

Jefferson Township Logan County, Ohio

Zoning Resolution

Amendment

Effective:	July 29, 1971
Amended:	December 22, 1990
Amended:	September 24, 2002
Reprinted with all amendments:	November 1, 2002
Amended:	October 28, 2008
Amended:	October 27, 2009
Amended:	June 23, 2010
Amended:	August 18, 2010
Amended:	December 29, 2017
Amended:	April 9, 2018
Amended:	August 9, 2021
Amended	June 10, 2024

This version: Amended and restated to reflect amendments adopted June 10, 2024.

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PREAMBLE

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

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

ARTICLE I TITLE, INTERPRETATION, AND ENACTMENT

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

Section 101 Use of land or buildings for agricultural purposes not affected. The use of land or buildings for agricultural purposes are not affected by this Resolution and no zoning certificate shall be required for any such building or structure or use of land. Residential dwellings do require a permit however.

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

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

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

ARTICLE II DEFINITIONS

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

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

Access Management Standards. Pursuant to Chapter 5522 of the Ohio Revised Code, Access Management Regulations are regulations adopted by the County Engineer for the purposes of promoting traffic safety and efficiency, maintaining proper traffic capacity and traffic flow, reducing vehicular accident frequency, minimizing the future expenditure of public revenues, and improving the design and location of access connections to county and township roads while at the same time providing necessary and reasonable ingress and egress to properties along those roads. The regulations establish the standards necessary to properly manage access to county and township roads. **Adopted 08/09/2021 (Resolution #21-08-01)**

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

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

Farming – the raising of crops or livestock

Ranching – the raising or grazing of livestock

Aquaculture – the cultivation of aquatic plants or animals (as fish or shellfish) for human use.

Apiculture – raising and care of bees

Horticulture – cultivating and care of garden plants

Viticulture – planting and maintaining of grapevines

Animal Husbandry – the control and wise use of animals

“Medical marijuana” is not considered an “agricultural” use pursuant to ORC 519.21 (D). **Adopted 12/29/2017 (Resolution #2017-12-6)**

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

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

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

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

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

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

Bed & Breakfast: A house or portion thereof where short-term lodging and meals are provided for compensation. The operator of the Bed & Breakfast shall live on the premises or adjacent thereto. **Added 8/18/2010 (Resolution #201041)**

Boarding or Lodging House: ADDITION: This shall not apply to any commercial or non-commercial recreation facilities that may provide temporary lodging and/or food services to guests or participants. **Added 8/18/2010 (Resolution #201041)**

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

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

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

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

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

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

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

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

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

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

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

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

Common Access Driveway. A common access driveway (CAD) is a privately constructed, privately owned, and privately maintained driveway within an ingress/egress easement serving more than one lot (or parcel) but not more than five lots (or parcels), properly installed in accordance with the requirements of the Logan County Engineer and for which Logan County and the Township accept no responsibility for maintenance, dispute, or liability either initially or at any time in the future. A common access drive provides an alternative to construction of public or private streets for accessing small numbers of lots and reduces the number of driveways along public roads. All lots as part of a Common Access Driveway shall have the required road frontage (see Official Schedule of District Regulations). Lots not meeting the required road frontage shall be required to obtain a variance from the Township Board of Zoning Appeals. **Adopted 08/09/2021 (Resolution #21-08-01)**

Conditional Use. A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the Official Schedule of District Regulations.

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

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

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

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

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

Dwelling, Single Family. Detached, individual dwelling units, which accommodate one family living as one housekeeping unit. The type of construction of such units shall conform to the applicable building code, or be classified as an Industrialized Unit under the Ohio Basic Building Code, or conform to the Ohio Revised Code (ORC 519.212) definition of permanently-sited manufactured housing as follows:

Permanently Sited Manufactured Housing must:

- a. Be constructed pursuant to the HUD Code (Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.A. 88 stat. 700, 5401 and 5403) after January 1, 1995;
- b. Have a permanent label or tag attached to it as specified in 42 U.S.C.A. 5415, certified compliance with all federal construction and safety standards;
- c. Be attached to a permanent frost-free foundation meaning permanent masonry, concrete, or a locally approved footing or foundation (slab, crawl space foundation or full foundation), and connected to appropriate utilities;
- d. Excluding any additions, have a width of at least 22 feet and a length of at least 22 feet, as manufactured;
- e. Have a total living area of 1,000 square feet, excluding garages, porches or attachments;
- f. Have conventional residential siding (i.e. lap, clapboard, shake, masonry, vertical natural materials), a 6-inch minimum eave overhand, and a minimum "A" roof pitch of 3:12;
- g. Have removed its indicia of mobility (temporary axles, trailer tongue, running lights) upon placement upon its foundation;

- h. Meet all applicable zoning requirements uniformly imposed on all single-family dwellings in the particular district (excepting contrary requirements for minimum roof pitch and requirements that do not comply with HUD code standards for manufactured housing);
- i. And, it not located in a manufactured home park as defined by ORC 3733.01.
- j. Have a manufacture date of no more than two (2) years prior to installation.

Dwelling, Manufactured Home. A non self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the Federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the “Manufactured Housing Constructio and safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it. As specified in 42 U.S.C.A. 5415, certifying compliance with all applicable Federal construction and safety standards.

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

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

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

Dwelling, Tiny Home. A dwelling that is 400 square feet or less in floor area excluding lofts. A loft within a tiny home is a floor level located more than 30 inches above the main floor, open to the main floor on one or more sides with a ceiling height of less than 6 feet 8 inches and used as a living or sleeping space. **Adopted 08/09/2021 (Resolution #21-08-01)**

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

Family. One or more persons occupying a single dwelling unit, and living as a single housekeeping unit. **Revised 06/10/2021**

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

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

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

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

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

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

Home Occupation. An occupation conducted in a dwelling unit, provided that: No more than one person other than members of the family residing on the premises shall be engaged in such occupation. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than thirty-five (35) percent of floor area of the dwelling unit shall be used in the conduct of the home occupation. There shall be no change in the outside appearance of the building or premises', or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated and mounted flat against the wall of the principal building. No traffic shall be generated by such occupation in greater volume than would normally be expected in such a residential area and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution.

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

Junk Yard. Junk Yard means an establishment or place of business which is maintained or operated, or any other land used, for the purpose of storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. It shall also include scrap metal processing facilities, which are located within 1,000 feet of the nearest edge of the right-of-way of a highway or street.

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

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

Lot. For the purposes of this Resolution a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area for one principal building together with its accessory building and which provided such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots of record and portions of lots
4. of record, or of portions of lots of record
5. 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 Resolution. With respect to areas within the I-1 District, for the purpose of making measurements under other sections of this Resolution, such as determining the size of a lot or the length of the frontage of a lot, or for the purposes of Section 1116 of this Resolution, the term "lot" shall mean one (1) or more contiguous lots of record as recorded in the office of the County Recorder, or parcels of land as listed on the County Auditor's current tax list, owned or leased by a single person or entity and used by such person or entity as a unified whole for the purposes described in Section 815 of this Resolution. For purposes of determining the size of a lot in the I-1 District, such lot may include land

located in one or more other township(s), so long as the zoning resolution(s) and map(s) of the other township(s) also provide that such land may be used for the purposes described in Section 815 of this Resolution.

Lot, Corner. Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty five (135) degrees.

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

Lot, Flag. A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

Lot Frontage. Frontage must be computed on a street road that is legally accessible to a lot.

Lot Measurements. **Revised 10/28/2008 (Resolution #200861)**

A lot shall be measured as follows:

1. Depth- No lot containing less than ten (10) acres shall have an average depth that is more than four (4) times its width measured at the road right-of-way line. For the purposes of this requirement the average depth shall be the distance between the mid-point of a straight line connecting the foremost points of each side lot line at the front and the mid-point of a straight line connecting the rearmost points of the rear lot line.
2. Width of lots containing less than ten (10) acres: For lots containing less than ten (10) acres in area, the actual distance between the side lot lines at any point along the lot depth shall not be less than 80% of the required lot frontage. All lots shall meet the minimum frontage requirements as described in the Official Schedule of District Regulations.
3. Width of lots containing ten (10) or more acres: For lots containing ten (10) acres or more in area, the actual distance between the side lot lines at any point along the lot depth shall not be less than the lot frontage requirements.

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

Lot, Nonconforming. A lot does not meet the dimensional requirements of the district in which it is located that existed before these requirements became effective.

Lot of Record. A lot or parcel that exists as shown or described on a plat or deed in the records of the County Recorder and Engineer.

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

1. Corner Lot. Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty five (135) degrees.
2. Flag Lot. A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.
3. Interior Lot. A lot with only one frontage on a street.
4. Nonconforming Access Features. Features of the access system of a property that existed at the date of this articles' adoption that do not conform with the requirements of these regulations.
5. Through Lot. (also called a double frontage lot) – A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.
6. Reversed Frontage Lot - A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

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

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

Medical Marijuana Related Definitions.

- a) Cultivate. Means to grow, harvest, package, and transport medical marijuana pursuant to ORC 3796.
- b) Cultivator. Means an entity that has been issued a certificate of operation by the State of Ohio to grow, harvest, package, and transport medical marijuana as permitted under ORC 3796.
- c) Dispensary. Means an entity licensed pursuant to ORC 3796 and any rules promulgated thereunder to sell medical marijuana to qualifying patients and caregivers.
- d) Dispense. Means the delivery of medical marijuana to a patient or the patient's registered caregiver that is packaged in a suitable container appropriately labeled for subsequent administration to or use by a patient as permitted by Ohio law in accordance with Ohio law.
- e) Manufacture. Means the process of converting harvested plant material into marijuana extract by physical or chemical means for use as an ingredient in a medical marijuana product.
- f) Marihuana. Has the same meaning as defined in ORC 3719.01, as amended from time to time.
- g) Marijuana. Has the same meaning as defined in ORC 3796.01, as amended from time to time.
- h) Medical Marijuana. Has the same meaning as defined in ORC 3796.01, as amended from time to time.
- i) Medical Marijuana Entity. Means a medical marijuana cultivator, processor, dispensary, or testing laboratory licensed by the State of Ohio.
- j) Medical Marijuana Processor. Means an entity that has been issued a certificate of operation by the State of Ohio to manufacture medical marijuana products.
- k) Testing Laboratory. Means an independent laboratory located in Ohio that has been issued a certificate of operation by the State of Ohio to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research, or analysis. **Adopted 12/29/2017 (Resolution ##2017-12-6)**

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

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

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

Nonconforming Access Features. Features of the access systems of a property that existed at the date of this articles' adoption that do not conform with the requirements of these regulations.

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

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

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

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

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

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

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

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

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

Public Service Facility. The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping station, sewage disposal or pump station, and/or equipment, electrical, gas, water and sewage service and other similar public service structures or facilities whether publicly or privately owned; but excluding sanitary landfills and telecommunication towers.

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

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

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

Recreation, Non-commercial. Any business which is operated as a recreational enterprise, either publicly or privately owned, for nonprofit. Examples include, but are not limited to: fishing areas, parks, archery ranges, ballparks, etc.

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

- a) Motor Home. A self-propelled recreational vehicle that has no fifth wheel and is constructed with permanently installed facilities for cold storage, cooking, and consuming of food, and for sleeping.
- b) Travel Trailer/House Vehicle. A nonself-propelled recreational vehicle that does not exceed an overall length of forty feet, exclusive of bumper and tongue or coupling. "Travel trailer" includes a tent-type fold-out camping trailer.

- c) Truck Camper. A nonself-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck camper" does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling. **Amended 08/09/2021 (Resolution #21-08-01)**

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

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

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

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

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

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

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

Semitrailer/Sealand Containers. A vehicle designed or used for carrying persons or property with another and separate motor vehicle, so that in operation, a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle. **Adopted 08/09/2021 (Resolution #21-08-01)**

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

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

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

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

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

1. Sign, On-Premises. Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.

2. Sign, Off-Premises. Any sign unrelated to a business or profession conducted or to a commodity or service sold or offered upon the premises where such sign is located.
3. Sign, Illuminated. Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
4. Sign, Lighting Device. Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
5. Sign, Ground. Means a display sign supported by uprights or braces in or upon the ground surface.
6. Sign, Marquee. Means a display sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building and extending beyond the building wall, building line or street lot line.
7. Sign, Pole. Means any sign which is erected on a pole or poles, which is wholly or partially independent of any building for support.
8. Sign, Projecting. Means a display sign which is attached directly to the building wall and which extends more than fifteen inches from the face of the wall.
9. Sign, Roof. Means a display sign which is erected, constructed and maintained above the roof of the building.
10. Sign, Temporary. Means a display sign, banner or other advertising device constructed on cloth, canvas, fabric or other light temporary material, with or without a structural frame, intended for a limited period of display, including decorative displays for holidays or public demonstrations.
11. Sign, Wall. Means a display sign which is painted on or attached directly to the building wall and which extends not more than fifteen inches from the face of the wall.

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

Solar energy related definitions.

- a) Accessory Solar Energy. A solar collection system consisting of one or more roof/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) 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.
- c) 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".

- d) 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. Principal solar energy production facilities consist of one or more roof/building mounted, ground/pole mounted, and/or 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.
- e) 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.
- f) 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.
- g) Solar Photovoltaic (PV). The technology that uses a semiconductor to convert light directly into electricity.
Revised 06/10/2021

Solid Wastes: Means such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, and slag and other substances which are not harmful or inimical to public health, and includes, but is not limited to, garbage, *scrap tires* (added 6/23/2010), combustible and non-combustible material, street dirt, and debris. For purposes of this definition, “material from construction operations” and “material from demolition operations” and those items affixed to the structure being constructed or demolished, such as brick, concrete, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing, plumbing fixtures wiring, and insulation material.

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

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

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

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

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

Telecommunication Tower. Any structure with radio frequency transmission or reception equipment attached that is free standing or is to be connected to a building or other structure. A telecommunication tower shall meet all of the following conditions:

1. It is constructed on or after October 31, 1996;
2. It is owned or principally used by a public utility engaged in the provision of telecommunication services;
3. It is a freestanding structure or is attached to another building or structure and is higher than the maximum allowable height permitted in the zoning district in which it is located.

Tourist Home: A building or part thereof, other than a hotel, boarding house, lodging house or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients. **Added 8/18/2010 (Resolution #201041)**

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

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

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

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

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

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

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

Wholesale and Warehousing. Business establishments that generally store and sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments.

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

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

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

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

ARTICLE III ENFORCEMENT

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

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

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

Section 302 Approval of Zoning Permit. Within ten (10) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. All zoning permits shall, however, be conditional upon the commencement of work within six months. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked, such copy either as approved or disapproved and attested to same by his signature on such copy.

One copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Resolution.

Section 303 Submission to Director of Transportation. Before any zoning permit is issued affecting any land within three-hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or any land within a radius of five-hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail to the Director of Transportation, that he shall not issue a zoning permit for one-hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one-hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution issue the zoning permit.

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

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

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

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

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

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

Section 340 Complaints Regarding Violations. Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate and take action thereon as provided by this Resolution.

Section 350 Penalties for Violation. Violation of the provisions of this Resolution or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this Resolution shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one-hundred (100) dollars and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Board of Township Trustees from taking such other lawful action as is necessary to prevent or remedy any violation.

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

ARTICLE IV NON-CONFORMITIES

Section 400 Intent. Within the districts established by this Resolution or future amendments that may later be adopted there exists lots, uses of land, structures, and uses of structures and land in combination which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution or future amendments. It is the intent of this Resolution to permit these non-conformities to continue until they are removed or discontinued. It is further the intent of this Resolution that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Section 410 Incompatibility of Non-Conformities. Non-conformities are declared by this Resolution to be incompatible with permitted uses in the districts in which such use is located. A non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this Resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

Section 420 Avoidance of Undue Hardship. To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction, was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be carried out diligently.

Section 430 Single Non-Conforming Lots of Record. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at effective date of adoption or amendment of this Resolution notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Article 9 and 10 of this Resolution other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Section 540 through 549.

Section 431 Non-Conforming Lots of Record in Combination. If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Resolution and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Resolution and no portion of said parcel shall be used or sold in a manner which diminished compliance with lot width and area requirements established by this Resolution, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Resolution.

Section 440 Non-Conforming Uses of Land. Where, at the time of adoption of this Resolution lawful uses of land exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided:

1. No such non-conforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.
2. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution.
3. If any such non-conforming uses of land are discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.

4. No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such nonconforming use of land.

Section 450 Non-Conforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

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

Section 456 Non-Conforming Uses of Structures or of Structures and Land in Combination.

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

1. No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution; but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any non-conforming use of a structure or structure and land, may, upon appeal to the Board of Zoning Appeals, be changed to another non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Resolution.
4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;
5. When a non-conforming use of a structure, or structure and land in combination is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;
6. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land except as stated in Section 450 paragraph 2.

Section 470 Repairs and Maintenance. On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased. Nothing in

this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

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

ARTICLE V ADMINISTRATION

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

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

1. Upon finding that any of the provisions of this Resolution are being violated, he shall notify in writing the person responsible for such violation(s) ordering the action necessary to correct such violation;
2. Order discontinuance of illegal uses of land, buildings, or structures;
3. Order removal of illegal buildings or structures or illegal additions or structural alterations;
4. Order discontinuance of any illegal work being done;
5. Revoke a conditional use permit or approval issued contrary to this Resolution or based on a false statement or misrepresentation in an application or due to a change of purpose. **Adopted April 9, 2018. (Resolution #2018-4-9-2)**
6. Take any other action authorized by this Resolution to ensure compliance with or to prevent violation(s) of this Resolution. This may include the issuance of and action on zoning and certificate of occupancy permits and such similar administrative duties as are permissible under the law.

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

Section 511 Zoning Commission and its Duties. For the purposes of this Resolution the Commission shall have the following duties:

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

Section 520 Board of Zoning Appeals Created. A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Board of Township Trustees each for a term of five (5) years, except that the initial appointments shall be one (1), two (2), three (3), four (4) and five (5) year terms. Each member shall be a resident of the township. Members of the Board may be removed from office by the Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Trustees for the unexpired term of the member affected.

Section 521 Proceedings of the Board of Zoning Appeals. The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other officials actions, all of which shall be a public record and be immediately filed in the office of the Board.

Section 522 Duties of the Board of Zoning Appeals. In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to

be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution or to effect any variation in the application of this Resolution. For the purpose of this Resolution the Board has the following specific responsibilities:

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

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

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

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

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

Section 543 Variances. The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be

granted on the grounds of convenience or profit, but only where strict application of the provisions of this Resolution would result in unnecessary hardship.

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

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

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

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

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

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

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

Section 549 Action by Board of Zoning Appeals. Within thirty (30) days after the public hearing required in Section 547, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 545, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding that the reasons

set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. Appeals from Board decisions shall be made in the manner specified in Section 530.

Section 560 Procedure and Requirements For Approval of Conditional Use Permits. Conditional uses shall conform to the procedures and requirements of Section 561-568, inclusive of this Resolution.

Section 561 General. It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Article 9, shall follow the procedures and requirements set forth in Sections 562-568, inclusive.

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

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

Section 563 General Standards Applicable to all Conditional Uses. The Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of Article 9 and appears on the Official Schedule of District Regulations adopted by Section 910 for the zoning district involved;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
3. Will not be hazardous or disturbing to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not involve uses, activities, processes, materials equipment and conditions of operation that will be detrimental to property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes or odors;
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

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

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

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

Section 568 Expiration of Conditional Use Permit. A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within one (1) year of the date on which the permit was issued, or if for any reason such use shall cease for more than two (2) years. **Amended April 9, 2018 (Resolution #2018-4-9-2)**

ARTICLE VI AMENDMENT

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

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

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

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

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

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

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

Section 605 Submission to Director of Transportation. Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway the Commission shall give notice, by registered mail or certified mail to the Director of Transportation. The Commission may proceed as required by law, however, the Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date

the notice is received by the Director of Transportation. If the Director of Transportation notifies the trustees that he shall proceed to acquire the land needed, then the trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the trustees that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the trustees shall proceed as required by law.

Section 606 Recommendation by Zoning Commission. Within seventy (70) days from the receipt of the proposed amendment, the Zoning Commission after public hearing and complying with all requirements of Chapter 519.12 of the Ohio Revised Code, shall transmit its recommendation to the Township Trustees. The Zoning Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.

Section 607 Public Hearing by Township Trustees. Upon receipt of the recommendation from the Zoning Commission, the Township Trustees shall schedule a public hearing. Said hearing shall be not more than thirty (30) days from the receipt of the recommendation from the Zoning Commission.

Section 608 Notice of Public Hearing in Newspaper. Notice of the public hearing required in Section 607 shall be given by the Township Trustees in compliance with the requirements of Chapter 519.12 of the Ohio Revised Code as amended.

Section 610 Action by Township Trustees. Within twenty (20) days after the public hearing required by Section 607, the Township Trustees shall either adopt or deny the recommendation of the Zoning Commission, or adopt some modification thereof. In the event the Trustees denies or modifies the recommendation of the Zoning Commission, it must do so by unanimous vote.

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

ARTICLE VII PROVISIONS FOR OFFICIAL ZONING MAP

Section 700 Official Zoning Map. The districts established in Article 8 of this Resolution as shown on the Official Zoning Map which, together with all explanatory matter thereon, are hereby adopted as part of this Resolution.

Section 710 Identification of the Official Zoning Map. The Official Zoning Map shall be identified by the signature of the Chairperson of the Board of Township Trustees and attested by the Clerk.

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

1. Where district boundaries are indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries;
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries.
2. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;

Section 730 Replacement of the Official Zoning Map. In the event that for some reason the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret, the township trustees may by resolution adopt a new map which shall supersede the prior map. The new map may correct drafting errors in the prior map, but no such correction shall have the effect of amending the original map or subsequent amendment thereof. The new map shall be identified by the signature of the chairman of the trustees, attested to by the township clerk, and bearing the following words: This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted _____ date _____ as part of the Zoning Resolution of Jefferson Township Logan County, Ohio.

ARTICLE VIII ESTABLISHMENT AND PURPOSE OF DISTRICTS

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

Section 810 Rural District (U-1). The intention of the rural district is to provide land which is suitable or used for agriculture, conservation, very low-density residence and public and quasipublic purpose. Very low density residential land use refers to farm housing units and isolated residential developments not requiring a major plat under the County's Subdivision Regulations. (A major plat consists of 6 or more lots). Some residential, commercial and industrial development may be permitted as conditional uses under Section 560. On-site water and sewer facilities are permitted, provided such facilities comply with the County Health Department Regulations.

Section 811 Low Density Residential District (R-1). The purpose of the low-density residential district is to provide land for single-family dwelling units not to exceed four dwelling units per acre with a central sewage system. This district shall also include land that is subdivided which requires a major plat under the County's Subdivision Regulations. (A major plat consists of 6 or more lots). Specific permitted and conditional uses are listed on the Official Schedule of District Regulations.

Section 812 Medium Density Residential District (R-2). The purpose of the R-2 District is to permit the establishment of medium density single-family dwellings not to exceed eight dwelling units per gross acre with a central sewage system. This district is also designed to permit multi-family dwellings as a conditional use. Specific permitted uses and conditional uses are listed on the Official Schedule of District Regulations.

Section 813 Service Business District (B-1). The purpose of the B-1 District is to provide land for sales, service and repair businesses which require highway orientation or larger tracts of land not normally found in local business areas. A variety of convenience and shopping-type activities may be available in addition to service businesses. Specific permitted and conditional uses are listed on the Official Schedule of District Regulations.

Section 814 Heavy Manufacturing District (M-2). The purpose of this District is to provide land for major manufacturing, processing, storage, warehousing, mineral extraction, research and testing facilities and similar operations. These activities may require large sites, extensive community services, have large, open storage and service areas, and generate greater industrial traffic than in a light-manufacturing district. Specific permitted and conditional uses are listed on the Official Schedule of District Regulations.

Section 815 Special Limited Industrial District (I-1). The purpose of the special limited industrial district is to provide land to be used exclusively for major industrial or manufacturing or related purposes requiring a larger site than is required in the M-2 district, and specifically including without limitation (a) establishments for the development, manufacture and assembly of motor vehicles and other forms of transportation; the development, manufacture and assembly of production equipment; the development, manufacture and assembly of engines; the development, manufacture and assembly of power products and equipment; and any and all other processes related to any of the foregoing; (b) establishments and facilities for the conduct of research and testing concerning the development of: automotive, vehicular and other forms of transportation; engines; power products and equipment; production equipment; any and all other processes related to any of the foregoing; and improved highway facilities for vehicular traffic; (c) transport terminals, any wholesale, storage (open or enclosed) or warehousing business structure or premises for receiving, storing and/or distributing goods, including railroad stations, lines, and terminals; (d) storage (enclosed by screening of 100 percent opacity) of dismantled or wrecked motor vehicles or parts thereof used in connection with the research, development and testing activities and uses under the foregoing clause (b); (e) aviation field (private); and (f) utilities to service all of the above; and excluding all other uses except as specifically permitted in this Resolution or the Official Schedule of District Regulations, provided that such permitted industrial or manufacturing establishments meet the requirements of Sections 1020 to 1024, inclusive, of this Resolution concerning Special Provisions for Commercial and Industrial Uses. In order to qualify for the I-1 District classification, a lot (as defined with respect to the I-1 District in Article II) must be comprised of at least nine hundred (900) contiguous acres and be owned, leased or controlled by a person. (See Official Schedule of District Regulations.)

ARTICLE IX DISTRICT REGULATIONS

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

1. No building, structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall be erected or altered:
 - a. to provide for greater height or bulk;
 - b. to accommodate or house a greater number of families;
 - c. to occupy a greater percentage of lot area;
 - d. to have narrower or smaller rear yards, front yards, side yards or other open spaces;
3. No yard or lot existing at the time of passage of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Resolution shall meet at least the minimum requirements set forth herein.

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

<u>ZONING DISTRICTS</u> (Symbols as used on the Official Zoning Map) 1	<u>PERMITTED USES</u> (Accessory uses and essential services are included) 2	<u>CONDITIONAL USES</u> (Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals) 3
U-1 RURAL DISTRICT	Orchards; Agriculture; Very low density residence; Public & quasi-public use;	Shopping-type retail; Convenience-type retail; Public service facility; Animal hospital, clinic, kennel; Home occupation; Commercial & non-commercial recreation; Service business; Mineral extraction; Light & heavy manufacturing; Signs & advertising structures; Manufactured dwelling (mobile home); Manufactured dwelling (mobile home) park; Recreational Vehicles as specified in Section 1006; Amended 08/09/2021 (Resolution #21-08-01)
R-1 LOW DENSITY RESIDENTIAL DISTRICT	Single-family dwelling; Public & quasi-public use; Manufactured dwelling (modular & sectional units);	Agriculture; Commercial & non commercial recreation; Public service facility; Home occupation; Service business; telecommunication towers; Recreational Vehicles as specified in Section 1006; Amended 08/09/2021 (Resolution #21-08-01)
R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT	Single-family dwelling; Public & quasi-public use;	Multi-family dwelling; Non-commercial recreation; Home occupation; Manufactured dwelling (mobile home); Manufactured dwelling (mobile home) park; telecommunication towers; Recreational Vehicles as specified in Section 1006; Amended 08/09/2021 (Resolution #21-08-01)
B-1 SERVICE BUSINESS DISTRICT	Convenience & shopping-type retail; Offices, Service business; Drive-in business; Eating & drinking establishments; Commercial recreation; Animal hospital, clinic, kennel; Personal services; Transient lodgings; Public & quasi-public use; Single & multi-family dwellings*; Supply yards;	Wholesale & warehousing; Food processing; Printing & publishing; Transport terminals; Signs & advertising structures; Public service facility; Recreational Vehicles as specified in Section 1006; Amended 08/09/2021 (Resolution #21-08-01)
I-1 SPECIAL LIMITED INDUSTRIAL DISTRICT	Agriculture & farms; Industry, light & heavy manufacturing; Research, development & testing; Wholesale & warehousing; Transport terminals; Aviation field (private); Storage (open or enclosed) of new vehicles; Storage (enclosed by screening of 100% opacity) of dismantled or wrecked motor vehicles or parts thereof used in connection with research, development & testing; Utilities (structures & installations which are necessary utilities to service a permitted use within the I-1 district. ACCESSORY USES: Accessory uses & structures used in conjunction with any permitted use shall be allowed, including without limitation uses or structures for recreational, health, eating & related purposes.	Signs & advertising structures not otherwise specifically permitted; Public service facility; Recreational Vehicles as specified in Section 1006; Amended 08/09/2021 (Resolution #21-08-01)
M-2 HEAVY MANUFACTURING DISTRICT	Light & heavy manufacturing & retailated offices; Wholesale & warehouseing; Printing & publishing; Transport terminals; Public & quasi-public use; Food processing.	Signs & advertising structures; Mineral extraction; Junk storage & sales; Public service facility; Recreational Vehicles as specified in Section 1006; Amended 08/09/2021 (Resolution #21-08-01)

	<u>MINIMUM LOT SIZE</u>			<u>MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED</u> (Principal and Accessory Buildings)	<u>MINIMUM FLOOR AREA</u> (Square Feet)	<u>MAXIMUM HEIGHT OF (PRINCIPAL) BUILDINGS</u>		<u>MINIMUM YARD DIMENSIONS</u> (feet)			
	(Square feet per household)		Frontage (Width) (Feet)			Front	Side Yards		Rear		
	With On-Site Sewage Treatment	With Group or Central Sewage Treatment					Stories	Feet		One Side Yard	Sum of Side Yards
			4			5			6		
U-1	40,000	-----	150	25	1,000*	2 1/2	35	50	20	40	30
R-1	40,000	-----	150	25	1,000	2 1/2	35	50	20	40	30
			10,800								
R-2	-----	5,400 (single) 2,700 (multi)	60 70	25 30	800 575	2 1/2 3	35 40	30 25	8 8	20 20	30 30
B-1	40,000	-----	150	50	none	3	40	30	none	none	20
			15,000								
I-1	900 acres*	900 acres*	500	So long as the other I-1 requirements are complied with, there shall be no restrictions on the number or square feet of buildings which may be constructed or structurally altered, or the % of the lot to be occupied, on property in the I-1 District regardless of any restrictions as to the number of buildings per lot**	none*	8	96	***	***	***	***
M-2	120,000	-----	200	50	none	4	60	50	20*	50*	40*

	<u>ACCESSORY BUILDINGS</u>			<u>MINIMUM (MANDATORY) OFF-STREET PARKING SPACE</u> (One unit for each)	<u>MINIMUM (MANDATORY) OFF-STREET LOADING SPACE</u>	<u>SIGNS PERMITTED</u>	<u>OTHER PROVISIONS AND REQUIREMENTS</u> (Supplementary regulations, prohibitions, notes, etc.)
	Maximum Height (feet)	Minimum Distance In Feet To					
		Side lot line	Rear lot line				
	15	16	17	18	19	20	21
U-1	20	10	10	See Article XI	See Article XI	See Article XII	*900 square feet for mobile dwelling
R-1	15	10	10	"	"	"	Use parenthesis figures if central sewage system.
R-2	15	2	5	See Article XI	See Article XI	See Article XII	*Refer to R-1 district
B-1	20	0	0	See Article XI	See Article XI	See Article XII	*Refer to appropriate R district regulations. Non-residential use cannot be conducted closer than 40 feet to any lot line of a residential structure.
I-1							*Comprised of one or more contiguous parcels of land which are either owned, leased or controlled by a person. **contained in Article X, Section 1060 of this Resolution ***See Section 1062 Mineral extraction, major residential development; other uses prohibited by law.
M-2	25	10	20	See Article XI	See Article XI	See Article XII	*Non-residential use cannot be conducted closer than 40 feet to any lot line of a residential structure.

ARTICLE X SUPPLEMENTARY DISTRICT REGULATIONS

Section 1000 General. The purpose of supplementary district regulations is to set specific conditions for various uses, classification of uses or areas where problems may frequently be encountered.

Section 1001 Conversion of Dwellings to More Units. A residence may be converted to accommodate an increased number of dwelling units provided;

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

Section 1002 Private Swimming Pools. A private swimming pool, not including farm ponds, shall be any pool, lake, or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than 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 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 adjacent properties. Said fence or wall shall be not less than five feet in height and maintained in good condition with a gate and lock.

Section 1003 Community or Club Swimming Pools. Community and club swimming pools are permitted in any commercial or non-commercial recreation in accordance with Official Schedule Regulations and shall comply with the following conditions and requirements:

1. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;
2. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line;
3. The parking or storage, within any district, of a junked, dismantled or wrecked automotive vehicle or parts thereof which is in public view of any highway for a period of more than thirty days shall be prohibited.

Section 1004 Temporary Structures. Temporary structures, such as a manufactured home or mobile home, an existing dwelling, mobile offices, construction trailers, construction equipment and construction materials, used in conjunction with construction work on a lot require a zoning permit. The zoning inspector may approve a zoning permit for temporary structures, but such temporary structures shall be removed upon completion of the construction work or within 24 months upon issuance of an approved zoning permit, whichever occurs first. **Amended 08/09/2021 (Resolution #21-08-01)**

Section 1005 Parking and Storage of Certain Vehicles. **(Revised October 27, 2009)**

The following provisions and requirements shall pertain to the parking and storage of certain vehicles:

1. The parking or storage, within any district, of automotive vehicles without current license plates, for a period of more than ten (10) days shall be prohibited unless such vehicle is stored in an enclosed garage or other accessory building;
2. The parking or storage, within any district, of a disabled automotive vehicle for a period of more than ten (10) days shall be prohibited unless such vehicle is stored in an enclosed garage or other accessory building;
3. The parking or storage, within any district, of a junked, dismantled or wrecked automotive vehicle or parts thereof within any district which is in public or private view from any highway and neighboring property for a period of more than ten (10) days shall be prohibited.

As used in this section, "junk motor vehicle" means, per ORC 505.173 (E), a motor vehicle that meets all the following criteria:

- (1) Three model years old, or older;*
- (2) Apparently inoperable;*
- (3) Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.*

In addition, all other sections of ORC 505.173 are adopted into this resolution:

ORC 505.173 Storage of junk motor vehicles.

(A) Notwithstanding sections 4513.60 to 4513.65 of the Revised Code, the board of township trustees may adopt resolutions as the board considers necessary to regulate the storage of junk motor vehicles on private or public property within the unincorporated area of the township. No resolution shall restrict the operation of a scrap metal processing facility licensed under authority of sections 4737.05 to 4737.12 of the Revised Code; the operation as a motor vehicle salvage dealer, salvage motor vehicle auction, or salvage motor vehicle pool of a person licensed under Chapter 4738. of the Revised Code; or the provision of towing and recovery services conducted under sections 4513.60 to 4513.63 of the Revised Code, including the storage and disposal of junk motor vehicles removed from public or private property in accordance with those sections. Except for a case in which division (C) of this section applies, no resolution shall prevent a person from storing or keeping, or restrict a person in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to the possession of the property, except that a person having such permission may be required to conceal, by means of buildings, fences, vegetation, terrain, or other suitable screening, any unlicensed collector's vehicle stored in the open.

(B) In addition to other remedies provided by law, the board of township trustees may institute an action for injunction, mandamus, or abatement, or any other appropriate action or proceeding to prohibit the storage of junk motor vehicles in violation of this section.

(C) Regardless of whether it is licensed or unlicensed, a collector's vehicle is a "junk motor vehicle" for purposes of this section if the collector's vehicle meets all of the criteria contained in division (E) of this section. If a collector's vehicle meets all of the criteria contained in division (E) of this section, a board of township trustees, in accordance with division (A) of this section, may regulate the storage of that motor vehicle on private or public property in the same manner that the board may regulate the storage of any other junk motor vehicle and, in case of a violation of this section, may pursue any remedy provided by law, including any remedy provided in division (B) of this section.

(D) Whoever violates any resolution adopted under this section is guilty of a minor misdemeanor. Each day that a violation of this section continues constitutes a separate offense. Fines levied and collected under this section shall be paid into the township general revenue fund.

This section shall not apply to properly licensed junkyards and motor vehicle salvage facilities which are regulated by appropriate sections of the Ohio Revised Code.

Enforcement

When a junk vehicle is brought to the attention of the township, a township official should collect sufficient evidence. This evidence may be obtained by inspection of the property and/or taking of photographs to document the condition of the vehicle(s). In order to facilitate enforcement of the township incorporates the provisions of ORC 505.871 as a part of the zoning resolution a follows:

505.871 Removal of junk motor vehicle.

(A) A board of township trustees may provide, by resolution, for the removal of any vehicle in the unincorporated territory of the township that the board determines is a junk motor vehicle, as defined in section 505.173 of the Revised Code.

(B) If a junk motor vehicle is located on public property, the board of township trustees may provide in the resolution for the immediate removal of the vehicle.

(C)(1) If a junk motor vehicle is located on private property, the board of township trustees may provide in the resolution for the removal of the vehicle not sooner than fourteen days after the board serves written notice of its intention to remove or cause the removal of the vehicle on the owner of the land and any holders of liens of record on the land.

(2) The notice provided under this division shall generally describe the vehicle to be removed and indicate all of the following:

(a) The board has determined that the vehicle is a junk motor vehicle.

(b) If the owner of the land fails to remove the vehicle within fourteen days after service of the notice, the board may remove or cause the removal of the vehicle.

(c) Any expenses the board incurs in removing or causing the removal of the vehicle may be entered upon the tax duplicate and become a lien upon the land from the date of entry.

(3) The board shall serve the notice under this division by sending it by certified mail, return receipt requested, to the owner of the land, if the owner resides in the unincorporated territory of the township or if the owner resides outside the unincorporated territory of the township and the owner's address is known or ascertainable through an exercise of reasonable diligence. The board also shall send notice in such manner to any holders of liens of record on the land. If a notice sent by certified mail is refused or unclaimed, or if an owner's address is unknown and cannot reasonably be ascertained by an exercise of reasonable diligence, the board shall publish the notice once in a newspaper of general circulation in the township before the removal of the vehicle, and, if the land contains any structures, the board also shall post the notice on the principal structure on the land.

A notice sent by certified mail shall be deemed to be served for purposes of this section on the date it was received as indicated by the date on a signed return receipt. A notice given by publication shall be deemed to be served for purposes of this section on the date of the newspaper publication.

(D) The board of township trustees may cause the removal or may employ the labor, materials, and equipment necessary to remove a junk motor vehicle under this section. All expenses incurred in removing or causing the removal of a junk motor vehicle, when approved by the board, shall be paid out of the township general fund from moneys not otherwise appropriated, except that if the expenses exceed five hundred dollars, the board may borrow moneys from a financial institution to pay the expenses in whole or in part.

(E) The board of township trustees may utilize any lawful means to collect the expenses incurred in removing or causing the removal of a junk motor vehicle under this section, including any fees or interest paid to borrow moneys under division (D) of this section. The board may direct the township fiscal officer to certify the expenses and a description of the land to the county auditor, who shall place the expenses upon the tax duplicate as a lien upon the land to be collected as other taxes and returned to the township general fund.

(F) Notwithstanding section 4513.65 of the Revised Code, but subject to division (G)(2) of this section, any collector's vehicle that meets the definition of a junk motor vehicle is subject to removal under this section.

(G)(1) Nothing in this section affects the authority of a board of township trustees to adopt and enforce resolutions under section 505.173 of the Revised Code to regulate the storage of junk motor vehicles on private or public property in the unincorporated territory of the township.

(2) A resolution adopted under this section is subject to the same restrictions specified in division (A) of section 505.173 of the Revised Code for resolutions adopted under that section.

This section shall not apply to properly licensed junkyards and motor vehicle salvage facilities which are regulated by appropriate sections of the Ohio Revised Code.

Section 1006 Recreational Vehicles. Recreational vehicles shall be parked in an approved campground, Recreational Vehicle Park, or Recreational Vehicle Site, with the exception that no more than one (1) recreational vehicle may be permitted as a conditional use in any district on a residential or undeveloped lot subject to the following:

1. A recreational vehicle may be temporarily occupied only after receiving a conditional use permit, in accordance with this Section.
2. Any occupied recreational vehicle shall comply with the required setbacks for principal buildings in the district.
3. No recreational vehicle shall be occupied for dwelling purposes for more than sixty (60) days within any six (6) month period. Timeframes shall be specified in the application for conditional use.
4. A letter from the County Health Department/District or appropriate sanitary sewer operating authority stating any sewage generated shall be disposed of in accordance with all applicable local, state, and federal regulations.
5. Nothing shall prohibit a property owner from storing his/her recreational vehicle as an accessory use. **Adopted 08/09/2021 (Resolution #21-08-01)**

Section 1008 Mobile Trailers Prohibited for Business, Storage, Sign Purposes, and Residence. The use of a tractor trailer, box car, sealand container, or other similar type trailer, container, or structure shall not be permitted as an office or business structure, storage facility, sign structure, or residence except as stated in Section 1004. The purpose of this section is to regulate the use of these type of mobile trailers, but not the exterior materials. **Adopted 08/09/2021 (Resolution #21-08-01)**

Section 1010 Supplemental Yard and Height Regulations. In addition to all yard regulations specified in the Official Schedule of District Regulations and in other sections of this Resolution, the provisions of Sections 1011-1017, inclusive shall be used for interpretation and clarification.

Section 1011 Setback Requirements for Corner Buildings. On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

Section 1012 Visibility at Intersections. On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2 ½) and ten (10) feet above the center line grades of the intersecting streets or roads in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street or road lines fifty (50) feet from the point of intersection.

Section 1014 Yard Requirements for Multi-Family Dwellings. Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

Section 1015 Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts. Non-residential buildings or uses shall not be located in or conducted closer than forty (40) feet to any lot line of a residential structure, except that the minimum yard requirements may be reduced to fifty (50) percent of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided.

Section 1016 Architectural Projections. Open structures such as porches, canopies, balconies, platforms, carports, covered patios and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard.

Section 1017 Exceptions to Height Regulations. The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard.

Section 1020 Special Provisions for Commercial and Industrial Uses. No commercial or industrial use as designated on the Official Schedule of District Regulations and defined herein nor any land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this Resolution may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits are taken.

Section 1021 Fire Hazards. Any activity involving the permitted use or storage of flammable chemicals, petroleum products or explosive material shall be protected by adequate fire-fighting and fire prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

Section 1022 Electrical Disturbance. No activity shall emit electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance. The disturbance must be due solely to the creator and not due to defective wiring, equipment etc., at the receiving point.

Section 1024 Water Pollution. Water pollution as defined or determined by the County Board Health or the Ohio Environmental Protection Agency shall be subject to corrective measures, requirements and regulations as established by the Board of Health or the Ohio E.P.A.

Section 1025 Mining, Mineral, Clay Sand and Gravel Extraction, Storage and Processing. The extraction, storage and processing of minerals shall be conducted in accordance with the requirements of Sections 1026 to 1032 inclusive.

Section 1026 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 1027 Filing of Location Map. The operator shall file with the Zoning Inspector a location map which clearly shows areas to be mined and the location of adjacent properties, roads and natural features.

Section 1028 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 1029 Restoration of Mined Area. The operator may be required to file with the board of zoning appeals a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land.

Section 1030 Performance Bond. The operator may be required to file with the Board of, Township Trustees a bond, or other surety, payable to the township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The bond or other surety shall be released upon written certification of the zoning inspector that the restoration is complete and in compliance with the restoration plan.

Section 1031 Enforcement Provisions. The zoning inspector, prior to the issuance of a zoning permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances. The area being mined or that has been mined shall be posted with "No Trespassing" signs to discourage human injury to the general public.

Section 1032 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, the Manufacturing Chemists' Association, Inc., Washington, D.C., the United States Bureau of Mines and the Ohio Environmental Protection Agency.

Section 1040 Roadside Produce Stands. A building for the sale of homegrown produce may be located not less than twenty-five feet from the highway right-of-way if it is a portable building. If portable, it shall be removed from its roadside location during the season that it is not in use as a roadside produce stand. A permanent structure for such use may be constructed, but shall be located not less than fifty feet from the highway right-of-way line. Parking shall be provided off the highway right-of-way.

Section 1045 Sanitary Landfill. No person shall begin, operate or maintain for commercial business purposes, a sanitary landfill as defined herein.

Section 1050 Storage of Toxic or Hazardous Materials. Except as exempted hereafter, the storage of toxic or hazardous materials, as determined by the Ohio Environmental Protection Agency, in quantities greater than 55 gallons liquid or 25 pounds dry weight for any one material shall be prohibited.

This section shall not apply to fuels stored in less than 1,100 gallon tanks that conform to the Ohio Fire Code for the purpose of heating buildings and located on site, nor to materials stored for on-site residential, industrial, commercial or agricultural purposes.

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

Section 1052 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 (10) minutes duration of one (1) per hour when a density of not more than No. 2 is permitted; except, in the case of areas within the I-1 district, in lieu of the foregoing standards, no emissions of smoke shall be permitted except in compliance with applicable federal and state environmental protection, health, safety or other applicable federal or state governmental laws and regulations.

Section 1054 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; except, in the case of areas within the I-1 District, in lieu of the foregoing standards, no odor shall be emitted by any use permitted in such quantities as to be readily detectable by an average observer at any point on the line of the premises or beyond, except for agricultural activities in the U-1 or I-1 Districts or industrial or manufacturing activities or research, development and testing activities in the I-1 District, so long as such activities are conducted in accordance with applicable federal and state environmental protection, health, safety or other applicable federal or state governmental laws and regulations.

Section 1055 Abatement, control, or removal of vegetation, garbage, refuse, and other debris.

- (A) A board of township trustees may provide for the abatement control, or removal of vegetation, garbage, refuse, and other debris from land in the township, if the board determines that the owner's maintenance of that vegetation, garbage, refuse, or other debris constitutes a nuisance.
- (B) At least seven days before providing for the abatement, control, or removal of any vegetation, garbage, refuse, or debris, the board of township trustees shall notify the owner of the land and any holders of liens of record upon the land that:
 - 1. The owner is ordered to abate, control, or remove the vegetation, garbage, refuse, or other debris the owner's maintenance of which has been determined by the board to be a nuisance;
 - 2. If that vegetation, garbage, refuse, or other debris is not abated, controlled, or removed, or if provision for its abatement, control, or removal is not made, within seven days, the board shall provide for the abatement,

control, or removal, and any expenses incurred by the board in performing that task shall be entered upon the tax duplicate and become a lien upon the land from the date of entry.

The board shall send the notice to the owner of the land by certified mail if the owner is a resident of the township or is a nonresident whose address is known, and by certified mail to lien holders of record; alternatively, if the owner is a resident of the township or is a nonresident whose address is known, the board may give notice to the owner by causing any of its agents or employees to post the notice on the principal structure on the land and to photograph that posted notice with a camera capable of recording the date of the photograph on it. If the owner's address is unknown and cannot reasonably be obtained, it is sufficient to publish the notice once in a newspaper of general circulation in the township. The owner of the land or holders of liens of record upon the land may enter into an agreement with the board of township trustees providing for either party to the agreement to perform the abatement, control, or removal before the time the board is required to provide for the abatement, control, or removal under division (C) of this section.

- (C) If, within seven days after notice is given, the owner of the land fails to abate, control, or remove the vegetation, garbage, refuse, or other debris, or no agreement for its abatement, control, or removal is entered into under – division (B) of this section, the board of township trustees shall provide for the abatement, control, or removal and may employ the necessary labor, materials, and equipment to perform the task. All expenses incurred, when approved by the board, shall be paid out of the township general fund from moneys not otherwise appropriated, except that if the expenses incurred exceed five hundred dollars, the board may borrow moneys from a financial institution to pay for the expenses in whole or in part.
- (D) The board of township trustees shall make a written report to the county auditor of the board's action under this section. The board shall include in the report a proper description of the premises and a statement of all expenses incurred in providing for the abatement, control, or removal of any vegetation, garbage, refuse, or other debris as provided in division (C) of this section, including the board's charges for its services, the costs incurred in providing notice, any fees or interest paid to borrow moneys, and the amount paid for labor, materials, and equipment. The expenses incurred, when allowed, shall be entered upon the tax duplicate, are a lien upon the land from the date of the entry, shall be collected as other taxes, and shall be returned to the township and placed in the township general fund.

Section 1056 Air Pollution. No pollution of air by fly-ash, dust, fumes, vapors, gases, or other substances shall be permitted which is harmful to health, animals, vegetation or other property or which can cause excessive soiling; except in the case of areas within the I-1 District, in lieu of the foregoing standards, no such emissions shall be permitted except in compliance with applicable federal and state environmental protection, health, safety or other applicable federal or state governmental laws and regulations.

Section 1058 Fences, Walls and Hedges. Notwithstanding other provisions of this Resolution, fences, walls, and hedges may be permitted in any yard, or along any edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over four and one-half (4 ½) feet in height, except with respect to areas within the I-1 District, in which case any fence, wall or hedge along the sides or front edge of any front yard may be greater than four and one-half (4 ½) feet in height but may not exceed six (6) feet in height.

Section 1060 Erection of More Than One Principal Structure on a Lot. In any district, other than the I-1 District, more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Resolution shall be met for each structure as though it were on an individual lot. Accessory buildings such as a garage may be located in the rear yard, provided that yard and other requirements of this Resolution are met. This Section 1060 shall not apply to areas within the I-1 District.

Section 1062 Minimum Setbacks for the I-1 District. No principal building in the I-1 District shall be located within one hundred (100) feet from the property line of the premises upon which such principal building is located.

Section 1063 Satellite Television Antennas. A satellite television antenna is an antenna the purpose of which is to receive television or radio signals from orbiting satellites.

A satellite television antenna shall not be located in any front yard. Nor shall it be located in any side yard closer to the building front setback line than the front of an adjoining residential structure, provided the adjoining residential structure is within 100 feet of the side lot line on which the antenna is proposed. Said antenna shall meet the minimum side and rear yard requirements for accessory structures and buildings.

Ground mounted satellite antennas in residential areas zoned R-1 and R-2 shall not extend more than fifteen (15) feet above the ground, twenty (20) feet in all other zones. Roof mounted antennas shall be prohibited.

The satellite television antenna shall be constructed and anchored in such a manner to withstand wind forces up to 100 miles per hour.

Section 1064 Effective Screening of Junk Storage and/or Sales of Junk

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

Section 1065 Garage, Porch, Yard or Similar Type Sales. A resident may conduct a garage, porch, yard or similar type sale provided such sale does not exceed one such event during any six (6) months period. No sale shall exceed three (3) consecutive days in length. Parking shall be provided off the public highway right-of-way, and off neighboring property unless consent is obtained from the affected neighbor to do so. All signs advertising such sales shall be removed immediately after the sale has concluded its duration.

Section 1066 Telecommunication Towers Pursuant to the Telecommunications Act of 1996 and the ORC Section 519.211, and the Jefferson Township Trustees being duly notified of a person's intent to construct a Telecommunication Tower in an area zoned "R-1" or "R-2" Districts; public utilities or other functionally equivalent providers may site a telecommunications tower as a conditional use provided the following conditions are met:

- a) The applicant must provide proof that the proposal to construct a tower or attach equipment to an existing structure has been approved by all other agencies and governmental entities with jurisdiction (i.e. Federal Communication Commission, Federal Aviation Administration, Ohio Department of Transportation, Ohio Building Basic Code).
- b) The applicant shall provide proof of notification to contiguous or directly across the street property owners as required by ORC Section 519.211.
- c) The applicant must demonstrate at the time of application that no technically suitable and feasible sites are available in a nonresidential district. There shall be an explanation of why a tower at this proposed site is technically necessary.
- d) Co-location. Applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other users on the same tower to the extent possible. All co-located and multiple-use telecommunication facilities shall be designed to promote facility and site sharing.
- e) Setbacks from all platted residential uses and residential districts. All new towers shall be setback from the closest subdivision boundary lines for all platted residential subdivisions, and for all non-platted residential districts from the closest residence, a distance of 900 feet.
- f) Setbacks from all streets and private and public road right of ways. All new towers shall be setback from all road right-of-ways public and private, a distance of 900 feet.
- g) Setbacks from all other uses allowable in the zoning district. All new towers shall be setback from any building that is not associated with or accessory to the telecommunications tower facility a distance of 900 feet.
- h) Any and all base station equipment, accessory structures, buildings, etc. use in conjunction with the tower shall be screened with fencing, masonry, shrubbery or other acceptable screening materials.
- i) The applicant or subsequent owner shall notify the Zoning Inspector within 30 days of ceasing operations at the site and shall remove all structures within 120 days of ceasing operations.

- j) No advertising or illumination other than that required by law may be located on the structure or on the required screening.
- k) An inspection report prepared by a qualified engineer licensed by the State of Ohio shall be submitted to the Zoning Office every five (5) years which details the structural integrity of all towers and support structures on the property. The results of such inspections shall be provided to the Logan County Building Regulations Department and Jefferson Township Zoning Inspector. Based upon results of an inspection, the Township Trustees may require repair or removal of a communication tower. Any and all necessary repairs to the tower and/or support structures shall be made within a seven (7) day period or the tower and/or structures shall be removed. The tower owner (applicant) is responsible to cover the costs of all inspections, repair and/or removal.
- l) The unstaffed storage building and/or unit that houses transmitting equipment is considered an accessory use and/or structure. Setbacks for accessory uses/structures will comply with distances in the zoned district of the tower location. These facilities may not include offices, long-term vehicle storage, other outdoor storage, or broadcast studios except for emergency purposes, or other uses that are needed to send or receive transmissions.
- m) A six (6) foot safety fence with a locked gate surrounding the tower is required. If high voltage is necessary, signs must be posted every twenty (20) feet along the fence saying, "Danger – High Voltage." The operator must also post "NO Trespassing" signs.

Section 1067 Performance Bond

- 1) For each telecommunication tower, the owner or operator shall provide to the Township, a surety bond or a ban letter of credit, to assure the Township that the terms and conditions of Section 1066 are performed and complies with, including necessary repairs, including repairs to public highways and roads and the costs and expenses of removal in the event of abandonment.
- 2) The Jefferson Township Board of Trustees may draw upon the performance bond to recover any costs, damages, or expenses incurred by the Township, which arise out of the violations of Section 1066 or the abandonment or discontinuance of the use of a tower.

Section 1069 General Conditions for Adult Entertainment Use

Adult Entertainment Facilities are conditionally permitted within the M-@ Manufacturing District only, and subject to conditions set forth in the Zoning Resolution Section 1069 and paragraphs 1-9 hereafter set forth.

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

9. Off-street parking shall be provided in accordance with the standards for permitted use within the M-2 Manufacturing District.

Section 1070 Bed & Breakfast. (Added 8/18/2010 (Resolution #201041)) A Bed & Breakfast may be permitted as a Conditional Use within an adequately sized unattached residential Dwelling within Rural District (U-1), Low Density Residential District (R-1), and Medium Density Residential District (R-2) subject to the following criteria:

1. No Bed & Breakfast may be permitted unless the owner or operator of such a facility satisfies the Board of Zoning Appeals that the home complies with all state and/or local licensing requirements.
2. Every room occupied for sleeping purposes within the home shall contain a minimum eighty (80) square feet of habitable floor area for each occupant.
3. Will not be hazardous or disturbing to existing or officially planned future neighboring Uses from the standpoint of noise, lights, congestion of traffic generation which would be incompatible with the neighborhood environment.
4. The proposed use of the site as a Bed & Breakfast shall be compatible with the present character of the neighborhood, considering noise, traffic, light, exterior Alterations of the Structure, or other potentially offensive characteristics.
5. No exterior Alterations of the Structure shall be made which depart from the residential character of the Building. All new structures proposed shall be of compatible residential design with the surrounding neighborhood, to the degree possible.
6. All exterior lighting shall comply with state and/or local requirements.
7. In its review of each proposed facility, the Board of Zoning Appeals shall make specific finding of fact relative to the following criteria. Specifically the Board shall determine that the proposed facility:
 - (a) Is in fact a Bed & Breakfast Facility and, if required, is licensed by the appropriate authority to provide such service within the State of Ohio (and the respective jurisdiction).
 - (b) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or officially planned Uses of the general vicinity and that such Use will not change the essential character of the same area. In this regard, it does not contribute to a concentration of such facilities in the respective area.
 - (c) Will not be hazardous or disturbing to existing or officially planned future neighboring Uses from the standpoint of noise, lights, congestion or traffic generation which would be incompatible with the neighborhood environment.
 - (d) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, water and sewer, and refuse disposal; or that the owners or operators responsible for the establishment of the proposed Use shall be able to provide adequately any such services.
 - (e) Will not involve Uses, activities and conditions of operation that will be detrimental to any persons, property, or the general welfare.
 - (f) Will have vehicular approaches to the property that shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
 - (g) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

Section 1071 Boarding or Lodging House. (Added 8/18/2010 (Resolution #201041)) Boarding or Lodging House may be permitted as a Conditional Use within an adequately sized unattached residential Dwelling within Medium Density Residential District (R-2) subject to the following criteria:

1. No Boarding or Lodging House may be permitted unless the agency supervising such a facility satisfies the Board of Zoning Appeals that the home complies with all state and/or local licensing requirements.
2. The House shall not be located closer than twenty thousand (20,000) feet to another Boarding House, Family Care Home, Home for Adjustment, Institution, Lodging House or Group Care Home. Variances of more than ten percent (10%) of this requirement may not be considered.
3. The House shall be reasonably accessible, by reason of location or transportation provided by the operator, to necessary medical, psychiatric, recreational, or other services required by the residents.
4. Every room occupied for sleeping purposes within the home shall contain a minimum of eight (80) square feet of habitable Floor Area for each occupant.

5. Will not be hazardous or disturbing to existing or officially planned future neighboring Uses from the standpoint of noise, lights, congestion of traffic generation which would be incompatible with the neighborhood environment.
6. The proposed use of the site as a Boarding or Lodging House shall be compatible with the present character of the neighborhood, considering noise, traffic, light, exterior Alterations of the Structure, or other potentially offensive characteristics.
7. No exterior Alterations of the Structure shall be made which depart from the residential character of the Building. All new structures proposed shall be of compatible residential design with the surrounding neighborhood, to the degree possible.
8. All exterior lighting shall comply with state and/or local requirements.
9. In its review of each proposed facility, the Board of Zoning Appeals shall make specific finding of fact relative to the following criteria. Specifically the Board shall determine that the proposed facility:
 - (a) Is in fact a Boarding or Lodging House and, if required, is licensed by the appropriate authority to provide such service within the State of Ohio (and the respective jurisdiction).
 - i. Is in fact a needed facility in the location proposed, based upon evidence acceptable to the Board of Zoning Appeals. The following evidence shall be submitted to be considered by the Board of Zoning Appeals:
 - ii. Location of other like facilities in Logan County.
 - iii. Location of essential services for care and daily needs of the clientele served.
 - (b) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or officially planned Uses of the general vicinity and that such Use will not change the essential character of the same area. In this regard, it does not contribute to a concentration of such facilities in the respective area.
 - (c) Will not be hazardous or disturbing to existing or officially planned future neighboring Uses from the standpoint of noise, lights, congestion or traffic generation which would be incompatible with the neighborhood environment.
 - (d) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, water and sewer, and refuse disposal; or that the owner or operator responsible for the establishment of the proposed Use shall be able to provide adequately any such services.
 - (e) Will not involve Uses, activities and conditions of operation that will be detrimental to any persons, property, or the general welfare.
 - (f) Will have vehicular approaches to the property that shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
 - (g) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

Section 1076 Tourist Home. (Added 8/18/2010 (Resolution #201041)) A Tourist Home may be permitted as a Conditional Use within an adequately sized unattached residential Dwelling within Rural District (U-1), Low Density Residential District (R-1), and Medium Density Residential District (R-2) subject to the following criteria:

1. No Tourist Home may be permitted unless the owner or operator of such a facility satisfies the Board of Zoning Appeals that the home complies with all state and/or local licensing requirements.
2. Every room occupied for sleeping purposes within the home shall contain a minimum eighty (80) square feet of habitable floor area for each occupant.
3. Will not be hazardous or disturbing to existing or officially planned future neighboring uses from the standpoint of noise, lights, congestion of traffic generation which would be incompatible with the neighborhood environment.
4. The proposed use of the site as a Tourist Home shall be compatible with the present character of the neighborhood, considering noise, traffic, light, exterior Alterations of the Structure, or other potentially offensive characteristics.
5. No exterior Alterations of the Structure shall be made which depart from the residential character of the Building. All new structures proposed shall be of compatible residential design with the surrounding neighborhood, to the degree possible.
6. All exterior lighting shall comply with state and/or local requirements.
7. In its review of each proposed facility, the Board of Zoning Appeals shall make specific finding of fact relative to the following criteria. Specifically the Board shall determine that the proposed facility:

- (a) Is in fact a Tourist Home Facility and, if required, is licensed by the appropriate authority to provide such service within the State of Ohio (and the respective jurisdiction).
- (b) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or officially planned Uses of the general vicinity and that such Use will not change the essential character of the same area. In this regard, it does not contribute to a concentration of such facilities in the respective area.
- (c) Will not be hazardous or disturbing to existing or officially planned future neighboring Uses from the standpoint of noise, lights, congestion or traffic generation which would be incompatible with the neighborhood environment.
- (d) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, water and sewer, and refuse disposal; or that the owner or operator responsible for the establishment of the proposed Use shall be able to provide adequately any such services.
- (e) Will not involve Uses, activities and conditions of operation that will be detrimental to any persons, property, or the general welfare.
- (f) Will have vehicular approaches to the property that shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- (g) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

Section 1080 Small Wind Projects less than 5MW

Wind Projects of 5MW or more shall be required to submit an application with the Ohio Power Sitting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and be 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 5MW including the wind turbine generator or anemometer or any parts thereof shall be a Permitted Use in Rural District (U-1), Low Density Residential District (R-1), Medium Density Residential District (R-2), and Service Business District (B-1) if the following conditions are met:

- A. The maximum height of any turbine in Rural District shall be 125 ft.; Low Density Residential District (R-1) 80 ft.; Medium Density Residential District (R-2) 80 ft.; and Service Business District (B-1) 80 ft. For the 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. No variance may be granted for the maximum height restriction.
- B. Setbacks: The following shall apply in regards to setbacks
 - 1. Any turbine erected on a parcel of land shall be setback 1.1 times the height of the tower, or established "clear fall zone", from all road right-of-way lines and neighboring property lines. 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.
- C. Maintenance
 - 1. Wind turbines must be maintained in good working order. The owner shall within 30 days of permanently ceasing operation of a wind turbine, 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 costs associated with the demolition of the wind turbine and associated equipment shall be borne by the owner. A wind turbine is considered abandoned when it ceases transmission of electricity for 30 consecutive days. Wind turbines that become inoperable for more than 12 months must be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing wind turbine.
- D. Decibel levels shall not exceed those provided by the manufacturer as requested in II Permits, 2, e.
- E. Wiring and electrical apparatuses:
 - 1. All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground and meet all applicable local, state, and federal codes including the County Building Regulations and Residential Building Code of Ohio.

F. Warning Signs:

1. Appropriate warning signs to address voltage shall be posted (where and meeting sign requirements).

G. Building Permits:

1. All Small Wind Projects and parts thereof shall obtain all applicable Building Permits from the State of Ohio and County Building Regulations where required.

H. Fencing:

1. The wind turbine tower shall be fenced with a minimum 6 feet and maximum 10 feet in height fence which will be placed not less than 10 feet from the base of the tower in such a manner as to prevent unauthorized persons from having access to the structure and equipment.

I. Aesthetics:

1. The turbine, including prop blades, turbine, cowling, tower etc. shall remain a non reflective neutral color such as white or gray, with logos or identification marks other than those of the manufacturer and model type to be prohibited.
2. A requirement as to color being neutral and non reflective assures that the wind turbine will have less impact on neighboring properties aesthetics.

II. Permits

- A. A 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.

- C. The applicant shall then provide the Township Zoning Inspector with the following items and or information when applying for a permit:

1. Location of all public and private airports in relation to the location of the wind turbine.
2. 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 lightning protection, braking systems, guy wiring & anchors.
 - d. Data specifying the kilowatt size and generating capacity in kilowatts of the particular unit.
 - e. The maximum decibel level of the particular unit. This information shall be obtained from the manufacturer of the turbine unit.
 - f. Hazardous materials containment and disposal plan.
3. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, and neighboring property lines.
4. Evidence of an established setbacks of 1.1 times the height of the wind turbine and "clear fall zone."
5. A maintenance schedule as well as a dismantling plan that outline how the unit will be dismantled shall be required as part of the permit.

Section 1081 General Conditions for Medical Marijuana Entities

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

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

3. Mobile Building Prohibited. No medical marijuana cultivator, processor, or dispensary shall be located within a mobile building. **Adopted 12/29/2017 (Resolution #2017-12-6)**

Section 1084 Small Solar Energy Systems Revised 06/10/2021

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. 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. An accessory solar energy system is permitted in all zoning districts as an accessory to a principal use. The maximum size of any solar energy system is 35 kW.
2. An accessory solar energy system shall not be used for the generation of power for the sale 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.
3. Accessory solar energy systems with a generation output of one thousand (1,000) watts or less, or a combination of accessory solar energy systems with an aggregate generation output of one thousand (1,000) 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.
4. Roof/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. 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.
5. Ground/Pole mounted 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 the solar energy systems and all related equipment shall be at least one hundred ten (110) percent of the heights of the solar energy system or at least twenty (20) feet from the nearest property line, whichever is greater.
6. 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.
7. Accessory 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.
8. Accessory 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.

9. 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. Elevation of the proposed solar energy system(s) at maximum tilt.
 - b. Evidence of established setbacks of 1.1 times the height of any structure and “clear fall zone”.
 - c. Proof of notice to the electric company regarding the proposal.
 - d. . 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, as defined by the Ohio Revised Code, which is regulated by the Ohio Power Siting Board (50 MW or greater).

Principal Solar Energy Production Facilities are prohibited in any district.

ARTICLE XI OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 1100 General Requirements

1. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and/or loading spaces have been provided in accordance with the provisions of this Resolution.
2. The provisions of this Article, except where there is a change of use, shall not apply to any existing building or structure.
3. Whenever a building or structure constructed after the effective date of this Resolution is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this Resolution is enlarged to the extent of fifty (50) percent or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

Section 1110 Parking Space Dimensions. A parking space shall have minimum rectangular dimensions of not less than nine (9) feet in width and nineteen (19) feet in length for ninety (90) degree parking, nine (9) feet in width and twenty-three (23) feet in length for parallel parking, ten (10) feet in width and nineteen (19) feet in length for sixty (60) degree parking, and twelve (12) feet in width and nineteen (19) feet in length for forty-five (45) degree parking. All dimensions shall be exclusive of driveways, aisles and other circulation areas. The number of required off-street parking spaces is established, in Section 1130 of this Resolution.

Section 1111 Loading Space Requirements and Dimensions Loading spaces shall be provided only for industrial or manufacturing establishments in the I-1 District. All such loading spaces shall be off-street and shall be located on the same zoning lot as the specific use to be served. No loading space shall be located within fifty (50) feet of an intersection of any two (2) roads.

Each off-street loading space shall be at least eight (8) feet in width and twenty (20) feet in length, and have a vertical clearance of at least ten (10) feet, plus adequate area for ingress and egress. All open off-street loading spaces shall be graded and improved with asphalt or concrete. All off-street loading spaces shall have adequate drainage facilities.

In connection with any industrial or manufacturing establishment which is a principal permitted use, within the area comprising the location of such establishment and when a use arises whereby materials, products and other related items are to be received and distributed by vehicles, there shall be required a minimum of five (5) off-street loading spaces for each principal industrial or manufacturing building to be constructed or structurally altered.

The foregoing requirements shall not apply to principal permitted uses in the I-1 District other than industrial or manufacturing establishments.

Section 1112 Paving. Any off-street parking area for more than ten (10) vehicles shall be graded for proper drainage and surfaced with acceptable impervious material to provide a durable and dustless surface.

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

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

Section 1117 Screening and Landscaping. Off-street parking areas for more than ten (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. In the I-1 District such design may include the use of barbed wire as a part of fencing or wall material when its use is required by federal, state or local governmental authorities. Such fence or wall shall not be less than four (4) feet or more than six (6) feet in height (except that in the I-1 District, fences or walls surrounding test tracks for safety purposes, which fences or walls are set back at least five hundred (500) feet from the property line, may not exceed fifteen (15) feet in height, and except in the I-1 District, where barbed wire is permitted, such fences or walls with barbed wire shall be no more than eight (8) 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 ten (10) feet in width, and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height, may be substituted.

Section 1119 Minimum Distance and Setbacks. No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit if located on an adjoining lot, unless separated by an acceptably designed screen. In no case shall any part of a parking area be closer than four (4) feet to any established road right-of-way.

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

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

Section 1122 Width of Driveway Aisle. Driveways serving individual parking spaces shall be not less than twenty-five (25) feet wide for ninety (90) degree parking, twelve (12) feet wide for parallel parking, seventeen and one-half (17½) feet for sixty (60) degree parking and thirteen (13) feet for forty-five (45) degree parking.

Section 1130 Parking Space Requirements. For the purpose of this Resolution, the following parking space requirements shall apply:

<u>TYPE OF USE</u>	<u>PARKING SPACES REQUIRED</u>
Single family or two family dwelling	Two for each unit
Apartments, or multi-family dwellings	Two for each unit
Mobile Homes	Two for each unit
Outdoor swimming pools, public or community club	One for each 5 persons capacity plus one for each 4 seats or one for each 30 sq. ft. floor area used for seating purposes whichever is greater
Retail establishments	One for each 250 sq. ft. of floor area
Offices, public or professional, administration or service buildings	One for each 400 sq. ft. of floor area
All other types of businesses or Commercial uses permitted in any district	One for each 300 sq. ft. of floor area
Churches	One for each 5 seats
All types of manufacturing, storage and wholesale uses	One for every 2 employees on the largest shift for which the building is designed.

The following added:

Boarding or Lodging House; (Added 6/23/2010)

Family Care Home;

Family Care Home;

Group Care Home;

Home for Adjustment; Institution;

*One for each resident supervisor and/or resident
who is permitted to own or operate an*

Bed and Breakfast; (Added 6/23/2010)

Tourist Home;

One for each bedroom plus one

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

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

ARTICLE XII SIGNS

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

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

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

1. In no circumstance shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there from to be directed or beamed upon a public thoroughfare so as to cause glare or reflection that may constitute a traffic hazard or nuisance;
2. No sign shall be placed on the roof of any building, except in the I-1 District;
3. No sign of any classification shall be installed, erected or attached in any form, shape or manner to a fire escape or any door or window giving access to any fire escape;
4. All billboard signs shall be plainly marked with the name of the person, firm or corporation responsible for maintaining the sign;
5. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector proceed at once to put such sign in a safe and secure condition or remove the sign;
6. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.

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

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

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

Section 1211 Signs Permitted in any District Requiring a Permit.

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

Section 1212 Signs Permitted in Business and Manufacturing Districts Requiring a Permit. The regulations set forth in this Section shall apply to signs in the business and manufacturing districts and such shall require a permit.

1. In a business or manufacturing district, other than the I-1 District, each business shall be permitted one flat or wall on-premises. So long as the other requirements contained in this Resolution are complied with, there shall be no limit on the number of wall signs permitted on property in the I-1 District. Projection of wall signs shall not exceed two feet measured from the face of the main building. The area of all permanent on-premises signs for any single business enterprise may have an area equivalent to one and one-half square feet of sign area for each lineal foot of building width, or part of a building, occupied by such enterprise but shall not exceed a maximum area of one hundred square feet.
2. In a business or manufacturing district, one off-street sign with a total area not exceeding three hundred square feet may be permitted at a single location. Off-premises signs visible to approaching traffic shall have a minimum spacing of not less than two hundred feet. Off-premises signs shall conform to all applicable yard and height regulations for the appropriate zoning district. Off-premises wall signs shall have all structural and supporting members concealed from view.

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

Section 1221 Free-Standing Signs. In districts other than the I-1 District, free-standing signs not over thirty (30) feet in height, having a maximum total sign area of one hundred (100) square feet per display area and located not closer than ten (10) feet to any street right-of-way line and not closer than thirty (30) feet to any adjoining lot line, may be erected to serve a group of business establishments. There shall be only one (1) free-standing sign for each building, regardless of the number of businesses conducted in said building. In the I-1 District, free-standing directional, identification and entrance signs not over fifty (50) feet in height, with each face of such signs not to exceed twenty-five (25) feet in length and ten (10) feet in height, having a maximum total sign area of two hundred fifty (250) square feet per display area and located not closer than twenty (20) feet to any highway right-of-way line and not closer than sixty (60) feet to any adjoining lot line, may be erected.

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

Section 1230 Political Signs. No political sign shall be posted in any place or in any manner that is destructive to property upon posting or removal. No political sign shall be posted more than sixty (60) days before an election. All candidates for public office, their campaign committees or other persons responsible for the posting of the campaign material shall remove such material within two (2) weeks following Election Day.

Section 1240 Sign-Setback Requirements. Except as modified in Sections 1241-1243, on-premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least ten (10) feet. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district.

Section 1241 Increased Setback. For every square foot by which any on-premises sign exceeds fifty (50) square feet, the setback shall be increased by one-half (1) foot but need not exceed one hundred (100) feet. This Section 1241 shall not apply to signs or outdoor advertising structures located in the I-1 District.

Section 1243 Setbacks for Public and Quasipublic Signs. Real estate signs and bulletin boards for a church, school or any other public, religious or educational institution may be erected not less than ten 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 1245 Limitation. For the purposes of this Resolution, outdoor advertising off-premises signs shall be classified as a business use and be permitted in all districts zoned for business, manufacturing, or lands used for agricultural purposes. In addition, regulation of signs along primary highways shall conform to the requirements of the Ohio Revised Code, Chapter 5516 and the regulations adopted pursuant thereto.

Section 1250 Roof or Wall Signs in the Special Limited Industrial District. Roof or wall signs shall be permitted in the I-1 District provided that the length of any such roof or wall sign shall not exceed one hundred (100) feet and the height thereof shall not exceed twenty-five (25) feet.

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

**ARTICLE XIII MANUFACTURED DWELLING (HOUSING) – (MOBILE HOME PARKS) AND
MANUFACTURED DWELLING (HOUSING) – (MOBILE HOMES INDIVIDUALLY)**

Section 1300 Intent. It is the intent of this Article to regulate the location of, and to encourage, stabilize and protect the development of well-planned mobile home parks if one is proposed after the adoption or amendment of this Resolution.

Section 1310 Approval Procedures. Mobile home parks shall be permitted only as a Conditional Use in the U-1 and R-2 Districts and shall be developed according to the general standards and regulations stated and referenced in Article 13.

Section 1320 General Standards for Mobile Home Parks. A new mobile home park shall:

1. be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
2. not be hazardous or detrimental to existing or future neighborhoods or uses;
3. be served adequately by essential public facilities and services such as highways, police and fire protection, water and sewer, drainage, refuse disposal, etc., or that the persons or agencies responsible for the establishment of the proposed park shall be able to provide adequately any such needed services.
4. be consistent with the intent and purposes of this Resolution;
5. have vehicular approaches to the property which shall be so designed as not to create an interference with the traffic on surrounding public highways;
6. not result in the destruction, loss or damage of natural features of major importance.


Section 1330 Mobile Home Park Requirements. Mobile home parks shall be developed in accordance with the requirements of Chapter 37-1-27 of the Ohio Sanitary Code adopted by the Public Health Council under the authority of the Ohio Revised Code, Section 3733 and as amended.

Section 1340 Minimum Floor Area. Individual mobile homes located within the park shall have a minimum floor area of one thousand (1,000) square feet using accepted industry measurement standards.

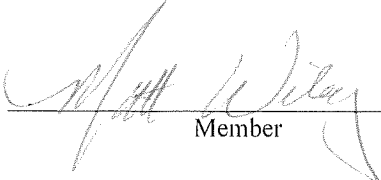
Section 1341 Mobile Homes Individually. The following requirements shall apply to mobile home dwellings that are placed upon an individual lot in any district where conditionally permitted.

1. Individual mobile homes shall have, using accepted industry measurement standards, a minimum area of one thousand (1,000) square feet of floor area.
2. The mobile home's axle and wheels shall be removed and the home shall be placed upon a permanent concrete foundation which is below the frost line and which includes at least two tie-down rings.
3. The mobile home shall be skirted entirely enclosing the bottom section, within ninety (90) days after its placement. Skirting shall be constructed of vinyl, aluminum or other suitable material that is designed specifically for skirting.
4. The mobile home shall be landscaped with lawn within one hundred sixty (160) days after its placement.

This Resolution is hereby adopted on this 10 day of June 2024.



Chairperson, Township Trustees



Member



Member

ATTEST: 

Fiscal Officer, Township Trustees