



# Logan-Union-Champaign regional planning commission

Director: Bradley J. Bodenmiller

## Zoning Text Amendment Checklist

Date: 4-8-26 Township: Harrison

Amendment Title: Data Centers, Battery Storage, Public Notices, Amendments, Agritourism, Adult-use Cannabis, Medical Marijuana, Fences + Walls

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

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

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

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

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

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 East Liberty, Ohio 43319  
 • Phone: 937-666-3431 •

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

**Date of Request.**

April 8, 2026

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

**RE: Zoning Text Amendment Application, Harrison Township, Logan County**

Amendment topic: Data Centers, Battery Energy Storage, Public Notices, Amendments, Agritourism, Adult-use cannabis, medical Marijuana, Fences & walls

Dear LUC Regional Planning Commission Committee Members:

The Harrison Township Zoning Commission met at 6:00 PM on April 8, 2026. During the meeting, amendments to the Zoning Resolution were initiated by motion of the Zoning Commission. The amendments propose alterations to the text of the Zoning Resolution.

**Description of Zoning Text Amendments.**

The proposal amends Article II Definitions, Article IV Administration, Article VI Amendments, Article X Supplementary District Regulations, and Section 101 Use of Land or Buildings for Agricultural Purposes Not Affected.

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

**Public Hearing.**

The Harrison Township Zoning Commission of Logan County, Ohio, will hold a public hearing concerning the proposed amendments at 6:00 P M on May 14, 2026, in the Harrison Township Hall.

**Point of Contact.**

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

Charles E Lamb  
1636 Co Rd 11  
Bellefontaine OH 43311

Sincerely,



**Attachments.**

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

## PREAMBLE

A RESOLUTION OF THE TOWNSHIP OF HARRISON, LOGAN COUNTY, OHIO ENACTED IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND THE PROVISION OF CHAPTER 519, OHIO REVISED CODE, DIVIDING THE TOWNSHIP INTO ZONES AND DISTRICTS, ENCOURAGING, REGULATING AND RESTRICTING THEREIN THE LOCATION, CONSTRUCTION, RECONSTRUCTION, ALTERATION AND USE OF STRUCTURES AND LAND; PROMOTING THE ORDERLY DEVELOPMENT OF RESIDENTIAL, BUSINESS, INDUSTRIAL, RECREATIONAL, AND PUBLIC AREAS, PROVIDING FOR ADEQUATE LIGHT, AIR, AND CONVENIENCE OF ACCESS TO PROPERTY BY REGULATING THE USE OF LAND AND BUILDINGS AND THE BULK OF STRUCTURES IN RELATIONSHIP TO SURROUNDING PROPERTIES; LIMITING CONGESTION IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING THE COMPATIBILITY OF DIFFERENT LAND USES AND THE MOST APPROPRIATE USE OF LAND; PROVIDING FOR THE ADMINISTRATION OF THIS RESOLUTION AS PROVIDED HEREAFTER, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THIS RESOLUTION OR ANY AMENDMENT THERETO. ALL FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE AND FOR THE REPEAL THEREOF.

THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWNSHIP OF HARRISON, LOGAN COUNTY, OHIO.

## ARTICLE I TITLE, INTERPRETATION AND ENACTMENT

**Section 100 Title.** This Resolution shall be known and may be cited to as the "Zoning Resolution of the Township of Harrison, Logan County, Ohio."

**Section 101 Use of Land or Buildings for Agricultural Purposes ~~Not Affected~~.** It is the intent of this Resolution to be and remain in compliance with ORC 519.21 *Powers not conferred on township zoning commission by chapter*. ORC 519.21 is a statute, created and maintained by the State, which limits the authority of townships and establishes what is commonly referred to as the "agriculture exemption". ~~How ORC 519.21 impacts this Resolution is described herein.~~

This Resolution does not affect the use of any land for agricultural purposes, or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture, and no zoning certificate shall be required for any such building or structure. (Residential dwellings do require a permit however.)

There are two conditions where the agriculture exemption does not apply. 1) In any platted subdivision; and, 2) In any area consisting of fifteen or more lots approved under ORC 711.131 that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road. When either of these two conditions exist, the requirements of this Resolution apply to:

- c. Instruments, novelties, devices, or paraphernalia that are designed for use in connection with “specified sexual activities” or that depict or describe “specified anatomical areas.”
- 4. **Adult Mini Motion Picture Theatre.** A facility with a capacity for less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” for observation by patrons therein.
- 5. **Adult Motion Picture Theatre.** A facility with a capacity of fifty (50) or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” for observation by patrons therein.
- 6. **Adult Entertainment Business.** Any establishment involved in the sale or services or products characterized by the exposure or presentation of “specified anatomical areas” or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.

**Adult use cannabis related definitions:**

- a) **Adult Use Cannabis.** Pursuant to ORC 3780 as amended or replaced from time to time, “adult use cannabis” has the same meaning as “marihuana” as defined in ORC 3719 as amended or replaced from time to time.
- b) **Adult Use Cannabis Operator.** Pursuant to ORC 3780 as amended or replaced from time to time, “adult use cannabis operator” means an adult use cultivator, processor, and dispensary.
- c) **Cannabis.** Pursuant to ORC 3780 as amended or replaced from time to time, “cannabis” has the same meaning as “marihuana” as defined in ORC 3719 as amended or replaced from time to time.
- d) **Cultivation Facility.** Pursuant to ORC 3780 as amended or replaced from time to time, “cultivation facility” means a facility where a cultivator is licensed by the State of Ohio to operate.
- e) **Cultivate.** Pursuant to ORC 3780 as amended or replaced from time to time, “cultivate” means to grow, harvest, package, and transport adult use cannabis.
- f) **Cultivator.** Pursuant to ORC 3780 as amended or replaced from time to time, “cultivator” means an entity or person licensed by the State of Ohio to grow, harvest, package, and transport adult use cannabis.
- g) **Dispensary.** Pursuant to ORC 3780 as amended or replaced from time to time, “dispensary” means an entity or person licensed by the State of Ohio to sell adult use cannabis.
- h) **Manufacture.** Pursuant to ORC 3780 as amended or replaced from time to time, “manufacture” means the process of converting harvested plant material into adult use extract by physical or chemical means for use as an ingredient in an adult use cannabis product.
- i) **Marihuana.** Pursuant to ORC 3780 as amended or replaced from time to time, “marihuana” has the same meaning as “marihuana” as defined in ORC 3719 as amended or replaced from time to time.

- j) Marijuana. Pursuant to ORC 3780 as amended or replaced from time to time, “marijuana” has the same meaning as “marihuana” as defined in ORC 3719 as amended or replaced from time to time.
- k) Processor. Pursuant to ORC 3780 as amended or replaced from time to time, “processor” means an entity or person licensed by the State of Ohio to manufacture adult use cannabis products.
- l) Testing Laboratory. Pursuant to ORC 3780 as amended or replaced from time to time, “testing laboratory” means an independent laboratory licensed by the State of Ohio to have custody and use of adult use cannabis for scientific purposes and for purposes of instruction, research, or analysis.

**Agriculture.** Pursuant to ORC 519.01, as amended or replaced from time to time, "Agriculture" includes farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber, pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

**Agritourism related definitions:**

1. **Agricultural Production.** Pursuant to ORC 901.80 and 929.01, as amended or replaced from time to time, “agricultural production” means ~~Commercial-commercial animal or poultry husbandry,~~ aquaculture, algaculture meaning the farming of algae, apiculture, animal husbandry, or poultry husbandry; the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, or sod; the growth of timber for a noncommercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth; ~~land devoted to biodiesel production, biomass energy production, electric or heat energy production, or biologically derived methane gas production if the land on which the production facility is located is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use, provide that at least fifty per cent of the feedstock used in the production was derived from parcels of land under common ownership or leasehold.~~ “Agricultural production” includes conservation practices, provided that the tracts, lots, or parcels of land or portions thereof that are used for conservation practices comprise not more than twenty-five per cent of tracts, lots, or parcels of land that are otherwise devoted exclusively to agricultural use and for which an application is filed under Section 929.02 of the Revised Code.
2. **Agritourism.** Pursuant to ORC 901.80 as amended or replaced from time to time, “Agritourism” means ~~An an~~ agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity.

3. **Agritourism Provider.** Pursuant to ORC 901.80, as amended or replaced from time to time, “Agritourism Provider” A person who owns, operates, provides, or sponsors an agritourism activity or an employee of such a person who engages in or provides agritourism activities whether or not for a fee.
4. **Farm.** Pursuant to ORC 901.80 as amended or replaced from time to time, “Farm” means ~~Land~~ land that is composed of tracts, lots, or parcels totaling not less than ten (10) acres devoted to agricultural production or totaling less than ten (10) acres devoted to agricultural production if the land produces an average yearly gross income of at least twenty-five hundred dollars (\$2,500) from agricultural production.

**Airport.** A tract of land designated and set aside for the landing and take-off of commercial and/or non-commercial aircraft, for the discharge or receiving of cargo and/or passengers, or for the repair, fueling, or storage of aircraft; and which contains facilities for aircraft including specifically a paved strip on which airplanes land and take-off. A airport shall not be construed to be a private landing field as defined herein.

**Alley.** Any public way or thoroughfare less than twenty (20) feet in width, which has been dedicated to the public or public use.

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

**Animal Feed Lot.** A paved animal feeding or holding area or other lot, pen, yard, or other feeding or holding area where grass or other suitable vegetative cover is not maintained.

**Apartment.** A portion of a building comprising a single dwelling unit consisting of a room or suite of rooms intended, designed, or used as a permanent residence by an individual or one (1) family.

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

**Automotive Service Station.** That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel are stored and dispensed from fixed equipment into fuel tanks of motor vehicles or provide electrical charging stations for electric motor vehicles. Accessory activities shall be permitted to include automotive repair and maintenance, car wash service, and food sales.

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

**Aviation Field (Private).** Any privately owned and operated F.A.A. (Federal Aviation Administration) approved runway, landing area or other facility designed, used, or intended to be used for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage facilities and tie-down areas, hangers and other necessary buildings and open spaces.

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

**Battery Energy Storage System, Small Off-Site.** ~~A principal use that is designed and built to connect into the distribution or transmission grid with a nameplate capacity less than 50 megawatts (MW). This type of system is capable of absorbing, storing, and/or discharging electrical energy from/to the grid or a power plant(s).~~

~~**Bed and Breakfast Facilities.** A single family dwelling that provides overnight accommodations and a morning meal to transients for compensation. The owner/operator of the bed and breakfast must live full-time on the inn's premises. Bed and breakfast inns shall contain no more than six (6) separate guest rooms.~~

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

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

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

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

**Building Line.** See setback line.

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

**Business, Convenience-Type Retail.** Retail businesses whose market area is the neighborhood or part of the community, which provides convenience-type goods and personal services for the daily needs of the people within the residential area. Uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry facilities, grocery stores, 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 or which services and repair appliances and machines used in homes and businesses. Some retail sales may be involved in connection with the service rendered.

**Common Access Driveway.** A common access driveway (CAD) is a privately constructed, privately owned, and privately maintained driveway within an ingress/egress easement serving more than one lot (or parcel) but not more than five lots (or parcels), properly installed in accordance with the requirements of the Logan County Engineer and for which Logan County and the Township accept no responsibility for maintenance, dispute, or liability either initially or at any time in the future. A common access drive provides an alternative to construction of public or private streets for accessing small numbers of lots and reduces the number of driveways along public roads. All lots as part of a Common Access Driveway shall have the required road frontage (see Official Schedule of District Regulations). Lots not meeting the required road frontage shall be required to obtain a variance from the Township Board of Zoning Appeals.

**Community Facilities.** Structures and uses intended to be of a cultural, educational, recreational, administrative, or service type which provides for areas of public purposes in higher density residential developments.

**Conditional Use Permit.** A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

**Condominium.** An ownership arrangement whereby an individual holds title to an individual unit and joint ownership in common property and/or facilities under provisions of Chapter 5311 of the Ohio Revised Code.

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

**Data Center.** An establishment engaging in the storage, management, processing, and/or transmission of digital data, and housing computer and/or network equipment, systems, servers, appliances, and other associated components related to digital data operations.

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

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

1. **Gross Density.** The number of dwelling units per acre of the total land to be developed.
2. **Net Density.** The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

**Detached.** Not connected in any manner by walls or other structural supports.

**Dwelling related definitions:**

- **Dwelling** Any building or structure which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.
- **Dwelling Unit**. Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.
- **Dwelling, Industrialized Unit**. Pursuant to ORC 3781.06 (C) (3), "industrialized unit" means a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes unit installs on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not include a manufactured home as defined herein or a mobile home as defined herein.
- **Dwelling, Manufactured Home**. Pursuant to ORC 3781.06(C)(4), "manufactured home" means a building unit or assembly of closed construction that is fabricated in an off site facility and constructed in conformance with the Federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable Federal construction and safety standards.
- **Dwelling, Manufactured Home (Permanently Sited)**. Pursuant to ORC 3761.06(C)(6), "permanently sited manufactured home" means a manufactured home that meets all of the following criteria:
  - a. The structure is affixed to a permanent foundation and is connected to appropriate facilities. "Permanent foundation" means permanent masonry, concrete, or a footing or foundation approved by the Ohio Department of Commerce pursuant to ORC 4781, to which a manufactured home may be affixed; and,
  - b. The structure, excluding any addition, has a width of at least twenty-two feet at one point, a length of at least twenty-two feet at one point, and a total living area, excluding garages, porches, or attachments, of at least one thousand four hundred (1400) square feet; and,
  - c. The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering; and,
  - d. The structure was manufactured after January 1, 1995; and,
  - e. The structure is not located in a manufactured home park as defined herein.
- **Dwelling, Mobile Home**. Pursuant to ORC 4501.01 (O), "mobile home" means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length or, when erected on site, is three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined herein or as an industrialized unit as defined herein.

- **Dwelling, Multi-Family.** A dwelling consisting of two or more dwelling units including condominiums with varying arrangements of entrances and party walls.
- **Dwelling, Rooming House (Boarding House, Lodging House Dormitory).**
  - A dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.
- **Dwelling Single-Family.** A dwelling (except a manufactured home not permanently sited or a mobile home) consisting of a single dwelling unit only, separated from other dwelling units by open space.
- **Dwelling, Tiny Home.** A dwelling that is 400 square feet or less in floor area excluding lofts. A loft within a tiny home is a floor level located more than 30 inches above the main floor, open to the main floor on one or more sides with a ceiling height of less than 6 feet 8 inches and used as a living or sleeping space.

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

**Family.** One or more persons occupying a single dwelling unit and living as a single housekeeping unit.

**Farm Market.** A building or structure designed or used or intended to be used for the display and/or sale of produce, raised on farms owned or operated by the farm market operator. Fifty (50) per cent or more of the gross income received from the market must be derived from produce raised on farms owned or operated by the market operator in a normal crop year.

**Fence or Wall.** A "fence" is a barrier used as a boundary, separation, means of protection or means of controlling access, screening, confinement, or decoration. Materials commonly used include wood, wire, iron, etc. A "wall" is a solid fence or is the solid portion of a fence. A "wall" is a barrier constructed so that the vertical surface is closed, thus preventing the passage of light, air, and vision in a horizontal plane. Materials commonly used include masonry, brick, metal, wood, etc.

**Floor Area.** The sum of the gross horizontal areas of each floor of the principal building, measured from the exterior walls or from the centerline of party walls, including the floor area of accessory buildings and structures.

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

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

1. **Corner Lot.** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
2. **Interior Lot.** A lot with only one frontage on a street.
3. **Through Lot.** A lot other than a corner lot with frontage on more than one street or road. Through lots abutting two streets or roads may be referred to as double frontage lots.
4. **Reversed Frontage Lot.** A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

**Manufactured or Mobile Home Park.** Any tract of land upon which three (3) or more manufactured or mobile homes uses for habitation are located, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and on which the individual lots are not for rent or rented, but are for sale or sold for the purpose of locating manufactured or mobile homes is not a manufactured home park unless three (3) or more manufactured or mobile homes used for habitation are located upon any one (1) individual lot. “Manufactured home park” does not include any tract of land used solely for the storage or display for sale of manufactured or mobile homes or solely as a temporary park-camp.

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

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

**Medical marijuana related definitions:**

- a. **Cultivate.** Pursuant to ORC 3796 as amended or replaced from time to time, “cultivate” Means means to grow, harvest, package, and transport medical marijuana pursuant to ORC 3796.
- b. **Cultivator.** Pursuant to ORC 3796 as amended or replaced from time to time, “cultivator” Means means an entity or person that has been issued a certificate of operation licensed by the State of Ohio to grow, harvest, package, and transport medical marijuana as permitted under ORC 3796.
- c. **Dispensary.** Pursuant to ORC 3796 as amended or replaced from time to time, “dispensary” Means means an entity or person licensed pursuant to ORC 3796 and any rules promulgated thereunder by the State of Ohio to sell medical marijuana to qualifying patients and caregivers.

- ~~d. Dispense. Means the delivery of medical marijuana to a patient or the patient's registered caregiver that is packaged in a suitable container appropriately labeled for subsequent administration to or use by a patient as permitted by Ohio law in accordance with Ohio law.~~
- ~~e.d. Manufacture. Pursuant to ORC 3796 as amended or replaced from time to time, "manufacture" Means means the process of converting harvested plant material into marijuana extract by physical or chemical means for use as an ingredient in a medical marijuana product.~~
- ~~f.e. Marihuana. Pursuant to ORC 3796 as amended or replaced from time to time, "marihuana" Has has the same meaning as defined in ORC 3719.01, as amended or replaced from time to time.~~
- ~~g.f. Marijuana. Pursuant to ORC 3796 as amended or replaced from time to time, "marijuana" Has has the same meaning as defined in ORC 3796.01, as amended or replaced from time to time.~~
- ~~h.g. Medical Marijuana. Pursuant to ORC 3796 as amended or replaced from time to time, "medical marijuana" Has the same meaning as defined in ORC 3796.01, as amended from time to time means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.~~
- ~~i.h. Medical Marijuana Entity. Pursuant to ORC 3796 as amended or replaced from time to time, Means means a medical marijuana cultivator, processor, dispensary, or testing laboratory licensed by the State of Ohio.~~
- ~~j.i. Medical Marijuana Processor. Pursuant to ORC 3796 as amended or replaced from time to time, "processor" Means means an entity or person that has been issued a certificate of operation licensed by the State of Ohio to manufacture medical marijuana products.~~
- ~~k.j. Testing Laboratory. Pursuant to ORC 3796 as amended or replaced from time to time, Means means an independent laboratory located in Ohio that has been issued a certificate of operation licensed by the State of Ohio to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research, or analysis.~~

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

**Motel or Hotel.** A series of attached, semi-detached, or detached sleeping or living units, for the accommodation primarily of automobile transient guests, having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants and including also such accessory commercial uses operated primarily for the convenience of guests and subject to such restrictions as may be specified in the district where located. Also, see transient lodging.

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

**Non-Conformities.** A building, structure, use of land, or building(s) and/or structures in combination existing at the enactment of this resolution and which does not conform to the regulation of the district or zone in which it is situated.

**Nuisance.** A building or property that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is

building design and location, in accordance with general guidelines. Planned Unit Developments are designed and developed subject to the provisions of these Regulations.

**Pond.** Any man made structure in which water is impounded by constructing a dam or embankment or by excavating a pit or dugout, or a combination of both. Definition for ponds includes retention basins designed to permanently hold water. This definition would not apply to detention basins designed for short-term water containment. This would not include landscape water features less than one hundred and fifty (150) square feet.

**Pool Barrier.** A fence, a wall, a building wall, the wall of an above-ground swimming pool or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

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

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

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

**Public Facilities.** Any building or structure used by government for administrative or service purposes, but not including buildings devoted solely to the storage and maintenance of equipment and materials.

**Public Service Facility.** The erection, construction, alteration, operation or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures whether publicly or privately owned, by a public utility, by a railroad, ~~whether publicly or privately owned~~, or by a ~~municipal or other~~ governmental agency including the furnishing of electrical, gas, rail transport, communication, public or private water and sewage services. This definition excludes small off-site battery energy storage systems, principal solar energy production facilities, sanitary landfill. Wind power projects, and other uses defined separately herein.

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

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

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

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

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

**Sanitary Landfill.** A land disposal site employing a method of disposing of solid wastes on land in a manner intended to minimize environmental hazards by spreading the solid wastes in thin layers, compacting the solid wastes to the smallest practical volume, and applying and compacting cover material daily.

**Screening.** To provide privacy of adjoining uses, including masonry walls, solid preservatively treated wood, chain link with solid slats, or landscaped with grass and closely planted shrubs or other evergreen plants.

**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.

**Semitrailer/Intermodal Containers.** A vehicle designed or used for carrying persons or property with another and separate motor vehicle, so that in operation, a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle.

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

**Setback Line, Front.** Determined from the edge of the road right-of-way.

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

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

~~**Short Term Rental.** A dwelling unit, rented wholly or in part, for less than thirty (30) consecutive days by persons other than the resident family as lodging for monetary compensation. No short term rental shall contain more than five (5) sleeping rooms.~~

1. **Alley**. A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. **Arterial Street**. A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
3. **Collector Street**. A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
4. **Cul-de-Sac**. A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround.
5. **Dead-end Street**. A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
6. **Local Street**. A street primarily for providing access to residential or other abutting property.
7. **Loop Street**. A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one-hundred-eighty (180) degree system of turns are not more than one-thousand (1,000) feet from said arterial or collector street, nor normally more than six-hundred (600) feet from each other.
8. **Marginal Access Street**. A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street.)
9. **Controlled or Limited Access Road**. A thoroughfare on the interstate highway system, or any other thoroughfare which is so designed as to carry large volumes of through traffic and preclude traffic flow interruptions normally resulting from turning and stopped traffic. Controlled or limited access thoroughfares have no grade crossings and utilize exit and entrance ramps, bridges, merge and exit lanes, and other design features to accomplish unimpeded traffic flow, and are not intended to provide direct access to abutting property. Controlled or limited access thoroughfares shall not be construed as providing lot frontage as required by these Regulations.

**Townhouse**. A dwelling unit occupying all or part of a floor or floors in a building of one or more floors or stories but not the entire building, except in those condominium projects in which one of several buildings may contain only one townhouse.

**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.

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

- a. **Bed and Breakfast Establishment**. A single family private residence that provides overnight accommodations and a morning meal to transients for compensation. The owner/operator of the bed and breakfast must live full-time on the inn's premises. Bed and breakfast inns shall contain no more than six (6) separate guest rooms.
- b. **Motel or Hotel**. A series of attached, semi-detached, or detached sleeping or living units, for the accommodation primarily of automobile transient guests, having convenient access

to off-street parking spaces, for the exclusive use of the guests or occupants and including also such accessory commercial uses operated primarily for the convenience of guests and subject to such restrictions as may be specified in the district where located.

c. **Short Term Rental.** A dwelling unit, rented wholly or in part, for less than thirty (30) consecutive days by persons other than the resident family as lodging for monetary compensation. No short term rental shall contain more than five (5) sleeping rooms.

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

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

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

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

**Use, Conditional.** 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.

**Use, Principal.** A use which is the primary use and activity of the lot or structure.

**Use, Temporary.** A use that is authorized by this code to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors' offices and equipment sheds, fireworks, carnivals, flea markets, and garage sales.

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

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

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

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

- a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
- b. That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties, in the same district under the terms of this Resolution;
- c. That special conditions and circumstances do not result from the actions of the applicant;
- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district.

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

**Section 545 Supplementary Conditions and Safeguards.** In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Resolution and punishable under Section 350 of this Resolution.

**Section 546 Public Hearing by the Board of Zoning Appeals.** The Board of Zoning Appeals shall hold a public hearing within 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, in accordance with ORC 519.15 as amended from time to time. The notice shall set forth the date, time, and place location of the public hearing, and the nature of the proposed appeal or variance.

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

**Section 549 Action by Board of Zoning Appeals.** Within a reasonable time after the public hearing required in Section 547, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 545, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. Appeals from Board decisions shall be made in the manner specified in Section 530.

6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
7. 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;
8. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

**Section 565 Supplementary Conditions and Safeguards.** In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution and punishable under Section 350 of this Resolution.

**Section 566 Procedure for Hearing, Notice.** Upon receipt of the application for a conditional use permit specified in Section 562 the Board shall hold a public hearing, publish notice ~~in a newspaper~~, and give written notice to all parties in interest according to the procedures specified in Section 546 through 548.

**Section 567 Action by the Board of Zoning Appeals.** Within thirty (30) days after the public hearing required in Section 566, the Board shall either approve, approve with supplementary conditions as specified in Section 565, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval. If the application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section 530.

**Section 568 Expiration of Conditional Use Permit.** A conditional use permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than two (2) years.

## ARTICLE VI AMENDMENT

**Section 600 Procedure for Amendment or District Changes.** This resolution may be amended utilizing the procedures specified in ~~Sections 601-611, inclusive if this resolution~~ ORC 519.12 as amended from time to time.

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

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

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

**Section 603 Contents of Application.** Applications for amendments to the Official Zoning Map adopted as part of this Resolution by Section 700 shall contain at least the following information:

1. Name, address, and telephone number of the applicant;
2. Present use;
3. Present zoning district;
4. Proposed use;
5. Proposed zoning district;
6. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require;
7. A list of all property owners and their addresses who are within, contiguous to, and directly across the road (street) from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;
8. A fee as established by the Township Trustees, according to Section 360.

**Section 604 Transmittal to Zoning Commission.** Immediately after the adoption of a resolution by the Township Trustees or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Zoning Commission. The Zoning Commission shall comply with all the requirements of Chapter 519.12 of the Ohio Revised Code.

~~**Section 605 Public Hearing by Zoning Commission.** The Zoning Commission shall set a public hearing date no less than twenty (20) days nor more than forty (40) days after the filing of the application. Notice of the public hearing must be published in a newspaper of general circulation at least ten (10) days before the hearing.~~

~~**Section 606 Notice of Public Hearing by Zoning Commission.** Notice of the public hearing required in Section 605 shall be given by the Zoning Commission in compliance with all the requirements of Chapter 519.12 of the Ohio Revised Code as amended.~~

**Section 607-605 Transmittal to Regional Planning Commission.** Within five (5) days after the adoption of a motion by the Commission, transmittal of a resolution of the Board of Township Trustees, or the filing of an application by at least one (1) owner or lessee, the Zoning Commission shall transmit a copy of ~~such motion, resolution, or application~~proposed amendment together with the text and map pertaining to the case in question to the Regional Planning Commission ~~for a recommendation.~~ The Regional Planning Commission shall recommend approval or denial of the proposed amendment or some modification of it. Such recommendation shall be considered at the public hearing held by the Zoning Commission on the proposed amendment.

**Section 608-606 Submission to Director of Transportation.** Before any zoning amendment is approved effecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway the Commission shall give notice, by registered 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 (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Trustees that he shall proceed to acquire the land needed, then the Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Trustees that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Trustees shall proceed as required by law.

~~**Section 609 Recommendation by Zoning Commission.** Within thirty (30) days of their public hearing, the Zoning Commission (after advertised public hearing and complying with all the requirements of Chapter 519.12 of the Ohio Revised Code), shall transmit its recommendation to the Township Trustees. The Zoning Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.~~

~~**Section 610 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 611 Notice of Public Hearing by Township Trustees.** Notice of the public hearing required in Section 610 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 612 Action by Township Trustees.** Within twenty (20) days after the public hearing required in Section 610, the Township Trustees shall either adopt or deny the recommendation of~~

the Zoning Commission, or adopt some modification thereof. In the event the Trustees denies or modifies the recommendation of the Zoning Commission, it must do so by a majority vote.

~~**Section 613 Effective Date and Referendum.** Such amendment adopted by the Trustees shall become effective thirty (30) days after the date of adoption unless within thirty (30) days after the passage of the Resolution there is presented to the Clerk a petition signed by a number of qualified voters residing in the Township equal to not less than eight (8%) per cent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Trustees to submit the zoning amendment to the electors of the Township for approval or rejection at the next primary or general election. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect. This shall comply with all of the requirements of Section 519.12 of the Ohio Revised Code.~~

## ARTICLE IX DISTRICT REGULATIONS

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

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall be erected or altered:
  - a. to provide for greater height or bulk;
  - b. to accommodate or house a greater number of families;
  - c. to occupy a greater percentage of lot area;
  - d. to have narrower or smaller rear yards, front yards, side yards, or other open spaces;
3. No yard or lot existing at the time of passage of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Resolution shall meet at least the minimum requirements set forth herein.
4. Any use not defined by this Resolution shall be prohibited. No specific use which is defined by this Resolution shall be construed as being included within the definition of any other defined use.

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

3. No recreational vehicle shall be occupied for dwelling purposes for more than sixty (60) days within any six (6) month period. Timeframes shall be specified in the application for conditional use.
4. Proof of notice to the County Health Department/District or appropriate sanitary sewer operating authority stating any sewage generated shall be disposed of in accordance with all applicable local, state, and federal regulations.

Nothing shall prohibit a property owner from storing his/her recreational vehicle as an accessory use.

**Section 1008 Mobile Trailers Prohibited for Business, Storage, Sign, and Residence Purposes.**

The use of a mobile home, tractor trailer, box car, sealand/shipping container, or other similar type trailer, container, or structure shall not be permitted as an office or business structure, storage facility, sign structure, or residence, except as otherwise provided for in this Resolution. The purpose of this section is to regulate the use of these types of mobile trailers, but not the exterior materials.

**Section 1010 Supplemental Yard and Height Regulations.**

In addition to all yard regulations specified in the Official Schedule of District Regulations and in other sections of this Resolution, the provisions of Sections 1011-1017, inclusive shall be used for interpretation and clarification.

**Section 1011 Setback Requirements for Corner Buildings.**

On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

**Section 1012 Visibility at Intersections.**

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and a half (2.5) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection.

**Section 1013 Fences, and Walls, and Hedges.**

~~Notwithstanding other provisions of this Resolution, fences, walls, and hedges, may be permitted in any yard, or along the edge of any yard, provided that no fence, wall, or hedge be taller than six (6) feet in height in the U-1 and R-1 Districts and eight (8) feet in the B-1 and M-2 Districts. In the U-1 and R-1 Districts, no fence, wall, or hedge located in-between the front setback line and the front lot line shall be over two and one-half (2 1/2) feet in height. Fences and walls are permitted in all districts, subject to the following conditions:~~

1. Location

- a. Fences shall be permitted in any yard.
- b. Walls shall be permitted in any yard.
- c. If no structure exists on residential property, no fence or wall may project past the front building line of the average of the adjacent properties or the minimum front yard setback, whichever is greater.

2. Height.

- a. Fences shall not exceed four (4) feet in the front yard or six (6) feet in height for other yards for residential uses.
  - b. Fences shall not exceed eight (8) feet in height for non-residential uses.
  - c. Walls shall not exceed four (4) feet in the front yard or six (6) feet in height for other yards for residential uses.
  - d. Walls shall not exceed six (6) feet in height for non-residential uses.
3. Sight Distance Requirements.
  - a. No fence or wall shall violate the sight distance requirements found in Section 1012 Visibility at Intersections.
4. Zoning Permit.
  - a. Unless otherwise stated in this Resolution, a zoning permit is required for the erection or installation of a fence or wall.

**Section 1014 Yard Requirements for Multi-Family Dwellings.**

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

**Section 1015 Side, and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts.**

Non-residential buildings or uses shall not be located in or conducted closer than forty (40) feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty (50) percent of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry or solid fence between four (4) and eight (8) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within fifty (50) feet of an intersection.

**Section 1016 Architectural Projections.**

Open structures such as porches, canopies, balconies, platforms, carports, covered patios and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard.

**Section 1017 Exceptions to Height Regulations.**

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard.

**Section 1018 Landscaping for New Construction.** Any lot which has any new building or structure erected shall have the yard seeded within one-hundred and sixty (160) days of completion of construction so as to prevent soil erosion.

**Section 1019 Erection of more than one Principal Structure on a Lot.** No more than one principal building or structure may be constructed upon any one lot for the purposes of this

4. No adult entertainment facility shall be established within a radius of two thousand (2,000) feet of any other adult entertainment facility.
5. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of established church, synagogue, or permanently established place of religious services which is attended by persons under eighteen (18) years of age.
6. No advertisements, displays, or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.
7. All building openings, entries, windows, etc. for adult uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk, or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.
8. No screens, loudspeakers, or sound equipment shall be used for adult motion picture theatres (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.
9. Off-street parking shall be provided in accordance with the standards for permitted use within M-2 Manufacturing District.

**~~Section 1039 General Conditions for Medical Marijuana Entities.~~**

~~In the interest of protecting the public health, safety, and general welfare, this section establishes zoning regulations that provide for State-authorized medical marijuana land uses consistent with ORC 519 and ORC 3796. ORC 519.21 and ORC 3796 allow regulation of the location of medical marijuana cultivators, processors, or dispensaries within the unincorporated area of the township.~~

- ~~1. Not an Agricultural Use. Medical marijuana is not considered an “agricultural” use pursuant to ORC 519.21 (D).~~
- ~~2. Zoning Districts. No medical marijuana cultivator, processor, or dispensary shall be located in a zoning district where it is not explicitly listed as a permitted or conditionally permitted use. Furthermore, no cultivator, processor, or dispensary shall be permitted as a home occupation.~~
- ~~3. Mobile Building Prohibited. No medical marijuana cultivator, processor, or dispensary shall be located within a mobile building.~~

**Section 1040 Roadside Produce Stands.** A building for the sale of home-grown produce may be located not less than twenty five (25) feet from the highway right-of-way if it is a portable building (including carts, wagons and other similar equipment). 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 (50) feet from the highway right-of-way line. Parking shall be provided off the highway right-of-way.

**Section 1041 Agritourism.**

~~In the interest of protecting the public health and safety, an Agritourism use shall satisfy the conditions in this Section. Capitalized terms not defined in this Section shall have the respective meanings given to them in Article II Definitions of this Zoning Resolution or in the Ohio Revised Code.~~

In addition to the procedure and requirement for approval of conditional use permits, as stated in Section 560, the Board of Zoning Appeals shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval if the following conditions have been met by a preponderance of the evidence presented in the application for conditional use permit and at the public hearing:

I. Conditions

- ~~A. Evidence that the farm on which the agritourism operation is proposed is ten (10) acres or more in area shall be provided. If such farm is less than ten (10) acres, evidence shall be provided that such farm is currently enrolled in the Current Agricultural Use Value (CAUV) program or produces an average yearly gross income of at least twenty-five hundred dollars (\$2,500) from agricultural production.~~
- ~~B. The educational, entertainment, historical, cultural and/or recreational relationship of the agritourism operation to the existing agricultural use of the property, the surrounding agricultural community, and/or the relationship of the agritourism activity to agriculture in general shall be identified.~~
- ~~C. A site plan of the property illustrating all structures to be used for agritourism activities, setbacks from property lines for all structures and any existing or proposed well and/or on-site wastewater disposal system area(s) on the property shall be submitted.~~
  - ~~1. The size and setback for any structure used primarily for agritourism activities shall be in conformance with the requirements of the applicable zoning district, listed in the Official Schedule of District Regulations.~~
- ~~D. Off-street parking in accordance with size requirements in Article XI Off-Street Parking and Loading Requirements shall be provided.~~
  - ~~1. Additionally, off-street parking adequate to meet peak time demand shall be provided in a manner that does not cause nuisance or conflict with adjoining properties. Estimates of traffic generation shall be submitted. In no instance shall parking be permitted within yard setback areas or within 20 feet of the road right-of-way.~~
- ~~E. Safe and adequate ingress and egress shall be maintained at all times.~~
- ~~F. The applicant shall provide data establishing the seasons and weeks of operation, and the hours of operation. The Conditional Use Permit shall clearly state these parameters.~~
- ~~G. Sales are limited to agricultural products meeting the criteria of products incident to the agricultural production and specific supporting products related to the agricultural tourism purpose such as animal feed pellets, U-Pick containers, etc...:~~
  - 1. The Agritourism use will be on a "Farm".
  - 2. Each proposed Agritourism Use is an agriculturally related educational, entertainment, historical, cultural, and/or recreational activity (including you-pick operations or farm markets) conducted on a Farm that allows or invites members of the general public to observe, participate in, or enjoy the activity. A narrative statement regarding this shall be provided by the applicant and it shall replace and substitute any narrative statement otherwise required as part of an application for conditional use permits.
  - 3. A site plan of the proposed Agritourism site showing the following, when applicable:
    - a. The floor areas, heights, and setbacks of all structures, including buildings, used primarily for Agritourism; and,
    - b. The size and setbacks of all parking areas, including loading spaces, used primarily for Agritourism; and,
    - c. Provisions for egress and ingress.

- These criteria shall replace and substitute any site plan otherwise required as part of an application for conditional use permits.
4. The size and setback for any structure used primarily for Agritourism shall conform to the requirements of the zoning district in which the Agritourism Use will be located and/or any size and/or setback requirements, if any, specified in this Section.
  5. Off-street parking in accordance with setback and size requirements (only) in Article XI Off-Street Parking and Loading Requirements shall be provided.
    - a. Additionally, off-street parking of a size adequate to meet peak time demand shall be provided in a manner that does not cause nuisance or conflict with adjoining properties. Estimates of traffic generation shall be submitted. In no instance shall parking be permitted within yard setback areas or within 20 feet of the road right-of-way.
    - b. The Board of Zoning Appeals may not require any parking area to be improved in any manner, including requirements governing drainage, parking area base, parking area paving, or any other improvement.
  6. Safe and adequate ingress and egress shall be maintained at all times.
  7. The Board of Zoning Appeals may not prescribe conditions and/or safeguards not otherwise stated in this Section.

Within forty-five (45) days after the date the public hearing was first opened, or a later date the person who filed the appeal agrees to in writing, the board of zoning appeals shall conclude and adjourn the hearing. The board shall decide the appeal within twenty days after the conclusion and adjournment of the hearing. Appeals from Board decisions shall be made in a manner specified in Section 530.

**Section 1045 Junk Storage and/or Sales of Junk.** The outdoor accumulation, collection, and/or storage of junk (as defined herein and in Section 1046), which is in public view from any highway, road, thoroughfare, or adjoining residential structure, shall be prohibited in all zoning districts unless the provisions of the following are met:

1. Junk storage and/or sales of junk shall be effectively screened on all sides by means of walls, fences, or plantings.
  - a. Walls or fences shall be a minimum of eight (8) feet in height with no advertising thereon.
    - i. In lieu of such wall or fence, a strip of land not less than fifteen (15) feet in width, planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than six (6) feet in height may be substituted.
  - b. Storage of materials shall not exceed the height of the screening. Storage of junk shall not be located in any front or side yard.

**Section 1046 Junk (as defined herein).** No trash, debris, litter, rubbish, unused property, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard, or nuisance to the Township or general public.

**Section 1048 Garage, Porch, Yard, or Similar Type Sales.** A resident may conduct a garage, porch, yard, or similar type sale provided such sale does not exceed one such event during any six (6) month period. No sale shall exceed three (3) consecutive days in length. Parking shall be provided

In addition to the other requirements in this Resolution, the following conditions shall apply:

1. Maximum number of short term rentals. Only one (1) dwelling unit per lot may be used as a short term rental.
2. Maximum number of rooms. No short term rental shall contain more than five (5) sleeping rooms.
3. Trash Areas. Trash areas shall be in accordance with Section 1006 Required Trash Areas.
4. Parking. Parking shall comply with Article XI and the following additional restrictions:
  - a. *Number.* One (1) parking space shall be provided per sleeping room.
  - b. *Location.* No additional parking spaces proposed in conjunction with the short term rental shall be located in the required front yard setback.
5. Signs. Signage shall comply with Article XII and the following additional restrictions:
  - a. *Maximum Number, Size, and Type Permitted.* A short term rental shall be limited to one (1) wall sign no larger than twelve (12) square feet and one (1) monument sign no larger than twelve square feet (12).
  - b. *Exterior Lighting Only.* Sign lighting shall be employed by a white, steady, stationary light of reasonable intensity directed solely at the sign and/or otherwise prevented from beaming directly onto adjacent properties or right-of-way.
6. Public Services. There shall be no increased burden placed upon existing Township public services provided to the lot as a result of the short term rental.

#### **Section 1060 General Conditions for Medical Marijuana Entities.**

In the interest of protecting the public health, safety, and general welfare, this section establishes zoning regulations for State-authorized medical marijuana cultivators, processors, and dispensaries within the unincorporated area of the Township.

1. Not an Agricultural Use. The cultivation, manufacture, and/or sale of medical marijuana shall not be considered an “agricultural” use pursuant to ORC 519.21(D).
2. Zoning Districts. No medical marijuana entity including a cultivator, processor, and/or dispensary shall be located in a zoning district where the use is not explicitly listed as a permitted or conditionally permitted use. No medical marijuana cultivation, manufacture, and/or sale by a medical marijuana entity shall occur in a zoning district where the use is not explicitly listed as a permitted or conditionally permitted use. Furthermore, no cultivator, processor, and/or dispensary shall operate as a home occupation.
3. Mobile Building Prohibited. No medical marijuana cultivator, processor, or dispensary shall be located within a mobile building.

#### **Section 1061 General Conditions for Adult Use Cannabis Operators.**

In the interest of protecting the public health, safety, and general welfare, this section establishes zoning regulations for State-authorized adult use cannabis cultivators, processors, and dispensaries within the unincorporated area of the Township.

1. Not an Agricultural Use. The cultivation, manufacture, and/or sale of adult use cannabis shall not be considered an “agricultural” use, pursuant to ORC 519.21(D).
2. Zoning Districts. No adult use cannabis operator including a cultivator, processor, and/or dispensary shall be located in a zoning district where the use is not explicitly listed as a permitted or conditionally permitted use. No adult use cannabis cultivation, manufacture, and/or sale by an adult use cannabis operator shall occur in a zoning district where the use is

not explicitly listed as a permitted or conditionally permitted use. Furthermore, no cultivator, processor, and/or dispensary shall operate as a home occupation.

3. Mobile Building Prohibited. No adult use cannabis cultivator, processor, or dispensary shall be located within a mobile building.

### **Section 1075 Telecommunications Towers.**

Pursuant to the Telecommunications Act of 1996 and the ORC Section 519.211, and the Township Trustees being duly notified of the person's intent to construct a telecommunications tower in any area zoned for residential use, public utilities, or other functionally equivalent providers may site a telecommunications tower as a conditional use provided the following conditions are met:

- 1) The applicant must provide proof that the proposal to construct a tower or attach equipment to an existing structure has been approved by all other agencies and governmental entities with jurisdiction (i.e. Federal Communications Commission, Federal Aviation Administration, Ohio Department of Transportation; Ohio Building Basic Code).
- 2) Applicant is required to show cost of construction at this time;
- 3) The applicant shall provide proof of notification to contiguous or directly across the street property owners as required by ORC Section 519.211;
- 4) The applicant must demonstrate at the time of application that no other existing towers are feasible for co-location, and that no technically suitable and feasible sites are available in a nonresidential district. There shall be an explanation of why co-location is not possible and why a tower at this proposed site is technically necessary;
- 5) All underground installation shall be trenched and not plowed in. Damage to anything must be repaired, and ground restored to original condition;
- 6) Co-location. Applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other users on the same tower to the extent possible. All co-located and multiple-use telecommunication facilities shall be designed to promote facility and site sharing;
- 7) Setbacks from all platted residential uses and residential districts. All new towers shall be setback from the closest subdivision boundary line for all platted residential subdivisions, and for all non-platted residential districts from the closest residence, a distance equal to the height of the tower plus fifty (50) feet;
- 8) Setbacks from all streets and private buildings and public road right of ways. All new towers shall be setback from all road right of ways public and private, a distance equal to the height of the tower plus fifty (50) feet;
- 9) Setbacks from all other uses allowable in the zoning district. All new towers shall be setback from any building that is not associated with or accessory to the telecommunications tower facility a distance equal to the height of the tower plus fifty (50) feet;
- 10) Any and all base station equipment, accessory structures, buildings, etc. used in conjunction with the tower shall be screened with fencing, masonry, shrubbery, or other screening materials.
- 11) The applicant shall notify the Zoning Inspector within thirty (30) days of ceasing operations at the site and shall remove all structures within one hundred and twenty (120) days of ceasing operations;
- 12) Lighting. Telecommunication towers shall not be artificially lighted unless required by the Federal Aviation Administration or other applicable regulatory authority. If lighting is