

RUSH TOWNSHIP

Official Zoning Ordinance

Adopted July 13, 1971

Subsequent Amendments Adopted

March 7, 1988

August 2, 1993

January 4, 2010

November 2, 2015

OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

<p>Zoning Districts Symbols as used on the Official Zoning Map</p>	<p>Permitted Uses Accessory Uses and essential services are included</p>	<p>Conditional Uses Permitted upon Issuance of a Conditional Use Permit by the Board of Zoning Appeals</p>	<p>Planned Unit Development Use Permitted upon Approval by the Planning Commission and Issuance of Certificate by the Board of Zoning Appeals</p>
1	2	3	4
<p>U-1 RURAL DISTRICT</p>	<p>Agriculture; Very Low Density Residence; Animal Hospital Clinic; Kennel; Public & Quasi-Public Use; Permanently Sited Manufactured Housing; Small Wind Projects</p>	<p>Public Service Facility; Low Density Residence; Home Occupation; Commercial Recreation; Service Business; Mineral Extraction; Light & Heavy Manufacturing; Signs & Advertising Structures; Manufactured or Mobile Home Park</p>	<p>Residential; Commercial; Industrial; Public & Quasi-Public Uses Individually or in Combination;</p>
<p>R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT</p>	<p>Single-Family Housing; Public Use; Quasi-Public Use; Permanently Sited Manufactured Housing; Small Wind Projects</p>	<p>Multi-Family Housing; Non-Commercial Recreation; Home Occupation; Manufactured or Mobile Home Park</p>	<p>Residential; Commercial; Public & Quasi-Public Uses Individually or in Combination;</p>
<p>B-2 LOCAL BUSINESS</p>	<p>Convenience Type Retail Business; Personal Services; Offices; Public & Quasi-Public Use; Small Wind Projects</p>	<p>Shopping-Type Retail Business; Filling Stations; Eating & Drinking Establishments; Commercial Recreation; Public Service Facility</p>	<p>Residential; Commercial; Public & Quasi-Public Uses Individually or in Combination;</p>
<p>M-1 LIGHT MANUFACTURING</p>	<p>Light Manufacturing & Related Offices; Public & Quasi-Public Use; Small Wind Projects</p>	<p>Wholesale & Warehousing; Printing & Publishing; Storage Facilities; Transport Terminals; Signs & Advertising Structures; Public Service Facility</p>	<p>Commercial; Industrial; Public & Quasi-Public Uses Individually or in Combination;</p>
<p>M-2 HEAVY MANUFACTURING</p>	<p>Heavy Manufacturing and Related Offices; Wholesale & Warehousing; Printing and Publishing; Public Use; Transport Terminal; Small Wind Projects</p>	<p>Light Manufacturing and Related Offices; Signs & Advertising Structures; Extractive Industry; Junk Storage & Sales; Public Service Facility</p>	<p>Commercial; Industrial; Public & Quasi-Public Uses Individually or in Combination;</p>

This is to certify that this is the Official Schedule of District Regulations referred to in Section 410 and Article V of the Ordinance of the Township of Rush, Ohio Adopted on July 13, 1971, Amended on March 7, 1988, August 2, 1993, January 04, 2010 and November 2, 2015.

8-21-17
Date

Cinda Bailey
Cinda Bailey, Chairman Township Trustees

ATTEST: *Kathy Packman*
Kathy Packman, Fiscal Officer

ZONING DISTRICT	MINIMUM LOT SIZE (Square Feet per Household)		LOT DIMENSIONS		MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED	MINIMUM FLOOR AREA	MAXIMUM HEIGHT (principal buildings)		MINIMUM YARD DIMENSIONS IN FEET			
	With on-site sewage treatment	With group or central sewage treatment	Frontage Width in Feet		Principal and Accessory Buildings	Square Feet	Number of Stories	Number of Feet	Front Yard	Side Yards		Rear Yard
										One side yard	Sum of side yards	
	5	6	7		9	10	11	12	13	14	15	16
U-1	65,000				10				50	20	50	50
		21,600	150		25	1,100	2.5	35	30	12	30	30
R-2	65,000		150		10				50	20	50	50
		5,400	70		30	1,100	2.5	35	20	10	25	30
B-2	none	none	125		25		3	40	50	0	0	30
M-1		15,000	125		40		4	50	50	10	30	40
M-2		40,000	125		50		4	50	80	20	50	50

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8-21-17
Date

Cinda Bailey
Cinda Bailey, Chairman Township Trustees

ATTEST: Kathy Packman
Kathy Packman, Fiscal Officer

ZONING DISTRICT	ACCESSORY BUILDINGS			MINIMUM (MANDATORY) OFF-STREET PARKING SPACE One unit for each	MINIMUM (MANDATORY) OFF-STREET LOADING SPACE	SIGNS PERMITTED	OTHER PROVISIONS AND REQUIREMENTS Supplementary regulations prohibitions, notes etc.
	Maximum Mean Height (feet)	Minimum distance in feet to					
	17	Side Lot Line	Rear Lot Line	20	21	22	23
U-1	20	5	10	One Family Housing Unit	none	Yes, under Article VIII	Dwelling Conversion; Public, Industrialized Housing Permitted
R-2	15	2	5	One-Half Housing Unit in Multi-Family Structure	none		Dwelling Conversion; Public; Industrialized Housing Permitted
B-2	20	none	none	200 Square Feet of Retail or Service Floor Area	5,000 Sq. Ft. of floor area or less		Non-residential use cannot be conducted other than 40 feet from any Residential District.
M-1	25	5	10	Two Employees on the Maximum Work Shift			Objectionable Uses Prohibited
M-2	25	10	20	Two Employees on the Maximum Work Shift	5,000 Sq. Ft. of floor area or less	Yes, under Article VIII	Extractive Use cannot be conducted other than 500 feet from any Residential District

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Cinda Bailey
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RUSH TOWNSHIP ZONING ORDINANCE

An Ordinance of the Township of Rush, Ohio, enacted in accordance with a Comprehensive Plan and the provisions in Chapter 713 (713, 519, 303), Ohio Revised Code, and for the purpose of protecting the public health, safety, comfort, convenience and general welfare; dividing the unincorporated portion of the Township into zones and districts, encouraging, regulating and restricting therein the location, construction, reconstruction, alteration and use of structures and land; promoting orderly development of the 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 right-of-ways; providing the compatibility of different land uses and the most appropriate use of land; providing for the administration of this ordinance and defining the powers and duties of the administering officers as provided hereinafter and prescribing penalties for the violation of the provisions in this ordinance or any amendment thereto.

Therefore be it hereby resolved by the Board of Trustees of Rush Township, Champaign County, State of Ohio:

Article I

Title of Ordinance

Section 100

Title. This ordinance shall be known and may be cited referred to as the “Zoning Ordinance of the Township of Rush.”

Article II

Establishment of Districts

Section 200

District Types. The Township is hereby divided into five districts as follows: Rural District, Local Business Medium Density Residential District, Local Business District, Light Manufacturing District and Heavy Manufacturing District.

Section 210

Rural District (U-1). The intention of the rural district is to provide land which is suitable or used for agriculture, conservation, very low density residence and public and quasi-public purpose. Very low density residential land use refers to farm housing units and isolated residential developments not requiring a plat under the Township subdivision regulations. It is further the attempt of the rural district to discourage the scattering of residential subdivisions and commercial and industrial development. Some residential, commercial and industrial development may be permitted as conditional uses under Section 401 and as planned unit development under Article VI. On-site water and sewer facilities are permitted, provided such facilities comply with the Township health regulations.

- Section 230** **Medium Density Residential District (R-2)**. The purpose of the medium density residential district is to provide land for single and multi-family housing units, permanent or mobile, not to exceed eight families per acre. Mobile housing units may not be scattered but are required to be located in a mobile home park in accordance with Article VII. Commercial development is prohibited unless introduced under the planned unit development approach. Group or central water and sewer facilities are required.
- Section 260** **Local Business District (B-2)**. The purpose of the local business district is to provide land for small retail and personal service establishments offering convenience-type goods and services for the daily needs of the people in the immediate neighborhood or area. Residential and other commercial development are prohibited unless introduced under the planned unit development approach. Group or central water and sewer facilities are required.
- Section 280** **Light Manufacturing District (M-1)**. The purpose of the light manufacturing district is to provide land for manufacturing or industrial establishments which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glaze; operate within enclosed structures; and generate little industrial traffic. Heavy manufacturing or industrial development is prohibited. Commercial development is prohibited unless introduced under the planned unit development approach. Group or central water and sewer facilities are required.
- Section 290** **Heavy Manufacturing District (M-2)**. The purpose of the heavy manufacturing district is to provide land for major manufacturing processing storage, warehousing, research, and testing establishments which require large sites, extensive community services and facilities, ready access to regional transportation; have large open storage and service areas; generate heavy traffic; and create no nuisance discernible beyond the district. Extractive manufacturing use is permitted as a conditional use if the operation does not create a hazard or nuisance which adversely affects the health, safety and general well-being of the community and other manufacturing establishments in the district. Residential development is prohibited. Light manufacturing or industrial uses are permitted as conditional uses. Commercial and industrial development may be introduced under the planned unit development approach. Central water and sewer facilities are required.

Article III **Provision for Official Zoning Map**

- Section 300** **Official Zoning Map.** The districts established in Section 200 of this ordinance are shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this ordinance.
- Section 310** **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, attested by the Township Clerk, under the following words: “This is to certify that this is the Official Zoning Map referred to in Section 300 of the Ordinance of the Township of Rush, Ohio,” together with the date of the adoption of this ordinance.
- Section 320** **Recording Changes in the Official Zoning Map.** If in accordance with the provisions of this ordinance and Chapter 713 (519, 303), Ohio Revised Code, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Board of Township Trustees after popular vote approval, with an entry on the Official Zoning Map indicating the ordinance number and the date of adoption.
- Section 330** **Replacement of the Official Zoning Map.** In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Township Trustees may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Chairman of the Board of Trustees, attested by the Township Clerk, under the following words: This is to certify that this is the Official Zoning Map of the Township of Rush, Ohio.
- Section 340** **Preserving Records.** Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map and/or significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

Section 350

Interpretation of District Boundaries. Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the zoning map, the following rules shall apply.

- (1) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street or highway right-of-way lines shall be construed to be such boundaries.
- (2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- (3) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines 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 zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Official Zoning Map.
- (4) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
- (5) Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Township unless otherwise indicated.

Article IV

District Regulations

Section 400

Compliance With Regulations. The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- (1) No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter 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 hereafter be erected or altered
 - (a) to exceed the height or bulk,
 - (b) to accommodate or house a greater number of families,
 - (c) to occupy a greater percentage of lot area, and
 - (d) to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this ordinance.
- (3) No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.
- (4) All territory which may hereafter be annexed to the City (Village) shall be administered according to the applicable township or county zoning district regulations until otherwise classified. Annexed territory without township or county zoning shall be considered to be in the R-1 low density residential district until otherwise classified.

Section 410

Schedule of District Regulations Adopted. District regulations shall be as set forth in the Official Schedule of District Regulations, hereby adopted by reference and declared to be a part of this ordinance, and in Article V of this ordinance, entitled “Supplementary District Regulations.”

Section 420

Identification of the Schedule of District Regulations. The Official Schedule of District Regulations shall be identified by the signature of the Chairman of the Board of Township Trustees, attested by the Township Clerk under the following words: “This is to certify that this is the Official Schedule of District Regulations referred to in Section 410 and Article V of the Ordinance of the Township of Rush, Ohio,” together with the date of the adoption or amendment of this ordinance.

Article V**Supplementary District Regulations****Section 500**

Permitted Conditional Uses. The conditional uses shall conform to all requirements of this ordinance, including additional standards set forth in Section 501 to 504, inclusive, before being permitted in their respective districts. All conditional uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

Section 501

Required Plan. A plan for the proposed development of a site for a permitted conditional use shall be submitted with an application for a conditional use permit, and such plan shall show the location of all buildings, parking area, traffic access and circulation drives, open spaces, landscaping, and any other pertinent information that may be necessary to determine if the proposed conditional use meets the requirements of this ordinance.

Section 502

Expiration. A conditional use permit shall be deemed to authorize only one particular conditional use and shall expire if the conditional use shall cease for more than six months for any reason.

Section 503

Existing Violations. No permit shall be issued for a conditional use for a property where there is an existing violation of this ordinance.

Section 504

Standards Applicable to All Conditional Uses. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to the existing and future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district, and the location, nature of height of buildings, walls, and fences will not discourage the appropriate development and use of adjacent land and buildings or impair its value thereof. In addition, operations in connection with any conditional use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration, or flashing light, than would be the operation of any permitted use.

Section 510

Off-Street Parking Requirements. Off-street automobile parking spaces shall be provided for every land use on any lot or any time any building or structure is erected, enlarged or increased in capacity in accordance with the following requirements:

- (1) Each off-street parking space shall have an area of not less than 300 square feet including access drives and aisles, and shall be surfaced with a sealed surface pavement and maintained in such a manner that no dust will be produced by continuous use.

- (2) Each off-street parking space shall have an adequate vehicular access to a street or alley.
- (3) Whenever the number of off-street parking spaces required is determined from the floor area of a specified use, it shall mean the gross floor of such use.
- (4) Fractional numbers shall be increased to the next whole number.
- (5) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
- (6) Whenever a building or use constructed or established after the effective date of this ordinance is changed or enlarged in floor area, number of employees, number of housing units, seating capacity, or otherwise, to create a need for an increase of 10 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this ordinance is enlarged to the extent of 50 percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

Section 511

Number of Parking Spaces Required. The number of off-street parking spaces required shall be provided and satisfactorily maintained by the owner of the property as follows:

Use	Mandatory Parking Spaces (one unit for each)
One-family housing unit	Housing unit
Multi-family housing unit	One-half housing unit
Hotel, motel, lodging house or dormitory	Living or sleeping room
Private club or lodge	Five members
Church or temple	Five seats in main auditorium
Grade school	Five seats in auditorium
College or high school	Teacher, employee, and five students

Library, museum or art gallery	300 square feet of floor area
Hospital, clinic, nursing home, or similar institution	Employee and bed
Theater, sports arena, auditorium, stadium, or gymnasium other than school	Five seats
Bowling Alley	Bowling Seat
Mortuary or funeral home	Fifty square feet of floor area in a slumber rooms, parlors or individual funeral service rooms
Retail or business service establishment	Two employees; 200 square feet of floor area
Offices, personal or professional services; restaurants, nightclubs, dance halls, assembly or exhibition halls without fixed seats	200 square feet of floor area
Wholesale or warehousing	300 square feet of floor area
Manufacturing or industrial establishment, research or testing laboratory, or bottling plant	Two employees on the maximum shift

Section 512

Screening and Landscaping. Off-street parking areas for more than 10 vehicles shall be effectively screened on each side which adjoins or faces premises situated in any residential district by a fence or wall of acceptable design. Such fence or wall shall be not less than four feet or more than six feet in height and shall be maintained in good condition. The space between such fence or wall and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition. In lieu of such wall or fence a strip of land not less than 10 feet in width, and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four feet in height, may be substituted.

Section 513

Minimum Distance and Setbacks. No part of any parking area for more than 10 vehicles shall be closer than 20 feet to any housing unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptably-designed screen. If on the same lot with a one-family residence, the parking area shall not be located within the front yard required for such building. In no case shall

any part of a parking area be closer than four feet to any established street or alley right-of-way.

- Section 514** **Joint Use.** Two or more nonresidential 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 planning commission shall be filed with the application for a zoning certificate.
- Section 515** **Other Locations.** Parking spaces may be located on a lot other than that containing the principal use provided it is within 300 feet of the principal use. Lots farther than 300 feet from the principal use may be approved by the board of zoning appeals provided a written agreement, approved by the planning commission shall be filed with the application for a zoning certificate.
- Section 516** **Surfacing.** Any off-street parking area for more than 10 vehicles shall be graded for proper drainage and surfaced with acceptable impervious material to provide a durable and dustless surface.
- Section 517** **Lighting.** Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any residential district.
- Section 518** **Disabled Vehicles.** The parking of a disabled vehicle within a residential or commercial district for a period of more than two weeks shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building.
- Section 519** **Off-Street Loading Requirements.** In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of 5,000 square feet or less, which is to be occupied by manufacturing, storage, warehouse, retail, wholesale, hotel, hospital, mortuary, dry cleaning or other uses similarly requiring the receipt or distribution by vehicle of material or merchandise, there shall be provided and maintained, on the same lot with such building, at least one off-street loading space, plus one additional such loading space for each additional 10,000 square feet, or major fraction thereof, of gross floor area in accordance with the following requirements:
- (1) Each loading space shall be not less than 12 feet in width, 15 feet in height, and 50 feet in length for tandem trailers, or 30 feet for two axle trucks.
 - (2) Subject to the limitations of Section 501 of this ordinance such space may occupy all or any required yard space.

- Section 520** **Special Provisions for Residential Uses.** The regulations applicable to residential uses shall be supplemented by the provisions of Sections 521 to 522, inclusive.
- Section 521** **Determining Minimum Floor Area for Housing Units.** The minimum floor area per family in housing units shall include only area used for living quarters. Utility rooms, garages, carports, porches, laundry areas and basements are to be excluded.
- Section 522** **Conversion of Dwellings to More Units.** In U-1, R-2 and R-3 districts a residence may be converted to accommodate an increased number of dwelling units provided.
- (1) The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district.
 - (2) The lot area per family shall equal the lot area requirements for new structures in that district.
 - (3) The number of square feet of living area per family unit is not reduced to less than that which is required for new construction in that district.
- Section 523** **Private Swimming Pools.** A private swimming pool, not including farm ponds, shall be any pool, lake, or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half feet. No such swimming pool, exclusive of portable swimming pools with a diameter less than 12 feet or with an area of less than 100 square feet shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements:
- (1) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
 - (2) It 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 the street or from adjacent properties. Said fence or wall shall

be not less than six feet in height and maintained in good condition with a gate and lock.

Section 524

Community or Club Swimming Pools. A community or club swimming pool constructed by an association of property owners, or by a private club for use and enjoyment by members of the association or club and their families. Community and club swimming pools are permitted in all districts, but shall comply with the following conditions and requirements:

- (1) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
- (2) The pool and accessory structures thereto, including the area used by the bathers, shall not be closer than 50 feet to any property line of the property on which it is located.
- (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 street or adjacent properties. The said fence or wall shall not be less than six feet in height and maintained in good condition.

Section 525

Setback Requirements for Corner Buildings. On a corner lot the main building and its accessory structures shall be required to set back the same distance from all street right-of-way lines as required for the front set back in the district in which such structures are located.

Section 530

Special Provisions for Commercial and Industrial Uses. No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises provided that any use permitted by this ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the performance requirements in Sections 531 to 540, inclusive.

Section 531

Fire Hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-suppression 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 532** **Radioactivity or Electrical Disturbance.** No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator or such disturbance.
- Section 533** **Noise.** Noise which is objectionable as determined by the board due to volume, frequency or beat shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
- Section 534** **Vibration.** No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
- Section 535** **Smoke.** Smoke shall not be emitted with a density greater than No. 1 on the Ringleman Chart as issued by the U.S. Bureau of Mines except for blow-off periods of ten minutes duration of one per hour when a density of not more than No. 2 is permitted.
- Section 536** **Odors.** No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.
- Section 537** **Air Pollution.** No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling.
- Section 538** **Glare.** No direct or reflected glare shall be permitted which is visible from any property outside an industrial district or from any public street, road or highway.
- Section 539** **Erosion.** No erosion, by either wind or water, shall be permitted which will carry objectionable substance onto neighboring properties.
- Section 540** **Water Pollution.** Pollution of water shall be subject to the requirements and regulations established by the Ohio Water Pollution Control Board.
- Section 541** **Mineral, Clay, Sand and Gravel Extraction, Storage and Processing.** The extraction, storage and processing of mineral shall be conducted in accordance with the requirements of Sections 542 to 546, inclusive.

- Section 542** **Distance from Residential Areas.** Mineral extraction, storage or processing shall not be conducted closer than 500 feet from any residential district, nor closer than 200 feet from any structure used for human occupancy in any other district.
- Section 543** **Filing of Location Map.** The operator shall file with the Zoning Officer a location map which clearly shows areas to be mined and the location of adjacent properties, roads and natural features.
- Section 544** **Information on Operation.** 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.
- Section 545** **Restoration of Mined Area.** The operator shall 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, the proposed final topography indicated by contour lines of no greater interval than five feet the type and number per acre of trees or shrubs to be planted; and the location of future roads, drives, drainage course, or other improvements contemplated.
- Section 546** **Performance Bond.** The operator shall file with the Board of Township Trustees, a bond, payable to the Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate, per acre of property to be mined, of the required bond shall be fixed by ordinance of the Board of Township Trustees. The bond shall be released upon written certification of the zoning officer that the restoration is complete and in compliance with the restoration plan.
- Section 547** **Enforcement Provision.** The zoning officer or board of zoning appeals, prior to the issuance of a zoning certificate, 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.
- Section 548** **Measurement Procedures.** Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, N.Y. the Manufacturing Chemists' Association, Inc., Washington, D.C. and the United States Bureau of Mines.

- Section 549** **Commercial Landfills.** Commercial landfills are not permitted in any district. (Adopted 3/7/88)
- Section 550** **Supplementary District Regulations.** Supplementary regulations apply to several districts or a set of districts and are set forth in Sections 551 to 560, inclusive.
- Section 551** **Side and Rear Yard Requirements for Non-residential Uses Abutting Residential Districts.** Non-residential buildings or uses shall not be located nor conducted closer than 40 feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to 50 percent of the requirement if acceptable landscaping or screening approved by the zoning officer is provided. Such screening shall be a masonry or solid fence between four and eight 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 20 feet in width planted with an evergreen hedge or dense planting of evergreen shrubbery not less than four feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within 20 feet of an intersection.
- Section 552** **Exceptions to Height Regulations.** The height limitations contained in the Official Schedule of District Regulations, Section 410, 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.
- Section 553** **Architectural Projections.** Open structures such as porches, canopies, balconies, platforms, carports and covered patios, and similar architectural projects shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard.
- Section 554** **Visibility at Intersections in Residential Districts.** On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and a half and ten feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of intersection.

- Section 555** **Fences, Walls, and Hedges.** Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over two and one-half feet in height.
- Section 556** **Erection of More than One Principal Structure on a Lot.** In any district, no more than one structure housing a permitted or permissible use may be erected on a single lot. Accessory buildings such as a garage may be located in the rear yard, provided that yard and other requirements of this ordinance are met. (Adopted 3/7/88)
- Section 557** **Parking and Storage of Certain Vehicles.** Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.
- Section 558** **Effective Screening of Junk Storage and Sales.** Junk storage and sales shall be effectively screened on all sides by means of walls, fences, or plantings. Walls or fences shall be a minimum of eight feet in height with no advertising thereon. In lieu of such wall or fence, a strip of land not less than 15 feet in width, planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than six feet in height may be substituted. Storage of materials shall not exceed the height of the screening.
- Section 559** **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 special permit authorized by the board of zoning appeals.
- Section 560** **Open Storage and Display of Material and Equipment.** The open storage and display of material and equipment incident to permitted or conditional uses in commercial and industrial districts shall be permitted provided the area used for open storage and display shall be effectively screened from all adjoining properties in any residential district by means of walls, fences, or plantings. Walls or fences shall be a minimum of four feet in height without advertising thereon. In lieu of such wall or fence a strip of land not less than 10 feet in width, planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four feet in height at the time of planting may be substituted.

- Section 561** **Uninhabitable Homes.** Any residence that becomes uninhabitable (fire, wind, etc.) shall be removed or rebuilt to the satisfaction of the zoning inspector within 120 days. Time period may be extended by zoning inspector if deemed necessary. (Adopted 3/7/88)
- Section 562** **Manufactured Housing.** (Repealed 11/2/2015)
- Section 563** **Small Wind Projects Less than 5MW.** Wind Projects of 5MW or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Small Wind Projects less than 5MW and used solely for Agriculture will be exempt from these zoning regulations as an Agricultural Use. Any proposed construction, erection, or siting of a Small Wind Project less than that 5MW including the wind turbine generator or any parts thereof shall be a Permitted Use in all Rush Township Zoning Districts if the following conditions are met:
- (1) The maximum height of any turbine shall be 125 ft. For purposes of this Resolution, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the base of the tower.
 - (2) Setbacks: the following shall apply in regards to setbacks.
 - (a) Any turbine erected on a parcel of land shall be setback to establish a "clear fall zone" from all road right-of-way lines, overhead utility lines, neighboring property lines, and any inhabited structures on the parcel intended for the turbine; Hence, a turbine shall be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located at and would not strike any structures including the primary dwelling, and any inhabited structures.
 - (3) Maintenance
 - (a) Wind turbines must be maintained in good working order. The owner shall within 30 days of permanently ceasing operation of a wind turbine, provide written notice of abandonment to the Zoning Inspector. An unused wind turbine or small wind project may stand no longer than 12 months following abandonment. All cost associated with the demolition of the wind turbine and associated equipment shall be done by the

owner. A wind turbine is considered abandoned when it ceases transmission of electricity for 90 consecutive days. Wind turbines that become inoperable for more than 12 months must be removed by the owner within 30 days of issuance of zoning violation. Removal includes removal of all apparatuses, above ground supports, and or other hardware associated with the existing wind turbine.

(4) Decibel Levels:

- (a) Decibel levels shall not exceed those provided by the manufacturer as requested in Permits, C.,e.

(5) Wiring and electrical apparatuses:

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

(6) Warning Signs:

- (a) Appropriate warning signs to address voltage shall be posted as required by the National Electric Code.

(7) Building Permits:

- (a) All small wind projects and parts thereof shall obtain all applicable Building Permits from the State of Ohio and County Building Permits where required.

(8) Permits

- (a) A zoning permit shall be required before construction can commence on an individual wind turbine project.
- (b) As part of the permit process, the applicant shall inquire with the County Building Regulations as to whether or not additional height restrictions are applicable due to the unit's location in relation to any local airports in contiguous townships.
- (c) Applicant shall then provide the Township Zoning Inspector with the following items and or information when applying for a permit:

- i. Location of all public and private airports in relation to the location of the wind turbine.
- ii. A report that shows:
 - a. The total size and height of the unit
 - b. If applicable, the total size and depth of the unit's foundation structure, as well as soil and bedrock data.
 - c. A list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lighting protection, braking systems, guy wiring & anchors.
 - d. Data specifying the kilowatt size and generating capacity in kilowatts of the particular unit.
 - e. The maximum decibel level of the particular unit. This information shall be obtained from the manufacturer of the turbine unit.
- iii. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, overhead utility lines, and neighboring property lines. In addition, the site drawing should include evidence of established setbacks that meet the "clear fall zone."
- iv. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.
(Section 563 Adopted 01/04/2010)

Article VI**Planned Unit Development****Section 600**

Purpose of Planned Unit Development. Planned development of land may be permitted in any district to encourage and provide a means for effectuating a more desirable physical development pattern than would be possible through the strict application of the density and dimensional requirements of this ordinance.

Section 601

Permitted Uses. Only those uses permitted or conditionally permitted in each district or interpreted to be included under Section 200 to 290, inclusive, the Official Schedule of District Regulations, Section 410, of this ordinance may be proposed for development under the planned development approach. Compatible residential, commercial, industrial, public and quasipublic uses may be combined, provided that the proposed location of the commercial or industrial uses will not adversely affect or disregard adjacent property, public health, safety, morals, and general welfare, and provided further that in a residential-commercial-industrial or residential-commercial development the amount of land devoted to commercial and/or industrial usage shall not exceed 50 percent of the total land area of the development. A variety of housing and building types is encouraged by permitting an increased number of families per acre and by allowing reductions in lot dimensions, yards, building setbacks, and area requirements.

Section 602

General Requirements. The gross area of the tract to be developed under the planned unit development approach shall comprise not less than 10 acres. The minimum lot size shall not be less than 70 percent of the lot area per family or use required in the district in which it would otherwise be located. A minimum of 10 percent of the land developed in a planned unit development project shall be reserved for open space and similar uses. Lot widths and required yards may be reduced to 80 percent of the requirement of this ordinance.

Section 603

Disposition of Open Space. The amount of open space reserved under a planned unit development shall either be held in corporate ownership by the owners of the project area building sites for the use of each owner who buys property within the development or be dedicated to the Township, and retained as open space for parks, recreation, and related uses. All land dedicated to the Township must meet the planning commission's requirements as to shape, size, and location. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for open space dedication to the township, unless such land or right-of-way is usable as a trail or similar way and approved by the planning commission.

- Section 604** **Residential Lot Location.** Every property subdivided under the planned unit development shall be designed to abut upon open space or similar areas. A clustering of dwellings is encouraged. In areas where town houses are used there shall be no more than five town house units in any contiguous group. A variety of building setbacks, color, and building materials for contiguous town house units is encouraged.
- Section 605** **Diversification of Lot Sizes.** A diversification of lot sizes may be permitted within a district without additional dedication or creation of open space, provided the overall density of the project area is not increased and provided further the net residential area per family is not reduced below the minimum requirements of Section 602.
- Section 606** **Reduction of Planned Unit Development Area.** The minimum tract size to be developed under the planned unit development may be reduced 50 percent where the proposed development is to contain only residential, commercial or industrial development, not a mixture of uses.
- Section 607** **Height Requirements.** For each foot of building height over the maximum height regulations specified in the Official Schedule of District Regulations, Section 410, the distance between such building and the side and rear property lines of the planned unit development project area shall be increased by one foot in addition to the side and rear yard required in the district, provided that this additional setback shall not be considered part of the side and rear yards.
- Section 608** **Commercial Planned Unit Development Requirements.** Planned unit development of related commercial establishments is encouraged by varying the setback and area requirements. Open space gained through the varying of setback and area requirements is to be used for the development of open plazas, pedestrian malls, tot lots, and other public spaces and uses with adequate arrangement, design, and planting.
- Section 609** **Commercial Projects, Side Yards and Rear Yards.** Side yards of 30 feet and a rear yard of 40 feet shall be required if the project is to be located adjacent to any residential district or planned residential unit development.

- Section 610** **Arrangement of Commercial Uses.** The location and arrangement of structures, parking, access drives, outdoor lighting, signs, and other uses and developments in the planned commercial unit development shall be compatible with the existing and future land use plan. Off-street parking, loading, and service areas shall be provided in accordance with Sections 510 to 519, inclusive. However, off-street parking and loading areas shall not be permitted within 15 feet of a residential district. All areas designated for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner.
- Section 611** **Industrial Planned Unit Development Requirements.** Planned unit development of industrial establishments is encouraged by varying the setback and other requirements, if it can be shown that the development results in a more efficient and desirable use of space.
- Section 612** **Industrial Project.** Project side yards of 40 feet and a rear yard of 50 feet shall be required if the project is located adjacent to any residential district or planned residential unit development.
- Section 613** **Arrangement of Industrial Uses.** The location and arrangement of structures, parking, access drives, outdoor lighting, signs, storage areas, and other uses and developments in the planned industrial unit development shall be compatible with the existing and future land use plan. Off-street parking, loading, and service areas shall be provided in accordance with Sections 510 to 519, inclusive.
- Section 614** **Procedure to Secure Approval of Planned Unit Development.** The procedure in Section 615 to 621, inclusive, shall be met before approval to develop land under the planned unit development is granted by the planning commission and the board of zoning appeals.
- Section 615** **Preliminary Development Plan.** Three copies of a preliminary development plan shall be submitted to the planning commission for an approval in principle of the land uses proposed and their interrelationship. Approval in principle shall not be construed to endorse precise location of uses, configuration of parcels, or engineering feasibility.

Any preliminary development plan and text shall be prepared and endorsed by a qualified urban planner and shall include the following information presented in a general, schematic fashion:

- (1) Proposed location and size of the planned development;

- (2) Proposed land uses, population densities, and building intensities;
- (3) Proposed parks, playgrounds, school sites, and other open spaces;
- (4) Relation to existing and future land use in surrounding area;
- (5) Proposed provision of water, sanitary sewers, and surface drainage;
- (6) Proposed traffic circulation pattern, indicating both public and private streets and access points to public rights-of-way;
- (7) A market analysis of proposed commercial uses, if the property is not zoned for commercial purposes at the time of submittal of the preliminary development plan;
- (8) Proposed schedule of site development; and
- (9) Evidence that the applicant has sufficient control over the land to carry out the proposed development plan within five years.

Section 616

Preliminary Development Plan Review. The planning commission shall review the preliminary development plan to determine if it is consistent with the intent and purpose of this ordinance; whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations. The planning commission's approval in principle of the preliminary development plan shall be necessary before an applicant may submit a detailed development plan.

Section 617

Detailed Development Plan. The detailed development plan shall be submitted in five copies and shall contain the following documents and supporting evidence, prepared and endorsed by a qualified professional team, which shall include an urban planner, licensed architect, registered land surveyor, registered civil engineer, and registered landscape architect:

- (1) A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, existing features of the development site, including specimen trees, structures, streets, easements, utility lines, and land use;

- (2) A detailed development plan which shall be in conformance with the approved preliminary plan, showing, as appropriate, all the information required on the preliminary development plan; the approximate location and size of lots; the approximate location and proposed density of dwelling units; nonresidential building intensity; and land use considered suitable for adjacent properties;
- (3) A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and street scapes; tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated non-residential population; proposed retail sales area and economic justification; anticipated timing for each unit; and standards for height, open space, building intensity, parking areas, population density and public improvements proposed for each unit of development whenever the applicant proposes an exception from standard zoning district or other ordinance regulations governing development;
- (4) Engineering feasibility studies and plans showing, as necessary, water, sewer, and other utility installations; waste disposal facilities; surface drainage; street improvements; and nature and extent of earth work required for site preparation and development;
- (5) Site plan, showing building(s), various functional use areas, circulation, and their relationship;
- (6) Preliminary building plans, including floor plans and exterior elevations;
- (7) Landscaping plans; and
- (8) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained.

Section 618

Basis of Approval. The planning commission may recommend that the board of zoning appeals after a public hearing, approve the detailed development plan, provided the planning commission finds that the facts submitted with the application and presented, at the hearings establish that:

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

- Section 619** **Action of the Planning Commission and Board of Zoning Appeals.**
 The planning commission shall deny the detailed development plan if from the facts presented the planning commission is unable to make the necessary findings. The planning commission shall certify to the board of zoning appeals the approval, approval with specific amendments, or disapproval of the detailed development plan within 30 days of the date of submission of said plan. If the board of zoning appeals finds that the proposed planned unit development is consistent with the intent and purpose of this ordinance after a public hearing, it may authorize the zoning officer to issue a zoning certificate permitting the planned unit development.
- Section 620** **Approval Period.** The zoning certificate for a planned unit development shall be for a period of five years to allow the preparation and recording of the required subdivision plat and the development of the project. If no development has occurred to effectuate the plan within five years after approval is granted, the approval shall be voided and the land shall revert to the district regulations in which it is located. An extension of the time limit or modification of the approved development plan may be approved if the planning commission and the board of zoning appeals find that such extension or modification is not in conflict with the public interest.
- Section 621** **Other Requirements.** Underground utilities, including telephone and electric systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the planning commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

- Article VII** **Manufactured or Mobile Homes and Manufactured or Mobile Home Park**
- Section 700** **Location of Manufactured or Mobile Homes.** Manufactured or mobile homes are only permitted in manufactured or mobile home parks as permitted by the Official Schedule of District Regulations. (Amended 11/02/2015)
- Section 701** **Location of Manufactured or Mobile Home Parks.** A manufactured or mobile home park is a conditional use in U-1 and R-2 districts. Manufactured or mobile home parks may be conditionally permitted in any district under planned unit development, provided planned unit development in that district permits residential uses. (Amended 11/02/2015)
- Section 703** **Density.** The maximum density shall not exceed the district density in which it is located, and the minimum lot size shall not be less than 4000 square feet.
- Section 704** **Park Width and Depth.** The park shall have a minimum frontage of 100 feet. The width or the depth of the park shall not be more than three times the other.
- Section 705** **Park Side and Rear Yards.** A side yard on each side of the park and a rear yard of 30 feet or more shall be provided around the edge of the manufactured or mobile home park. Such yards shall not be occupied by or counted as part of an individual manufactured or mobile home site. (Amended 11/02/2015)

Section 706

Park Improvements. The location and size of manufactured or mobile home sites and structures within the manufactured or mobile home park shall be in accordance with the following provisions:

- (1) Each manufactured or mobile home site shall have a clearly defined minimum area of 4,000 square feet, with a minimum lot width of 40 feet.
- (2) There shall be a minimum clearance of 20 feet between the individual manufactured or mobile homes or trailers.
- (3) All manufactured or mobile home parks shall meet the Township street requirements and specifications currently in effect.
- (4) Walkways not less than three feet wide which may abut street pavement shall be provided from the manufactured or mobile home sites to the service buildings. Such walkways shall be constructed of concrete having a minimum thickness of four inches and lighted at night with lamp fixtures acceptable to the Township Engineer.
- (5) Each manufactured or mobile home site shall be developed with a manufactured or mobile home stand of not less than 10 feet by 50 feet and such manufactured or mobile home stand shall be not less than 10 feet from the manufactured or mobile home site boundary. The manufactured or mobile home stand shall be constructed of a minimum of six inches of concrete and provided two tie-down rings.
- (6) Each manufactured or mobile home site shall be provided with a water outlet connected to the Township, or an approved water supply and a connection to the Township, or an approved sewer system.
- (7) Electricity, electrical outlets, and wiring shall be according to the current provisions of the National Electric Code published by the National Fire Protection Association.
- (8) The park shall provide service buildings, complying with all applicable building regulations, to house laundry facilities and supplemental toilet facilities. Outside laundry drying yards shall be enclosed with a six-foot-high solid fence in a location associated with laundry facilities.
- (9) The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
- (10) A safe, useable recreation area shall be conveniently located in each manufactured or mobile home park, the size of which shall

be determined at 1000 square feet per household or manufactured or mobile home.

- (11) No manufactured or mobile home site shall be located closer to any street right-of-way line than 30 feet measured horizontally from the right-of-way line to the lot line of the manufactured or mobile home site.
- (12) All telephone, electrical and other distribution lines shall be installed in underground conduits. No overhead lines shall be permitted. All underground utilities, sanitary sewers and drainage structures installed in streets or access roads shall be constructed prior to the surfacing of such roads.
- (13) Manufactured or mobile home parks shall be developed in accordance with the requirements of Chapter 37-1-27 of the Ohio Sanitary Code adopted by the Public Health Council under the authority of the Ohio Revised Code, Section 3733 as amended.
(Section 706 Amended 11/02/2015)

Section 707 **Mobile Homes Individually.** (Repealed 11/02/2015)

Section 708 **Permit Needed.** All manufactured or mobile homes are required to have a zoning permit within 60 days of being moved into Rush Township, or relocated within the township. (Adopted 3/7/88)

Section 709 **Temporary Manufactured or Mobile Homes.** Temporary manufactured or mobile homes are allowed at bulding or remodeling sites for 120 days with no permit needed. Time period may be extended by zoning inspector if deemed necessary. (Adopted 3/7/88)

- Article VIII** **Signs and Advertising**
- Section 800** **Sign Defined and Regulated.** Any device or display designated to inform or attract the attention of persons not on the premises on which the sign is located. No sign or advertising structure of any classification shall be permitted in any district except as provided in Sections 801 to 838 inclusive.
- Section 801** **Outdoor Advertising Structures Defined.** Any outdoor display for the purpose of advertisement, notice, or announcement located apart from the premises or product referred to in the display.
- Section 802** **Measurement of 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 803** **General Provisions.** Permits for all signs and outdoor advertising structures shall be granted by the zoning officer in accordance with the requirements set forth in Sections 804 to 838, inclusive, except that no permit shall be required for any sign containing less than six square feet of advertising area or advertising the sale, rent or lease of the premises on which the sign is located.
- Section 804** **Location and Area of Advertising Signs.** Signs not exceeding 12 square feet in area and advertising the sale, rental or lease of the premises on which the sign is located shall be permitted on any property, except that the maximum size of such a sign in any residential district shall not exceed six square feet.
- Section 805** **Area of Announcement and Professional Signs.** Announcement or professional signs for home occupations and professional activities where permitted shall not exceed four square feet in area in a residential district and not more than six square feet in other districts.
- Section 806** **Signs for Public or Quasipublic Purposes.** Bulletin boards and signs for a church, school, community, or other public or quasipublic institutional building shall be permitted provided the area of such bulletin board or sign shall not exceed 15 square feet.
- Section 807** **Wall signs.** Wall signs pertaining to a nonconforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed 15 square feet.

- Section 808** **Use of Building Walls for Signs.** No building wall shall be used for display of advertising except that pertaining to the use carried on within such building.
- Section 809** **Temporary Signs.** Temporary signs not exceeding in the aggregate 50 square feet, announcing special public or institutional events or the erection of a building, the architect, the builders, contractors, etc., may be erected for a period of 60 days, plus the construction period.
- Section 810** **Signs and Public Rights-of-Way.** No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.
- Section 811** **Government Flags and Insignia.** Flags and insignia of any government except when displayed in connection with commercial promotion shall be permitted on any property.
- Section 812** **Signs Required by Governmental Bodies.** Legal notices; identification, information or directional signs erected or required by governmental bodies shall be permitted on any property.
- Section 813** **Electrically Illuminated Signs.** All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the National Electric Code (or the local electric code in effect).
- Section 814** **Marking of Signs.** All signs hereafter hung or erected shall be plainly marked with the name of the person, firm, or corporation hanging or erecting such sign.
- Section 815** **Attachment of Signs.** 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.
- Section 816** **Inspection of Electrical Signs.** No electrical sign of any description shall hereafter be erected without having first been inspected on the ground and approved by the zoning officer or his authorized agent. It shall be the duty of the erector of such sign to notify the zoning officer when such sign is ready for aforesaid ground inspection.

- Section 817** **Maintenance of Signs.** Should any sign be or become insecure or in danger of falling or otherwise unsafe, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the zoning officer proceed at once to put such sign in a safe and secure condition or remove the sign.
- Section 818** **Signs Installed in Violation of Requirements.** In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this ordinance, the zoning officer shall notify in writing the owner or leasee thereof to alter such sign so as to comply with this ordinance.
- Section 819** **Signs in Commercial and Industrial Districts.** In a commercial or industrial district, each business shall be permitted one flat or wall sign. Projection of wall signs shall not exceed two feet measured from the face of the main building.
- Section 820** **Area of Permanent Advertising Signs.** The area of all permanent advertising signs for any single business enterprise shall be limited according to the width of the building or part of building occupied by such enterprise. For the purposes of this section, width shall be measured along the building face nearest and parallel to the street line. In the case of a corner lot, either frontage may be used in determining maximum area of the sign.
- Section 821** **Free Standing Signs.** Free-standing signs not over 30 feet in height, having a maximum total sign area of 100 square feet per display area and located not closer than 10 feet to any street right-of-way line and not closer than 30 feet to any adjoining lot line may be erected to serve a group of business establishments. There shall be only one free-standing sign for each building, regardless of the number of businesses conducted in said building.
- Section 822** **Attachments to Wall Signs.** Every wall sign projecting out from the face of the building shall be securely attached to the building wall, structure, or suitable metal posts located within the lot lines by iron or metal anchors, bolts, supports, chains, stranded cables, or steel rods. No such sign shall project into the street right-of-way or be supported from a street, road, or sidewalk.
- Section 823** **Pole Signs.** Pole signs of symbolical design shall be permitted for business establishments, provided no part of such sign shall project into the right-of-way of any street or highway; the maximum area of any face of such sign shall not exceed 30 square feet; and the pole support of the sign shall not be less than 50 feet from any lot in any residential district.

- Section 824** **Area of Business Advertising Signs.** The area of all permanent advertising 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 width of a building, or part of a building, occupied by such enterprise, but shall not exceed a maximum area of 100 square feet.
- Section 825** **Roof Signs.** No sign shall be placed on the roof of any building.
- Section 826** **Political Signs.** No political sign shall be posted in anyplace or in any manner that is destructive of public property upon posting or removal. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two weeks following election day.
- Section 827** **Sign Setback Requirements.** Except as provided in this ordinance, signs and outdoor advertising structures where permitted shall be set back from the established right-of-way line of any street or highway at least as far as the required front yard depth for a principal use in such district except for the modifications in Sections 828 to 831, inclusive.
- Section 828** **Increased Setbacks.** For every square foot by which such sign or outdoor advertising structure exceeds 50 square feet, the setback shall be increased by one-half foot but need not exceed 100 feet.
- Section 829** **Setbacks at the Intersection of Highways.** At the intersection of any state, federal, or major local highway with a major or collector street, the setback of any sign or outdoor advertising structure shall not be less than 50 feet from the established right-of-way of each highway or street.
- Section 830** **Setbacks for Public and Quasipublic Signs.** Real estate signs and bulletin boards for a church, school, or any other public or quasipublic, religious or educational institution may be erected not less than 10 feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.
- Section 831** **Special Yard Provisions.** Signs and advertising structures where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located except no sign or advertising structure shall be erected or placed closer than within 50 feet to a side or rear lot line in any residential district.

- Section 832** **Illumination.** All signs and advertising structures except as hereinafter modified may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged as to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights.
- Section 833** **Subdivision Signs.** Upon application to the zoning officer, a permit may be issued as a conditional use in accordance with this ordinance allowing a land-sales sign, provided that the sign shall not be illuminated; the sign shall advertise the sale or development of a recorded lot subdivision; the sign shall be erected only upon the property for sale or being developed and shall be set back from the street right-of-way at least one foot for each square foot of sign area; the sign shall not be in excess of 30 square feet; not more than one such sign shall be placed along single road frontage of any property in single and separate ownership, provided that not more than two such signs may be permitted in any single development; and a permit for the erection, construction or maintenance of said sign shall expire within one year.
- Section 834** **Sign Permits Required.** A separate permit shall be required for the erection of signs regulated in this ordinance, except no permit shall be required for temporary real estate signs with an area of 12 square feet or less for the sale or lease of property and for small announcement signs with an area of less than four square feet. Announcement signs shall be removed by the person or persons responsible for posting same within 30 days after erection.
- Section 835** **Drawings and Specifications.** Clear drawings and specifications shall be made of the proposed sign indicating the location, quality of material, full dimensions in figures, supports, manner of erecting, manner of fastening the sign to the structure, number and the weight of the sign. Such plans to be made on blanks furnished by the zoning officer, signed by the owner or tenant of property for which sign is to be used and by the erecting contractor.

Section 836**Signs Interfering With Traffic Control or Movement Prohibited.**

No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or in an imitation of or resembles a traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any traffic control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit upon any highway, any traffic sign or signal bearing thereon any commercial advertising. This section does not prohibit the erection, upon private property adjacent to highways, of signs giving useful directional information of a type that cannot be mistaken for traffic control devices. Every such prohibited sign, signal, marking or device is a public nuisance, and the authority having jurisdiction over the highway may remove the same or cause it to be removed.

Section 837

Exemptions. Public notices by governmental bodies, traffic control signs and other official signs and notices are exempt from the provisions of this ordinance.

Article IX**Non-Conforming Uses****Section 900**

Intent. Within the districts established by this ordinance or amendments that may later be adopted there exist lots, structures, uses of land and structures, and characteristic of use which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance 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 901

Incompatibility of Non-Conforming Uses. Non-conforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, 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 ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

Section 902

Avoidance of Undue Hardship. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction provided that work shall be carried on diligently.

Section 903

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 ordinance, notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements

for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations or district in which such lot is located. Variance of yard requirements shall be obtained only through action on the board of zoning appeals.

Section 904

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 ordinance, 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 ordinance 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 ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

Section 905

Non-Conforming Uses of Land. Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance and where such use involves no individual structure with a replacement cost exceeding \$1,000. the use may be continued so long as it remains otherwise lawful, provided:

- (1) No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;
- (2) No such con-forming 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 ordinance.
- (3) If any such non-conforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located;
- (4) No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such non-conforming use of land.

Section 906

Non-Conforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, 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 a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity;
- (2) Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.
- (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 907

Non-Conforming Uses of Structures or of Structures and Premises in Combination. If lawful use involving individual structures with a replacement cost of \$1,000 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance 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 ordinance in the district in which it is located shall be enlarged, extended, constructed, re-constructed, 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 ordinance, 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 as a special exception be changed to another non-conforming use provided that the board of zoning appeals, either by general rule or by making findings in the

specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the board of zoning appeals may require appropriate conditions and safeguards in accord with the provisions of this ordinance.

- (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 six consecutive months or for 18 months during any three-year period (except when government action impedes access to these 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. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at time of destruction.

Section 908

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, to an extent not exceeding 10 percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it becomes non-conforming shall not be increased. If a non-conforming structure or portion of a structure containing a non-conforming use become 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 district in which it is located. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 909 **Uses Under Conditional Use Provisions Not Non-Conforming Uses.** Any use which is permitted as a conditional use in a district under the terms of this ordinance, other than a change through the board of zoning appeals action from a non-conforming use to another use not generally permitted in the district, shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

Article X **Administration and Enforcement**

Section 1000 **Office of Zoning Officer Created.** A zoning officer designated by the Board of Township Trustees, shall administer and enforce this ordinance. He may be provided with the assistance of such other persons as the Board of Township Trustees may direct. If the zoning officer shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

Section 1001 **Building Permits Required.** No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore issued by the zoning officer. No building permit shall be issued by the zoning officer except in conformity with the provisions of this ordinance unless he receives a written order from the board of zoning appeals in the form of an administrative review, conditional use, or variance as provided by this ordinance.

Section 1002 **Application for Building Permit.** All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the zoning officer, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this ordinance. One copy of the plans

shall be returned to the applicant by the zoning officer, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one copy of the plans, similarly marked, shall be retained by the zoning officer.

Section 1003

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

Section 1004

Zoning Certification for a Non-Conforming Use Required. No non-conforming structure or use shall be maintained, renewed, changed or extended until a zoning certificate shall have been issued by the zoning officer. The zoning certificate shall state specifically where in the non-conforming use differs from the provisions of this ordinance, provide that upon enactment or amendment of this ordinance owners or occupants of non-conforming uses or structures shall have six months to apply for zoning certificates. Failure to make such application within six months shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this ordinance.

Section 1005

Issuance of Zoning Certificates. No permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a zoning certificate, and the certificate shall be issued in conformity with the provisions of this ordinance upon completion of the work.

Section 1006

Temporary Zoning Certificate. A temporary zoning certificate may be issued by the zoning officer for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such temporary zoning certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

Section 1007

Record of Zoning Certificates. The zoning officer shall maintain a record of all zoning certificates, and a copy shall be furnished upon request to any person.

Section 1008

Failure to Obtain a Zoning Certificate. Failure to obtain a zoning certificate shall be a violation of this ordinance and punishable under Section 1025 of this ordinance.

- Section 1009** **Expiration of Building Permit.** If the work described in any building permit has not begun within 180 days from the date of issuance thereof, said permit shall expire; it shall be cancelled by the zoning officer; and written notice thereof shall be given to the persons affected. If the work described in any building permit has not been substantially completed within two and a half years of the date of issuance thereof, said permit shall expire and be cancelled by the zoning officer, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.
- Section 1010** **Construction and Use To Be as Provided in Applications, Plans, Permits, and Zoning Certificates.** Building permits or zoning certificates issued on the basis of plans and applications approved by the zoning officer authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this ordinance and punishable as provided by Section 1025 hereof.
- Section 1011** **Issuance of Zoning Certificate for Projects Requiring Site Plan Review.** The zoning officer shall not issue a zoning certificate for any application requiring site plan review by the planning commission and/or the board of zoning appeals, namely planned unit development (Article VI) and mobile home parks (Article VII), unless the site plan has been approved by the planning commission and/or the board of zoning appeals.
- Section 1012** **Board of Zoning Appeals Established.** A board of zoning appeals is hereby established, which shall consist of five members to be appointed by the Board of Township Trustees, each for a term of five years, except that the initial appointments shall be one each for one, two, three, four and five year terms. Each member shall be a resident of the unincorporated area of Rush Township. Members of the board of zoning appeals may be removed from office by the Board of Township Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by resolution of the Board of Township Trustees for the unexpired term of the member affected.
- Section 1013** **Proceedings of the Board of Zoning Appeals.** The board of zoning appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the board of zoning appeals 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 of zoning appeals 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 of zoning appeals.

Section 1014

Hearings; Appeals; Notice. Appeals to the board of zoning appeals concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the Township affected by any decision of the zoning officer. Such appeals shall be taken within a reasonable time, not to exceed 60 days or such lesser period as may be provided by the rules of the board of zoning appeals, by filing with the zoning officer and with the board of zoning appeals a notice of appeal specifying the grounds thereof. The zoning officer shall forthwith transmit to the board of zoning appeals all papers constituting the record upon which the action appealed from was taken. The board of zoning appeals shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

Section 1015

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

Section 1016

Powers and Duties of the Board of Zoning Appeals. The board of zoning appeals shall have the powers and duties set forth in Sections 1017 to 1027, inclusive.

Section 1017

Administrative Review. The board of zoning appeals shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning officer in the enforcement of this ordinance.

Section 1018

Conditional Uses. The board of zoning appeals shall hear and decide only such conditional uses as the board of zoning appeals specifically authorized to pass on by the terms of this ordinance; decide such questions as are involved in determining whether conditional uses should be granted; and grant conditional uses with such conditions and safeguards as are appropriate under this ordinance, or deny conditional uses when not in harmony with the purpose and intent of this ordinance. A conditional use shall not be granted by the board of zoning appeals unless and until:

- (1) A written application for a conditional use is submitted indicating the section of this ordinance under which the conditional use is sought and stating the grounds on which it is requested;
- (2) Notice shall be given at least 15 days in advance of public hearing. The owner of the property for which conditional use is sought or his agent shall be notified by mail. Notice of such hearings shall be posted on the property for which conditional use is sought, at the Township Hall, and in one other public place at least 15 days prior to the public hearing;
- (3) The public hearing shall be held. Any party may appear in person, or by agent or attorney;
- (4) The board of zoning appeals shall make a finding that it is empowered under the section of this ordinance described in the application to grant the conditional use and that the granting of the conditional use will not adversely affect the public interest;
- (5) Before any conditional use shall be issued, the board of zoning appeals shall make written findings certifying compliance with the specific rules governing individual conditional uses and that satisfactory provisions and arrangement has been made concerning the following, where applicable:
 - (a) ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
 - (b) off-street parking and loading areas where required, with particular attention to the items in (a) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district;
 - (c) refuse and service areas, with particular reference to the items in (a) and (b) above;
 - (d) utilities, with reference to locations, availability, and compatibility.

- (e) screening and buffering with reference to type, dimensions, and character;
- (f) signs, if any, and proposed exterior lighting with reference to glare, traffic safety economic effect, and compatibility and harmony with properties in the district;
- (g) required yards and other open spaces;
- (h) general compatibility with adjacent properties and other property in the district.

Section 1019

Variances; Conditions Governing Applications; Procedures. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance 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 the issuance of a variance. A variance from the terms of this ordinance shall not be granted by the board of zoning appeals unless and until:

- (1) A written application for a variance is submitted demonstrating:
 - (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 literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 - (c) That the 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 ordinance to other lands, structures, or buildings in the same district.
- (2) Notice of public hearing shall be given as in Section 1019 (2) of this ordinance;
- (3) The public hearing shall be held. Any party may appear in person, or by agent or by attorney;
- (4) The board of zoning appeals shall make findings that the requirements of Section 1019 (1) have been met by the applicant for a variance;

- (5) The board of zoning appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- (6) The board of zoning appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Section 1020 **Supplementary Conditions and Safeguards May Be Prescribed.** In granting any variance, the board of zoning appeals may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 1025 of this ordinance. Under no circumstances shall the board of zoning appeals grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

Section 1021 **Board Has Powers of Zoning Officer on Appeals; Reversing Decision of Zoning Officer.** In exercising the powers in Sections 1017 to 1020, inclusive, the board of zoning appeals may, so long as such action is in conformity with the terms of this ordinance reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the zoning officer from whom the appeal is taken. The concurring vote of four members of the board of zoning appeals shall be necessary to reverse any order, requirement, decision, or determination of the zoning officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any variation in the application of this ordinance.

Sections 1022 **Duties of Zoning Officer, Board of Zoning Appeals, Governing Body, and Courts on Matters of Appeal.** It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the zoning officer, and that such questions shall be presented to the board of zoning appeals only on appeal from the decision of the zoning officer, 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 ordinance that the duties of the Board of Township Trustees, in connection with this ordinance 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 ordinance. Under this ordinance the Board of Township Trustees, shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this ordinance as provided by law, and of establishing a schedule of fees and charges as stated in Section 1023 of this ordinance.

Section 1023 **Schedule of Fees, Charges, and Expenses.** The Board of Township Trustees shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, zoning certificates, appeals, and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the zoning officer, and may be altered or amended only by the Board of Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 1024 **Complaints Regarding Violations.** Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the zoning officer. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

Section 1025 **Penalties for Violation.** Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants or variances or conditional uses) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100 or imprisoned for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. 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 Township from taking such other lawful action as is necessary to prevent remedy any violations.

Article XI**Amendments****Section 1100**

General Requirements. Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of Township Trustees may by ordinance and required vote of the residents - - after receipt of recommendation thereon from the planning commission, and subject to the procedures provided by law - - amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property. It shall be the duty of the planning commission to submit its recommendations regarding all applications or proposals for amendments to the Board of Township Trustees.

Section 1101

Procedure for Change in Zoning Districts. Applications for any change of district boundaries or classifications of property as shown on the Official Zoning Map shall be submitted to the planning commission (zoning commission), at its public office, upon such forms, and shall be accompanied by such data and information as may be prescribed for that purpose by the planning commission (zoning commission), so as to assure the fullest practicable presentation of facts for the permanent record. Each proposal for a zone change shall be accompanied by a reproducible vicinity map at a scale approved by the zoning officer, showing the property lines, streets, and existing and proposed zoning. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications. Applications for amendments initiated by the planning commission (zoning commission) shall be accompanied by its motion pertaining to such proposed amendment. The procedure for amendment of the zoning ordinance shall follow the Ohio Revised Code, Chapter 713 (Cities and Villages), Chapter 519 (Townships) and Chapter 303 (Counties).

Section 1102

Application Fees. At the time that an application for a change of zoning districts is filed with the planning commission (zoning commission), as provided herein, a fee of \$30.00 shall be paid to the zoning officer, who shall deliver same to the Township Clerk, for investigation, legal notices, and other expenses incidental to the determination of the zoning change. Said fee shall be for one lot or part of one lot. An additional fee of \$5.00 shall be deposited for each additional lot or part of an additional lot which may be included in the request; such additional lot or part of a lot to be adjacent to each other. The total fee shall not exceed \$60.00. Such sums so deposited shall be credited to the general fund of the Township.

Article XII**Definitions****Section 1200**

Interpretation of Terms or Words. For the purpose of this ordinance, 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 mandatory; the word “may” is permissive.
- (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 1201

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

Section 1201-10

Accessory Structures: Structures such as sheds, storage sheds, pool houses, unattached garages, and barns. (Adopted 01/04/2010)

Section 1202

Agriculture: The word “agriculture” shall include agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.

Section 1202-10

Anemometer: An instrument that measures the force and direction of the wind. (Adopted 01/04/2010)

Section 1203

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

Section 1204

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

Section 1205

Building, Height of. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

- Section 1205-10** **Clear Fall Zone:** An area surrounding the wind turbine unit into which the turbine and or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located. The purpose of the zone being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel and will not intrude onto a neighboring property. (Adopted 01/04/2010)
- Section 1205-20** **Commercial Landfill:** Any area where solid material that is not generated on site is being deposited or placed. (Adopted 3/7/88)
- Section 1206** **Conditional Use:** A use permitted within a district other than a permitted use, requiring a conditional use permit and approval of the board of zoning appeals. Conditional uses permitted in each district are presented in the Official Schedule of District Regulations.
- Section 1207** **Conditional Use Permit:** A permit issued by the board of zoning appeals to allow a use other than a permitted use to be established within the district.
- Section 1207-10** **Cowling:** A streamlined removable cover that encloses the turbine's nacelle. (Adopted 01/04/2010)
- Section 1207- 90** **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 to the least perceptible sound to 130 for sound that causes pain. (Adopted 01/04/2010)
- Section 1208** **Dwelling, Single-Family:** A detached residential dwelling or housing unit other than a manufactured or mobile home, designed for and occupied by one family only, including public housing units and industrialized units. This type of dwelling consist of a single dwelling unit only, separated from other dwelling units by open space. This type of dwelling does not consist of manufactured or mobile homes, except it does consist of permanently sited manufactured housing as described below:
- (1) Dwelling, Permanently Sited Manufactured Housing
 - (a) 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.

- (b) “Permanently sited manufactured home” means a manufactured home that meets the following criteria:
- i. Has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with the federal construction and safety standards.
 - ii. The structure is affixed to a permanent foundation with all wheels, axles, hitch, or all other appurtenances of mobility removed and is connected to appropriate facilities. “Permanent foundation” means permanent masonry, concrete, or a footing or foundation approved by the Manufactured Homes Commission pursuant to Chapter 4781 of the Revised Code, to which a manufactured or mobile home may be affixed.
 - iii. 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 1,100 square feet. The zoning requirements may require a larger total living area.
 - iv. The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering.
 - v. The structure was manufactured after January 1, 1995.
 - vi. The structure is not located in a manufactured or mobile home park as defined by section 4781.01 of the Revised Code.
 - vii. The structure complies with all zoning requirements that are uniformly imposed on all single family residences within the district or zone in which the permanently sited manufactured home is or is to be located, except requirements that specify a minimum roof pitch and requirements that do not comply with the standards established pursuant to the “Manufactured Housing

Construction and Safety Standards Act of 1974, 88 Stat. 700,42 U.S.C.A. 5401.”

(Section 1208 Amended 11/02/2015)

- Section 1209** **Dwelling (Home), Manufactured or Mobile.** 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 five or more square feet, is built on a permanent chassis, is transportable in one or more sections.
(Amended 11/02/2015)
- Section 1210** **Dwelling, Multi-Family.** A residential building designed for or occupied by two or more families, with the number of families in residence not exceeding the number of dwelling units provided, including public housing units and industrialized units.
- Section 1211** **Dwelling or Housing Unit.** One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities, including industrialized units.
- Section 1212** **Essential Services.** The erection, construction, alterations, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, drains, mains, sewers, pipes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies 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.

Section 1213

Filling Station. Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, and no other:

- (1) Sales and servicing of spark plugs, batteries, and distributor and distributor parts;
- (2) Tire servicing and repair, but not recapping or regrooving;
- (3) Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
- (4) Radiator cleaning and flushing;
- (5) Washing and polishing, and sale of washing and polishing materials;
- (6) Greasing and lubrication;
- (7) Providing and repairing fuel pumps, oil pumps and lines;
- (8) Minor servicing and repair of carburetors;
- (9) Emergency wiring repairs;
- (10) Adjusting and repairing brakes;
- (11) Minor motor adjustment not involving removal of the head or crankcase or racing the motor;
- (12) Sales of cold drinks, packaged food, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to principal operations.
- (13) Provisions of road maps and other informational material to customers; provision of restroom facilities.

Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage nor a body shop.

Section 1214

Home Occupation. An occupation conducted in a dwelling unit, provided that:

- (1) No person other than members of the family residing on the premises shall be engaged in such occupation;
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- (3) 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;
- (4) No home occupation shall be conducted in any accessory building.
- (5) There shall be no sales in connection with such home occupation
- (6) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- (7) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Section 1215

Loading Space, Off-Street. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

- Section 1216** **Lot.** For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:
- (1) A single lot of record;
 - (2) A portion of a lot of record;
 - (3) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;
 - (4) A parcel of land described by metes and bounds,
- However, in no case of diversion or combination shall any residential lot or parcel be created which does not meet the requirements of this ordinance.
- Section 1217** **Lot Coverage.** Percentage of lot coverage shall be the ratio of enclosed ground floor area of all buildings to the horizontally projected area of the lot, expressed as a percentage.
- Section 1218** **Lot Frontage.** The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated in Section 1241 of this ordinance.
- Section 1219** **Lot, Minimum Area of.** The area of a lot is computed exclusive of any portion of the right-of-way of any public thoroughfare.
- Section 1220** **Lot Measurements.** A lot shall be measured as follows:
- (1) Depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
 - (2) Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width except in case of lots on the turning circle of cul-de-sacs, where the 80 percent requirements shall not apply.
 - (3) The ratio of depth to width for any lot shall not exceed 4 to 1 in all zoning districts. (Adopted 3/7/1988)

- Section 1221** **Lot of Record.** A lot of 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.
- Section 1222** **Lot Types.** Terminology used in this ordinance with reference to corner lots, interior lots, and through lots is as follows:
- (1) A corner lot is defined as 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 lot meet at an interior angle of less than 135 degrees.
 - (2) An interior lot is a lot other than a corner lot with only one frontage on a street.
 - (3) A through lot is 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.
- Section 1223** **Manufacturing, Heavy.** Manufacturing, processing, assembling, mining, storage, research, 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, vibration, dust, glare, air pollution, and water pollution, but not beyond the district.
- Section 1224** **Manufacturing, Light.** Manufacturing or 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 within enclosed structures; and generate little industrial traffic and no nuisances.
- Section 1224-30** **Megawatt (MW)** A unit of power, equal to one million watts.
(Adopted 01/04/2010)
- Section 1224-90** **Nacelle:** Sits atop the tower and contains the essential mechanical components of the turbine to which the rotor is attached (Adopted 01/04/2010)
- Section 1225** **Non-conforming Use.** A building, structure or use of land existing at the time of enactment of this ordinance, and which does not conform to the regulations of the district or zone in which it is situated.

- Section 1226** **Parking Space, Off-Street.** For the purposes of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for ten or more automobiles shall have individual spaces marked, and shall be so designated, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk or alley, and so that any automobile may be parked and unparked without moving another. For purposes of computation, an off-street parking space and necessary access and maneuvering room shall be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the Township.
- Section 1226-60** **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. **(Adopted 01/04/2010)**
- Section 1226-65** **Professional Engineer:** A qualified individual who is licensed as a Professional Engineer in the State of Ohio. **(Adopted 01/04/2010)**
- Section 1227** **Public Service Facility.** Any facility or utility operated in the interest of the public, including electricity, gas, steam, telephone, telegraphy, transportation, water, sewer, solid waste disposal, or any similar public service structure or land use.
- Section 1228** **Public Use.** A public school; park; administrative, cultural or recreational building, excluding public service facilities.
- Section 1229** **Quasipublic Use.** Churches, Sunday schools, parochial schools, colleges, hospitals, and other institutions of an educational, religious, charitable, philanthropic or nonprofit nature.
- Section 1230** **Residence, Low Density.** Land to be utilized and industrialized for single-family housing units, including public housing, not to exceed four families per acre.
- Section 1231** **Residence, Medium Density.** Land to be used for single- and multi-family housing units including public and industrialized housing and permanent or mobile units, not to exceed eight families per acre.

- Section 1232** **Residence, Multi-Family or High Density.** Land to be used for housing structures having two or more dwelling units per structure including public and industrialized housing, not to exceed 16 families per acre.
- Section 1233** **Retail Business, Convenience Type.** A small 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 and whose volume of business does not exceed \$250,000 per year. Examples of convenience-type businesses are drug stores, food stores, cleaners and barber shops.
- Section 1234** **Retail Business, Shopping Type.** A retail or service business which supplies a wide variety of comparison goods and services to consumers in a market area that includes the community or an area greater than a community. Examples of shopping-type businesses are furniture stores, automobile sales and service, jewelry stores and clothing shops.
- Section 1235** **Sewers, Central or Group.** A publicly approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.
- Section 1236** **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.
- Section 1237** **Sign.** Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.
- Section 1237-40** **Small Wind Project:** Any wind project less than 5MW which includes the wind turbine generator and anemometer. (Adopted 01/04/2010)
- Section 1238** **Structure.** Anything constructed or erected the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include building, manufactured or mobile homes, walls, fences, billboards, and poster panels.
- Section 1239** **Use.** The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any nonconforming use.

- Section 1240** **Variance.** A variance is a relocation of the term of the zoning ordinance where such variance 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 ordinance would result in unnecessary and undue hardship. As used in the ordinance a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of presence of non-conformities in the zoning district or uses in an adjoining zoning district.
- Section 1240-50** **Wind Power Turbine Owner:** The person, persons, or entity who owns the Wind Turbine structure. (Adopted 01/04/2010)
- Section 1240-55** **Wind Power Turbine Tower:** The support structure to which the turbine and rotor are attached. (Adopted 01/04/2010)
- Section 1240-60** **Wind Power Turbine Tower Height:** The distance from the rotor blade at its lowest point to the top surface of the ground at the Wind Power Generating Facility (WPGF) foundation. (Adopted 01/04/2010)
- Section 1241** **Yard.** A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three feet above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

Section 1242

Yard, Front. A yard extending between side lot lines across the front of a lot adjoining a public street. In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of three feet, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the height of three feet and ten feet.

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the zoning officer may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of all corner lots, a front yard of the required depth shall be provided on all frontages.

The minimum depth of required front yards shall be measured horizontally from the property line or right-of-way line to the main building or any projection thereof, other than the projection of the usual uncovered steps, uncovered balconies, or uncovered porch.

Section 1243

Yard, Side. A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full-and half-depth front yards have been established shall be considered side yards. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

Section 1244

Yard, Rear. A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

Section 1245

Zoning Certificate. A document issued by the zoning officer and/or the board of zoning appeals authorizing the use of lots, structures, uses of land and structures, and characteristics of use.

Article XIII Interpretation and Enactment

Section 1300 Provisions of Ordinance Declared To Be Minimum Requirements.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, or the general welfare. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances the most restrictive, or that imposing the higher standards, shall govern.

Section 1301 Separability Clause. Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 1302 Repeal of Conflicting Ordinances, Effective Date. All ordinances or parts of ordinances in conflict with this zoning ordinance, or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall become effective from and after the date of its approval and adoption, as provided by law.

This is to certify that this is a true and correct copy of the Official Rush Township Zoning Ordinance as Adopted on July 13, 1971 and subsequent Amendments as Adopted on March 07, 1988, August 02, 1993, January 04, 2010 and, November 02, 2015

8-21-17
(Date)

Cinda K. Bailey
Cinda Bailey, Chairman,

ATTEST Kathy Packman
Kathy Packman, Fiscal Officer

Adopted changes to Rush Township Zoning Resolution.

Effective Date: 07-04-2018

The Schedule of District Regulations, Minimum Yard Dimensions Column 13 (Front Yard) be amended in U-1 and R-2 Districts, repealing existing requirements and requiring 30 (thirty) feet for lots with on-site sewage treatment and lots with group or central sewage treatment.

The Schedule of District Regulations, Minimum Yard Dimensions Column 14 (One side yard) and Accessory Buildings Column 18 (Side Lot Line) be amended in U-1 and R-2 Districts, repealing existing requirements and requiring 12 (twelve) feet, for (One side yard) and (Side Lot Line), for lots with on-site sewage treatment and lots with group or central sewage treatment.

The Schedule of District Regulations, Minimum Yard Dimensions Column 15 (Sum of side yards) be amended in U-1 and R-2 Districts, repealing existing requirements and requiring 25 (twenty-five) feet, for (Sum of side yards), for lots with on-site sewage and lots with group or central sewage treatment.

The Schedule of District Regulations, Minimum Yard Dimensions Column 16 (Rear Yard) and Accessory Buildings Column 19 (Rear Lot Line) be amended in U-1 and R-2 Districts, repealing existing requirements and requiring 20 (twenty) feet for (Rear Yard) and (Rear Lot Line), for lots with on-site sewage and lots with group or central sewage treatment.

June 04, 2018
Adopted Date

Randy R. Williams
Trustee (Chair)
Rush Twp

July 04, 2018
Effective Date

Ed Fundall
Trustee
Rush Twp

Kathy Sackman
Attest
Fiscal Officer
Rush Twp

Amia K. Buehler
Trustee
Rush Twp

201800002873
Filed for Record in
CHAMPAIGN COUNTY, OHIO
GLENDA L. BAYMAN, RECORDER
07-05-2018 At 09:47 am.
AMENDMENT 20.00

Rush Township, Champaign County
Zoning Text Amendment

Article XXII Definitions, Section 1237-60

Solar energy related definitions:

- a) **Accessory Solar Energy**: A solar collection system consisting of one or more roof/structure mounted and/or ground/pole mounted solar collector devices and solar related equipment, and is intended to primarily reduce on-site consumption of utility power. A system is considered an accessory solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.
- b) **Principal Solar Energy Production Facility**: An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. Large solar energy production facilities consist of one or more free-standing ground/pole, or roof/structure mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. These production facilities primarily produce electricity to be provided off-site.
- c) **Solar Energy Equipment**: Items for the purpose of generation, transmission, and storage of electricity, including but not limited to a solar photovoltaic cell, solar panels, lines, pumps, inverter, batteries, mounting brackets, framing and/or foundation used for or intended to be used for the collection of solar energy.
- d) **Solar Photovoltaic (PV)**: The technology that uses a semiconductor to convert light directly into electricity.
- e) **Clear Fall Zone (Solar Energy)**: An area surrounding a ground/pole mounted solar energy system into which the system and/or components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing the structure's failure that shall remain unobstructed and confined within the property lines of the primary lot where the system is located. The purpose of the zone being that if the system should fall or otherwise become damaged, the falling structure will be confined to the primary parcel and will not intrude onto a neighboring property.



202200004200 Pages: 3
Filed for Record in CHAMPAIGN County, Ohio
Glenda L. Bayman, Recorder
08/18/2022 12:38 PM Recording Fees: \$20.00
ZONE AMEND OR 586 / p5721 - p5723

Section 564 Solar Energy Systems

A. Accessory Solar Energy Systems

It is the purpose of this regulation to promote the safe, effective, and efficient use of accessory solar energy systems installed to reduce the on-site consumption of utility-supplied electricity. An accessory solar energy system shall be considered a permitted accessory use in any district provided all requirements and regulations as set forth below are met.

No person shall cause, allow or maintain the use of an accessory solar energy system without first having obtained a zoning permit from the zoning inspector.

All accessory solar energy systems shall meet the following requirements:

1. No solar energy system for a dwelling shall have a production output of more than 50 kW. For a dwelling with multiple dwelling units, 50 kW is allowed per dwelling unit. No other principal use shall have an accessory system with a production output of more than 5 MW.
2. A solar energy system is permitted in all zoning districts as an accessory to a principal use.
3. A solar energy system shall not be used for the generation of power for the sale or donation of energy to other users, although this provision shall not be interpreted to prohibit the sale or donation of excess power generated from time to time to the local utility company or the sale or donation of power as part of a net metering or similar arrangement. Net metering or similar arrangements are those where electricity produced by the accessory solar energy system displaces electricity that would otherwise be purchased from an electric utility or supplier for the lot where the accessory system is located.
4. Roof/Structure mounted solar energy systems:
 - a. Shall not extend beyond the perimeter (or edge of roof) of the building on which it is located.
 - b. May be mounted to a principal or accessory building.
 - c. Combined height of the solar energy system and building to which it is mounted may not exceed the ridgeline of the roof for hip, gable, and gambrel roofs.
5. Ground/Pole mounted solar energysystems:
 - a. Shall be no taller than seventy-five (75) percent of the maximum building height allowed in that zoning district for accessory buildings.
 - b. Shall be permitted in the rear or side yard only.
 - c. Shall be erected within an established clear fall zone.
 - d. The minimum setback distance from the property lines for structures comprising solar energy systems and all related equipment shall be at least one hundred ten (110) percent of the height of any structure or at least twenty (20) feet from the nearest property line, whichever is greater.
6. Solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street right of ways.

7. Solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within six (6) months from the date they are no longer producing electricity, become damaged, discontinued or broken. Any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded within thirty (30) days of removal.
8. In addition to the site plan required for any zoning permit or conditional use permit, the following shall also be submitted at the time of application and shall include:
 - a. Height of the proposed solar energy system(s) at maximum tilt.
 - b. Evidence of established setbacks of 1.1 times the height of any structure other than a building and "clear fall zone".
 - c. Proof of notice to the electric company regarding the proposal.

B. Principal Solar Energy Production Facilities

No Principal Solar Energy Production Facility shall be located in a zoning district where such facilities are not explicitly listed as a permitted or conditionally permitted use.

It is not the purpose of this regulation to regulate a major utility facility, or subsidiary use, as defined by the Ohio Power Siting Board (50 MW or greater). It is also not the purpose of this regulation to regulate public utilities that meet the definitions as stated in the O.R.C. 4905.02 or O.R.C. 4905.03 and the three criteria of O.R.C. 4905.65(B).

Principal Solar Energy Production Facilities are prohibited in any district.

This Resolution is hereby adopted on this 18th day of July 2022.

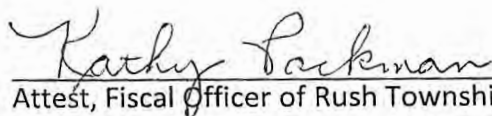


Chair, Board of Township Trustees



Member, Board of Township Trustees

Member, Board of Township Trustees



Attest, Fiscal Officer of Rush Township

Rush Township, Champaign County
Zoning Text Amendment

Amend Article XII Definitions by adding the following:

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

Amend Section 510 Off-Street Parking Requirements by adding the following:

(7) 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.

Amend Section 511 Number of Parking Spaces Required by changing the following:

Hospital, clinic, nursing home, or similar institution ~~Employee and bed~~ One for each 3 beds

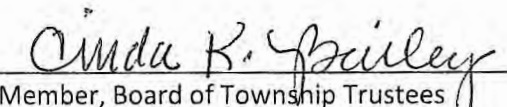
Amend the Official Schedule of District Regulations as follows:

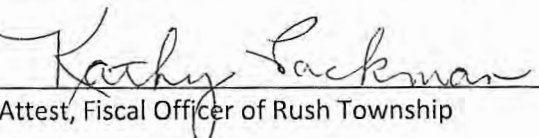
In the conditional uses list in Column 3 of the R-2 Medium Density Residential District, add "Nursing Home" to the list of conditional uses.

This Resolution is hereby adopted on this 5th day of September 2022.


Chair, Board of Township Trustees


Member, Board of Township Trustees


Member, Board of Township Trustees


Attest, Fiscal Officer of Rush Township

202200005017 Pages: 1 COPY
Filed for Record in CHAMPAIGN County, Ohio
Glenda L. Bayman, Recorder
10/06/2022 11:50 AM Recording Fees: \$20.00
ZONE AMEND OR 587 / p4170 - p4170

Rush Township, Champaign County
Zoning Text Amendment

Amend Article XXII Definitions, Section 1237-60 by changing the following:

Section 1237-60 Solar energy related definitions:

- a) **Accessory Solar Energy**: A solar collection system consisting of one or more roof/~~structure~~ **building** mounted, ~~and/or~~ ground/pole mounted, ~~and/or other structure mounted~~ solar collector devices and solar related equipment, and is intended to primarily reduce on-site consumption of utility power. A system is considered an accessory solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.
- b) **Principal Solar Energy Production Facility**: An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. **These production facilities primarily produce electricity to be used off-site. Large Principal** solar energy production facilities consist of one or more ~~free-standing-roof/building~~ **mounted, ground/pole mounted, and/or roof/structure** other structure mounted solar collector devices, solar related equipment, and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. **Examples include “Small Solar Facility” and “Community Solar Facility” as defined by statute or herein. These production facilities primarily produce electricity to be provided off-site.**
- c) **Solar Energy Equipment**: Items for the purpose of generation, transmission, and storage of electricity, including but not limited to a solar photovoltaic cell, solar panels, lines, pumps, inverter(s), batteries, mounting brackets, **racking**, framing and/or foundation used for or intended to be used for the collection of solar energy.
- d) **Solar Photovoltaic (PV)**: The technology that uses a semiconductor to convert light directly into electricity.
- e) **Clear Fall Zone (Solar Energy)**: An area surrounding a ground/pole mounted **or other structure mounted** solar energy system into which the system and/or components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing the structure’s failure that shall remain unobstructed and confined within the property lines of the ~~primary~~ lot where the system is located. The purpose of the zone being that if the system should

fall or otherwise become damaged, the falling structure will be confined to the **primary** parcel and will not intrude onto a neighboring property.

- f) **Small Solar Facility:** Pursuant to ORC 519.213 (A) (2), “Small Solar Facility” means solar panels and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than 50 MW.
- g) **Community Solar:** Also known as shared solar, or solar gardens, is an energy model that allows customers to buy or lease part of a larger off-site shared solar photovoltaic (PV) system. For the purposes of this Resolution, “Community Solar” is considered to be a “Principal Solar Energy Production Facility”.

Amend Section 564 Solar Energy Systems by changing the following:

Section 564 Small Solar Energy Systems (Less than 50 MW)

A. Accessory Solar Energy Systems

It is the purpose of this regulation to promote the safe, effective, and efficient use of accessory solar energy systems installed to reduce the on-site consumption of utility-supplied electricity. An accessory solar energy system shall be considered a permitted accessory use in any district provided all requirements and regulations as set forth below are met.

No person shall cause, allow or maintain the use of an accessory solar energy system without first having obtained a zoning permit from the zoning inspector.

All accessory solar energy systems shall meet the following requirements:

1. No solar energy system for a dwelling shall have a production output of more than 50 kW. For a dwelling with multiple dwelling units, 50 kW is allowed per dwelling unit. No other principal use shall have an accessory system with a production output of more than 5 MW.
2. An **accessory** solar energy system is permitted in all zoning districts as an accessory to a principal use.
3. An **accessory** solar energy system shall not be used for the generation of power for the sale or donation of energy to other users, although this provision shall not be interpreted to prohibit the sale or donation of excess power generated from time to time to the local utility company or the sale or donation of power as part of a net metering or similar arrangement. Net metering or similar arrangements are those where electricity produced by the accessory solar energy system displaces electricity that would otherwise be purchased from an electric utility or supplier for the lot where the accessory system is located. **Net metering or similar arrangements shall be incidental and secondary to the production for on-site use.**
4. **Accessory solar energy systems with a generation output of five hundred (500) watts or less, or a combination of accessory solar energy systems with an aggregate generation output of five hundred (500) watts or less, shall not require a permit and shall be exempt from the requirements of this section, provided that the system is**

independent and disconnected from the electrical service(s) supplied to the lot on which the accessory solar energy system is located.

5. ~~4.~~ **Roof/Structure Building mounted accessory solar energy systems:**
 - a. Shall not extend beyond the perimeter (or edge of roof) of the building on which it is located.
 - b. May be mounted to a principal or accessory building.
 - c. ~~Combined~~ **The height of the solar energy system and building to which it is mounted may not exceed the ridgeline of the roof for hip, gable, and gambrel roofs.**
6. ~~5.~~ **Ground/Pole mounted accessory solar energy systems:**
 - a. Shall be no taller than seventy-five (75) percent of the maximum building height allowed in that zoning district for accessory buildings.
 - b. Shall be permitted in the rear or side yard only.
 - c. Shall be erected within an established clear fall zone.
 - d. The minimum setback distance from the property lines for structures comprising solar energy systems and all related equipment shall be at least one hundred ten (110) percent of the height of any structure or at least twenty (20) feet from the nearest property line, whichever is greater.
7. **Other structure mounted accessory solar energy systems:**
 - a. Shall be no taller than seventy-five (75) percent of the maximum building height allowed in that zoning district for accessory buildings.
 - b. Shall be permitted in the rear or side yard only.
 - c. Shall be erected within an established clear fall zone.
 - d. The minimum setback distance from the property lines for structures comprising solar energy systems and all related equipment shall be at least one hundred ten (110) percent of the height of any structure or at least twenty (20) feet from the nearest property line, whichever is greater.
8. ~~6.~~ **Accessory Solar solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street right of ways.**
9. ~~7.~~ **Accessory Solar solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within six (6) months from the date they are no longer producing electricity, become damaged, discontinued or broken. Any earth disturbance as a result of the removal of the ~~ground mounted~~ accessory solar energy system shall be graded and reseeded within thirty (30) days of removal.**
10. ~~8.~~ **In addition to the site plan required for any zoning permit or conditional use permit, the following shall also be submitted at the time of application and shall include:**
 - a. Height of the proposed solar energy system(s) at maximum tilt.
 - b. Evidence of established setbacks of 1.1 times the height of any **ground/pole mounted or other structure mounted solar energy system structure other than a building** and "clear fall zone".
 - c. Proof of notice to the electric utility company, **Soil and Water Conservation District (for drainage impact purposes), and County Health Department/District (for on-site sewage treatment impacts)** regarding the proposal.

B. Principal Solar Energy Production Facilities

No Principal Solar Energy Production Facility shall be located in a zoning district where such facilities are not explicitly listed as a permitted or conditionally permitted use.

It is not the purpose of this regulation to regulate a major utility facility, ~~or subsidiary use~~, as defined by the Ohio Revised Code, which is regulated by the Ohio Power Siting Board (50 MW or greater). ~~It is also not the purpose of this regulation to regulate public utilities that meet the definitions as stated in the O.R.C. 4905.02 or O.R.C. 4905.03 and the three criteria of O.R.C. 4905.65(B).~~

Principal Solar Energy Production Facilities are prohibited in any district.

This Resolution is hereby adopted on this 3rd day of July, 2023.



Chair, Board of Township Trustees



Member, Board of Township Trustees



Member, Board of Township Trustees



Attest, Fiscal Officer of Rush Township