



Zoning & Subdivision Committee  
Thursday, October 8, 2015, 12:15 pm

- Minutes from last meeting of September 10, 2015
  1. Review of Village Neighborhood Section 4 (VN-4) Preliminary Plat (Union County) – Staff Report by Brad Bodenmiller
  2. Review of Darby Braeside Final Plat (Union County) – Staff Report by Brad Bodenmiller
  3. Review of Britonwood Final Plat (Union County) – Staff Report by Brad Bodenmiller
  4. Review of Rush Township Zoning Text Update (Champaign County) – Staff Report by Brad Bodenmiller
  5. Review of Paris Township Zoning Re-write (Union County) – Staff Report by Brad Bodenmiller

Members:

Scott Coleman – Logan County Engineer  
Chad Flowers – City of Marysville Planning  
Charles Hall – Union County Commissioner  
Jeff Stauch – Union County Engineer  
Paul Hammersmith – Dublin Engineer  
Steve McCall – Champaign County Engineer  
Tyler Bumbalough – City of Urbana Engineer  
Robert A. Yoder – North Lewisburg Administrator  
Weston R. Dodds – City of Bellefontaine Zoning  
Dave Gulden – LUC  
Heather Martin – LUC  
Skyler Wood – LUC  
Brad Bodenmiller - LUC

Guests:



**Staff Report – Village Neighborhood, Section 4**

<b>Applicant:</b>	<p>Jerome Village Company, LLC c/o Gary Nuss 375 North Front Street, Suite 200 Columbus, OH 43215 <a href="mailto:nussg@nationwide.com">nussg@nationwide.com</a></p> <p>Terrain Evolution, Inc. c/o Justin Wollenberg, PE 720 East Broad Street, Suite 203 Columbus, OH 43215 <a href="mailto:jwollenberg@terrinevolution.com">jwollenberg@terrinevolution.com</a></p>
<b>Request:</b>	Approval of the Village Neighborhood, Section 4 (VN-4) Preliminary Plat.
<b>Location:</b>	Located west of Jerome Road, north of Hill Road, and south of Harriott Road in Jerome Township, Union County.

<b>Staff Analysis:</b>	<p>This Preliminary Plat is for the VN-4 development. VN-4 will have a total of 69.633 acres and 150 lots for single family residential development. In addition, V-4 will have 21.666 acres in open space and 11.129 acres in right-of-way. The proposed method of supplying water service is through the City of Marysville water system and the proposed method of sanitary waste disposal is the Jerome Village collection system and City of Marysville treatment.</p> <p>• <b>Union County Engineer’s Office</b></p> <ul style="list-style-type: none"> <li>○ The Union County Engineer’s Office submitted comments in a letter dated 08-07-15. The Office recommended approval with the condition that those comments be addressed in the Final Construction Plans. The letter was forwarded to the applicant and engineer. <b>Some</b> of those comments are listed and summarized below for reference. See letter for all comments. <ul style="list-style-type: none"> <li>✓ Status of both requested variances are approved.</li> <li>✓ Two points of ingress/egress to the development are provided. Further discussion will be needed prior to final platting should this development be</li> </ul> </li> </ul>
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	<p>split into phases, as it relates to phasing of the access points.</p> <ul style="list-style-type: none"><li>✓ The existing traffic study needs to be updated to account for this pod’s development in order to determine the timing of the proposed traffic mitigation improvements spelled out in the Jerome Village Master Development TIS.</li><li>✓ Per the sketch plan comments, please ensure that each respective pond’s high water mark is a minimum of 100’ from the proposed right-of-way to both Jerome Road and future Home Road.</li><li>✓ Provide a stormwater management report for review by our office. More detailed drainage analysis will be conducted by our office during final construction drawing review.</li><li>✓ A Ditch Petition will need to be prepared and executed between Developer and County prior to approval of Final Plat.</li></ul> <p>• <b>Union County Soil &amp; Water Conservation District</b></p> <ul style="list-style-type: none"><li>○ No comments as of 08-06-15.</li><li>○ On 08-10-15, LUC staff contacted Bob Scheiderer at Soil &amp; Water. The discussion was about soil types and focused on the Wetzel (We) soil type because a minority of soil involved in this request is Wetzel (We). Bob’s comment was that the soil type is an obstacle that can be overcome.</li></ul> <p>• <b>Union County Health Department</b></p> <ul style="list-style-type: none"><li>○ No comments as of 08-06-15. Standard comments from the Health Department are below:<ul style="list-style-type: none"><li>✓ “All efforts should be made to provide a point of connection (via easements and/or services lines) to both water and sewer to any adjacent home, business, or any other facility that is serviced by a private water system (PWS) and or sewage treatment system (STS).”</li><li>✓ “Any home, business, or other structure that is currently being serviced by a private STS and ends up being situated within 200’ of a sanitary sewer easement, shall be brought to the attention of the Union County Health Department.”</li><li>✓ “If at any time during development of the subdivision a PWS (well, cistern, etc.) or STS is</li></ul></li></ul>
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**Staff Report –Village Neighborhood, Section 4**

found, our office shall be immediately contacted for inspection. Proper permitting must be obtained for sealing and or abandonment of a PWS and STS."

**•City of Marysville**

- The City of Marysville submitted comments in a letter dated 08-06-15. The letter was forwarded to the applicant and engineer.
  - ✓ Provide a waterline along Jerome Road for future connection purposes. Also, provide an internal connection south of Detention Basin P-281 and east across the open space to this waterline.
  - ✓ Provide a means for the Jerome Village parcels north of the future Home Road to obtain water service. For connectivity purposes, it appears that the future Home Road will need a waterline along its entirety at this time. This work can be performed with the future Home Road Extension plans.
  - ✓ A minimum 15 foot utility easement will be required along the entirety of the existing Jerome Road and future Home Road right-of-way.

**•Jerome Township**

- No comments as of 08-06-15.

**•ODOT District 6**

- No comments as of 08-06-15.

**• Ohio Edison**

- No comments as of 08-10-15.

**• LUC Regional Planning Commission**

- ✓ Sheet 1: Add owners of record and current zoning across Jerome Road (Reg. 313, 7. & 9.).
- ✓ Sheet 1: Change Chicksaw Way to Chickasaw Way and label open space (Reg. 313, 12. & 16.).
- ✓ Sheet 3: Add road widths of Jerome Road, Apricot Way, and Fig Grove Way (Reg. 313, 8. & 12.).
- ✓ Sheet 3 & 4: Label easements and easement widths (Reg. 313, 13. & 14.). Easements for water and sewer must be a minimum of 20' and 10' for other utilities (Reg. 414).
- ✓ Sheet 3: Add missing dimensions at lots 979 and 1054. If the width at the building line is less than



**Staff Report –Village Neighborhood, Section 4**

	<p>the frontage width, show width at the building line on all lots where lots are located on a curve or where side lot lines are not ninety degree angles (Reg. 313, 15.).</p> <ul style="list-style-type: none"> <li>✓ Sheet 3: Certain lot numbers are incorrect. Please correct them. See lots 922, 923, 939, 940, 941, 965, and 966 (Reg. 313, 15.).</li> <li>✓ A letter from Jerome Township confirming that the subdivision conforms to Township zoning shall be submitted prior to Final Plat Approval (Section 324; Section 401).</li> <li>✓ All bonds and/or letters of credit shall be submitted and approved prior to submittal of the Final Plat (Section 324, 2.).</li> </ul>
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<p><b>Staff Recommendations:</b></p>	<p>LUC Staff recommends <b>APPROVAL</b> of the VN-4 Preliminary Plat with the condition that all comments from LUC and reviewing agencies shall be incorporated into Construction Drawings and the Final Plat. The developer shall ensure that prior to Final Plat submittal, all requirements and items outlined in the Union County Subdivision Regulations are incorporated in the Final Plat <i>prior</i> to submittal.</p>
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<p><b>Z&amp;S Committee Recommendations:</b></p>	
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**Staff Report – Darby Braeside, Phase 1**

<b>Applicant:</b>	<p>Ballantyne Family Ltd Partnership c/o Wayne Ballantyne 1119 Regency Drive Columbus, OH 43220 <a href="mailto:wayneballant@gmail.com">wayneballant@gmail.com</a></p> <p>Diamond V, LLC 8205 Smith-Calhoun Road Plain City, OH 43064</p>
<b>Request:</b>	Approval of the Darby Braeside Final Plat, Phase I.
<b>Location:</b>	Located west of State Route 736, east of the Big Darby Creek, and between Robinson Road and US State Route 42 in Jerome Township, Union Co.

<b>Staff Analysis:</b>	<p>The Darby Braeside Development is proposed in four phases. This Final Plat is for Phase I. Phase I is proposed to have a total of 32.0373 acres with 9 lots for single family residential development. In addition, it will have 5.9716 acres in open space, 2.7524 acres in right-of-way, and 23.3133 acres in single family residential lots. The proposed method of supplying sanitary waste disposal is private, on site sewer treatment systems. The proposed method of supplying water service is private, on site well systems.</p> <p>A new Preliminary Plat was required because the 2008 approval, 2010 extension, and 2012 extension all expired in August 2014. That new Preliminary Plat was approved June 2015.</p> <p><b>• Union County Engineer’s Office</b></p> <ul style="list-style-type: none"> <li>○ The Engineer’s Office recommended approval and submitted comments in a letter dated 10-01-15: <ul style="list-style-type: none"> <li>✓ All comments from the Engineer’s Office for the previous submittal of this plat (September 2015) were addressed.</li> <li>✓ The Construction Drawings were approved.</li> <li>✓ Two letters of credit for the full amount of construction were approved by the UCE’s Office as well as the Board of Commissioners.</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"><li>✓ <b>Per an email dated 10-07-15, the Union County Engineer’s Office required the stream protection easement be aligned with the tree line on the rear of the lots to be consistent with ODNR requirements. The easement shall include bearing/distance annotation.</b></li><li>• <b>Union County Soil &amp; Water Conservation District</b><ul style="list-style-type: none"><li>○ No comments as of 10-01-15.</li></ul></li><li>• <b>Union County Health Department</b><ul style="list-style-type: none"><li>○ A copy of the updated Board of Health approval (07-15-15) for Darby Braeside, Phase 1 was received.</li><li>○ The Union County Health Department stated “Darby Braeside is in good shape” and had no further comment in an emailed dated 09-04-15. However, a comment was received later in an email dated 10-02-15:<ul style="list-style-type: none"><li>✓ Please add to the plat the following language: “Proposed building envelopes and bedroom areas shown on this plat for informational purposes only provided that building and development on a lot shall comply with all applicable building, zoning, subdivision and health restrictions, including private water and sewer codes.”</li></ul></li></ul></li><li>• <b>Village of Plain City</b><ul style="list-style-type: none"><li>○ No comments received as of 10-01-15.</li></ul></li><li>• <b>Jerome Township</b><ul style="list-style-type: none"><li>○ The Jerome Township Zoning Officer submitted comments in a letter dated 10-05-15:<ul style="list-style-type: none"><li>✓ “Our office has reviewed the revised plat for Darby Braeside Phase 1 and finds it to be in compliance with the zoning resolution for the township. It appears as if the minimum lot size issue has been resolved on the revised plat and all other zoning requirements have been met.”</li></ul></li></ul></li><li>• <b>Darby Township</b><ul style="list-style-type: none"><li>○ No comments received as of 10-01-15.</li></ul></li><li>• <b>ODOT District 6</b></li></ul>
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	<ul style="list-style-type: none"> <li>○ ODOT District 6 recommend approval and submitted comments in a letter dated 10-05-15:             <ul style="list-style-type: none"> <li>✓ “We have reviewed the above plat [Darby Braeside], and have one comment. Per the State Highway Access Management Manual, please complete a turn lane analysis prior to developing <i>phase four</i> [emphasis added] of the subdivision. While a turn lane may not be warranted after this initial phase, additional phases may generate enough traffic to require a turn lane.”</li> </ul> </li> <li>● <b>Union Rural Electric/URE</b> <ul style="list-style-type: none"> <li>○ URE submitted comments in a letter dated 10-01-15. The comments notified the applicant of URE requirements, but did not require modifications to the proposed Final Plat. The comments were forwarded to the applicant.</li> </ul> </li> <li>● <b>LUC Regional Planning Commission</b> <ul style="list-style-type: none"> <li>○ Sheet 1: Update “APPROVALS” signature lines to exactly match those required by the Subdivision Regulations (see page 32).</li> <li>○ Sheet 1: Under Standard Deed Restrictions, 2. add, “No permanent structures, plantings, etc. shall be permitted in easements areas” (Section 323, 7.).</li> <li>○ Sheet 1: Under the Surveyor’s Certificate, open space is missing from acreages. It needs to be broken-out to include open space acreage, lot acreage, street acreage, and total acreage (Section 323, 13.).</li> <li>○ Sheet 2: Update adjacent property owners to reflect current zoning designations. The U-1 District was replaced (Section 401).</li> <li>○ Sheet 2: A distance appears to be missing on Wycliffe Dr. along the frontage of Lot 9, north of C16.</li> </ul> </li> </ul>
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<b>Staff Recommendations:</b>	LUC Staff recommends <b>APPROVAL</b> of the Darby Braeside Phase 1 – Final Plat, <b>pending</b> that all minor technical items addressed above be incorporated into the Final Mylar.
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<b>Z&amp;S Committee Recommendations:</b>	Z&S Committee recommends <b>APPROVAL</b> of the Darby Braeside Phase 1 – Final Plat, <b>pending</b> that all minor
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# Logan-Union-Champaign regional planning commission

## Staff Report – Darby Braeside, Phase 1

	technical items addressed above be incorporated into the Final Mylar.
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STANDARD DEED RESTRICTIONS FOR UNION COUNTY

- RESIDENTIAL and COMMERCIAL**
1. THERE SHALL BE NO DISCHARGE IN TO ANY STREAMS OR STORM WATER OUTLETS OF ANY WASTE MATERIALS IN VIOLATION OF APPLICABLE LOCAL, STATE, OR FEDERAL REGULATIONS.
  2. THE UNION RURAL ELECTRIC COOPERATIVE, INC UTILITY EASEMENT WILL BE GOVERNED BY THE DARBY BRAESIDE PHASE 1 UTILITY EASEMENT AGREEMENT AS RECORDED AT THE UNION COUNTY RECORDER'S OFFICE, UNION COUNTY, OHIO.
  3. GRADING OF THE STORM WATER DETENTION AREAS SHALL NOT BE CHANGED.
  4. MAINTENANCE OF DRAINAGE DITCHES, DETENTION AREAS, AND/OR DRAINAGE SWALES SHALL BE THE RESPONSIBILITY OF THE ADJACENT OWNERS. IF ANY OWNER DAMAGES A DITCH, DETENTION AREA, OR SWALE, THAT OWNER SHALL BE RESPONSIBLE FOR THE REPAIR. REPAIRS SHALL BE MADE IMMEDIATELY. EXISTING DRAIN TILES IN THE SUBDIVISION SHALL BE RE-ROUTED SO THAT DRAINAGE ENTERING TILES WILL CONTINUE TO FLOW FREELY.
  5. THE LOT OWNER AND HIS SUCCESSORS AND ASSIGNS AGREE TO ASSUME ANY AND ALL DITCH MAINTENANCE CHARGES WHICH ARE ESTABLISHED BY THE UNION COUNTY COMMISSIONERS FOR THIS SUBDIVISION.
  - 6b. NO CONSTRUCTION MAY BEGIN OR BUILDING STARTED WITHOUT THE INDIVIDUAL LOT OWNER OBTAINING ZONING, BUILDING, SEPTIC SEWAGE DISPOSAL, WATER WELL, AND DRIVEWAY PERMITS. ZONING PERMITS ARE OBTAINED FROM THE TOWNSHIP ZONING INSPECTOR. BUILDING PERMITS ARE OBTAINED FROM THE UNION COUNTY BUILDING REGULATION DEPARTMENT AND DRIVEWAY PERMITS ARE OBTAINED FROM THE UNION COUNTY ENGINEER'S OFFICE. SEPTIC SEWAGE DISPOSAL AND WATER WELL PERMITS ARE OBTAINED FROM THE UNION COUNTY HEALTH DEPARTMENT.
  8. ALL CONSTRUCTION SHALL MEET THE REQUIREMENTS OF THE TOWNSHIP, UNION COUNTY, AND OTHER APPLICABLE CODE AUTHORITIES.
  9. FOR ANY BUILDING PROPOSED TO BE BUILT WITHIN THE 100-YEAR FLOOD ZONE, THE STANDARDS OF THE UNION COUNTY FLOOD DAMAGE PREVENTION RESOLUTION MUST BE MET. NO CONSTRUCTION MAY BEGIN OR BUILDING STARTED WITHIN A DESIGNATED FLOOD HAZARD AREA PRIOR TO THE ISSUANCE OF A FLOOD HAZARD PERMIT BY THE UNION COUNTY BUILDING REGULATION DEPARTMENT.

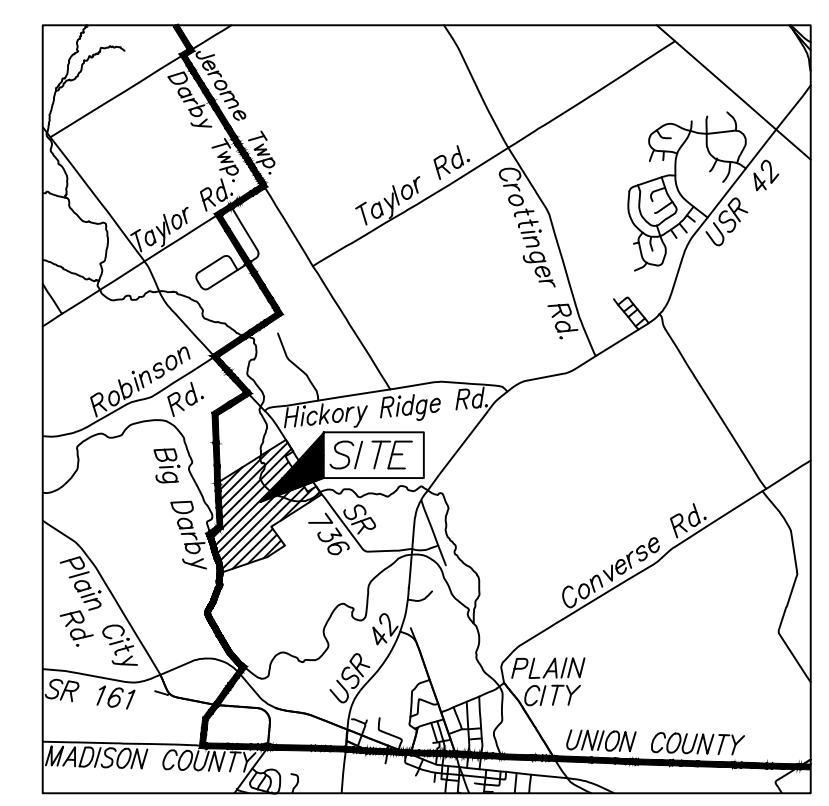
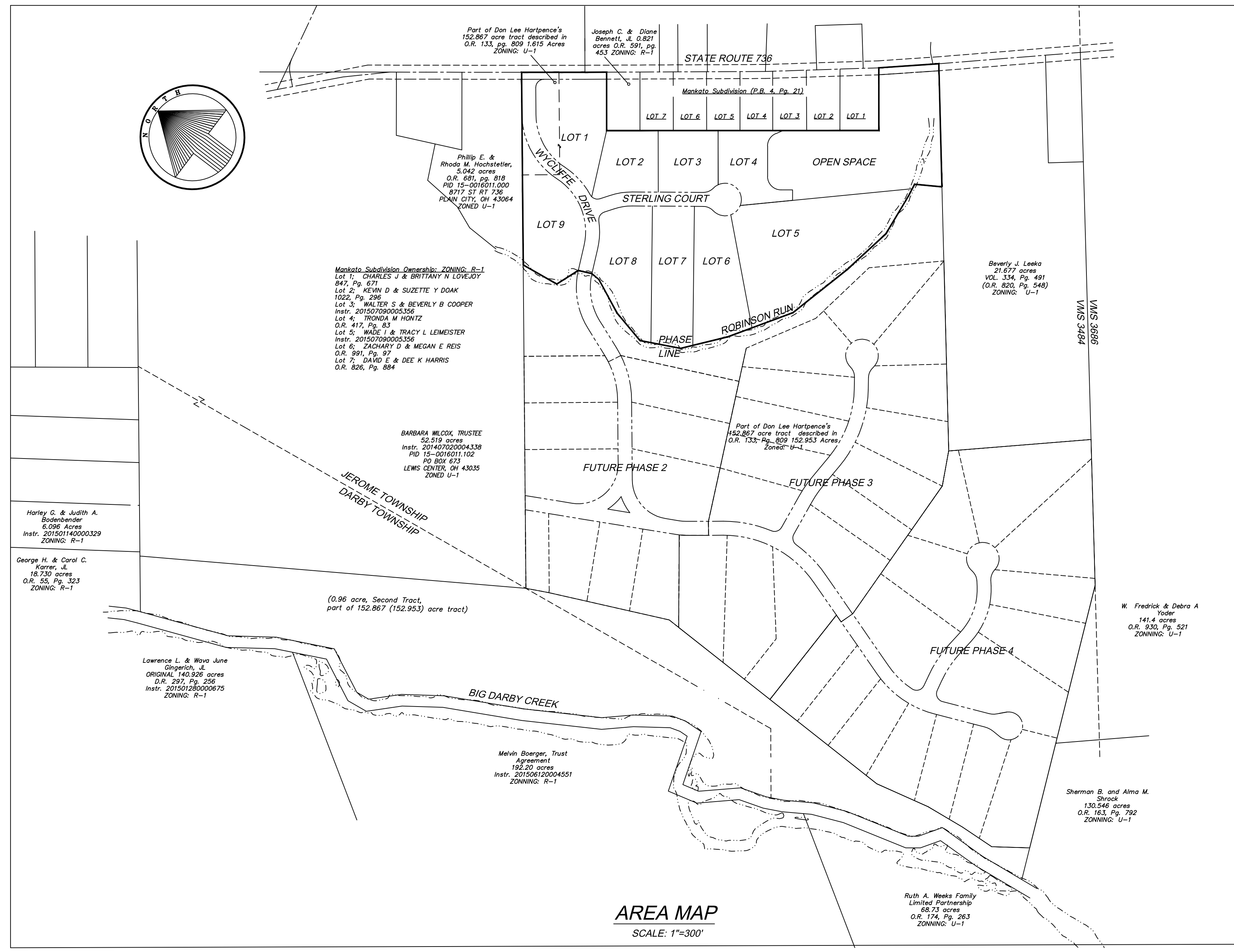
- RESIDENTIAL ONLY**
10. UNION COUNTY IS NOT RESPONSIBLE FOR THE CURTAIN DRAIN TRUNK SEWER OR THE LATERALS LEADING TO IT. CURTAIN DRAINS SHALL NOT OUTLET DIRECTLY TO ROADSIDE DITCHES.
  11. DOWNSPOUT DRAINS SHALL NOT BE CONNECTED DIRECTLY TO THE ROADWAY UNDERDRAINS.
  - 14a. REGULAR MAINTENANCE OF THE STORMWATER DETENTION AREAS IS THE RESPONSIBILITY OF THE PROPERTY OWNERS UPON WHICH THE EASEMENT FOR THE DETENTION AREA IS LOCATED, UNLESS A HOMEOWNERS ASSOCIATION HAS BEEN CREATED AND HAS BEEN CHARGED WITH THE RESPONSIBILITY FOR SUCH REQUIREMENTS.
  15. WHEN DRIVEWAYS FOR EACH LOT ARE CONSTRUCTED, A MINIMUM 8" DIAMETER STORM PIPE AND GRATE SHALL BE INSTALLED AS A CATCH BASIN IN THE CENTERLINE OF THE ROADWAY DITCH, OVER THE EXISTING STORM LINE. AT THE "HIGH" SIDE OF THE DRIVEWAY, DRIVEWAY CATCH BASINS SHALL BE APPROVED AND INSPECTED BY THE UNION COUNTY ENGINEER'S OFFICE.
- MISCELLANEOUS RESTRICTIONS/NOTES**
24. THIS SUBDIVISION IS LOCATED ADJACENT TO LAND WHICH MAY BE USED FOR AGRICULTURAL/FARMING PURPOSES. LOT OWNERS CAN EXPECT NOISE FROM FARM MACHINERY, DUST FROM FARMING OPERATIONS, THE APPLICATION OF CHEMICALS TO THE SOIL AND CROPS, ODORS AND NOISE FROM LIVESTOCK, AND OTHER TYPICAL FARMING NUISANCES. OWNERS CAN EXPECT FARMING OPERATIONS TO HAPPEN DAY OR NIGHT. YOU CAN EXPECT HUNTING ON AGRICULTURAL LAND. DO NOT EXPECT TO USE AGRICULTURAL LAND FOR YOUR PURPOSES WITHOUT FIRST GETTING PERMISSION FROM THE LANDOWNER. DO NOT ALLOW YOUR CHILDREN OR YOUR PETS TO PLAY ON AGRICULTURAL LAND. DO NOT DISCARD CLIPPINGS AND TRIMMINGS FROM LAWN, TREES, BUSHES, PLANTS, ETC. OR OTHER WASTES THAT YOU MAY GENERATE ON AGRICULTURAL LAND. DISPOSE OF ALL WASTES APPROPRIATELY. ADDITIONALLY, THERE MAY BE EXISTING DITCHES, SURFACE SWALES OR UNDERGROUND TILES THAT DRAIN WATER FROM ADJACENT LAND ON TO OR THROUGH YOUR PROPERTY. YOU HAVE A LEGAL RESPONSIBILITY TO ALLOW THE REASONABLE FLOW OF WATER ON TO OR THROUGH YOUR PROPERTY FROM UPGROUND PROPERTIES. YOU ALSO HAVE A LEGAL RESPONSIBILITY TO MAINTAIN AND REPAIR ANY EXISTING DITCHES, SURFACE SWALES OR UNDERGROUND TILE ON YOUR PROPERTY.

- MISCELLANEOUS RESTRICTIONS/NOTES**
26. FEMA ZONE: AT THE TIME OF PLATTING, ALL OF THE SUBDIVISION IS IN ZONE X (areas determined to be out of the 500-year floodplain) AS SAID ZONE IS DESIGNATED AND DELINEATED ON THE FEMA FLOOD INSURANCE RATE MAP FOR UNION COUNTY, OHIO AND UNINCORPORATED AREAS, MAP NUMBERS 39159C0370D WITH EFFECTIVE DATE OF DECEMBER 16, 2008.
  27. MINIMUM SETBACKS: ZONING REGULATIONS FOR DARBY BRAESIDE PHASE 1 SUBDIVISION IN EFFECT AT THE TIME OF PLATTING OF DARBY BRAESIDE PHASE 1 SUBDIVISION SPECIFY THE FOLLOWING DIMENSIONS FOR THE MINIMUM FRONT, SIDE AND REAR YARD SETBACKS FOR EACH LOT:  
FRONT 80 FEET  
SIDE 25 FEET  
REAR 25 FEET  
SAID ZONING REGULATIONS AND ANY AMENDMENTS THERETO PASSED SUBSEQUENT TO ACCEPTANCE OF THIS PLAT, SHOULD BE REVIEWED TO DETERMINE THE THEN CURRENT REQUIREMENTS. THIS NOTICE IS SOLELY FOR THE PURPOSE OF NOTIFYING THE PUBLIC OF THE EXISTENCE, AT THE TIME OF PLATTING, OF CERTAIN ZONING REGULATIONS APPLICABLE TO THIS PROPERTY. THIS NOTICE SHALL NOT BE INTERPRETED AS CREATING PLAT OR SUBDIVISION RESTRICTIONS, PRIVATE USE RESTRICTIONS, COVENANTS RUNNING WITH THE LAND OR TITLE ENCUMBRANCES OF ANY NATURE, AND IS FOR INFORMATION PURPOSES ONLY.
  28. UTILITY PROVIDERS: BUYERS OF THE LOTS IN THIS SUBDIVISION ARE HEREBY NOTIFIED THAT, AT THE TIME OF PLATTING, UTILITY SERVICE TO THIS SUBDIVISION FOR ELECTRIC POWER IS PROVIDED BY UNION RURAL ELECTRIC, TELEPHONE SERVICE IS PROVIDED BY FRONTIER COMMUNICATIONS, AND NATURAL GAS IS PROVIDED BY COLUMBIA GAS.
  29. SCHOOL DISTRICT: AT THE TIME OF PLATTING, ALL OF THE SUBDIVISION IS IN THE JONATHAN ALDER LOCAL SCHOOL DISTRICT.
  31. LANDSCAPE EASEMENT: WITHIN, OVER AND UNDER THE AREA OF LAND DESIGNATED HEREON AS "LANDSCAPE EASEMENT," A NONEXCLUSIVE EASEMENT IS HEREBY RESERVED FOR THE PURPOSE OF INSTALLING/CONSTRUCTING, OPERATING, USING, AND MAINTAINING LANDSCAPING, LANDSCAPING FEATURES AND SUBDIVISION ENTRANCE FEATURES THEREIN. SUCH LANDSCAPING, LANDSCAPING FEATURES AND SUBDIVISION ENTRANCE FEATURES SHALL BE INSTALLED/CONSTRUCTED BY THE DEVELOPER OF THE SUBDIVISION AND OPERATED, USED AND MAINTAINED BY SAID DEVELOPER UNTIL SUCH TIME AS THE ASSOCIATION IS FORMED AND FOUNDED. THEREAFTER, SAID ASSOCIATION SHALL OPERATE, USE AND MAINTAIN SAID LANDSCAPING, LANDSCAPING FEATURES AND SUBDIVISION ENTRANCE FEATURES AND SAID ASSOCIATION SHALL HAVE AND IS HEREBY GRANTED A NONEXCLUSIVE RIGHT TO USE SAID EASEMENT AREAS FOR SAID PURPOSE. NO DEVELOPER-INSTALLED LANDSCAPING, LANDSCAPING FEATURES AND SUBDIVISION ENTRANCE FEATURES SHALL BE REMOVED FROM SAID EASEMENT AREAS WITHOUT THE APPROVAL OF SAID DEVELOPER OR SAID DEVELOPER'S DESIGNEE.

# DARBY BRAESIDE PHASE 1

## JEROME TOWNSHIP, UNION COUNTY, OHIO

### V.M.S. 3484



**OWNER**  
BALLANTYNE FAMILY LIMITED PARTNERSHIP  
1119 REGENCY DRIVE  
COLUMBUS, OHIO 43220

**SURVEYOR**  
**DIAMOND V, LLC**  
Surveyors & Engineers  
8205 Smith Calhoun Rd.  
Plain City, Ohio 43064 - (614) 620-0331

### SURVEYOR'S CERTIFICATE

THE ACCOMPANYING PLAT REPRESENTS A SUBDIVISION OF LAND IN THE VIRGINIA MILITARY SURVEY No. 3484, JEROME TOWNSHIP, UNION COUNTY, OHIO.

THE TRACT HAS AN AREA OF 2.7524 ACRES IN STREETS AND 29.2849 ACRES IN LOTS, MAKING A TOTAL OF 32.0373 ACRES.

ALL MEASUREMENTS ARE IN FEET AND DECIMALS OF A FOOT. ALL MEASUREMENTS ON CURVES ARE ARC DISTANCES.

THE SUBDIVISION IS WITHIN FLOOD ZONE X PER FIRM RATE MAP 39159C0370D, EFFECTIVE DATE DECEMBER 16, 2008 UNLESS OTHERWISE SHOWN.

I HEREBY CERTIFY THAT THE ACCOMPANYING PLAT IS A CORRECT REPRESENTATION OF DARBY BRAESIDE PHASE 1 AS SURVEYED IN AUGUST, 2015.

MONUMENTS HAVE BEEN PLACED AS INDICATED. MONUMENTS SHOWN THUS "o" WILL BE SET AT ALL LOT CORNERS AND ALL POINTS OF CURVATURE AND TANGENCY ALONG THE STREET RIGHT-OF-WAY LINE AFTER CONSTRUCTION AND PRIOR TO THE SALE OF ANY LOTS.

STEVEN L. LAMPHEAR, P.S.  
PROFESSIONAL SURVEYOR #7876

DATE \_\_\_\_\_

### DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT BALLANTYNE FAMILY LIMITED PARTNERSHIP, OWNER OF THE LAND INDICATED ON THE ACCOMPANYING PLAT, HAS AUTHORIZED THE PLATTING THEREOF AND DOES HEREBY DEDICATE THE STREETS, EASEMENTS AND RESERVE AREAS TO THE PUBLIC USE FOREVER.

WITNESS:

\_\_\_\_\_ OWNER

STATE OF OHIO  
COUNTY OF UNION

BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY PERSONALLY CAME \_\_\_\_\_ WHO ACKNOWLEDGED THE SIGNING OF THE FOREGOING INSTRUMENT TO BE THEIR VOLUNTARY ACT AND DEED FOR THE USE AND PURPOSES THEREIN EXPRESSED. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.

### AUDITOR'S PARCEL ACREAGE

THIS PLAT CONSISTS OF 32.0373 ACRES FROM AUDITOR'S PARCEL NO. 150016002000 (BALLANTYNE FAMILY LIMITED PARTNERSHIP, O.R. 696, PAGE 441, AND O.R. 699, PAGE 566)

### BASIS OF BEARINGS

BEARINGS INDICATED HEREON ARE BASED ON AN ASSUMED MERIDIAN WITH ALL OTHERS BASED ON ANGLES TURNED PER RE-SURVEY AS RECORDED IN O.R. 699 PG. 566.

### ACREAGES

LOTS	23.3133 ACRES
OPEN SPACE	5.9716 ACRES
R/W	2.7524 ACRES
TOTAL	32.0373 ACRES

### APPROVALS

CHAIRMAN, JEROME TOWNSHIP TRUSTEES \_\_\_\_\_ DATE \_\_\_\_\_

UNION COUNTY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

UNION COUNTY BOARD OF HEALTH \_\_\_\_\_ DATE \_\_\_\_\_

LUC REGIONAL PLANNING COMMISSION \_\_\_\_\_ DATE \_\_\_\_\_

Rights-of-way for public streets and roads herein dedicated to public use are hereby approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, for the County of Union, State of Ohio. Street improvements within said dedicated rights-of-way shall not be accepted for public use unless and until construction is completed and accepted as such by Union County. In addition, street improvements within said dedicated rights-of-way shall not be accepted for public maintenance until the maintenance period transpires and the street improvements are accepted for public maintenance by Union County.

UNION COUNTY COMMISSIONER \_\_\_\_\_ DATE \_\_\_\_\_

UNION COUNTY COMMISSIONER \_\_\_\_\_ DATE \_\_\_\_\_

UNION COUNTY COMMISSIONER \_\_\_\_\_ DATE \_\_\_\_\_

UNION COUNTY COMMISSIONER \_\_\_\_\_ DATE \_\_\_\_\_

TRANSFERRED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

UNION COUNTY AUDITOR \_\_\_\_\_ DATE \_\_\_\_\_

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, AT \_\_\_\_\_ M.

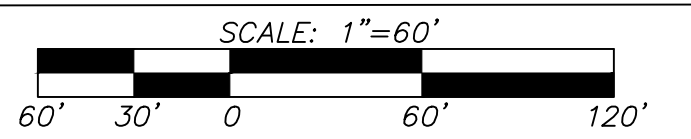
RECORDED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, IN PLAT CAB \_\_\_\_\_, SLIDES \_\_\_\_\_

UNION COUNTY RECORDER \_\_\_\_\_ DATE \_\_\_\_\_

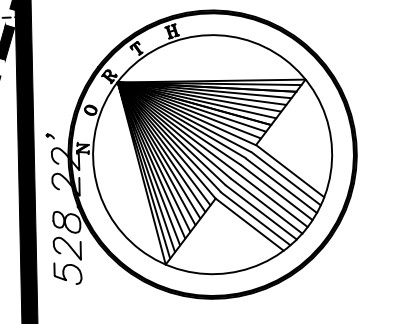
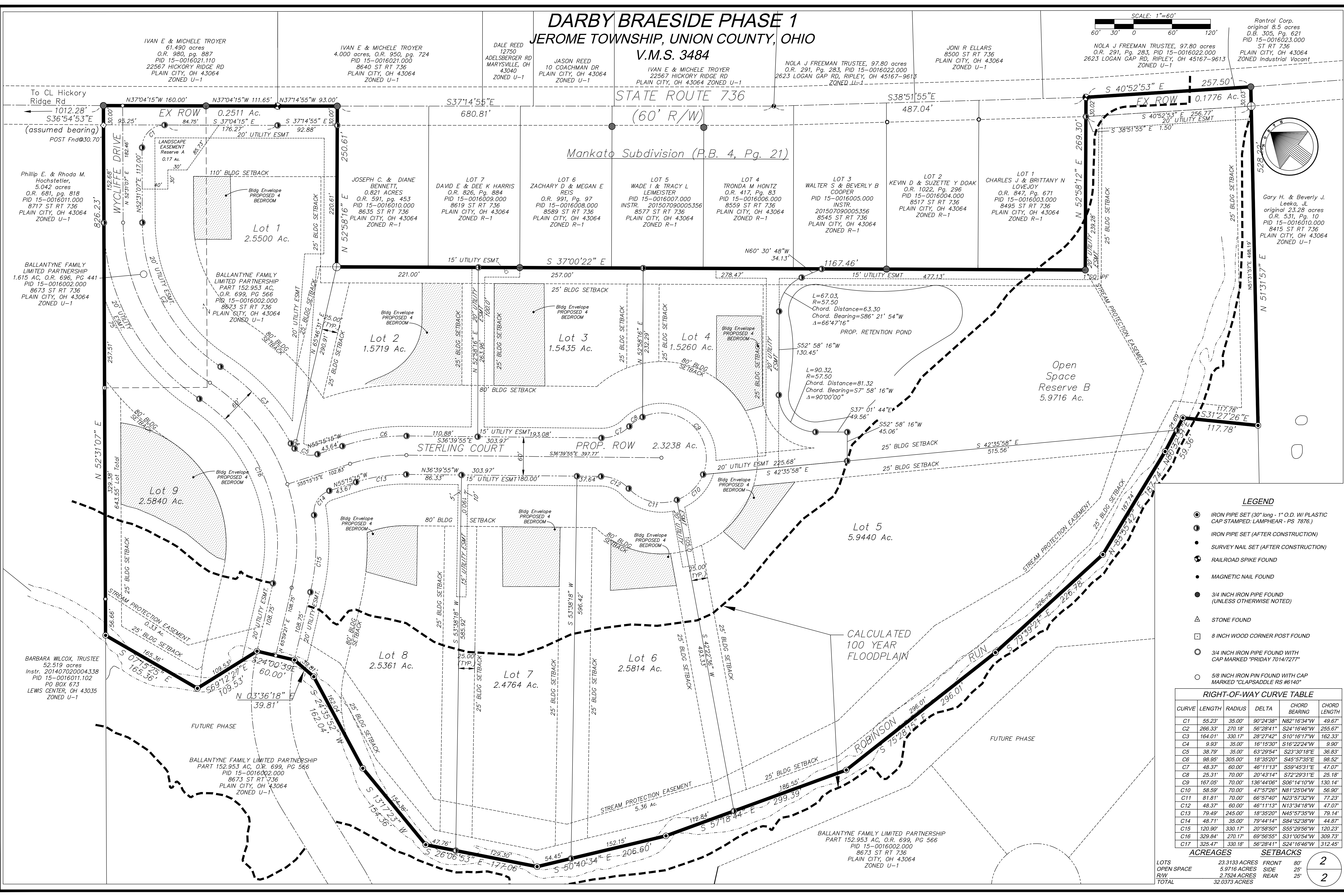
# DARBY BRAESIDE PHASE 1

## JEROME TOWNSHIP, UNION COUNTY, OHIO

### V.M.S. 3484



Ranrol Corp.  
original 8.5 acres  
D.B. 305, Pg. 621  
PID 15-0016023.000  
ST RT 736  
PLAIN CITY, OH 43064  
ZONED Industrial Vacant



Gary H. & Beverly J. Leeka, Jr.  
original 23.28 acres  
O.R. 531, Pg. 10  
PID 15-0016010.000  
8415 ST RT 736  
PLAIN CITY, OH 43064  
ZONED U-1

#### LEGEND

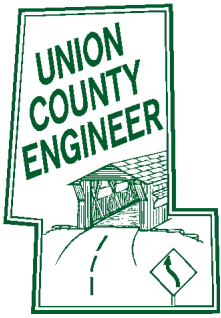
- IRON PIPE SET (30" long - 1" O.D. W/ PLASTIC CAP STAMPED: LAMPPEAR - PS 7876.)
- IRON PIPE SET (AFTER CONSTRUCTION)
- SURVEY NAIL SET (AFTER CONSTRUCTION)
- RAILROAD SPIKE FOUND
- MAGNETIC NAIL FOUND
- 3/4 INCH IRON PIPE FOUND (UNLESS OTHERWISE NOTED)
- ▲ STONE FOUND
- 8 INCH WOOD CORNER POST FOUND
- 3/4 INCH IRON PIPE FOUND WITH CAP MARKED "FRIDAY 7014/7277"
- 5/8 INCH IRON PIN FOUND WITH CAP MARKED "CLAPSADDLE RS #6140"

#### RIGHT-OF-WAY CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	55.23'	35.00'	90°24'38"	N82°16'34"W	49.67'
C2	266.33'	270.18'	56°28'41"	S24°16'46"W	255.67'
C3	164.01'	330.17'	28°27'42"	S10°16'17"W	162.33'
C4	9.93'	35.00'	16°15'30"	S16°22'24"W	9.90'
C5	38.79'	35.00'	63°29'54"	S23°30'18"E	36.83'
C6	98.95'	305.00'	18°35'20"	S45°57'35"E	98.52'
C7	48.37'	60.00'	46°11'13"	S59°45'31"E	47.07'
C8	25.31'	70.00'	20°43'14"	S72°29'31"E	25.18'
C9	167.05'	70.00'	136°44'06"	S06°14'10"W	130.14'
C10	58.59'	70.00'	47°57'26"	N81°25'04"W	56.90'
C11	81.81'	70.00'	66°57'40"	N23°57'32"W	77.23'
C12	48.37'	60.00'	46°11'13"	N13°34'18"W	47.07'
C13	79.49'	245.00'	18°35'20"	N45°57'35"W	79.14'
C14	48.71'	35.00'	79°44'14"	S84°52'38"W	44.87'
C15	120.90'	330.17'	20°58'50"	S55°29'56"W	120.23'
C16	329.84'	270.17'	69°56'55"	S31°00'54"W	309.73'
C17	325.47'	330.18'	56°28'41"	S24°16'46"W	312.45'

ACREAGES	SETBACKS	
LOTS	23.3133 ACRES	FRONT 80'
OPEN SPACE	5.9716 ACRES	SIDE 25'
R/W	2.7524 ACRES	REAR 25'
TOTAL	32.0373 ACRES	

2  
2



**County Engineer  
Environmental Engineer  
Building Department**  
233 W. Sixth Street  
Marysville, Ohio 43040  
P 937. 645. 3018  
F 937. 645. 3161  
[www.co.union.oh.us/engineer](http://www.co.union.oh.us/engineer)

**Marysville Operations Facility**  
16400 County Home Road  
Marysville, Ohio 43040  
P 937. 645. 3017  
F 937. 645. 3111

**Richwood Outpost**  
190 Beatty Avenue  
Richwood, Ohio 43344

October 1, 2015

*Public Service with integrity*

Bradley Bodenmiller  
LUC Regional Planning Commission  
Box 219  
East Liberty, Ohio 43319

Re: Final Plat Review  
Darby Braeside – Phase 1

Brad,

We have completed our review for the above final plat, received by our office on September 21, 2015. All comments from our office for the previous submittal of this plat (September meeting) have been addressed. In addition, as previously stated, the construction drawings have been approved by our office, and two letters of credit for the full amount of construction have been approved by our office as well as the Union County Board of Commissioners.

We recommend approval of the final plat. Should you have any further questions or concerns, feel free to contact me at (937) 645-3165.

Sincerely,

Bill Narducci, P.E.  
Engineering Manager  
Union County Engineer

Cc: Luke Sutton, Union County Engineer's Office (via email)



Jerome Township  
Union County, Ohio

9777 Industrial Parkway  
Plain City, Ohio 43064  
Office (614) 873-4480  
Fax (614) 873-8664

Jerome Township Zoning Office

October 5, 2015

Mr. Bradley J. Bodenmiller  
**Logan-Union-Champaign Regional Planning Commission (LUC)**  
P.O. Box 219, 9676 E. Foundry  
East Liberty, Ohio 43319

RE.: Darby Braeside Phase 1 Plat - Revised

Mr. Bodenmiller,

Our office has reviewed the revised plat for Darby Braeside Phase 1 and finds it to be in compliance with the zoning resolution for the township. It appears as if the minimum lot size issue has been resolved on the revised plat and all other zoning requirements have been met. Keep in mind that our review is limited solely to the issues relating to compliance with the approved zoning, such as the proposed lot count, lot sizes, setbacks, open space percentages, etc. As it relates to the engineering and surveying requirements of the plat the township respectfully defers to the expertise of the county engineers office. Since this development is expected to be served by on-site septic and well systems I would recommend a review and approval of the County Health department as well...

If you have any questions or comments in regards to this matter please feel free to contact me at your earliest convenience.

Respectfully,

Gary Smith, RLA|CLARB  
Jerome Township Zoning Officer



# OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 6 • 400 E. WILLIAM STREET • DELAWARE, OHIO 43015 • (740) 833-8000  
JOHN R. KASICH, GOVERNOR • JERRY WRAY, DIRECTOR • FERZAN M. AHMED, P.E., DISTRICT DEPUTY DIRECTOR

October 5, 2015

Bradley Bodenmiller  
LUC Regional Planning Commission  
9676 E. Foundry St. PO Box 219  
East Liberty, OH 43319

Re: Final Plat Review: Darby Braeside

Brad,

We have reviewed the above plat, and have one comment. Per the State Highway Access Management Manual, please complete a turn lane analysis prior to developing phase four of the subdivision. While a turn lane may not be warranted after this initial phase, additional phases may generate enough traffic to require a turn lane.

We recommend approval of the final plat. Should you have any further questions, please contact me at (740) 833-8345.


Sincerely,

Andrew Hurst, P.E.  
Transportation Engineer  
ODOT District 6

Cc: Thom Slack



15461 US Route 36 • PO Box 393 • Marysville, OH 43040-0393  
(937) 642-1826 • (800) 642-1826 • Fax (937) 644-4239  
www.ure.com

Your Touchstone Energy® Cooperative 

October 1<sup>st</sup>, 2015

Bradley Bodenmiller  
LUC Regional Planning Commission  
9676 E. Foundry St.  
East Liberty, OH 43319

RE: UREC comments for Darby Braeside Phase 1 – Final Plat

Brad,

Ron Rockenbaugh and I reviewed the plans for Darby Braeside Final Plat and wanted to make a couple of comments regarding this development's drawings.

1. Sheet 1 of 2 – Item 2 noting the Utility Easements from the Standard Deed Restrictions for Union County must be filled at the Recorder's office before UREC will install facilities. Please provide a copy of the filed document for UREC records.
2. Sheet 2 of 2 – Noted UREC standard 20 foot utility easement has been modified in some locations to 15 foot wide utility easements to accommodate other facilities installations on the lots.

A contractual agreement will need to be executed with the developer to establish a Contribution In Aid of Construction (CIAC) cost with payment, construction layout with survey plat and other clarifications before UREC facilities are installed.

Thanks!

Kevin

Kevin Gregory  
Key Accounts Exec  
Union Rural Electric Cooperative  
15461 US Rt. 36  
Marysville, OH 43040  
[kgregory@ure.com](mailto:kgregory@ure.com)  
937-645-9251



<b>Applicant:</b>	<p>ELTI, LLC c/o Stephen Lenker 6350 Memorial Drive Dublin, OH 43017 <a href="mailto:stephenlenker@gmail.com">stephenlenker@gmail.com</a></p> <p>Page Engineering c/o James Page 112 East Fifth Street Marysville, OH 43040 <a href="mailto:pageengineering@midohio.twcbc.com">pageengineering@midohio.twcbc.com</a></p>
<b>Request:</b>	Approval of the Britonwood – Final Plat.
<b>Location:</b>	Located south of Wells Road & west of Jerome Road in Jerome Township, Union Co.

<b>Staff Analysis:</b>	<p>This Final Plat is for Britonwood. The Plat proposes a total of 5.011 acres with 8 lots for single family residential development. In addition, it proposes includes 1.004 acres in right-of-way, 3.117 acres in single-family residential lots, and 0.890 acres in reserves. The proposed method of water service is through the City of Marysville Public Water System and the proposed method of sanitary waste disposal is the Jerome Village Community Authority.</p> <p>The Britonwood – Preliminary Plat was approved on 03-12-2015.</p> <p><b>• Union County Engineer’s Office</b></p> <ul style="list-style-type: none"> <li>○ The Engineer’s Office recommended denial and submitted the following comments in a letter dated 10-01-15: <ul style="list-style-type: none"> <li>✓ “The construction plans have been approved by our office, and construction of the improvements are well underway, but the improvements have not been completed per Section 326 of the Subdivision Regulations.”</li> <li>✓ “No bond for the outstanding portion of the public improvements not yet built or approved by our</li> </ul> </li> </ul>
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	<p>office has been submitted per Section 324 and Section 330.”</p> <ul style="list-style-type: none"><li>✓ Revise the dedication as stated in the Engineer’s Office letter.</li><li>✓ “Provide a drainage easement for all stormwater infrastructure outside the right of way.”</li><li>✓ “The utility easement deflections at lot #2/#3 and lot #6/#7 property lines do not match the construction documents.”</li></ul> <p>• <b>Union County Soil &amp; Water Conservation District</b></p> <ul style="list-style-type: none"><li>○ No comments as of 10-01-15.</li></ul> <p>• <b>Union County Health Department</b></p> <ul style="list-style-type: none"><li>○ No comments as of 10-01-15. Standard comments from the Health Department are below:<ul style="list-style-type: none"><li>✓ “All efforts should be made to provide a point of connection (via easements and/or services lines) to both water and sewer to any adjacent home, business, or any other facility that is serviced by a private water system (PWS) and or sewage treatment system (STS).”</li><li>✓ “Any home, business, or other structure that is currently being serviced by a private STS and ends up being situated within 200’ of a sanitary sewer easement, shall be brought to the attention of the Union County Health Department.”</li><li>✓ “If at any time during development of the subdivision a PWS (well, cistern, etc.) or STS is found, our office shall be immediately contacted for inspection. Proper permitting must be obtained for sealing and or abandonment of a PWS and STS.”</li></ul></li></ul> <p>• <b>City of Marysville</b></p> <ul style="list-style-type: none"><li>○ No comments as of 10-01-15.</li></ul> <p>• <b>Jerome Township</b></p> <ul style="list-style-type: none"><li>○ The Jerome Township Zoning Officer submitted comments in a letter dated 10-05-15:<ul style="list-style-type: none"><li>✓ “It should be brought to the attention of the LUC that a Final Development Plan has not yet been submitted by the applicant, nor approved by the township. In light of that, the zoning cannot be considered complete for the development, and the</li></ul></li></ul>
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	<p>township cannot issue a letter of approval for the Final Plat.”</p> <ul style="list-style-type: none"><li>• <b>ODOT District 6</b><ul style="list-style-type: none"><li>○ No comments as of 10-01-15.</li></ul></li><li>• <b>Union Rural Electric/URE</b><ul style="list-style-type: none"><li>○ URE submitted comments in a letter dated 10-01-15:<ul style="list-style-type: none"><li>✓ URE will be using the 20 foot wide utility easement at the rear of the lots.</li><li>✓ URE requires a standard 20 foot utility easement document adjacent to the development for facilities installation.</li></ul></li></ul></li><li>• <b>Terrain Evolution</b><ul style="list-style-type: none"><li>○ As the consulting engineer for the Jerome Village Community Authority and owner and operator of the Eversole Run Sewer District, Terrain Evolution submitted comments in a letter dated 09-25-15:<ul style="list-style-type: none"><li>✓ Sheet 1: Clarify that “Sanitary Easement” is covered under the “Utility Easement” language.</li><li>✓ Sheet 2: The Utility Easement that extends across Lots 1 and 2 in the front of the lots shall extend to the right of way of Jerome Road across Reserve B.</li><li>✓ Sheet 2: The 10 foot Utility Easement along the right of way shall be shown along the frontage of Craigens Court within Reserve A.</li></ul></li></ul></li><li>• <b>LUC Regional Planning Commission</b><ul style="list-style-type: none"><li>○ Address for ELTI, LLC is inconsistent on application and Final Plat. Verify correct address (323, 1.).</li><li>○ Sequence of dates on Sheet 1 &amp; Sheet 2 for plan dates, Surveyor’s Certificate date, and surveyor’s signature seem odd. Verify accuracy (323, 1. &amp; 13).</li><li>○ Sheet 1: Add language “2. No permanent structures or plantings, etc. shall be permitted in the easement areas” (323, 7.).</li><li>○ No Final Plat of land within the area in which an existing zoning resolution is in effect shall be approved unless it conforms with such resolution (324, 1. &amp; 401).</li><li>○ How was the variance obtained for the road width?</li><li>○ All bonds and/or letters of credit shall be submitted and approved prior to submittal of the Final Plat (324, 2., &amp; 326).</li></ul></li></ul>
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# Logan-Union-Champaign regional planning commission

## Staff Report – Britonwood

<b>Staff Recommendations:</b>	LUC Staff recommends <b><i>DENIAL</i></b> of the Britonwood – Final Plat for the following reasons: <ol style="list-style-type: none"><li>1. The recommendation and reasons listed by the Engineer’s Office.</li><li>2. No Final Plat of land within the area in which an existing zoning resolution is in effect shall be approved unless it conforms with such resolution (324, 1. &amp; 401).</li><li>3. A letter was not provided from the County Engineer showing that all required improvements were either installed and approved, or that a bond or other surety was furnished assuring installation of the required improvements (324, 2., &amp; 326).</li></ol>
<b>Z&amp;S Committee Recommendations:</b>	Z&S Committee recommends <b><i>TABLING</i></b> of the Britonwood – Final Plat per the developer’s emailed request.



Logan-Union-Champaign  
regional planning commission

Director: Dave Gulden, AICP

**Application for Final Plat Approval**

Date: 9/15/2015

**Name of Subdivision:** Britonwood, Jerome Village GPN10  
Section/Phase: \_\_\_\_\_ Block \_\_\_\_\_  
Location: 190' S of Wells and Jerome Roads  
Township: Jerome Township Military Survey: 2991  
Complete Parcel(s) Identification Number (PIN): \_\_\_\_\_

Has a Preliminary Plat been approved for this subdivision?: Yes  No  Date: \_\_\_\_\_

**Name of Applicant:** ELTI, LLC  
Address: 6350 Memorial Drive  
City: Dublin State: Ohio Zip: 43017  
Phone: 614-554-5222 Fax: \_\_\_\_\_ Email: stephenlenker@gmail.com

**Name of Owner of property to be subdivided:** ELTI, LLC  
Address: 6350 Memorial Drive  
City: Dublin State: Ohio Zip: 43017  
Phone: 614-554-5222 Fax: \_\_\_\_\_ Email: stephenlenker@gmail.com

**Name of Applicant's Surveyor or Engineer:** Page Engineering  
Address: 112 E Fifth St., PO Box 394  
City: Marysville State: Ohio Zip: 43040  
Phone: 937-644-1272 Fax: 937-644-3272 Email: pageengineering@midohio.twcbc.com

Proposed Acreage to be Subdivided: 5.01

Current Zoning Classification: PUD

Proposed Zoning Changes: None

Proposed Land Use: 8 single family lots

**Development Characteristics**

Acreage w/in Approved Preliminary Plat: 5.01 Acres

Acreage w/in Section and/or Block: \_\_\_\_\_ Acres

Number of **APPROVED** lots from Preliminary Plat 8



Logan-Union-Champaign regional planning commission

Director: Dave Gulden, AICP

Number of Lots PROPOSED w/in this Section: 8

Number of APPROVED units from Preliminary Plat: 8

Number of Units PROPOSED w/in this Section: 8

Typical Lot Width: 80 Feet Typical Lot Area: .38 ac

Single Family Units: 3000 Sq. ft Multi-Family Units: N/A

Acreage to be devoted to recreation, parks or open space: .890

Recreation facilities to be provided: None

Approved method of Supplying Water Service: Public - City of Marysville

Approved method of Sanitary Waste Disposal: Gravity sewer - Jerome Village Community Authority

Were any Requests for Variance(s) from the Subdivision Regulations approved by the County Commissioners? No

Construction improvements have achieved satisfactory completion and has been Certified by the County Engineer in accordance with Section 326 and 330 of the Subdivision Regulation? If no, continue to next question. No

If no to the above question, please submit a Performance Bond in accordance with the following:
Has estimated construction cost been submitted by the responsible design engineer? Yes
Has estimated construction cost been approved by the County Engineer? Yes
Bond has been submitted to County Engineer? No
Bond approved by County Commissioners? No

For Official Use

Date filed: 09-17-15 Filing Fee: \$720.00

Date of Meeting of Planning Commission: 10-10-15

Action by Planning Commission:

If rejected, reason(s) for:



## Final Plat Review Checklist

#	Required Item Description	Have	Need
0	Drawn at a scale not less than 1:100 and shall be on one or more sheets 24" X 36"; drawn in India ink or photographically reproduced on Mylar or other materials of equal permanence.	x	
1	Name of the Subdivision, location by section, range or township, or Virginia Military Survey (VMS) number; date, north point, written and graphic scale and acreage.	x	
2	Names and addresses of the subdivider and the professional surveyor who prepared the Final Plat	x	
3	Plat boundaries, based on accurate traverse, with directional and lineal dimensions.	x	
4	Bearings and distances to nearest established street lines or other recognized permanent monuments.	x	
5	Exact locations, right-of-way widths, and names of all streets within and adjoining the plat; building setback lines.	x	
6	Radii, internal angles, points of curvature, tangent bearings, lengths of arcs, and lengths and bearings of chords.	x	
7	All easements and rights-of-ways provided for public services or utilities. All plats shall contain a restriction that no permanent structures or plantings, etc. shall be permitted in the easement areas.	x	
8	All lot numbers and lines with accurate dimensions in feet and hundredths. House numbers may be required to be shown.	x	
9	Accurate location and description of all monuments. The plat shall clearly indicate which monuments are in place at the time of certification of the Final Plat by the surveyor. The plat shall also clearly indicate which monuments will be placed, if any, after construction of the improvements and before the completion date.	x	
10	Accurate outlines of areas to be dedicated or reserved for public use, or any area to be reserved for common uses of all property owners.	x	
11	The limits of all Flood Hazard Areas (show the FEMA map number and date). Base Flood Elevations and minimum first floor elevations shall be shown for all lots located within Flood Hazard Areas.	x	
12	Certain restrictions and covenants the subdivider intends to include in the deeds to the lots in the subdivision including any restrictions required by the County.	x	
13	Certification by a professional surveyor to the effect that the plat represents an actual field survey performed by him; that all dimensional details are correct, and that the monuments shown thereon were or will be placed by the established completion date or prior to the sale of each lot, whichever occurs first (See Section 326).	x	
14	Notarized certification by the owner or owners of the authorization of the plat and the dedication of streets and other public areas.	x	

9676 E. Foundry St, PO Box 219  
East Liberty, Ohio 43319

• Phone: 937-666-3431 • Fax: 937-666-6203  
• Email: [luc-rpc@lucplanning.com](mailto:luc-rpc@lucplanning.com) • Web: [www.lucplanning.com](http://www.lucplanning.com)



# Logan-Union-Champaign regional planning commission

Director: Dave Gulden, AICP

15	A vicinity map at a scale of generally not more than six thousand feet to an inch (6,000:1) shall be shown on, or shall accompany the Final Plat.	x	
16	If a zoning change or variance is involved, a letter from the Township Zoning Inspector shall be required indicating that the change or variance has been approved and is in effect.	x	
17	A letter from the County Engineer shall be required showing that all required improvements have been either installed and approved by the proper officials or agencies, or that a bond or other surety has been furnished assuring installation of the required improvements.	*	
18	Written certification from the Board of County Commissioners for operation and maintenance of the wastewater or water treatment plant, if applicable.	*	
19	Certification by a registered surveyor to the effect that the plat represents a survey completed by the surveyor and that the monuments shown thereon exist as located in all dimensional details are correct.	x	
20	A notarized acknowledgement of all owners and lien holders to the plat and its restrictions including dedication to the public uses of streets, alleys, parks and other spaces shown thereon and granting required easements.	x	
21	Approval and acceptance clause for the signatures of a representative of the Logan-Union-Champaign County Regional Planning Commission, the County Engineer, the County Health Department, the Board of County Commissioners, the County Auditor, the County Recorder, and a representative of the Township Trustees in which the subdivision is located.	x	
22	Final Plat Fees: Payment/Check made out to LUC Regional Planning Commission, based on the current fee schedule.	x	

\*17. Public improvements are to be substantially complete prior to the meeting date October 8, 2014. If improvements are incomplete prior to meeting date, the appropriate bond will be provided for any completion thereof.

\*18. Not applicable

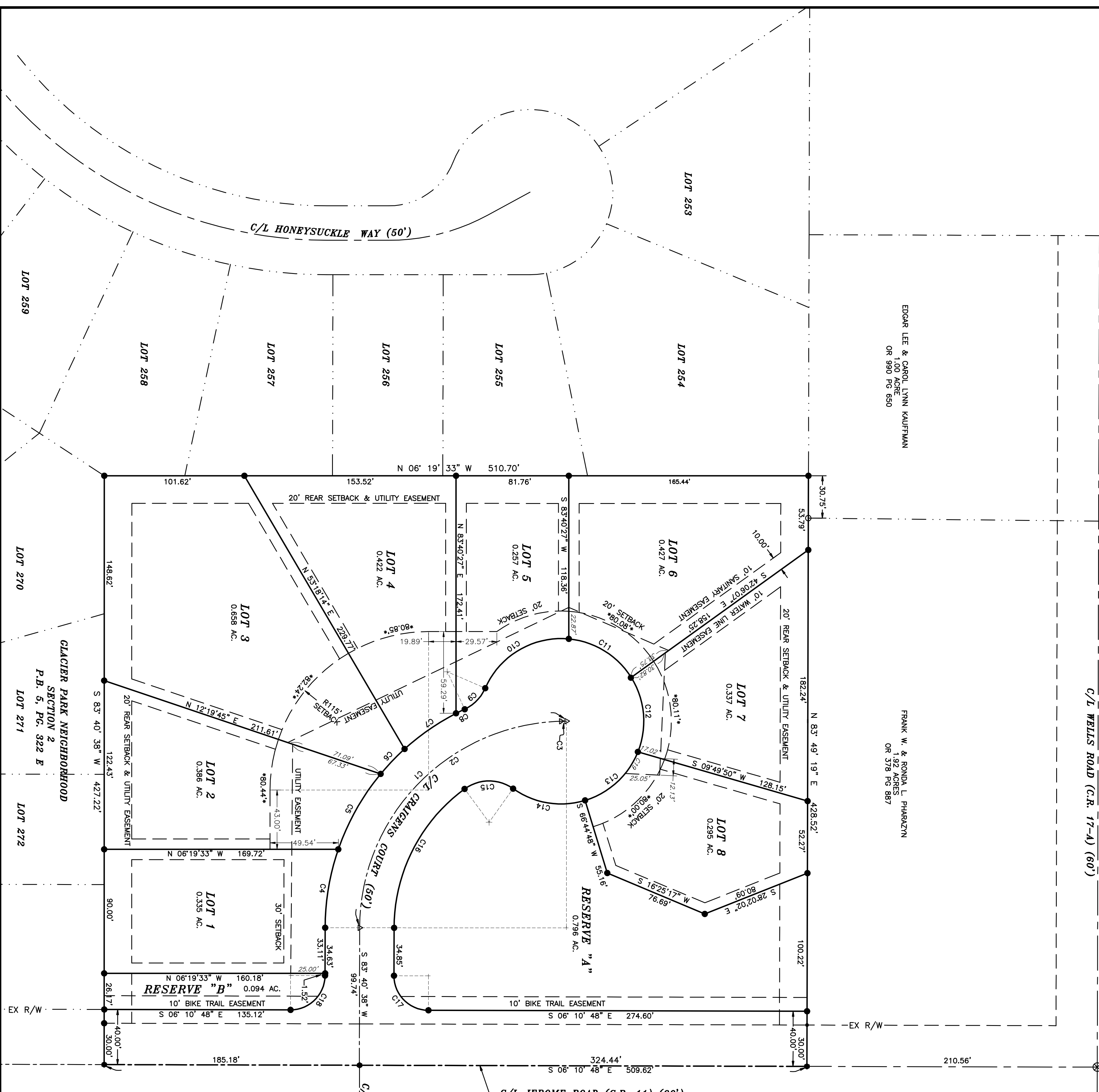
9676 E. Foundry St, PO Box 219  
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• Phone: 937-666-3431 • Fax: 937-666-6203  
• Email: [luc-rpc@lucplanning.com](mailto:luc-rpc@lucplanning.com) • Web: [www.lucplanning.com](http://www.lucplanning.com)

# BRITONWOOD

## JEROME TOWNSHIP, V.M.S. 2991, UNION COUNTY, OHIO

### FINAL PLAT



EDGAR LEE & CAROL LYNN KAUFFMAN  
1.000 AC±  
OR 990 PG 650

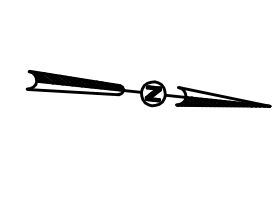
FRANK W. & RONDA L. PHARAZIN  
0.920 AC±  
OR 378 PG 887

CURVE	POINTS	DELTA	LENGTH	CHORD	TANGENT	CHORD BEARING
C1	150.00'	89.52° 18'	235.99'	212.11'	148.97'	N 51° 17' 35" W
C2	150.00'	89.52° 18'	235.99'	212.11'	148.97'	N 51° 17' 35" W
C3	150.00'	01° 50' 18"	3.94'	25.394'	14.97'	N 02° 03' 07" W
C4	175.00'	18° 56' 18"	57.94'	57.66'	29.242'	S 86° 48' 06" E
C5	175.00'	20° 40' 25"	63.14'	62.80'	31.92'	S 66° 58' 48" E
C6	175.00'	18° 14' 28"	28.94'	28.92'	17.50'	S 32° 52' 35" E
C7	175.00'	18° 14' 28"	28.94'	28.92'	17.50'	S 32° 52' 35" E
C8	175.00'	02° 17' 23"	6.99'	6.99'	3.50'	S 32° 23' 20" E
C9	30.00'	41° 51' 37"	21.74'	21.77'	11.37'	S 52° 00' 27" E
C10	60.00'	71° 48' 39"	78.21'	78.38'	43.48'	S 36° 51' 46" E
C11	60.00'	71° 48' 39"	78.21'	78.38'	43.48'	S 36° 51' 46" E
C12	60.00'	51° 16' 58"	58.33'	58.53'	30.64'	S 78° 34' 07" W
C13	60.00'	52° 24' 28"	64.88'	65.99'	28.85'	N 02° 57' 01" E
C14	60.00'	51° 16' 58"	58.33'	58.53'	30.64'	S 78° 34' 07" W
C15	30.00'	71° 48' 39"	39.11'	39.19'	21.67'	N 08° 41' 16" W
C16	30.00'	71° 48' 39"	39.11'	39.19'	21.67'	N 08° 41' 16" W
C17	25.00'	89° 51' 28"	39.21'	38.51'	24.64'	S 38° 44' 56" W
C18	25.00'	89° 51' 28"	39.21'	38.51'	24.64'	S 38° 44' 56" W
C19	60.00'	24° 21' 02"	18.28'	18.21'	9.21'	S 62° 48' 28" E

BASED ON THE INFORMATION SUPPLIED BY FIELD MAPS, COMMUNITY PLANS, RECORDS, AND OTHER SOURCES. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND HAS FOUND INSURANCE INFORMATION, THE PROPERTY SURVEY, AND AREA OUTSIDE THE 500' YEAR FLOOD PLAIN.

IDENTIFIES DISTANCE MEASURED AT SETBACK  
IRON PIPES SET ARE 2" X 3" GALVANIZED PIPE  
WITH YELLOW TUB CAPS STAMPED "PADE ENG 3-6594".

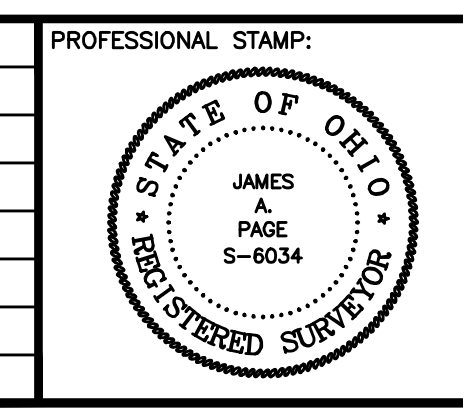
- LEGEND:**
- 0 40' 80'
  - SCALE: 1" = 40'
  - REFERENCE BEARING S 06° 10' 48" E ASSUMED FROM BRK "S" PAGE 941-4-2 (PROVID SECTION 3 PLAT)
  - IRON PIPE TO BE SET
  - 1 INCH DIAMETER IRON PIPE FOUND
  - ⊙ 5/8 INCH DIA. IRON ROD FOUND
  - ⊗ RAILROAD SPIKE FOUND
  - P.K. NAIL FOUND
  - ▲ MAG NAIL TO BE SET



JOB # 15-27  
2 of 2  
DATE: 9/08/15  
SHEET:

SHEET NAME: **FINAL PLAT**  
VIRGINIA MILITARY SURVEY NO. 2991, JEROME TOWNSHIP  
PREPARED FOR: **ELTI, LLC**  
6179 MEMORIAL DRIVE, DUBLIN, OHIO 43017

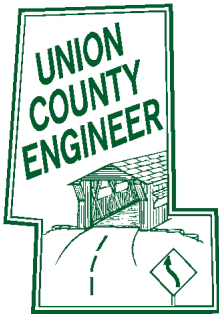
REVISIONS		
NO.	DATE	DESCRIPTION



PREPARED BY: **Page Engineering, Inc.**  
112 EAST FIFTH STREET MARYSVILLE, OHIO 43040  
PH. (937) 644-1272 FAX (937) 644-3272  
DRAWING NAME: 15-27 BRITONWOOD FINAL PLAT.DWG DRAWN BY: L.B. FILE/CABINET: A-4  
FINAL PLAT SHT 2







**County Engineer  
Environmental Engineer  
Building Department**  
233 W. Sixth Street  
Marysville, Ohio 43040  
P 937. 645. 3018  
F 937. 645. 3161  
[www.co.union.oh.us/engineer](http://www.co.union.oh.us/engineer)

**Marysville Operations Facility**  
16400 County Home Road  
Marysville, Ohio 43040  
P 937. 645. 3017  
F 937. 645. 3111

**Richwood Outpost**  
190 Beatty Avenue  
Richwood, Ohio 43344

October 1, 2015

*Public Service with integrity*

Bradley Bodenmiller  
LUC Regional Planning Commission  
Box 219  
East Liberty, Ohio 43319

Re: Final Plat Review  
Britonwood Subdivision

Brad,

We have completed our review for the above final plat, received by our office on September 21, 2015.

We recommend denial of the plat. The construction plans have been approved by our office, and construction of the improvements are well underway, but the improvements have not been completed per Section 326 of the Subdivision Regulations. In addition, no bond for the outstanding portion of the public improvements not yet built or approved by our office has been submitted per Section 324 and Section 330. If the developer wishes to forego the submittal of a performance bond, they must complete the improvements to our satisfaction, as well as submit as-built construction drawings of the improvements for review, in addition to a letter from the engineer of record stating that all stormwater retention/detention basins and flood routing swales are constructed per plan. At that time, a 20% maintenance bond is required, per Section 330 of the Subdivision Regulations.

In addition to the above, there were several minor issues with the plat itself:

1. Please revise the dedication note on the title sheet to read as follows: "*Rights-of-way for public streets and roads herein dedicated to public use are hereby approved this \_\_\_ day of \_\_\_\_\_, 20\_\_\_ for the County of Union, State of Ohio. Street improvements within said dedicated rights-of-way shall not be accepted for public use unless and until construction is completed and accepted as such by Union County. In addition, street improvements within said dedicated rights-of-way shall not be accepted for public maintenance until the maintenance period transpires and the street improvements are accepted for public maintenance by Union County.*"
2. Please provide a drainage easement for all stormwater infrastructure outside the right of way.
3. The utility easement deflections at the lot #2/#3 and lot #6/#7 property lines do not match the construction documents.

Should you have any further questions or concerns, feel free to contact me at (937) 645-3165.

Sincerely,

Bill Narducci, P.E.  
Engineering Manager  
Union County Engineer  
Cc: Luke Sutton, Union County Engineer's Office (via email)

September 25, 2015

Bradley Bodenmiller  
LUC Regional Planning Commission  
Box 219  
East Liberty, Ohio 43319

RE: Britonwood Final Plat

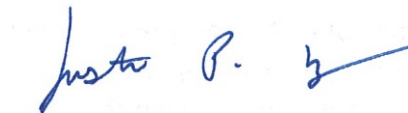
Mr. Bodenmiller,

Terrain Evolution as the consulting engineer for the Jerome Village Community Authority, owner and operator of the Eversole Run Sewer District, reviewed the Final Plat submitted to LUC on September 18<sup>th</sup>, 2015. We have the following comments:

1. Sheet 1 – Please Clarify that “Sanitary Easement” is covered under the “Utility Easement” language.
2. Sheet 2 – The Utility Easement that extends across Lots 1 & 2 in the front of the lots shall extend to the right of way of Jerome Road across Reserve B.
3. Sheet 2 – 10’ Utility Easement along the right of way shall be shown along the frontage of Craigens Court within Reserve A.

Should you or the developer have any questions, please don't hesitate to contact me at (614) 385-1092.

Sincerely,



Justin Wollenberg, PE, CPESC  
Project Manager



Jerome Township  
Union County, Ohio

9777 Industrial Parkway  
Plain City, Ohio 43064  
Office (614) 873-4480  
Fax (614) 873-8664

Jerome Township Zoning Office

October 5, 2015

Bradley J. Bodenmiller  
LUC Regional Planning Commission  
9676 E. Foundry  
East Liberty, Ohio 43319

RE.: Britonwood – Final Plat

Dear Brad,

In regards to the Final Plat submitted for the Britonwood development it should be brought to the attention of the LUC that a Final Development Plan (Development Plan) has not yet been submitted by the applicant, nor approved by the township. In light of that, the zoning cannot be considered complete for the development, and the township cannot issue a letter of approval for the Final Plat.


Please feel free to contact me with any questions you may have regarding this letter.

Respectfully,

Gary Smith  
Jerome Township Zoning Officer



15461 US Route 36 • PO Box 393 • Marysville, OH 43040-0393  
(937) 642-1826 • (800) 642-1826 • Fax (937) 644-4239  
www.ure.com

Your Touchstone Energy® Cooperative 

October 1<sup>st</sup>, 2015

Bradley Bodenmiller  
LUC Regional Planning Commission  
9676 E. Foundry St.  
East Liberty, OH 43319

RE: UREC comments for Britonwood Final Plat

Brad,

Ron Rockenbaugh and I reviewed the plans for Britonwood Final Plat and wanted to make a couple of comments regarding this development's drawings.

1. Sheet 1 of 2 – Noted "Utility Easements" paragraph has reference to a minimum of 10 foot in width for several entities including UREC. UREC will be using the 20 foot wide utility easement at the rear of the lots which will probably include phone and CATV. I assume natural gas, water, sanitary and storm will be in the road right of way or the front lot 10 foot easement.
2. Sheet 2 of 2 – The reference noted rear lot 20 foot utility easement will require additional UREC standard 20 foot utility easement document adjacent to the development for facilities installation. Adjacent utility easements must be filed at the Union County Recorder's office before UREC will install facilities. Please provide a copy of the filed document for UREC records.

A contractual agreement will need to be executed with the developer to establish a Contribution In Aid of Construction (CIAC) cost with payment, construction layout with survey plat and other clarifications before UREC facilities are installed.

Thanks!

Kevin

Kevin Gregory  
Key Accounts Exec  
Union Rural Electric Cooperative  
15461 US Rt. 36  
Marysville, OH 43040  
[kgregory@ure.com](mailto:kgregory@ure.com)  
937-645-9251



**Staff Report – Rush Township Zoning Amendment**

<b>Applicant:</b>	Rush Township c/o Sally DeLong, Clerk PO Box 42 North Lewisburg, OH 43060 (937) 747-2417
<b>Request:</b>	Rush Township requested that LUC review a zoning text amendment to several sections of the Zoning Resolution. Each amendment is related to manufactured or mobile homes. The intended result: <ul style="list-style-type: none"> <li>○ Allows permanently sited manufactured housing wherever single family dwellings are permitted, but restricts all other forms of manufactured or mobile homes to manufactured or mobile home parks.</li> </ul>
<b>Location:</b>	Rush Township is in Champaign County.

<b>Staff Analysis:</b>	<p>The Township Zoning Commission worked with LUC staff and the Prosecutor’s Office to draft the proposed amendments.</p> <p>Prior to this proposal, the Township Zoning Inspector would not issue zoning permits for permanently sited manufactured homes because the Township Zoning Resolution read, “A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, even when wheels, axles, hitch, or all other appurtenances of mobility are removed and regardless of the nature of foundation provided” (Section 1209 (c)).</p> <p>According to the ORC, a manufactured or mobile home that is permanently sited cannot be prohibited where single family dwellings are located. Permanently sited means:</p> <ul style="list-style-type: none"> <li>○ A tag affixed certifying compliance with federal construction and safety standards.</li> <li>○ The structure is affixed to a permanent foundation with wheels, axles, hitch, etc. removed.</li> <li>○ The structure meets certain minimum living area dimensions and minimum roof dimension requirements.</li> <li>○ Was manufactured after January 1, 1995.</li> </ul>
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**Staff Report – Rush Township Zoning Amendment**

	<ul style="list-style-type: none"> <li>○ Complies with all other zoning requirements uniformly imposed on single-family residences within the district (ORC 3781.06 (C)(6)).</li> </ul> <p><b>• Recommended modifications</b></p> <p>Staff suggests the following modifications:</p> <ul style="list-style-type: none"> <li>○ Wherever the terms “manufactured” or “mobile” occur within the Zoning Resolution, they should occur together as “manufactured or mobile”. This is especially important under Section 1209.</li> <li>○ Strike “, and does not qualify as a manufactured home as defined herein” from Section 1209.</li> </ul>
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<p><b>Staff Recommendations:</b></p>	<p>Staff recommends <b>APPROVAL</b> of the proposed zoning text amendment <b>WITH MODIFICATIONS:</b></p> <ul style="list-style-type: none"> <li>○ Wherever the terms “manufactured” or “mobile” occur within the Zoning Resolution, they should occur together as “manufactured or mobile”. This is especially important under Section 1209.</li> <li>○ Strike “, and does not qualify as a manufactured home as defined herein” from Section 1209.</li> </ul>
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<p><b>Z&amp;S Committee Recommendations:</b></p>	
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RUSH TOWNSHIP ZONING BOARD

SALLY DELONG, CLERK

PO BOX 42

NORTH LEWISBURG, OH 43060

LUC Regional Planning Commission

September 28, 2015

The Rush Township Zoning Board met on September 23, 2015 to consider various text amendments and sections dealing with manufacturing housing, those sections include:

Amendments to the Official Schedule of District Regulations Column 2 of U-1 and R-2 districts, Column 2 of R-2 district, Column 3 of U-1 and R-2 districts, Column 23 of U-1 and R-2 districts, and Column 10 of U-1 and R-2 districts.

Amendments to Section 562, Section 701, Section 707, Section 1208 and Section 1209

A motion was made by Bob Custer to forward the proposed Zoning Amendments to the Regional Planning Commission, seconded by Courtney Deere and all members in favor.

A Public Hearing has been set for October 14, 2015.

  
Sally DeLong, Clerk

[sdelong501@embarqmail.com](mailto:sdelong501@embarqmail.com)

937-747-2417





Logan-Union-Champaign  
regional planning commission

Director: Dave Gulden

**Zoning Text Amendment Checklist**

Date: Sept. 28, 2015 Township: Rush

Amendment Title: Various Amendments Regarding Manufactured Housing

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

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

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

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

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

Section 561 UNINHABITABLE HOMES

Any residence that becomes uninhabitable (fire, wind, etc.) shall be removed or rebuilt to the satisfaction of the zoning inspector within 120 days. Time period may be extended by zoning inspector if deemed necessary.

~~Section 562 Manufactured Housing. Manufactured housing as defined in Section 1209, excluding mobile homes as also defined in Section 1209, must meet the following requirements:~~

- ~~1. Housing must meet current zoning square foot regulations for permanent housing units and all other regulations for the zoning district.~~
- ~~2. Dwelling must be at least 24 feet wide.~~
- ~~3. Dwelling must be on a permanent foundation of solid cement or mortared blocks extending below the frost line (30 inches).~~
- ~~4. Dwelling must have a compatible roof line and be generally compatible with other structures in the area with compatible siding, porches, patios, windows, and landscaping.~~

## ARTICLE VII MOBILE HOMES AND MOBILE HOME PARKS

Section 700 Location of Mobile Homes. Mobile homes are only permitted in mobile home parks as permitted by the Official Schedule of District Regulations.

~~Section 701 Location of Mobile Home Parks. A mobile home park is a permitted use in U-1 and R-2 districts, and a conditional use in R-3 district. Mobile home parks may be introduced in any district under planned unit development, provided a planned unit development in that district permits residential uses.~~

**Section 701 Location of Mobile Home Parks. A mobile home park is a conditional use in U-1 and R-2 districts. Mobile home parks may be conditionally permitted in any district under planned unit development, provided planned unit development in that district permits residential uses.**

Section 703 Density. The maximum density shall not exceed the district density in which it is located, and the minimum lot size shall not be less than 4000 square feet.

Section 704 Park Width and Depth. The park shall have a minimum frontage of 100 feet. The width or the depth of the park shall not be more than three times the other.

Section 705 Park Side and Rear Yards. A side yard on each side of the park and a rear yard of 30 feet or more shall be provided around the edge of the mobile home park. Such yards shall not be occupied by or counted as part of an individual mobile home site.

Section 706 Park Improvements. The location and size of mobile home sites and structures within the mobile home park shall be in accordance with the following provisions:

- (1) Each mobile home site shall have a clearly defined minimum area of 4,000 square feet, with a minimum lot width of 40 feet.
- (2) There shall be a minimum clearance of 20 feet between the individual mobile homes or trailers.
- (3) All mobile home parks shall meet the Township street requirements and specifications currently in effect.
- (4) Walkways not less than three feet wide which may abut street pavement shall be provided from the mobile home sites to the service buildings. Such walkways shall be constructed of concrete having a minimum thickness of four inches and lighted at night with lamp fixtures acceptable to the Township Engineer.
- (5) Each mobile home site shall be developed with a mobile home stand of not less than 10 feet by 50 feet and such mobile home stand shall be not less than 10 feet from the mobile home site boundary. The mobile home stand shall be constructed of a minimum of six inches of concrete and provided two tie-down rings.

- (6) Each mobile home site shall be provided with a water outlet connected to the Township, or an approved water supply and a connection to the Township, or an approved sewer system.
- (7) Electricity, electrical outlets, and wiring shall be according to the current provisions of the National Electric Code published by the National Fire Protection Association.
- (8) The park shall provided service buildings, complying with all applicable building regulations, to house laundry facilities and supplemental toilet facilities. Outside laundry drying yards shall be enclosed with a six foot high solid fence in a location associated with laundry facilities.
- (9) The park shall be located on a well drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
- (10) A safe, useable recreation area shall be conveniently located in each mobile home park, the size of which shall be determined at 1000 square feet per household or mobile home.
- (11) No mobile home site shall be located closer to any street right-of-way line than 30 feet measured horizontally from the right-of-way line to the lot line of the mobile home site.
- (12) All telephone, electrical and other distribution lines shall be installed in underground conduits. No overhead lines shall be permitted. All underground utilities, sanitary sewers and drainage structures installed in streets or access roads shall be constructed prior to the surfacing of such roads.
- (13) Mobile home parks shall be developed in accordance with the requirements of Chapter 37-1-27 of the Ohio Sanitary Code adopted by the Public Health Council under the authority of the Ohio Revised Code, Section 3733 as amended.

~~Section 707—Mobile Homes Individually. The following requirements shall apply to mobile home dwellings that are placed upon an individual lot in any district where permitted.~~

- ~~1. Individual mobile homes shall have, using accepted industry measurement standards, a minimum of thirteen hundred (1300) square feet of floor area.~~
- ~~2. The mobile home shall be placed upon a permanent stand which shall be the full size of the mobile home. The stand shall be constructed of a minimum of six (6) inches of concrete and provide at least two (2) tie-down rings. In lieu of the above stand, concrete pillars twelve (12) inches square and a minimum of thirty six (36) inches below ground at all blocking points may be used. Blocking points shall be not more than fifteen (15) feet apart, each with a tie down.~~
- ~~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.~~

~~The Board of Zoning Appeals may set other conditions which it deems appropriate.~~

Section 708 PERMIT NEEDED

All mobile homes are required to have a zoning permit within 60 days of being moved into Rush Township, or relocated within the township.

Section 709 TEMPORARY MOBILE HOMES

Temporary mobile homes are allowed at building or remodeling sites for 120 days with no permit needed. Time period may be extended by zoning inspector if deemed necessary.

Section 1207 Conditonal Use Permit. A permit issued by the board of zoning appeals to allow a use other than a permitted use to be established within the district.

~~Section 1208 Dwelling, Single Family. A detached residential dwelling or housing unit other than a mobile home, designed for and occupied by one family only, including public housing units and industrialized units.~~

**Section 1208 Dwelling, Single-Family. A detached residential dwelling or housing unit other than a mobile home, designed for and occupied by one family only, including public housing units and industrialized units. This type of dwelling consists of a single dwelling unit only, separated from other dwelling units by open space. This type of dwelling does not consist of manufactured housing, except it does consist of permanently sited manufactured housing as described below:**

- 1. Dwelling, Permanently Sited Manufactured Housing.**
  - a. A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.**
  - b. "Permanently sited manufactured home" means a manufactured home that meets all of the following criteria:**
    - i. Has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with the federal construction and safety standards.**
    - ii. The structure is affixed to a permanent foundation with wheels, axles, hitch, or all other appurtenances of mobility removed and is connected to appropriate facilities. "Permanent foundation" means permanent masonry, concrete, or a footing or foundation approved by the manufactured homes commission pursuant to Chapter 4781. of the Revised Code, to which a manufactured or mobile home may be affixed.**
    - iii. The structure, excluding any addition, has a width of at least twenty-two feet at one point, a length of at least twenty-two feet at one point, and a total living area, excluding garages, porches, or attachments, of at least 1,100 square feet. The zoning requirements may require a larger total living area.**

- iv. The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering.
- v. The structure was manufactured after January 1, 1995.
- vi. The structure is not located in a manufactured home park as defined by section [4781.01](#) of the Revised Code.
- vii. The structure complies with all zoning requirements that are uniformly imposed on all single-family residences within the district or zone in which the permanently sited manufactured home is or is to be located, except requirements that specify a minimum roof pitch and requirements that do not comply with the standards established pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401."

~~SECTION 1209 — Dwelling (Housing), Manufactured. A manufactured building or portion of a building designed for long-term residential use. This category includes the following:~~

- ~~(a) Modular Unit. A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site. The term is intended to apply to major assemblies and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements which are to be incorporated into a structure at the site.~~
- ~~(b) Section Unit. A dwelling made of two or more modular units transported to the home sit, put on a foundation, and joined to make a single dwelling.~~
- ~~(c) Mobile Home. Manufactured housing built on a chassis. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, even when wheels, axles, hitch, or all other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle.~~
- ~~(d) Mobile Home, Double Wide or Triple Wide. A mobile home consisting respectively of two or three sections combined horizontally at the site to form a single dwelling, which still retaining their individual chassis for possible future movement.~~
- ~~(e) Mobile Home, Expandable. A mobile home with one or more room sections that fold, collapse, or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living area.~~

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

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

#### STATEMENT OF INTENT FOR

#### DWELLING (HOUSING), MANUFACTURED DEFINITION

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

- Section 1209 **Dwelling (Housing), Manufactured. Means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty five body feet in length or, when erected on site, is three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined herein.**
- Section 1210 Dwelling, Multi-Family. A residential building designed for or occupied by two or more families, with the number of families in residence not exceeding the number of dwelling units provided, including public housing units and industrialized units.
- Section 1211 Dwelling or Housing Unit. One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities, including industrialized units.
- Section 1212 Essential Services. The erection, construction, alterations, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical or water transmission or distribution systems, collection communication, supply or disposal systems, including poles, wires, drains, mains, sewers, pipes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental



agencies of for the public health or safety or general welfare, but not including buildings.

Section 1213 Filling Station. Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales

Amend Section 410 Schedule of District Regulations as follows:

In U-1 Rural District

- Add “Permanently sited manufactured housing” to Column 2 Permitted Uses per the attached revised Schedule.
- Add “Mobile Home Park” under Column 3 Conditional Uses per the attached revised Schedule.
- Strike “mobile,” from Column 23 Other Provisions and Requirements per the attached revised Schedule.
- Change 1,300 to 1,100 for both on-site and central sewage treatment under Column 10 per the attached revised Schedule.

In R-2 Medium Density Residential District:

- Add “Permanently sited manufactured housing” to Column 2 Permitted Uses per the attached revised Schedule.
- Strike “Mobile Home Park” from Column 2 Permitted Uses per the attached revised Schedule.
- Add “Mobile Home Park” under Column 3 Conditional Uses per the attached revised Schedule.
- Strike “mobile,” from Column 23 Other Provisions and Requirements per the attached revised Schedule.
- Change 1,300 to 1,100 for both on-site and central sewage treatment under Column 10 per the attached revised Schedule.

**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS**  
**Rush Township,**  
**Champaign County**

<u>ZONING DISTRICTS</u>  (Symbols as used on the Official Zoning Map)  <b>1</b>	<u>PERMITTED USES</u>  (Accessory uses and essential services are included)  <b>2</b>	<u>CONDITIONAL USES</u>  (Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals)  <b>3</b>	<u>PLANNED UNIT DEVELOPMENT USES</u>  (Permitted upon Approval by the Planning Commission and Issuance of Certificate by the Board of Appeals)  <b>4</b>
<b>U-1 Rural District</b>	Agriculture; Very Low Density Residence; <b>Permanently Sited Manufactured Housing</b> ; Animal Hospital Clinic; Kennel; Public and Quasi-Public Use.	<b>Public Service Facility</b> ; Low Density Residence; Home Occupation; <b>Mobile Home Park</b> ; Commercial Recreation; Service Business; Mineral Extraction; Light & Heavy Manufacturing; Signs & Advertising Structures.	Residential, Commercial, Industrial, Public, and Quasi-Public Uses individually or in combination.
<b>R-2 Medium Density Residential District.</b>	Single family housing; <b>Permanently Sited Manufactured Housing</b> ; Public Use; Quasi-public Use.; <b>Mobile Home Park</b> .	Multi-family housing; <b>Mobile Home Park</b> ; non-commercial recreation; Home Occupation.	Residential, Commercial and Public and Quasi-public Uses individually or in combination.
<b>B-2 Service Business District.</b>	Convenience type retail business; Personal services; Offices; Public & Quasi-public use.	Shopping type retail business; Filling Stations; Eating & Drinking Establishments; Commercial Recreation; Public Service Facility.	Residential, Commercial, Public & Quasi-public Uses individually or in combination.
<b>M-1 Light Manufacturing District</b>	Light Manufacturing and related offices; Public & Quasi-Public Use.	Wholesale & Warehousing; Printing & Publishing; Storage Facilities; Transport Terminals; Signs & Advertising Structures; Public Service Facility.	Commercial, Industrial, Public and Quasi-public Uses individually or in combination.
<b>M-2 Heavy Manufacturing District</b>	Heavy Manufacturing and related offices; Wholesale & Warehousing; Printing & Publishing; Transport Terminal; Public Use.	Light Manufacturing and related offices; Signs & Advertising Structures; Extractive Industry; Junk Storage & Sales; Public Service Facility.	Commercial, Industrial, Public, and Quasi-public Uses individually or in combination.

**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS**  
**Rush Township,**  
**Champaign County**

ZONING DISTRICTS  (Symbols as used on the Official Zoning Map)	MINIMUM LOT SIZE			MAXIMUM Percentage of lot to be occupied (Principal and Accessory Buildings)	MINIMUM Floor Area (Square Feet)	MAXIMUM Height of Principal Buildings		MINIMUM YARD Dimensions (Ft.)			
	(Square feet per household)		Width (Ft)			Stories	Feet	Front	Side Yards		Rear
	With on-site sewage treatment.	With group or central sewage treatment.							One Side Yard	Sum of Side Yards	
	5	6	7			9	10	11	12	13	14
U-1 Rural District		21,600	150	25	4300 1100	2 1/2	35	30	12	30	30
	65,000		150	10	4300 1100	2 1/2	35	50	20	50	50
R-2 Medium Density Residential District.		5,400	70	30	4300 1100	2 1/2	35	20	10	25	30
	65,000		150	10	4300 1100	2 1/2	35	50	20	50	50
B-2 Service Business District.	None	None	125	25		3	40	50			30
M-1 Light Manufacturing District		15,000	125	40		4	50	50	10	30	40
M-2 Heavy Manufacturing District		40,000	125	50		4	50	80	20	50	50

**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS**  
**Rush Township,**  
**Champaign County**

ZONING DISTRICTS  (Symbols as used on the Official Zoning Map)	Accessory Buildings			Minimum (Mandatory) Off-Street Parking Space (One unit for each)	Minimum (Mandatory) Off-Street Loading Space	Signs Permitted	Other Provisions and Requirements (Supplementary regulations, prohibitions, notes, etc.)
	Maximum Height (feet)	Minimum Distance in feet to					
		Side Lot Line	Rear Lot Line				
1	17	18	19	20	21	22	23
U-1 Rural District	20	5	10	One family housing unit.	None	Yes, under Article VIII	Dwelling conversion, public, mobile, industrialized housing permitted.
R-2 Medium Density Residential District.	15	2	5	One-half housing unit in multi-family structure.	None		Dwelling conversion, public, mobile, industrialized housing permitted.
B-2 Service Business District.	20	None	None	200 Sq. Ft. of Retail or Service Floor Area.	5,000 Sq. Ft. of floor area or less.		Non-residential use cannot be conducted other than 40' from any residential district.
M-1 Light Manufacturing District	25	5	10	Two employees on the maximum work shift.			Objectionable uses prohibited.
M-2 Heavy Manufacturing District	25	10	20	Two employees on the maximum work shift.	5,000 Sq. Ft. of floor area or less.	Yes Under Article VIII	Extractive use cannot be conducted other than 500' from any residential district.



Zoning Text Amendment Checklist

Date: 9.28.2018 Township: PARIS

Amendment Title: ZONING RESOLUTION OF THE TOWNSHIP OF PARIS UNION COUNTY OHIO

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

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

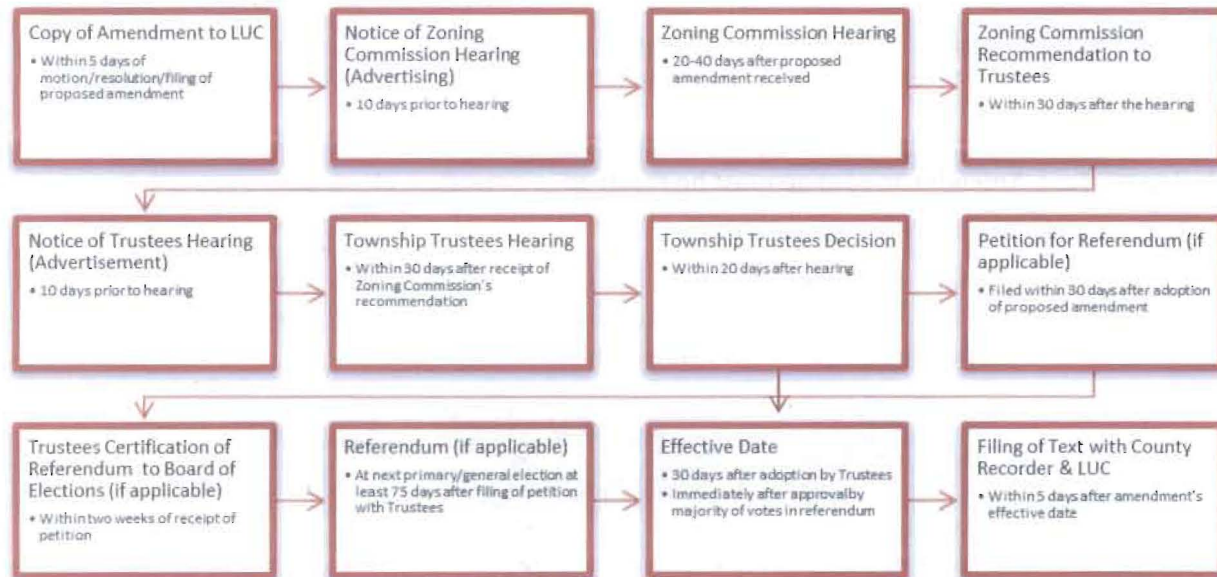
Table with 3 columns: Required Item, Completed by Requestor, Received by LUC. Rows include Cover Letter & Checklist, Date of Request, Description of Zoning Text Amendment Change, Date of Public Hearing, Township Point of Contact, Attachment of Zoning Text Amendment, Copy of current zoning regulation, and Non-LUC Member Fee.

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

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



### Township Zoning Amendment Process (ORC 519.12)





**Staff Report – Paris Township Rezoning Application**

<b>Applicant:</b>	<p>Paris Township c/o Zoning Commission 9777 Industrial Parkway Plain City, OH 43064 (614) 873-4480</p>
<b>Request:</b>	<p>This request is to amend the existing Paris Township Zoning Resolution. The existing Zoning Resolution is approximately 62 pages long. The proposed Zoning Resolution is approximately 87 pages long. The proposal is essentially a rewrite of the Zoning Resolution.</p>

<b>Staff Analysis:</b>	<p><b>GENERAL COMMENTS</b></p> <p>Staff met with the Paris Township Zoning Commission several times and discussed the proposed amendments; much time and thought was given to this proposal.</p> <p>This Staff Analysis recommends changes be either <del>struck</del> or <b>added</b> to the proposed amendments. <i>Explanations</i> are included under suggestions for clarification.</p> <p>This proposal increases setbacks and this may result in non-conformities. Generally, staff recommends maintaining setbacks in an existing Zoning Resolution, unless there is an emerging or dire need to increase them.</p> <p>This proposal increases the supplemental setback between non-residential and residential uses. This is done in multiple sections, which creates minor conflicts in the text. Asterisks (***) are at the start and end of each of those sections for reference.</p> <p><b>UNION COUNTY PROSECUTOR</b></p> <p>The Union County Prosecutor’s Office continues to review the proposed Zoning Resolution. Before LUC takes official action on the proposal, the comments from that Office should be reviewed and included in any recommendation.</p>
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Staff Report – Paris Township Rezoning Application

ARTICLE - IV NON-CONFORMITIES

Section 470 – Repairs and Maintenance

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done ~~in any period of 12 consecutive months~~ on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased. ~~If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the Zoning district in which it is located.~~ Nothing in this Resolution shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

*Reasonable repairs must be allowed.*

ARTICLE V - ADMINISTRATION

Section 564 General Conditions Applicable to All Conditional Uses:

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

*The procedure should be to reapply for a Conditional Use, which involves a public hearing and allows for testimony.*

Section 568 Expiration of Conditional Use Permit

A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than ~~one (1) year~~ **two (2) years**. ~~Unless the Board of Zoning Appeals specifically orders otherwise, a change of ownership shall cause termination of the Conditional Use permit.~~



**Staff Report – Paris Township Rezoning Application**

*Staff believes 2 years is the minimum for townships.*

ARTICLE VI - U-1 FARM/RESIDENTIAL DISTRICT

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

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

*This is consistent with the existing Zoning Resolution.*

ARTICLE VII – R-1 LOW DENSITY RESIDENTIAL DISTRICT

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

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

iv. Side (width): Principal Building: ~~Thirty-five (35)~~ **Twenty (20)** feet on each side as measured from the side lot line. **Except uses with group or central sewage treatment or multi-family dwellings. Then, the minimum side yard setback shall be ten (10) feet.**

*This is consistent with the existing Zoning Resolution.*

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

For any non-farm structure – Thirty-five (35) feet. **For any non-farm accessory structure – Fifteen (15) feet.**

*This is consistent with the existing Zoning Resolution.*

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

iii. Side yards: A side yard setback of 15 feet shall be required. **Accessory buildings shall be located no closer than ten (10) feet to any side lot line.** \*\*\*If the use is adjacent to any U-1 or R-1 district, the side yard setback shall be ~~fifty (50)~~ **forty (40)** feet, except that the minimum side yard setback requirement may be reduced to ~~forty (40)~~ **twenty (20)** feet if acceptable landscaping or screening approved by the Zoning Inspector is provided. The landscaping or screening shall be living material forming a natural fence



Staff Report – Paris Township Rezoning Application

which material must be at least 4 feet at time of planting, and maintained at no less than 4 feet. Any agreed upon barrier, or landscaping shall not obscure traffic visibility at an intersection.\*\*\*

iv. Rear yard setback: A rear yard setback of thirty (30) feet shall be required. **Accessory buildings shall be located no closer than ten (10) feet to any rear lot line.** \*\*\*If the use is adjacent to any U-1 or R-1 district, the rear yard setback shall be ~~fifty (50)~~ **forty (40)** feet, except that the minimum rear yard requirement may be reduced to ~~forty (40)~~ **twenty (20)** feet if acceptable landscaping or screening approved by the Zoning Inspector is provided. The landscaping or screening shall be living material forming a natural fence which material must be at least 4 feet at time of planting, and maintained at no less than 4 feet. Any agreed upon barrier, or landscaping shall not obscure traffic visibility at an intersection\*\*\*

*This is more consistent with the existing Zoning Resolution.  
Note: The existing Zoning Resolution includes language with a 40/20 setback for non-residential uses adjacent to residential uses.*

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

Thirty-five (35) feet **for principal buildings. Fifteen (15) feet for accessory buildings.**

*This is consistent with the existing Zoning Resolution.*

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

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



**Staff Report – Paris Township Rezoning Application**

*This is consistent with the other district regulations. It also creates a clear message that landscaping in this district must comply with the landscaping section and gives direction to anyone reading the Zoning Resolution.*

Section 821 – B-2 Local Business District Signs

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

*This is consistent with the other district regulations. It also creates a clear message that signs in this district must comply with the sign section and gives direction to anyone reading the Zoning Resolution.*

Section 920 – M-2 Manufacturing District Permitted Uses

a. **Business offices**

*This is consistent with the definition.*

Section 940 – M-2 Manufacturing District Development Standards

The use of land and structures within this district shall conform to the standards contained in sections ~~941~~ **910** - 947.

*Uses start prior to Section 941. This section, as proposed reads, “The use of...conform to the standards contained in 941-947.” That leaves room for interpretation on the uses allowed before Section 941.*

Section 941 – M-2 Manufacturing District Minimum Lot Size

- a) Without public services – ~~Three (3) acres~~ 130,000 sq. ft.
- b) With public services – ~~One (1) acre~~ 40,000 sq. ft.

*This is consistent with the existing Zoning Resolution. Otherwise, they will create non-conformities over an increase of a few hundred sq. ft.—3 acres is 130,680 sq. ft. and 1 acre is 43,560 sq. ft.*

Section 942 – M-2 Manufacturing District Minimum Lot Width

~~250~~ 150 feet

*This is consistent with the existing Zoning Resolution.*

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

- a) A front yard setback of eighty (80) feet shall be required **from the right-of-way.**



## Staff Report – Paris Township Rezoning Application

b) Side yards: A side yard of twenty-five **(25)** feet on each side shall be required. If the use is adjacent to a U-1 or R-1 district, such side yard setback shall be ~~One hundred (100)~~ **forty (40)** feet from the shared lot line.

c) Rear yard setback: A rear yard setback of ~~fifty (50)~~ **forty (40)** feet shall be required. ~~If the use is adjacent to a U-1 or R-1 district, the rear yard setback shall be one hundred (100) feet from the shared lot line.~~

*This is more consistent with the existing Zoning Resolution.*

### Section 946 – M-2 Manufacturing District Accessory Buildings

~~\*\*\*c) May not be located closer than five (5) ten (10) feet to any non-residential side property line; may not be located closer than fifty (50) forty (40) feet to any residential property line, except that the minimum side yard requirement may be reduced to twenty (20) feet if acceptable landscaping or screening approved by the Zoning Inspector is provided. The landscaping or screening shall be living material forming a natural fence which material must be at least 4 feet at time of planting, and maintained at no less than 4 feet. Any agreed upon barrier, or landscaping shall not obscure traffic visibility at an intersection.~~

*This is more consistent with the existing Zoning Resolution.*

*Note: The existing Zoning Resolution includes language with a 40/20 setback for non-residential uses adjacent to residential uses.*

### Section 1303 Reduction of Side and Rear Lot Setbacks

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

*If this is included within the individual districts, it may be wise to strike this. Otherwise, it may be interpreted to allow an additional fifty (50) percent reduction.*

## ARTICLE XIV - NOISE REGULATIONS



**Staff Report – Paris Township Rezoning Application**

*Staff recommends this section be struck. How will the initial ambient noise be measured before the Zoning Resolution is passed? Studies of that nature are costly and time-consuming. How will it be enforced?*

Section 1602 - Supplemental Yard and Height Regulations

2. On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of ~~one two and one half (1 1/2)~~ **two and one-half (2 1/2)** to fifteen (15) feet above the centerline grades of the intersecting streets or roads in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street or road lines ~~one hundred (100)~~ **fifty (50)** feet from the point of intersection.

*This is more consistent with the existing Zoning Resolution.*

Section 1602 - Supplemental Yard and Height Regulations

\*\*\*4. Non-residential buildings or uses shall not be located in or conducted closer than forty (40) feet to any lot line of a residential structure, except that the minimum yard requirements may be reduced to fifty (50) percent of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided. The landscaping or screening shall be living material forming a natural fence which material must be at least 4 feet at time of planting, and maintained at no less than 4 feet. Any agreed upon barrier, or landscaping shall not obscure traffic visibility at an intersection.\*\*\*

*This is consistent with the existing Zoning Resolution.*

Section 1730 - Private Swimming Pools

Any private swimming pool **not including farm ponds and** exclusive of portable swimming pools with a diameter less than 12 feet or with an area of less than 100 square feet, must comply with the following conditions and requirements:

*This is consistent with the existing Zoning Resolution.*

ARTICLE XIX - INTERPRETATION & DEFINITIONS

Manufactured Home/Mobile Home - **means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-**



**Staff Report – Paris Township Rezoning Application**

five body feet in length or, when erected on site, is three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code or as an industrialized unit as defined in division (C)(3) of section 3781.06 of the Revised Code. Home/Mobile Home — Manufactured housing built on a chassis. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, even when wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle.

*This is consistent with the ORC.*

**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.**

*This is consistent with the existing Zoning Resolution.*

**ARTICLE XIX - INTERPRETATION & DEFINITIONS**

~~Mobile home—means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty five body feet in length or, when erected on site, is three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code or as an industrialized unit as defined in division (C)(3) of section 3781.06 of the Revised Code.~~

*Otherwise, there will be two definitions for mobile home.*

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



**Staff Report – Paris Township Rezoning Application**

	<i>Otherwise, this will conflict with the definition for principal building.</i>
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<b>Staff Recommendations:</b>	Staff recommends <b><i>APPROVAL WITH MODIFICATIONS</i></b> . This recommendation is contingent on the following: <ul style="list-style-type: none"><li>• Include all staff comments from LUC as noted in this staff report.</li><li>• Include all comments from the Union County Prosecutor’s Office as noted.</li></ul>
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<b>Z&amp;S Committee Recommendations:</b>	
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## PREAMBLE

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

THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF PARIS TOWNSHIP, UNION 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 Paris, Union County, Ohio."

Section 101 Use of Land or Buildings for Agricultural Purposes Not Affected. Use of land or buildings for agricultural purposes shall be governed by the provisions of Ohio Revised Code § 519.21 or as it may be amended. Residential dwelling on agriculturally zoned land require a permit. On lots which conform to the description set out in Ohio Revised Code § 519.21(B): (1) there shall be no agricultural uses permitted on lots of one (1) acre or less. On lots of one acre or less, there shall be permitted no more than one accessory building which total floor space shall not exceed six hundred (600) square feet; (2) on lots greater than one(1) acre but less than five (5) acres, there shall be permitted no more than one accessory building which total floor space shall not exceed fifteen hundred (1,500) square feet.

Section 102 Prohibited Uses. No use not specifically authorized by the express terms of this article of the Zoning Resolution shall be permitted.

Section 110 Provisions of Resolution Declared to be the Minimum Requirements. In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare.

Whenever the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulations, or resolutions, the most restrictive, or that imposing the higher standards shall govern. Where private building restrictions in recorded deeds or on a platted subdivision are greater than those imposed by this Resolution, they are not replaced by the provisions of this Resolution.

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

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

## ARTICLE II            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 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 occupies."
5. The word "lot" includes the words "plot" or "parcel."

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

Agriculture. "Agriculture", for the purposes of this ordinance, shall have the same meaning as contained in Ohio Revised Code § 519.01.

Alteration, Structural. Any change in supporting members of a building such as bearing walls, columns, beams and girders.

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

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

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

**Building.** Any structure designed or intended for the support, enclosure, shelter, or protection of person, 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 fable, hop 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 business which supplies a wide variety of comparison goods and services to consumers in a market area that includes the community or an area greater than a community. Examples of shopping-type businesses are furniture stores, automobile sales and services and clothing shops.

**Certificate of Compliance** A document issued by the Zoning Inspector authorizing the

occupancy or use of a building, structure, or the use of lots or land, indicating compliance with the Paris Township Zoning Resolution.

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

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

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

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 Schedules 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.

Conventional Built. See Stick-Built.

Density. A unit 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 which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

Dwelling, (Housing) Industrialized. Any structure defined in Dwelling (Housing) Manufactured which meets Ohio Basic Building Code Requirements.

Dwelling, (Housing) Manufactured. A manufactured building or portion of a building designed for long-term residential use which does not meet Ohio Basic Building Code requirements. This

category includes the following: *(See Footnote No.1)*

Modular Unit. A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site. The term is intended to apply to manufactured buildings, irrespective of whether the building includes prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements which are to be incorporated into a structure at the site.

Sectional Unit. A dwelling made of two or more modular units transported to the home site, put on a foundation, and joined to make a single dwelling.

Mobile Home. Manufactured housing built on a chassis. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, even when wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundations provided. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle.

This includes a double wide or triple wide mobile home, which is a mobile home consisting respectively of two or three sections combined horizontally at the site to form a single dwelling, while still retaining its individual chassis for possible future movement.

A mobile home includes an expandable mobile home which is a mobile home with one or more room sections that fold, collapse, or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living area.

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

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

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

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

Dwelling, Single-Family. A dwelling, except (Housing) Manufactured, consisting of single dwelling unit only, separated from other dwelling units by open space.

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.

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 related persons occupying a single dwelling unit.

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 not 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 and maintenance rooms.

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

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

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

Hazardous Materials. Means those substances which, singly or in combination, pose a significant present or potential threat or hazard to human health or to the environment, and

which, singly or in combination, require special handling, processing, or disposal, because they are or may be flammable, explosive, reactive, corrosive, toxic, infectious, carcinogenic, bioconcentrative, or persistent in nature, potentially lethal, or an irritant or strong sensitizer.

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

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

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 one thousand feet of the nearest edge of the right-of-way of a highway or street.

Kennel. 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 provides such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, and may consist of:



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

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

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

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

Lot Measurements. A lot shall be measured as follows:

1. Depth. The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and rearmost points of the side lot lines in the rear.
2. Width. The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

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

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

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

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

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

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

Mineral Extraction. Any mining, quarrying, or processing of limestone, clay, sand and gravel or other mineral resources.

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

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

Non-Conformities. A building, structure 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.

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

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

Offices. A place in which business, clerical or professional activities are conducted. Office business generally accommodates such occupations as administrative, executive,

professional, accounting, clerical, drafting, etc. Institutional office 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 environment features, water areas, swimming pools and tennis courts and other recreational facilities that the zoning commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

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

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

Personal Services. Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch and clock repair, barber shops, beauty shops 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. Buildings, power plants, substations, water treatment plant or pump station, sewage disposal plant or pump station, communications facilities and/or equipment, electrical, gas, water and sewerage service and other similar public service structures or facilities whether publicly or privately owned; but excluding sanitary landfills.

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

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 non-profit. Examples include, but are not limited to:

fishing areas, parks, archery ranges, etc.

Recreational Vehicle/Boat. A boat or vehicle type united primarily designed for recreational, camping, or travel use only, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: boats, travel trailer, camping trailer, truck camper, and motor home.

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

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

Right-of-Way. A strip of land taken or dedicated for use as a public way. In addition to the roadway, 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 non-hazardous solid wastes on land in a manner intended to minimize environmental hazards by spreading the non-hazardous solid wastes in thin layers, compacting the non-hazardous 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.

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

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

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

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 reflection 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 service.
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 of 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, or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work.

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 to public health, and includes, but it not limited to, garbage, combustible and non-combustible material, street dirt, and debris. For purposes of this definition, "material from construction operations" and "material from demolition operations" are 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.

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

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

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

Swimming Pool. A pool, lake, pond, or open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager. Farms ponds used primarily for agricultural purposes 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.
2. Community. Operative with a charge for admission.

Toxic or Hazardous Material. Means any substance or mixture by physical characteristics such as flammability, corrosiveness, 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 Warehouse. Business establishments that generally store and sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments or manufacturing establishments.

Yard. *A piece of open ground around a house, barn, school or building, unobstructed by any structure, unless otherwise authorized by this ordinance; provided that accessory structures are subject to height limitations as separately provided herein, 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 principle 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 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 ½) years. At a minimum, the application shall contain the following information.

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

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



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

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

Section 304 Expiration of Zoning Permit. If the work described in any zoning permit has not begun within six months from issuance thereof, said permit shall expire and be deemed terminated. The zoning permit holder shall provide the Township written notice of work commencement. The zoning permit shall be deemed void if the zoning permit holder fails to provide written notice of work commencement within six months of the permit's issuance, unless this provision is waived by written acknowledgment of the Zoning Inspector, executed upon the original permit.

If the work described in any zoning permit has not been completed within twelve months of the issuance thereof, said permit shall expire and be revoked by the Zoning Inspector with written notice to the permit holder. All work performed pursuant to a zoning permit that expires or is revoked shall cease and the property restored to the condition existing prior to the permit's issuance, If the permit holder fails to promptly restore the property to its prior condition upon receipt of written notice, then the Township may cause the property to be restored to its original condition and assess the costs against the real property tax duplicate.

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

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

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

Section 320 Construction and Use To Be As Provided In Applications, Plans, Permits, and Certificates. Zoning permits or certificates of compliance issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this Resolution and punishable as provided in Section 350 of this Resolution.

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

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

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

## ARTICLE IV NON-CONFORMITIES

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

Section 410 Incompatibility of Non-Conformities. Non-conformities are declared by this Resolution to be incompatible with permitted uses in the districts in which such use is located. A non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this Resolution. 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 are likewise prohibited.

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

Section 430 Single Non-Conforming Lots of Record. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at 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, if the lot otherwise conforms 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 land involved shall be considered to be an

undivided parcel for the purposes of this Resolution and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution, nor shall any division of any parcel be made which creates a lot with 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 non conforming to the requirements of this Resolution shall be erected in connection with such non-conforming use of land.

Section 450 Non-Conforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this Resolution 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 nonconformity;
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 the 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 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 may eliminate the non-conforming status of the land except as stated in Section 450 paragraph 2, subject to approval by the Board of Zoning Appeals.

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 nonconforming 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.

## **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 the Zoning Inspector. For the purpose of this Resolution, the zoning Inspector shall have the following duties:

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

Section 510 Zoning Commission. The Zoning Commission shall exist and comply with Ohio Revised Code Section 519.04

Section 511 Proceedings of Zoning Commission. The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Commission.

Section 512 Duties of Zoning Commission. For the purpose of this Resolution the Commission shall have the following duties:

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

Section 520 The Board of Zoning Appeals Shall Exist and Comply With Ohio Revised Code Section

519.13. 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 unincorporated areas 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 meeting shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each questions, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

Section 522 Duties of the Board of Zoning Appeals. In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decisions, or determination appealed from and make such order, requirement, decisions, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decisions, or determination of the Zoning Inspector, or to decide in favor or the applicant on any matter upon which it is required to pass under this Resolution or to effect any variation in the application of the Resolution. For the purpose of this Resolution the Board has the following specific responsibilities:

1. to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination, made by the Zoning Inspector;
2. to authorize such variances from the terms of this Resolution as will not be contrary to the public interest, where,, owing to the special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done;
3. to grant conditional use permits as specified in 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; and
4. for all such additional powers as specified in the Ohio Revised Code § 519.14, as amended.

Section 530 Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal. It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be

presented to the Board 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 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 Section 541-549, included, 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 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 a stay would cause imminent peril to life or property.

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

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

1. Name, address, and telephone number of applicants;



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

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

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

Section 546 Public Hearing by the Board of Zoning Appeals. The Board of Zoning Appeals shall hold a public hearing within thirty (30) 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 chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. Parties in interest shall include, but not be limited to, property owners contiguous to and directly across the road (street) from the property concerned. The notice shall contain the same information as required of notices published in newspapers as specified in Section 547.

Section 549 Action by Board of Zoning Appeals. Within thirty (30) days after the public hearing required in Section 547, the Board of Zoning Appeals shall, in writing either approve, approve with supplementary conditions as specified in Section 545, or disapprove the request for appeal or variance. If approved, the Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. Appeals from Board decisions shall be made in the manner specified in Section 530.

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

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

Section 562 Contents of Application for Conditional Use Permit. An application for a conditional use permit shall be filed with the Chairman 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 telephone number of the 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 areas, 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 on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district.
8. Names and addresses of all parties in interest, as described in Section 548.

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

1. Is in fact a conditional use as established under the provisions of 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 costs for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, or odors;
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

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

Section 566 Procedure for Hearing, Notice. Upon filing of the application for a Conditional Use Permit as specified in Section 562, the Board shall give written notice to all parties in interest, publish notice in a newspaper, and hold a public hearing, all according to the procedures specified in Section 546 through 548.

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

Section 568 Expiration of Conditional Use Permit. A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than two (2) years. Unless the Board of Zoning Appeals specifically orders otherwise, a change of ownership shall cause termination of the Conditional Use permit.

## ARTICLE VI

Section 600 Procedure for Amendment or District Changes. This Resolution may be amended utilizing the procedures specified in Sections 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 telephone number of the applicant;
2. Present use;
3. Present zoning district;
4. Proposed use;
5. Proposed zoning district;
6. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning and such other items as the Zoning Inspector may require;
7. A list of all property owners and their addresses who are within, contiguous to , and directly across the road (street) from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;
8. A fee as established by the Township Trustees, according to Section 360.

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

Section 605 Submission to Director of Transportation. Before any zoning amendment is approved affecting any land within three hundred feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred feet from the point of intersection or said centerline with any public road of highway, the Commission shall give notice, by registered mail or certified mail to the Director of Transportation. The Commission may proceed as required by law, however, the township trustees shall not approve the amendment for one hundred twenty days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the trustees that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the trustees shall proceed as required by law.

Section 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 the requirements of Chapter 519.12 of the Ohio Revised Code, shall transmit its recommendation to the Township Trustees. The Zoning Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.

Section 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 all the requirements of Chapter 519.12 of the Ohio Revised Code as amended.

Section 610 Action by Township Trustees. Within twenty days after the public hearing required in 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 deny or modify the recommendation of the Zoning Commission, they must do so by a unanimous vote.

Section 611 Effective Date and Referendum. Such amendment adopted by the trustees shall become effective thirty days after the date of adoption unless within thirty days after the adoption of the amendment there is presented to the trustees a referendum petition, filed in accordance

with Section 519.12 of the Ohio Revised Code as amended.

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## **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 chairman of the Board of Township Trustees and attested to by the Clerk.

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

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



## **ARTICLE 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 purpose of the rural district is to provide land which is suitable or used for agriculture, conservation,, very low density residential and public and quasi-public 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. Specific permitted and conditional uses are listed on the Official Schedule of District Regulations.

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

Section 813 Local Business District (B-2). The purpose of the local business district is to provide land for retail and personal service establishments offering convenience-type goods and services for the daily needs of the people. Shopping-type retail facilities are also permitted within this district. 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 heavy manufacturing district is to provide land for the development or operation of major manufacturing, processing, warehousing, research and testing facilities and supply yard. These activities may require extensive community facilities or reasonable access to collector and arterial highways and railroad facilities. They may have extensive open storage and service areas and generate heavy traffic. Specific permitted and conditional uses are listed on the 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 buildings, structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
2. No yard or lot existing at the time of passage of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Resolution shall meet at least the minimum requirements set forth herein.

Section 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.

## **ARTICLE X SUPPLEMENTARY DISTRICT REGULATIONS**

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

**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 as commercial or non-commercial recreation in accordance with the official Schedule of District 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 their pool is operated;

2. The pool and accessory structures thereto, including the area used by the bathers, shall not be closer than fifty feet to any property line;
3. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the thoroughfare or adjacent properties. Said fence or wall shall not be less than five feet in height and maintained in good condition.

Section 1004 Temporary Buildings. Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a zoning permit authorized by the zoning inspector.

Section 1005 Parking and Storage of Certain Vehicles. The following provisions and requirements shall pertain to the parking and storage of certain vehicles:

1. The parking or storage, within any district, of automotive vehicles without current license plates, including trailers detached from semi tractors, for a period exceeding fourteen (14) days shall be prohibited unless such vehicle is stored in an enclosed garage or other accessory building;
2. The parking or storage, within any district, of a disabled automotive vehicle for a period of more than thirty days shall be prohibited unless such vehicle is stored in an enclosed garage or other accessory building;
3. The parking or storage, within any district, of a junked, dismantled or wrecked automotive vehicle or parts thereof which is in public view of any highway for a period of more than thirty days shall be prohibited;
4. The parking and storage of one, unoccupied, recreational vehicle shall be permitted, providing the vehicle is parked at the rear of the front edge of the dwelling and complies in all other respects with the provisions of this resolution and all laws and ordinances, including but not limited to licensing and registration requirements.
5. No motor home or camper of any type may be occupied by any guest of the resident owner for more than fourteen (14) days in any one calendar year. Only one motor home or camper will be permitted at any time.

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

Section 1006 Ponds/Wetlands. Manmade ponds or wetlands greater than 1000 square feet in area may be excavated as a conditional use providing the following standards are met:

1. The pond or wetland shall be designed in accordance with, and reviewed by the Union County Soil and Water Conservation District. The District shall be responsible for the on site inspection to assure the pond is constructed according to approved plans.
2. A private engineer must design the pond or wetland. Every pond must have an approved outlet to a creek, river or adequate swale.
3. No pond, wetland or the resulting construction thereof, shall interfere with the natural flow of water in the area.
4. The Union County Soil and Water Conservation District must review and approve any pond site prior to pond design for ponds greater than 9,000 square feet.

Section 1007 Telecommunications Towers. As provided for in Section 519.211 of the Ohio Revised Code. Public utilities or other functionally equivalent providers may site a telecommunications tower as a conditional use provided the following conditions are met:

1. The maximum height of a tower shall not exceed 200'.
2. The tower and any stabilization structures or guide wires shall not be placed closer than 150' from a side or rear property line.
3. The tower shall not be placed closer than 200' from any existing structure dwelling; nor shall any tower be constructed to height greater than the distance from the center of the base thereof to the nearest property line of the tract upon which it is constructed.
4. Minimum lot size for which a tower is to be placed shall be 2 acres.
5. The tower shall be located a minimum of 150' from the edge of the right-of-way.
6. Security fencing shall be provided to prevent uncontrolled access to the tower site.
7. The tower shall be designed to aesthetically complement the surrounding community. Towers shall be painted in a non-contrasting color minimizing visibility unless otherwise required by the FCC or FAA.
8. A landscaping plan must be submitted and approved by the Board of

Zoning Appeal. An evergreen hedge planted three feet on center or an evergreen tree line planted five feet on center is suggested. All existing vegetation shall be retained and maintained to the extent possible.

9. Advertising shall not be permitted anywhere on the tower or site with the exception of identification signs and no trespassing signs, which are required.

10. The tower shall not be artificially lighted except to assure safety or as required by the FAA.

11. Towers must be designed and certified by an engineer to be structurally sound and, at a minimum, in conformance with the Ohio Basic Building Code.

12. The tower shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance.

13. Applicant or tower provider shall demonstrate that the telecommunication tower must be located where it is proposed in order to service the applicant's service area and that no viable siting alternative exists. There shall be an explanation of why a tower at this proposed site is technically necessary.

14. Where the tower is located on a property with another principle use, the applicant shall present documentation that the owner of the property supports the application and that vehicular access is provided to the property. Reasonable access and circulation shall be provided to the tower.

15. 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, the removal of the tower within one hundred eighty (180) days after the site's use is discontinued, proof that other co-locations opportunities have been explored and are unavailable and the notice has been provided as required in Section 303.211 of the Ohio Revised Code.

16. A tower may be attached to a residential or non-residential building or a structure that is a permitted use in the district; including, but not limited to, a church, a municipal or governmental building or facility, agricultural building, and a building or structure owned by a utility, provided conditions 2 through 15 above are met and the tower height does not exceed 20 feet above the existing building or structure to which the tower is attached.

## Waiver of Conditional Use Permit

Exception #1 - should a public telecommunication organization desire to site a tower on property that falls under the direct ownership of the County Commissioners or appropriate Township Trustees, then a Zoning Compliance Certificate may be obtained in lieu of a Conditional Use Permit providing conditions 3, 5, 6, 7, 9, 10, 11, and 15 are observed.

Exception #2 - should a public telecommunication organization desire to co-locate a tower with either another existing tower or a utility structure (i.e. water tower) then a Zoning Compliance Certificate may be obtained in lieu of a Conditional Use Permit provided conditions 3, 5, 6, 7, 9, 10 and 11 are observed

Section 1008 Sale of Chattels from Residential Property. The sale of chattels from residential property, in the form of garage sales, barn sales, yard sales, and the like, shall be permitted for a period of no more than three (3) consecutive days and not more than two (2) times per year. Sales as any other times are prohibited.

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 centerline grades of the intersecting streets or roads in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street or road lines fifty (50) feet from the point of intersection of the right-of-way lines.

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 specific for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

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. The landscaping or screening shall be living material forming

a natural fence which material must be at least 4 feet at time of planting, and maintained at no less than 4 feet. Any agreed upon barrier, or landscaping shall not obscure traffic visibility at an intersection.

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 materials shall be protected by adequate fire-fighting and fire prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

Section 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 1023 Adequate Drainage Outlet and Acceptable Soils. Every lot shall have an adequate drainage outlet and acceptable soils consistent with the requirements for the proposed use. The Union Soil & Water Conservation District shall determine the drainage outlet adequacy and the soils acceptability.

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

Section 1025 Mining, Mineral, 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 through 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 500 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 in an amount acceptable to the Board of Township Trustees, payable to the township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. 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 and shall utilize other safeguards as may be mandated by the Board of Zoning Appeals 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 1033 Bed and Breakfast Operations A valid zoning permit must be obtained and the following conditions must be met for all bed and breakfast operations:

1. The Bed and Breakfast must be owner-operated; it must be the principal

residence of the owner, and occupied by the owner, unless authorized differently as a conditional use by the Board of Zoning Appeals.

2. One (1) individual not residing in the Bed and Breakfast may be employed in its operation.
3. No more than four (4) rooms shall be offered for rent. The Board of Zoning Appeals may permit more rooms in Residential Zoning Districts which permit multi-family dwellings.
4. Each room rented shall contain a minimum of one-hundred (100) square feet. No rented room shall have independent outside entrance (emergency fire exits are permitted).
5. Neither any rented room nor the owner's dwelling space shall be located in an accessory structure.
6. No cooking facilities of any type shall be permitted in the rented rooms.
7. A minimum of one (1) on-site parking space per room offered for rent, and two (2) spaces for the owners shall be required.
8. No changes to the outside appearance of the dwelling shall occur as a result of the operation of the bed and breakfast facility.
9. One (1) sign not exceeding four (4) square feet in area shall be permitted identifying the dwelling as a "Bed and Breakfast".
10. Comply with all state and governmental requirements.
11. The owner shall notify the Zoning Inspector in writing of his intentions to use the structure in this manner each year.
12. Any other condition or safeguard deemed appropriate by the Board of Zoning Appeals.
13. If problems are created or result from the use of the dwelling as a Bed and Breakfast, or if the foregoing provisions shall have been violated by the owner thereof, the zoning permit may be revoked by the Zoning Inspector after a review of the circumstances by the Zoning Board of Appeals.

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

Section 1045 Sanitary Landfill and Incinerator. No person shall begin, operate or maintain for commercial business purposes, a sanitary landfill or incinerator 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 with the Ohio Fire Code for the purpose of heating buildings and located on site, nor to materials stored for on-site residential, industrial, commercial or agricultural purposes.

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

## 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 or use, shall not apply to any existing building or structure.

3. whenever a building or structure constructed after the effective date of this Resolution is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this Resolution is enlarged to the extent of fifty (50) percent or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

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

Section 1111 Loading Space Requirements and Dimensions. A loading space shall have minimum dimensions of not less than twelve (12) feet in width, eighty (80) feet in length, exclusive of driveways, aisles and other circulation areas and a height of clearance of not less than fifteen (15) feet. one of f -street loading space shall be provided and maintained on the same lot requiring delivery of goods and having a modified gross floor area of up to five thousand (5,000) square feet. one loading space shall be provided for each additional ten thousand (10,000) square feet or fraction thereof of ground floor area.

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

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

1 . Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve;

2. Parking spaces for commercial, industrial or institutional uses shall be located no more than seven hundred (700) feet from the principal use;
3. Parking spaces for any apartments, or similar residential uses shall be located not more than three hundred (300) feet from the principal use.

Section 1117 Screening and/or Landscaping. Whenever a parking area is located in or adjacent to a residential district it shall be effectively screened on all sides which adjoin or face any property used for residential purposes by an acceptable designed fence or planting screen. Such fence or planting screen shall be not less than four (4) feet nor more than six (6) feet in height, shall be maintained in good condition, and shall comply with the provisions of Section 1015 of this Resolution. In the event that terrain or other natural features are such that the erection of such fence or planting screen will not serve the intended purpose, the so such fence or planting screen and landscaping shall be required.

Section 1119 Minimum Distance and Setbacks. No part of any parking garage 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. Driveway aisles serving individual parking spaces shall be not less than twenty-five (25) feet wide for ninety (90) degree parking, twelve (12) feet wide for parallel parking, seventeen and one-half (17 ½) feet wide for sixty (60) degree parking and thirteen (13) feet wide for fortyfive (45) degree parking.

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

<u>TYPE OF USE</u>	<u>PARKING SPACES REQUIRED</u>
Single family or two family dwelling	Two for each unit
Apartments, or multi-family dwellings	Two for each unit

Mobile homes	Two for each unit
Outdoor swimming pools, public or community or club	One for each 5 persons capacity plus one for each 4 seats or one for each 30 sq. ft. floor area used for seating purposes whichever is greater
Retail establishments	One for each 250 sq. ft. of floor area
Offices, public or professional, administrative or service buildings	One for each 400 sq. ft. of floor area
All other types of businesses or commercial uses permitted in any district	One for each 300 sq. ft. of floor area
Churches	One for each 5 seats
All types of manufacturing, storage and wholesale uses	One for every 2 employees on the largest shift for which the building is designed
Bed and Breakfast	As mandated by Section 1033

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

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

## ARTICLE XII SIGNS

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

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

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

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

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;

**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 District 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 or expanded mobile home park shall:

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

Section 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 Ohio Revised Code, Section 3733, as amended.

Section 1340 Minimum Floor Area. Individual mobile homes located within the park shall have a minimum floor area of nine hundred (900) square feet using accepted industry measurement standards.



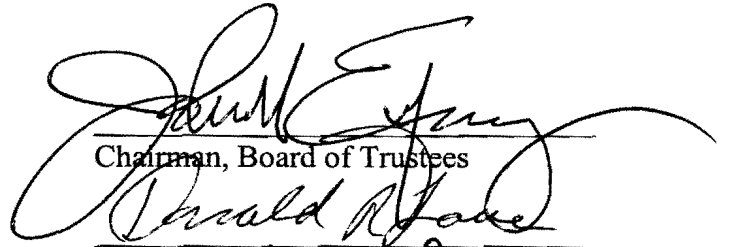
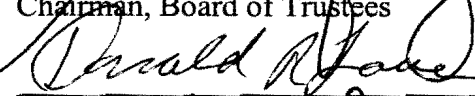
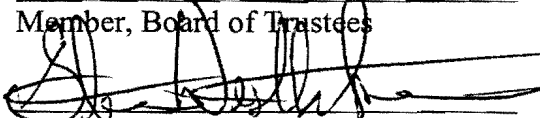
Section 1341 Mobile Homes Individually. The following requirements shall apply to mobile home dwellings that are placed upon an individual lot in any district where permitted.

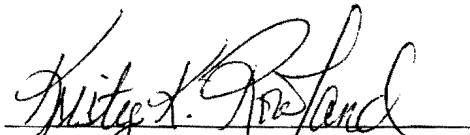
1. Individual mobile homes shall have, using accepted industry measurement standards, a minimum area of one thousand (1350) square feet of floor area.
2. All indicia of the mobile homes mobility, which includes axles, wheels and hitch, shall be permanently removed.
3. The mobile home must be secured on a permanent perimeter masonry foundation, which foundation's footers shall extend below the frost line and which includes tie-downs consistent with state specifications.
4. The mobile home shall be landscaped with lawn within one hundred sixty (160) days after its placement.
5. The title must be surrendered so that the home is taxed as part of the real estate.
6. The mobile home must comply with Ohio Basic Building Code specifications.

Date Adopted: April 5, 2004

Effective Date

April 5, 2004

  
Chairman, Board of Trustees  
  
Member, Board of Trustees  
  
Member, Board of Trustees

  
Attest: Clerk, Board of Trustees

## ARTICLE XIV SMALL WIND ENERGY PROJECT REGULATION

**Section 1401 Title.** This regulation may be referred to as the Small Wind Energy Project Regulation.

**Section 1402 Authority.** This regulation is adopted pursuant to authority granted by O.R.C. § § 519.02 to 519.25.

**Section 1403 Purpose.** The purpose of this regulation is to establish regulations for small wind energy projects in order to preserve and protect the public health and safety.

**Section 1404 Applicability.** This regulation applies to all lands within the boundaries of Paris Township, Union County, Ohio.

**Section 1405 Definitions.** In this regulation:

(1) "Clear Fall Zone" means an area surrounding the wind turbine unit into which the turbine, tower and or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure. The area shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located. The purpose of the zone being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel, will not fall onto dwellings or accessory buildings, and will not intrude onto a neighboring property.

(2) "Kilowatt" means a unit of power equal to 1000 watts .

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

(4) "Owner" means the person that owns a small wind energy project or met tower and the property on which the small wind energy project or met tower is located.

(5) "Rotor Diameter" means the cross sectional dimension of the circle swept by the rotating blades.

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

(7) "Total height" means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

(8) "Tower" means either the freestanding, guyed, or monopole structure that supports a wind generator or the freestanding, guyed, or monopole structure that is used as a met tower.

(9) "Township Zoning Inspector" means the Paris Township Zoning Inspector

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

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

**Section 1406 Standards - Small Wind Energy Project.** A small wind energy project shall be a conditional use in any district subject to the following requirements:

(1) Set backs. A wind tower for a small wind energy project must be set back:

(a) A distance equal to 1.1 times its total height from any public road right of way, unless written permission is granted from the governmental entity with jurisdiction over the road;

(b) A distance equal to 1.1 times its total height from any overhead utility lines, unless written permission is granted from the affected utility;

(c) A distance equal to 1.1 times its total height from all property lines, and

(d) To provide for a "clear fall zone" that shall be maintained at all times the turbine or tower is standing. The "clear fall zone" along with the manufacturers recommendations of such a zone must be attached to the engineering report submitted as part of the application.

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

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

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

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

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

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

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

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

(10) Signal Interference. The owner of a small wind energy project or met tower must take reasonable steps to prevent and eliminate any interference with the transmission and

reception of electromagnetic communications, such as microwave, radio, telephone, or television signals.

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

**Section 1407 Standards - Met Tower.** A met tower shall be a conditional use in any district subject to the same standards as a small wind energy project set forth in Section 1406, except for the standards contained in subs. 1406(2) and 1406(3).

**Section 1408 Permit Requirements.**

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

(7) The Conditional Use Permit application for a small wind energy project shall include standard drawings and an engineering analysis and report of the system's tower and certification by a professional mechanical, structural, or civil engineer.

**Section 1409 Abandonment.** (1) A small wind energy project or met tower that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Township Zoning Inspector may issue a Notice of Abandonment to the owner of the small wind energy project or met tower that is deemed to have been abandoned. The owner shall have the right to respond to the Notice of Abandonment within 30 days from the Notice date. The Township Zoning Inspector shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides verification that demonstrates the small wind energy project or met tower has not been abandoned.

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

**Section 1410 Conditional Use Permit Procedure.**

- (1) An Owner shall submit an application to the township zoning inspector for a conditional use permit for a small wind energy project. The application must be on a form approved by the Township and must be accompanied by seven (7) copies of the site plan identified in Section 1408(2) above.
- (2) The Board of Zoning Appeals shall authorize issuance of a permit or deny the application within the time provisions set out in Section 567 of the Paris Township Zoning Resolution.
- (3) The Board of Zoning Appeals may authorize the issuance of a conditional use permit for a small wind energy project after a public hearing held pursuant to the provisions of § 566 on the application if the application and supporting materials show that the proposed small wind energy project meets the requirements of this regulation and the use is otherwise authorized by the Board of Zoning Appeals.
- (4) The Owner shall conspicuously post the conditional use permit on the premises so as to be visible to the public at all times until construction or installation of the small wind energy project is complete.

**Section 1411 Violations.** (1) It is unlawful for any person to construct, install, or operate a small wind energy project or met tower that is not in compliance with this regulation or with any condition contained in a permit issued pursuant to this regulation. A small wind energy project or met tower that was installed prior to the effective date of this regulation is exempt from the requirements of this regulation.

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

**Section 1412 Enforcement.** (1) The Zoning Inspector may enter any property for which a permit has been issued under this regulation to conduct an inspection to determine

whether there is any violation of this regulation or whether the conditions stated in the permit have been met.

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

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

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

**Section 1413 Penalties.** (1) Any person who fails to comply with any provision of this regulation or a building permit issued pursuant to this regulation shall be subject to enforcement and penalties as stipulated in the Paris Township Zoning Regulations.

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

**Section 1414 Relationship to Other Regulations.** This regulation does not abrogate, annul, impair, interfere with, or repeal any existing regulation.

**Section 1415 Severability.** The provisions of this regulation are severable, and the invalidity of any section, subsection, paragraph, or subdivision will not affect the validity or effectiveness of the remainder of the regulation.

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## ARTICLE XV INTERMEDIATE WIND ENERGY PROJECT REGULATION

**Section 1501 Title.** This regulation may be referred to as the Intermediate Wind Energy Project Regulation.

**Section 1502 Authority.** This regulation is adopted pursuant to authority granted by O.R.C. § § 519.02 to 519.25.

**Section 1503 Purpose.** The purpose of this regulation is to establish regulations for intermediate wind energy projects in order to preserve and protect the public health and safety.

**Section 1504 Applicability.** This regulation applies to all lands within the boundaries of Paris Township, Union County, Ohio.

**Section 1505 Definitions.** In this regulation:

(1) "Clear Fall Zone" means an area surrounding the wind turbine unit into which the turbine, tower and or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure. The area shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located. The purpose of the zone being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel, will not fall onto dwellings or accessory buildings, and will not intrude onto a neighboring property.

(2) (a) "Kilowatt" means a unit of power equal to 1000 watts.

(b) "Megawatt" means a unit of power equal to 1,000,000 watts.

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

(4) "Nacelle" means the enclosed portion of the wind energy turbine that sits atop the tower and contains the essential mechanical components of the turbine to which the rotor attaches.

(5) "Owner" means the person that owns an intermediate wind energy project or met tower and the property on which the intermediate wind energy project or met tower is located.

(6) "Rotor Diameter" means the cross sectional dimension of the circle swept by the rotating blades.

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

(8) "Total height" means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

(9) "Tower" means either the freestanding, guyed, or monopole structure that supports a wind generator or the freestanding, guyed, or monopole structure that is used as a met tower.

(10) "Township Zoning Inspector" means the Paris Township Zoning Inspector

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

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

**Section 1506 Standards - Intermediate Wind Energy Project.** An intermediate wind energy project shall be a conditional use in any district subject to the following requirements:

(1) Set backs. A wind tower for an intermediate wind energy project must be set back:

(a) A distance equal to 1.1 times its total height from any public road right of way, unless written permission is granted from the governmental entity with jurisdiction over the road;

(b) A distance equal to 1.1 times its total height from any overhead utility lines, unless written permission is granted from the affected utility;

(c) A distance equal to 1.1 times its total height from all property lines, and

(d) To provide for a "clear fall zone" that shall be maintained at all times the turbine or tower is standing. The "clear fall zone" along with the manufacturers recommendations of such a zone must be attached to the engineering report submitted as part of the application.

(e) A minimum distance of 2640 feet from any structure, dwelling, unit or housing used as a dwelling.

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

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

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

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

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

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



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

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

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

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

**Section 1507 Standards - Met Tower.** A met tower shall be a conditional use in any district subject to the same standards as an intermediate wind energy project set forth in Section 1506, except for the standards contained in subs. 1506(2) and 1506(3).

#### **Section 1508 Permit Requirements.**

(1) Conditional Use Permit. A Conditional Use permit is required for the installation of a intermediate wind energy project or a met tower.

(2) Site Plan Review. The Conditional Use Permit application shall be accompanied by a site plan which includes the following:

- (a) Property lines and physical dimensions of the property;
- (b) Location, dimensions, and types of existing major structures on the property;
- (c) Location of the proposed wind project tower;
- (d) Location of any overhead utility lines on or adjacent to the property;
- (e) The right-of-way of any public road that is contiguous with the property;
- (f) Description and specifications of the components of the intermediate wind energy project, met tower, or both, including the manufacturer, model, capacity, blade length, rotor diameter, and total height of any intermediate wind energy project; and
- (g) A statement from the applicant that all Wind Energy Project(s) will be installed in compliance with manufacturer's specifications, and a copy of those manufacturer's specifications.

(3) Fees. The application for a Conditional Use permit for a intermediate wind energy project must be accompanied by the appropriate fee required.

(4) Expiration. A Conditional Use permit issued pursuant to this regulation shall expire if:

- (a) The intermediate wind energy project or met tower is not installed and functioning within 12 months from the date the Conditional Use permit is issued;  
or
- (b) The intermediate wind energy project is out of service or otherwise unused for a continuous 12-month period.

(5) Building Permits- Applicants for all intermediate wind energy projects and parts thereof shall obtain all applicable Building Permits from the State of Ohio and the County Building Regulators, as required.

(6) The system shall comply with all applicable Federal Aviation Administration (FAA) requirements, including Part 77 of Title 14 of the Code of Federal Aviation Regulations regarding installations close to airports.

(7) The Conditional Use Permit application for an intermediate wind energy project shall include standard drawings and an engineering analysis and report of the system's tower and certification by a professional electrical engineer and a professional mechanical, structural, or civil engineer.

**Section 1509 Abandonment.** (1) An intermediate wind energy project or met tower that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Township Zoning Inspector may issue a Notice of Abandonment to the owner of the intermediate wind energy project or met tower that is deemed to have been abandoned. The owner shall have the right to respond to the Notice of Abandonment within 30 days from the Notice date. The Township Zoning Inspector shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides verification that demonstrates the intermediate wind energy project or met tower has not been abandoned.

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

#### **Section 1510 Conditional Use Permit Procedure.**

- (1) An Owner shall submit an application to the township zoning inspector for a conditional use permit for a intermediate wind energy project. The application must be on a form approved by the Township and must be accompanied by seven (7) copies of the site plan identified in Section 1508(2) above.
- (2) The Board of Zoning Appeals shall authorize issuance of a permit or deny the application within the time provisions set out in Section 567 of the Paris Township Zoning Resolution.
- (3) The Board of Zoning Appeals may authorize the issuance of a conditional use permit for an intermediate wind energy project after a public hearing held pursuant to the provisions of § 566 on the application if the application and supporting materials show that the proposed intermediate wind energy project meets the requirements of this regulation and the use is otherwise authorized by the Board of Zoning Appeals.
- (4) The Owner shall conspicuously post the conditional use permit on the premises so as to be visible to the public at all times until construction or installation of the intermediate wind energy project is complete.

**Section 1511 Violations.** (1) It is unlawful for any person to construct, install, or operate an intermediate wind energy project or met tower that is not in compliance with this regulation or with any condition contained in a permit issued pursuant to this regulation. An intermediate wind energy project or met tower that was installed prior to the effective date of this regulation is exempt from the requirements of this regulation.

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

**Section 1512 Enforcement.** (1) The Zoning Inspector may enter any property for which a permit has been issued under this regulation to conduct an inspection to determine whether there is any violation of this regulation or whether the conditions stated in the permit have been met.

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

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

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

**Section 1513 Penalties.** (1) Any person who fails to comply with any provision of this regulation or a building permit issued pursuant to this regulation shall be subject to enforcement and penalties as stipulated in the Paris Township Zoning Regulations.

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

**Section 1514 Relationship to Other Regulations.** This regulation does not abrogate, annul, impair, interfere with, or repeal any existing regulation.

**Section 1515 Severability.** The provisions of this regulation are severable, and the invalidity of any section, subsection, paragraph, or subdivision will not affect the validity or effectiveness of the remainder of the regulation.

## OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

<u>ZONING DISTRICTS</u>  (Symbols as used on the Official Zoning Map)	<u>PERMITTED USES</u>  (Accessory Uses and essential services are included)	<u>CONDITIONAL USES</u>  (Permitted upon issuances of a Condition Use Permit by the Board of Zoning Appeals)
1	2	3
U-1 Rural	Single-family dwelling; Agriculture; Conservation; Very low density residential; Home occupation; Roadside vegetable produce stands; Dwelling (housing) industrialized; Bed and Breakfast; Public and quasi-public uses; Nursery (Greenhouse) tree and Plant.	Veterinary animal hospital or clinic; Mineral extraction; Service business; Commercial & non-commercial recreation; Convenience type retail, Public service facility; Personal services; Offices, Wholesale & warehousing; Essential services; Light manufacturing; Mobile Home Park; Junk yard; Motor vehicle salvage facility; Craft & gift shop; Transport terminal; Shopping type retail, Nursing Home, Kennel
R-1 Low Density Residential	Single-family dwelling; Dwelling (housing) industrialized; Public and quasi-public uses; Bed and Breakfast	Essential services, Service business; Home occupation; Personal services; Multi-family dwelling, Nursing Home
B-2 Local Business	Bed & Breakfast; Convenience & shopping type retail; Commercial recreation; Offices; Gasoline service station; Eating & drinking establishments; Service business; Personal services, Transient lodgings; Wholesale and warehouse; Single family dwelling*; Dwelling (housing) industrialized; public and quasi-public uses; Nursery (Greenhouse) tree & plant; Craft & gift shop; Nursing home	Light manufacturing; Multi-family dwelling*; Public service facility, Essential services
M-2 Heavy Manufacturing	Light & heavy manufacturing; Service business; Offices; Personal services; Supply yards; Wholesale & warehouse; Transport terminals; Single family dwelling*; Dwelling (housing) industrialized; public and quasi-public uses	Public service facility; mineral extraction

	MINIMUM LOT SIZE			Maximum Percentage of Lot to be occupied (Principal and Accessory Buildings)	Minimum Floor Area (Square Feet)	Maximum Height Principal Buildings		Front Yard	Minimum Yard Dimensions		Rear Yard
	square feet per household	With On-Site Sewage Treatment	With Group or Central Sewage Treatment			Frontage/Width in Feet	Stories		Feet	Side Yard	
	4	5	6	7	8	9	10	11	12	13	14
U-1	65,340	-	150	25	1,350	2 ½	35	50	20	40	30
R-1 (central) (multi)	65,340	14,520 4,356	150 100 80	25 30	1,350 575	2 ½ 2 ¾	35 35	50 [35] 25	20 [10] 10	40 [20] 20	30 [30] 30
B-2	40,000	- 15,000	150 100	50	none	2	30	30	15	25	30
M-2	130,000	- 40,000	150 150	50	none	3	45	80	25**	50**	40**

ACCESSORY BUILDINGS		ACCESSORY BUILDINGS		Minimum Mandatory Off-Street Parking Space	Minimum Mandatory Off-Street Loading Space	Signs Permitted	Other Provisions and Requirements
Maximum Height in Feet		Distance in Feet to:		One Unit for Each			(Supplementary regulations, prohibitions, notes, etc.)
15		Side Lot Line	Rear Lot Line	18	19	20	21
U-1	20	20	10	See Article XI	See Article XI	See Article XIII	1000 square feet for mobile home
R-1	15	20 [5]	10	See Article XI	See Article XI	See Article XII	1000 square feet for mobile home. Use parenthesis figures if central sewage.
B-2	15	none	none	See Article XI	See Article XI	See Article XII	*For residential, refer to R-1 District regulations
M-2	25	10	20	See Article XI	See Article XI	See Article XII	*For residential, refer to R-1 District Regulations. **Non-residential use cannot be conducted closer than 40 feet from any residential structure.

September 24, 2015 Paris Township Zoning Commission

**Motion to Amend the Paris Township Zoning Resolution**

The Paris Township Zoning Commission met in open regular session at the offices of Cannizzaro, Bridges, Jillisky & Streng, LLC, 302 South Main Street, Marysville, OH 43040 to consider amendments the Paris Township Zoning Resolution pursuant to O.R.C. § 519.12

The meeting was called to Order by Chairman Ralph Wilson. The chairman called for a Motion relating to the possible amendment. Member NED RAUSCH moved that the Paris Township Zoning Resolution be amended pursuant to the attached exhibit hereto. The motion was duly seconded by Member KERMIT MORSE. The floor was opened for discussion after which Chairman Ralph Wilson called for a vote. The Motion passed unanimously.

Member: Vote:

Dave Green Aye  
Dave Green

Dale Scheiderer Aye  
Dale Scheiderer

Kermit Morse Aye  
Kermit Morse

Ned Rausch Aye  
Ned Rausch

Ralph Wilson Aye  
Ralph Wilson, Chairman

The proposed amendment to the Paris Township Zoning Resolution shall come for hearing pursuant to ORC § 519.21(A)(2) before the Paris Township Zoning Commission on Monday October 19, 2015 at 7:00 pm at the Paris Township Hall. Public Notice shall issue accordingly.



Zoning & Subdivision Committee  
Thursday, October 8, 2015

The Zoning and Subdivision Committee met in regular session on Thursday, October 8, 2015, at 12:18 pm at the LUC East Liberty Office. Zoning & Subdivision Committee Members were in attendance as follows: Brad Bodenmiller, Doug Crabill for Tyler Bumbalough, Cale Jacobs for Scott Coleman, Wes Dodds, Chad Flowers, Dave Gulden, Charles Hall, Paul Hammersmith, Heather Martin, Mark Mowery for Steve McCall, Bill Narducci for Jeff Stauch, Skyler Wood and Andy Yoder.

Guests included: John Bayliss; David Faulkner; Tim Notestine; Bob Kroshefsky, Taylor Township Zoning Chairman; Wayne Ballantyne, Darby Braeside; Frank Albanese, Darby Braeside; Bill Pizzino, Darby Braeside.

Wes Dodds chaired the Zoning & Subdivision Committee Meeting.

Charles Hall moved a motion to approve the minutes from the September 10, 2015 meeting as written and Andy Yoder seconded. All in favor.

1. Review of Village Neighborhood Section 4 (VN-4) Preliminary Plat (Union County) – Staff Report by Brad Bodenmiller
  - Andy Yoder moved a motion to recommend accepting the e-mail request from Justin Wollenberg to table Village Neighborhood Section 4 Preliminary Plat and Paul Hammersmith seconded. All in favor.
2. Review of Darby Braeside Final Plat (Union County) – Staff Report by Brad Bodenmiller
  - Brad – There was an additional reviewing agency comment from the Engineer's Office via email on 10-07-15. The comment required realignment of the stream protection easement along the tree line and inclusion of bearings and distances.
  - David Faulkner – What expired and why?
    - Brad – I assume there was a misunderstanding that caused the preliminary plat to not be renewed in the appropriate timeframe. There is a two-year limit. It's possible to request an extension, but that was not done.
      - David Faulkner – Is there anything that causes an issue after expiration?
        - Brad – They have to refile everything and repay the fees instead of just an extension.





# Logan-Union-Champaign regional planning commission

Director: Dave Gulden, AICP

- Charles Hall moved a motion to accept the staff report and recommend approval of the Darby Braeside Final Plat Final Plat and Paul Hammersmith seconded. All in favor.
- 3. Review of Britonwood Final Plat (Union County) – Staff Report by Brad Bodenmiller
  - 1<sup>st</sup>: Paul; 2<sup>nd</sup>: Charles
  - Paul Hammersmith moved a motion to recommend accepting the e-mail request from Steve Lenker of the Britonwood Final Plat and Charles Hall seconded. All in favor.
- 4. Review of Rush Township Zoning Text Update (Champaign County) – Staff Report by Brad Bodenmiller
  - Brad Bodenmiller – This is similar to the Miami Township language.
  - David Faulkner – So they can't leave the axles?
    - Brad Bodenmiller – Axles get removed and it has to have that certification tag.
  - Wes Dodds – Did the Prosecutor's Office comment and approve?
    - Brad – Yes, Jane worked with us and approved the language.
  - Tim Notestine – Cities still have home rule for manufactured homes.
  - David Faulkner – They can't tax them if they have the axles right?
    - Brad Bodenmiller – Correct.
  - Andy Yoder moved a motion to accept the staff report and recommend approval of the Rush Township Zoning Text Update with those modifications and Paul Hammersmith seconded. All in favor.
- 5. Review of Paris Township Zoning Re-write (Union County) – Staff Report by Brad Bodenmiller
  - John Bayliss – If the local folks are proposing a 50-foot setback versus a 40-foot, maybe they value that extra 10 feet? If this is what's in affect beyond the date of the adoption, I don't see a big issue.
    - Brad Bodenmiller – It creates non-conformities which can create an issue. We are just pointing-out where those potential increases are and the problem that may potentially arise.
  - Paul Hammersmith – On accessory structures, what did they define?
    - Brad Bodenmiller - It is similar to LUC's standard language.
  - Andy Yoder moved a motion to accept the staff report and the Union County Prosecutor's Office comments and recommend approval of the Paris Township Zoning Re-Write with those modifications and Charles Hall seconded. All in favor.
- 6. Other

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## Logan-Union-Champaign regional planning commission

Director: Dave Gulden, AICP

- Dave Gulden asked the committee for guidance in regards to recent applications in the Hyland-Croy area. Should LUC send a letter to zoning amendment applicants telling them they need to submit to LUC for future plat applications even though that falls under the County Engineer purview?
- Paul Hammersmith – You could, it's a gentle reminder.
- Bill Narducci agreed.
- Dave said that future staff reports will include this reminder.

The Zoning and Subdivision Committee adjourned at 12:45 pm with Andy Yoder moving the motion to adjourn and Paul Hammersmith seconded. All in favor.

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