touching businesses" such as non-therapeutic massage, lap dancing, and nude modeling that involves employee-client contact are prohibited.

Section 1804 – General Conditions for Adult Entertainment Facilities Use:

a. 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.

b. All building openings, entries, windows, etc. for adult uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk, or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.

c. 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.

d. Off-street parking shall be provided in accordance with the standards enumerated in the parking provisions of this Regulation.

Section 1805 – Mainstream Shops Also Selling Adult Material:

Mainstream media shops or stores that have a maximum of 10 percent of their gross floor area devoted to hard core material shall be conditional uses in B-2 Local Business District and M-2 Manufacturing District, provided:

1. Hard core material shall be physically and visually separated from main stream media, and shall not be displayed publicly, unless displayed in an area described in subsection 4 of this section.

2. Separation shall be by a solid opaque-walled enclosure at least eight feet high or reaching to the ceiling.

3. Inventory marketed to and predominantly consumed by minors shall not be displayed within 15 feet of the entrance to the hard core material section.

4. Access to the hard core material section shall be controlled by electronic or other means to provide assurance that a person under age 18 will not obtain access, and the general public will not accidentally enter this section.

i. The hard core material section shall provide signage at its entrance warning that persons under the age of 18 are not permitted inside.

ii. No adult arcades are permitted in mainstream media stores.

iii. No more than one designated area for sexually oriented merchandise per store.

- iv. There shall be no exterior signs that advertise hard core or XXX rated media.

ARTICLE XIX – INTERPRETATION & DEFINITIONS

Section 1900 – Interpretation of Terms or Words:

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

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

Section 1901 – Definitions:

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

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

Addition – Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

Adult-Oriented Business - An establishment having as its primary stock and trade material that is distinguished or characterized by its emphasis on sexually oriented material.

Adult - An individual eighteen years of age or older.

Adult arcade – Any place to which the public is permitted or invited in which coin-operated, slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and in which the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.

Adult bookstore, adult novelty store, or adult video store – A commercial establishment that, for any form of consideration, has as a significant or substantial portion of its stock-in-trade in, derives a significant or substantial portion of its revenues from, devotes a significant or substantial portion of its interior business or advertising to, or maintains a

substantial section of its sales or display space for the sale or rental of any of the following:

- (a) Hard core material.
- (b) Adult novelties, instruments, devices, or paraphernalia that are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of self or others.

Adult cabaret means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:

- (1) Persons who appear in a state of nudity or semi-nudity;
- (2) Live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities;
- (3) Films, motion pictures, video cassettes, slides, or other photographic reproductions, which are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

Adult entertainment – The sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specified anatomical areas or specified sexual activity.

Adult entertainment establishment or Sexually Oriented Business – An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, lingerie modeling studio, nude or seminude model studio, or sexual encounter establishment. An establishment in which a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to section 4731.15 of the Revised Code, is not an "adult entertainment establishment."

Adult motion picture theater – A commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

Adult theater – A theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or semi-nudity or live performances that are characterized by their emphasis upon the exposure of specified anatomical areas or specified sexual activities.

Agricultural building – A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, or sub-lessee or their immediate families, their employees, and persons engaged in

the pickup or delivery of agricultural produce or products grown or raised on the premises.

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

Alley – Any public way or thoroughfare less than twenty (20) feet in width which is located at the back or side of properties abutting on another street. Alleys may be public or private.

Alterations, Structural – see “Structural Alterations.

Anemometer – An instrument that measures the force and direction of the wind.

Animal Feed Lot – A lot, yard, corral, or other area in which livestock are confined, primarily for the purposes of feeding. The term does not include areas which are used for raising crops or other vegetation or upon which livestock are allowed to graze.

Apartment – One or more rooms in a dwelling designed and intended for occupancy as a separate dwelling unit.

Architectural Development Plan (ADP) – A conceptual plan of a proposed land development, together with written materials, showing the general character and layout of the development parcel including the approximate location and density/intensity of uses, the approximate location of parks and open space, the location of existing and proposed streets and alleys, and the relationship of the development to adjacent areas that it may affect.

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

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

"A-Weighted" Sound Level – The sound pressure level in decibels as measured on a sound level meter using the A-weighted network. The level so read is designated dB(A) or dBA.

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

Bed and Breakfast - An owner-occupied, single-family residential dwelling in which rooms are rented to paying guests on an over-night basis and breakfast only is provided; the entire service to be included in one (1) stated price. All other permits and requirements of any other agency of department must be met.

Bike paths- Those paved portions of a street between curb lines, or the lateral lines of a roadway, and the adjacent property lines or separately paved travelways/paths through park lands, city owned property and/or easements intended for the use of pedestrians and bicycles.

Billboard – see “Sign-Outdoor advertising off-premises”.

Board of Zoning Appeals (BZA) – The Board of Zoning Appeals of Paris Township, Union County, Ohio.

Breezeway – A roofed structure, with or without enclosing walls, connecting an accessory structure to the principal building.

Buffer – A strip of land, fence, or border of trees between one use and another that may or may not have trees and shrubs planted for screening purposes, designed to set apart one use area from another.

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 roof, and the mean height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Building Line – See setback line

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

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

Business, Convenience-Type Retail – 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 are not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry facilities, supermarkets, etc.

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

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

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

Business Operations – Business operations are any activities that take place in connection with the day-to-day operation of or activities associated with an ongoing business concern, whether for profit or in kind payment. The lack of a visiting customer base or clientele shall not exempt a property owner from the definition of business operations.

Campground, Commercial or Private – An area of land providing space for or containing two (2) or more recreational vehicles, cabins, camping tents, or other similar type of shelter designed for the seasonal, recreational use of transients.

Cemetery – Land used or intended to be used for the burial of animal or human dead and dedicated for cemetery purposes including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Certificate of compliance - A document issued by the Zoning Inspector authorizing the occupancy or use of a building, structure, or the use of lots or land, indicating compliance with the Paris Township Zoning Resolution.

Character – Those attributes, qualities, and features that make up, distinguish a development project, and give such project a sense of purpose, function, definition, and uniqueness.

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

Child Day Care Facility – A home or facility for the care and treatment of babies and/or children.

Church - a fellowship of believers, congregation, society, corporation, convention, or association that is formed primarily or exclusively for religious purposes and that is not formed for the private profit of any person.

Church property - means property that is described as being exempt from taxation under division (A)(2) of section 5709.07 of the Revised Code and that the county auditor has entered on the exempt list compiled under section 5713.07 of the Revised Code.

Clean fill – Soil brought in to fill low areas or other depressions in the earth. Clean fill is free from hazardous substances, large stones, metals, plastics, asphalt, concrete and other debris, waste or junk.

Clear Fall Zone- An area surrounding a structure into which the structure and or its components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing the structure's failure that shall remain unobstructed and confined within the property lines of the primary parcel where the structure is located, the purpose being that if the structure should fall or otherwise become damaged, the falling structure will be confined to the primary parcel and will not fall onto dwellings, accessory buildings, and will not intrude onto a neighboring property.

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.

“Commercial car” or “truck” means any motor vehicle that has motor power and is designed and used for carrying merchandise or freight, or that is used as a commercial tractor.

“Commercial tractor,” except as defined in O.R.C. § 4501.01(C), means any motor vehicle that has motive power and either is designed or used for drawing other motor vehicles, or is designed or used for drawing another motor vehicle while carrying a portion of the other motor vehicle or its load, or both.

Common Access Drive – A common access driveway (CAD) is a privately constructed, privately owned, and privately maintained driveway located within an ingress/egress easement serving more than one lot (or parcel) but not more than five lots (or parcels) installed in accordance with the requirements of the Union County Engineer.

Compatible or Compatibility – The characteristics of different uses, activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass, and bulk of structures. Other characteristics that affect compatibility are landscaping, lighting, noise, odor, and architecture. Compatibility does not mean “the same as,” but rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.

Comprehensive Development Plan or Comprehensive Land Use Growth Plan – A plan, or any portion thereof, adopted by the Regional Planning Commission, the Board of County Commissioners, and/or The Board of Township Trustees, 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 specifically designated as a conditional use delineated in the Official Schedule of District Regulations.

Conservation subdivision- a conservation subdivision is defined as a subdivision designed to permanently preserve and integrate open space within residential developments; offer landowners alternatives to standard tract development of their land; establish a less sprawling, more efficient use of land, streets and utilities; preserve natural topography in wooded areas; create usable and accessible open space, recreational areas, and green corridors for wildlife, walking trails and/or bike paths; and encourage creativity in design through a controlled process of review and approval of the development plan and related documents. The minimum development size for a conservation subdivision shall be 40 acres.

Construction – Any site preparation, assembly, erection, substantial repair, alteration, demolition, or similar action.

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

Continuous Sound – A sound, the intensity of which remains essentially constant during a given period of time. Continuous sound shall be measured by the slow response setting of a sound level meter.

Connectivity – The ability to be linked between areas, through vehicular and pedestrian transportation systems, including adjacent and proposed residential neighborhoods and schools, parks, trails, shopping and employment areas.

Conventional Built – See “Stick Built”.

Corner Lot – See Lot Types.

Cowling – A streamlined removable cover that encloses the turbine’s nacelle.

Computerized sweepstakes device – means any computer, machine, game or apparatus which upon the insertion of a coin, token, access number, magnetic card or similar object or upon the payment of anything of value, may be operated by the public generally for use as a contest of skill, entertainment or amusement, whether or not registering a score and which provides the user with a chance to win anything of value that is not *de minimis* on a per play basis or any cash payout or anything that could be redeemed, directly or indirectly, for any cash payout and which is not gambling under state or local laws. Machines designated for use by the State Lottery Commission are not computerized sweepstakes devices for purposes of this Chapter. “*De minimis*” as used in this section shall mean less than ten (\$10.00) Dollars.

DBA – "Decibel-A-Weighted" – Sound pressure level as measured on the "A" scale of a sound level meter manufactured in accordance with the specifications of the American National Standards Institute, Inc. (ANSI), Type 2, ANSI-S1.4(1971), calibrated within two (2) hours of being used for measurement. Unless otherwise noted, measurements shall be made in the slow response mode of the meter.

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

Deed Restriction – A legal restriction, not enforceable by zoning, on the use of land, contained in the deed to the property.

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

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

Density, Net – the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses. Net density calculations exclude rights-of-way of publicly dedicated streets, private streets, water retention and detention areas, open space provided as a part of the development, associated recreation facilities, etc.

Decibel (dB) – A unit of sound pressure, equal to twenty (20) times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micro-pascals (20 micro-newtons per square meter).

Display publicly – The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other than hard core material are on display to the public.

Dormer – A windowed wall area flanked on both sides by sloping roof areas.

Driveway- Any road or path, shared or singular, giving ingress or egress to a lot.

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

Dwelling, Manufactured Housing¹ – A manufactured building or portion of a building designed for long-term residential use. This category includes, but is not limited to the following:

1. Modular Unit – A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site. The term is intended to apply to major assemblies and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements which are to be incorporated into a structure at the site.
2. Sectional Unit – A dwelling made of two or more modular units transported to the home site, put on a foundation, and joined to make a single dwelling.
3. Manufactured Home/Mobile Home – Manufactured housing built on a chassis. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, even when wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle.

¹ Footnote No. 1: Statement of Intent for Dwelling, Manufactured Housing Definition: Because terms for manufactured housing such as those listed in the above definition titled “Dwelling, Manufactured Housing” tend to change over the years, the purpose and intent of the definition is to draw a distinction between dwellings that are produced and erected in assembly line style at the factory, from those stick-built dwellings (see definition of Stick-Built) in which a substantial amount of material and construction labor are brought together in final form at the foundation site. The above explanation is the spirit in which any future interpretation shall be made from this section, no matter what terms for manufactured housing are in vogue at any given time.

4. Manufactured Home, Double-Wide or Triple-Wide – A mobile home consisting respectively of two or three sections combined horizontally at the site to form a single dwelling, while still retaining their individual chassis for possible future movement.
5. Manufactured Home, Expandable – A mobile home with one or more room sections that fold, collapse, or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living area.

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

Dwelling, Multi-Family – A dwelling or group of dwellings on one lot containing separate living units for two or more families, having separate or joint entrances, and including apartments, group homes, row houses, and condominiums.

Dwelling, Permanently Sited Manufactured Housing – A manufactured home that meets all of the criteria set forth in this Resolution.

Dwelling, Single Family – A detached residential dwelling or housing unit other than a mobile home, designed for and occupied by one family only, including permanently-sited manufactured housing, modular homes, and industrialized units.

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

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

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

Eave – The projecting edges of a roof overhanging the wall of a building.

Emergency – Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency Signal Device – Any audible or visual warning device, such as a gong, whistle or siren or any air horn or any similar device.

Emergency Work – Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

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.

Establishment – Any business regulated by this Resolution.

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

Farm – See Section 5713.30(A) of the Ohio Revised Code.

Farm Market – A building, structure or portable facility designed or used or intended to be used for the display and / or sale of produce, the majority of which is raised on farms owned or operated by the farm market operator.

Farm Pond – A body of water, smaller than a lake (less than 5 acres), located on a farm.

Fence - An artificially constructed barrier of wood, masonry, stone, wire, metal, vinyl, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

Fence, barbed wire – One or more strands of wire or other material having intermittent sharp points of wire or metal that may puncture, cut, tear, or snag persons, clothing, or animals. The term “barbed wire” as used herein excludes razor ribbon.

Fence, chain link – An open mesh fence made entirely of wire woven in squares of approximately 1.5 inches with vertical supports not less than 1.5 inches in diameter spaced not less than six feet, and not more than eight feet, apart.

Fence, decorative – A designed open or solid fence or wall that meets all of the following: (a) It contributes to the identification and beauty of the principal use; (b) It is not erected to satisfy any other provision of this code; (c) It does not act as a retaining structure; (e) It is not a privacy or stockade fence.

Fence, partition - A fence that is located on the division line between the adjoining properties of two owners. “Partition fence” includes a fence that has been considered a division line between two such properties even though a subsequent land survey indicates that the fence is not located directly on the division line.

Fence, Preferred partition - Means a partition fence that is a woven wire fence, either standard or high tensile, with one or two strands of barbed wire located not less than forty-eight inches from the ground or a nonelectric high tensile fence of at least seven

strands and that is constructed in accordance with the United States natural resources conservation service conservation practice standard for fences, code 382. "Preferred partition fence" includes a barbed wire, electric, or live fence, provided that the owners of adjoining properties agree, in writing, to allow such fences.

Fence, privacy – A fence no more than six feet in height intended to inhibit public view and provide seclusion. When viewed at right angles has less than sixty-six percent (66%) of its area open to light and air. Examples of privacy fences include but are not limited to:

1. Basket weave or woven fences – Made of interwoven strips or slats of flexible material in which the pattern has the appearance of a "basket weave".
2. Louver or ventilating fences – Made of a series of slats placed at an angle or positioned so as to provide air but to deflect light perpendicular to its plane.
3. Board on board fence – A fence made of vertical wood planks supported by horizontal framing with the vertical planks usually mounted on alternating sides of the framing. The planks may or may not be placed with a space between.
4. Stockade Fence – A fence made of board on board construction using rounded vertical planks with sharpened tops. The planks are usually placed with no space between.

Fence, temporary – Fences erected for a specific function and limited time duration.

Fenestration – The design, proportioning and arrangement of windows and other exterior openings of a building.

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

Floor Area of A Residential Building, Usable – 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, Livable – The livable floor area in square feet of existing or proposed buildings or structures or additions thereto shall be computed by multiplying the outside horizontal dimensions with each floor of the livable area. Porches, carports, and similar structures shall not be considered in computing the total livable area.

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.

Foundation, Permanent – A permanent perimeter masonry, concrete, or a locally approved footing or foundation to which a dwelling will be attached.

Front façade – The exterior wall(s) of the principal residential building that faces the street from which the building takes access or is addressed. Where the front façade includes walls with different setbacks, that portion of a wall that is closest to the front of the lot, exclusive of garage walls, shall be the point used to determine the front façade.

Garage, front loaded – A private residential garage that is accessed from a street other than an alley. A front-loaded garage may face the street (garage doors parallel to the street) or may turn its side to the street (garage doors perpendicular to the street, sometimes referred to as a “side-loaded” garage).

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

Gross public floor area – The total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled public), stage areas, aisles, hallways and entryways.

Ground floor area - The total area displaced by the principal building exclusive of the porch or garage.

Group home or Residential Care Facility – Any facility in which not more than eight (8) persons are provided with room, board, specialized care, rehabilitative services and supervision in a family environment. All such facilities shall possess all approvals and/or licenses as required by state or local agencies. In addition to all other conditions deemed necessary, the following conditions shall be imposed by the Board of Zoning Appeals:

- i. The facility shall comply with all Development Standards contained in this Resolution;
- ii. No exterior alterations of the structure shall be made which depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood;
- iii. No Group Home or Residential Care Facility shall be located within a one (1) mile radius of another such facility.

Hard core material – Media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.

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

Home Occupation - Any occupation conducted in a dwelling unit, provided that: no more than one person other than members of the family residing on the premises shall be engaged in such occupation. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by the occupants, and not more than ten percent of the total floor area of the dwelling unit, including the garage and basement areas, shall be used in conducting the home occupation. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated and mounted flat against the wall of the principal building. No traffic shall be generated by such occupation in area and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution.

Impulsive Sound – A sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

Incinerator – A furnace or other device used for burning trash or unwanted items or material.

Intermediate wind energy project - means a wind energy project that has a nameplate capacity of greater than 25 kilowatts but less than 5 megawatts and has a total height of 200 feet or less.

Junk - means old scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, junked, dismantled, or wrecked automobiles or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous materials.

Junk motor vehicle- the term junk motor vehicle shall have the same meaning as provided in O.R.C. § 4513.63.

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

Juvenile – An unmarried person under the age of eighteen.

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

Kilowatt - means a unit of power equal to 1000 watts.

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

Landfill, Sanitary – A licensed land disposal site complying with O.R.C. § 3734 et seq employing a method of disposing of solid wastes on land in a manner intended to minimize environmental hazards by spreading the solid wastes in thin layers, compacting the solid wastes to the smallest practical volume, and applying and compacting cover material daily.

Licensed professional massage studio – An establishment offering massage therapy and/or body work by a massage therapist licensed under the Ohio Revised Code or under the direct supervision of a licensed physician.

Lighting related definitions –

- a. Canopy structure: Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.
- b. Fixture: The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens
- c. Foot-candle: A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.
- d. Glare: Direct light emitted by a luminaire that causes reduced vision or momentary blindness.
- e. Lamp: The component of a luminaire that produces the light.
- f. Light direct: Light emitted directly by a lamp, off a reflector, or through a refractor of a luminaire.
- g. Light pollution: General sky glow caused by the scattering of artificial light in the atmosphere, much of which is caused by poorly-designed luminaires.
- h. Light shield: Any attachment which interrupts and blocks the path of light emitted from a luminaire or fixture.
- i. Light trespass: Light emitted by a luminaire that shines beyond the boundaries of the property on which the luminaire is located.
- j. Lumen: A unit of measurement of luminous flux.
- k. Luminaire: The complete lighting system, including the lamp and the fixture.
- l. Luminaire permanent outdoor: Any fixed luminaire or system of luminaires that is outdoors and this is intended to be used for seven (7) days or longer.

- m. Outdoor light fixtures: Outdoor artificial illuminating devices, installed or portable, used for floodlighting, general illumination, or advertisement.
- n. Roadway lighting: Permanent outdoor luminaries that are specifically intended to illuminate roadways for automotive vehicles.

Lingerie modeling studio – An establishment or business that provides the services of live models modeling lingerie to individuals, couples, or small groups.

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

Live entertainment – On site entertainment by live entertainers that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.

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

Lot – A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area for one principal building together with its accessory building and which provides such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, and may consist of: a single lot of record; a portion of a lot of record; a combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

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

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

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

Lot Measurements – A lot shall be measured as follows:

Lot Depth – Where required, no lot shall have an average depth that is more than three (3) times its width measured at the road right-of-way line. No lot shall have a depth that is less than the required minimum lot frontage. For the purposes of this requirement, the average depth shall be the distance between the midpoint of a straight line connecting the foremost points of each side lot line at the front and the mid-point of a straight line connecting the rearmost points of the rear lot line.

Lot 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 where it is measured at the setback line (Also see Lot Frontage). Where required, for lots containing ten (10) acres or less in area, the actual distance between the side lot lines at any point along the lot depth cannot be less than one hundred percent (100%) of the required Lot Frontage. For lots containing more than ten (10) acres, said lot shall comply with road frontage requirements.

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

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

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.

Interior Lot – A lot with only one frontage on a street

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.

Reversed Frontage Lot – A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

Manufactured Home/Mobile Home – these units shall have the same meaning as set forth in ORC § 3781.06(C)(3) and (C)(4).

Manufactured Home Park – Any site, or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. Also referred to as “Mobile Home Park”. The park must comply in all respects with the provisions of O.R.C. § 4781.26 as amended.

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.

Material, Adult – Any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record, or tape, or other tangible thing capable of arousing interest through sight, sound or touch.

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.

Media – Anything printed or written, or any picture, drawing, photograph, motion picture, film, video, DVD, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is used or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, CD-ROMs, other magnetic or digital media, and undeveloped pictures.

Media shop or store, mainstream – A general term, identifying a category of business that sells and displays publicly various forms of media, at least 90% of which is not hard core material. A maximum of 10 % of the products sold may constitute hard core material, provided that any hard core materials are placed within an enclosed space, where entrance is limited to adult patrons only and where the hard core material is not displayed publicly.

Megawatt – A unit of power equal to one million watts.

Met tower - means a tower, including any anchor, base, base plate, boom, cable, electrical or electronic equipment, guy wire, hardware, indicator, instrument, telemetry device, vane, or wiring, that is used to collect or transmit meteorological data, including wind speed and wind flow information, in order to monitor or characterize wind resources at or near a small wind energy project.

Mineral Extraction - Any mining, quarrying, extraction or processing of natural gas, oil, limestone, clay, sand, gravel or other mineral resources.

Mobile Home Park - See Manufactured Home Park

Mobile Source – Any moving sound source on a public right-of-way.

Motorcycle – Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground but excluding a trailer.

Motor Vehicle – means any vehicle, including mobile homes and recreational vehicles, that is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires. “Motor vehicle” does not include utility vehicles as defined in this regulation, motorized bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers that are designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.

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

Nacelle – the streamlined enclosure that sits atop the tower and contains the essential mechanical components of the turbine to which the rotor is attached.

Noise – A sound of any kind.

Noise Disturbance - Any sound which (a) endangers or injures the safety or health of humans or animals; or (b) annoys or disturbs a reasonable person of normal sensitivities; or (c) endangers or injures personal or real property; or (d) exceeds the applicable maximum permissible sound levels as they appear in the table in Section 1404 of this resolution.

Noise Sensitive Zone – Any area designated for the purpose of ensuring exceptional quiet and shall include schools and churches while the same are in use, any hospital and any nursing home; provided, that conspicuous signs are displayed on the exterior realty of any such school, church, hospital or nursing home which clearly notifies a member of the general public of its use.

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.

Nude or seminude model studio – Any place where a person, who regularly appears in a state of nudity or semi-nudity, is provided money or any other form of consideration, to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

Nudity, Nude or State of Nudity – The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

A modeling class or studio is not a nude or seminude model studio and is not subject to this chapter if it is operated in any of the following ways:

- (a) By a college or university supported entirely or partly by taxation;
- (b) By a private college or university that maintains and operates educational programs, the credits for which are transferable to a college or university supported entirely or partly by taxation;
- (c) In a structure to which all of the following apply:
 - (i) It has no sign visible from the exterior of the structure and no other advertising indicating that a person appearing in a state of nudity or seminudity is available for viewing.
 - (ii) In order to participate in a class in the structure, a student must enroll at least three days in advance of the class.
 - (iii) Not more than one nude or seminude model is on the premises at any one time.

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

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

Nursing Home – A home or facility for the care and treatment of pensioners or elderly people.

Offices – A place in which business, clerical or professional activities are conducted. 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, and other recreational facilities that the Zoning

Commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

Orchards – An area of land devoted to the cultivation and sale of fruit trees and the sale of the fruit there from.

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, which provides maneuvering room, located totally outside of any street or road or alley right-of-way.

Performance - Any motion picture, preview, trailer, play, show, skit, dance, or other exhibition performed before an audience.

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.

Pond – Any man made structure in which water is impounded by constructing a dam or embankment or by excavating a pit or dugout. Pond includes retention basins designed to permanently hold water, but does not include detention basins designed for short-term water containment or landscape water features less than one hundred and fifty (150) square feet.

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

Public Service Facility – Buildings, power plants, substations, water treatment plant or pump station, sewage disposal plant or pump station, communications facilities and/or equipment, electrical, gas, water and sewage service, and other similar public service structures or facilities whether publicly or privately owned, but excluding sanitary landfills.

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

Real Property Boundary – An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person or entity from that owned by another person or entity, but it does not include intra-building real property division.

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, non-profit. Examples include, but are not limited to: fishing areas, parks, archery ranges, etc.

Recreational Vehicle/Boat - A boat or vehicle type primarily designed for recreational, camping, or travel use only, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities include but are not limited to: boat, travel trailer, camping trailer, truck camper, ATV 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 a recreational vehicle, tent, or other individual camping unit on a temporary basis.

Regularly features or regularly shown – A consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the adult entertainment establishment.

Research, Development and Testing – Establishments, structures, facilities and areas devoted to research, product development and scientific testing whether in connection with the development of new products, the discovery of causes of product failure or malfunction, and specifically including without limitation the conduct of research, development and testing concerning; automotive, vehicular and other forms of transportation; engines, power products and equipment; production equipment; any and all other processes related to any of the foregoing; and improved highway facilities for vehicular traffic.

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

Rotor Diameter - means the cross sectional dimension of the circle swept by the rotating blades.

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

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

Scale – The proportional relationship of the size of the building or structure to its surroundings.

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.

Semi-trailer / Sea-land Containers – A vehicle designed or used for carrying persons or property with another separate motor vehicle, so that in operation, a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle. A semi-trailer shall not be used for storage, advertising, business, or residence.

Service Station – Any building, structure, or land used for the dispensing and sale at retail of any automobile fuels, oils, or accessories primarily intended for non-commercial vehicles. The definition of a non-commercial vehicle shall be consistent with the definition found in Ohio Revised Code Section 4501.01 (H).

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 or structure may be located above ground, except as may be provided in Zoning Resolution.

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.

Sexual activity - Sexual conduct or sexual contact, or both.

Sexual conduct – Vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal cavity of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

Sexual contact – Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

Sexual Excitement – The condition of human male or female genitals when in a state of sexual stimulation or arousal.

Seminude or State of semi-nudity – A state of dress in which opaque clothing covers not more than the genitals, pubic region, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.

Sexual Encounter Establishment – A business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration, a place where either of the following occur:

(a) Two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.

(b) Two or more persons appear nude or seminude for the purpose of displaying their nude or seminude bodies for their receipt of consideration or compensation in any type or form.

An establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to section 4731.15 of the Revised Code, is not a "sexual encounter establishment."

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.

Sign, Ground – A display sign supported by uprights or braces in or upon the ground surface.

Sign, Illuminated – Any sign illuminated by electricity, gas, or other artificial light including reflection or phosphorescent light.

Sign, Lighting Device – Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.

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.

Sign-Off-Premises – Any sign unrelated to a business or profession conducted or a commodity or service sold or offered upon the premises where such sign is located.

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.

Sign, Outdoor advertising off-premises - A sign directing attention to a specific business, product, service, entertainment, or other activity sold, offered or conducted elsewhere than upon the lot on which the sign is located.

Sign, Pole – Any sign which is erected on a pole or poles, which is wholly or partially independent of any building for support.

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.

Sign, Roof – A display sign which is erected, constructed and maintained above the roof of the building.

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.

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.

Small Power Equipment – Any motorized or engine powered device, including but not limited to lawn mowers, lawn and garden tools, riding lawn tractors and power saws, excluding other motor vehicles.

Small Wind Energy Project – means a wind energy project that has a nameplate capacity of 25 kilowatts or less, has a total height of 140 feet or less, and is primarily used to generate energy for use by its owner.

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

Sound – the sensation produced by stimulation of the organs of hearing by vibrations transmitted through the air or other medium.

Sound Amplifying Equipment – Any machine or device for the amplification of the human voice, music or any other sound. Sound amplifying equipment as used herein shall not be construed as including standard automobile radio when used and heard only by occupants of the vehicle in which installed or warning devices on authorized emergency vehicles or horns or other warning devices on other vehicles used only for traffic safety purposes.

Sound Level, "A-Weighted" – The sound pressure level in decibels as measured on a sound level meter using the A-weighted network. The level so read is designated dB(A) or dBA.

Sound Level Meter – The instrument, meeting the requirements of ANSI S1.4-1971 Type II rating, used for making sound level measurements.

Sound Pressure – The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

Sound Pressure Level – The intensity in decibels (dB) of a sound.

Specified Anatomical Areas – The cleft of the buttocks, anus, male or female genitals, or the female breast.

Specified sexual activity – Any of the following:

- (1) Sex acts, normal or perverted, or actual or simulated, including intercourse, oral copulation, masturbation, or sodomy;
- (2) Excretory function as part of the activities described in subpart (1) of the definition of "Specified Sexual Activity".

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

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

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

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

Structure – Anything constructed or erected, the use of which requires location on or underneath of 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.

Sweepstakes/Internet Café – means any premises upon which any computerized sweepstakes device is located for the use or entertainment of the public, whether or not such premises has other business purposes of any nature whatsoever.

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.

Private Swimming Pool – 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.

Community Swimming Pool – Operated with a charge for admission; a primary use.

Telecommunication Tower – Any structure with radio frequency transmission or reception equipment attached that is free standing or is to be connected to a building or other structure.

Thoroughfare, Controlled or Limited Access – A road on the interstate highway system, or any other route which is so designed as to carry large volumes of through traffic and preclude traffic flow interruptions normally resulting from turning and stopped traffic. Controlled or limited access thoroughfares have no grade crossings and utilize exit and entrance ramps, bridges, merge and exit lanes, and other design features to accomplish unimpeded traffic flow, and are not intended to provide direct access to abutting property. Controlled or limited access thoroughfares shall not be construed as providing lot frontage as required by these Regulations.

Toxic or Hazardous Material – Any substance or mixture by physical characteristic such as flammability, corrosivity, toxicity, reactivity, or infectious characteristics as to pose a significant or potential hazard to water supplies or human health if such substances were discharged to land or waters of the community or township.

Trailer - means any unpowered vehicle towed by a powered vehicle. “Trailer” does not include a manufactured home.

Transients- persons who pass through or by a place with only a brief stay or sojourn.

Transient Lodgings – A building in which lodging or boarding 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. Examples of transient lodgings include: hotel, motel, apartment hotel, or Bed & Breakfast.

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

Travel Trailer – A non-self propelled recreational vehicle that does not exceed an overall length of thirty five (35) feet, exclusive of bumper and tongue or coupling, and contains less than three hundred and twenty (320) square feet when erected on site. “Travel trailer” continues to include a tent-type fold-out camping trailer as defined in section 4517.01 of the Ohio Revised Code. A travel trailer is designed to be used as temporary dwelling (not more than 90 days) and shall not be used as a residential dwelling.

Use – The specific purposes for which land, a driveway, 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 which 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.

Weekday – Any day of the week (Monday through Friday) that is not a legal holiday.

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

Wind energy project - means equipment that converts and then stores or transfers energy from the wind into usable forms of energy (as defined by ORC § 1551.20) and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the project.

Wind generator - means the mechanical and electrical conversion components mounted at the top of a tower in a wind energy project.

Wind Power Turbine Owner - The person or persons who own the Wind Turbine Structure.

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

Wind Power Turbine Tower Height - The height above grade of the fixed portion of the tower, including the wind turbine and blades at their highest point.

Yard - A piece of open ground around a house, barn, school or building, unobstructed by any structure, unless otherwise authorized by this ordinance.

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.

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.

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 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.