



Zoning & Subdivision Committee

Thursday, May 12, 2022, 11:45 am

- Minutes from last meeting of April 14, 2022
 1. Review of Mills of Watkins Final Plat (Union County) – Staff Report by Brad Bodenmiller
 2. Review of Allen Township Zoning Parcel Amendment (Union County) – Staff Report by Aaron Smith
 3. Review of Claibourne Township Zoning Text Amendment (Union County) – Staff Report by Brad Bodenmiller
 4. Review of Johnson Township Zoning Text Amendment (Champaign County) – Staff Report by Aaron Smith
 5. Review of Rush Township Zoning Text Amendment (Champaign County) – Staff Report by Brad Bodenmiller
 6. Review of Urbana Township Zoning Parcel Amendment (Champaign County) – Staff Report by Aaron Smith
 7. Review of Washington Township Zoning Text Amendment (Logan County) – Staff Report by Aaron Smith
 8. Review of Washington Township Zoning Text Amendment (Union County) – Staff Report by Brad Bodenmiller
 9. Review of York Township Zoning Text Amendment (Union County) – Staff Report by Brad Bodenmiller
 10. Review of Zane Township Zoning Text Amendment (Logan County) – Staff Report by Aaron Smith

Members:

Tyler Bumbalough – City of Urbana Engineer
Scott Coleman – Logan County Engineer
Weston R. Dodds – City of Bellefontaine Safety Service Director
Ashley Gaver – City of Marysville
Steve Robinson – Union County Commissioner
Steve McCall – Champaign County Engineer
Tammy Noble – City of Dublin Planning
Tom Scheiderer – Jefferson & Zane Township Zoning Inspector
Jeff Stauch – Union County Engineer
Todd Freyhof – North Lewisburg Administrator
Brad Bodenmiller – LUC
Heather Martin – LUC
Aaron Smith – LUC

10820 St. Rt. 347, PO Box 219

East Liberty, Ohio 43319

• Phone: 937-666-3431 •

• Email: luc-rpc@lucplanning.com • Web: www.lucplanning.com



Staff Report – Mills of Watkins, Phase I

Applicant:	<p>Buxton Development Co. c/o Doug Annette & Barney Dodson 7510 Merchant Road Plain City, OH 43064 doug@ohiofarmhouse.com</p> <p>Diamond V, LLC c/o Steve Lamphear, PE PS 58 South Main Street London, OH 43140 steve.l@diamondvllc.com</p>
Request:	Approval of Mills of Watkins, Phase I – Final Plat.
Location:	Located west of Watkins Road, south and adjacent to Buxton Meadows in Dover Township, Union County.

Staff Analysis:	<p>This Final Plat involves 17.014 acres of land and proposes 20 single-family residential lots.</p> <p>Acreages:</p> <ul style="list-style-type: none"> ○ 2.762 acres in right-of-way ○ 8.047 acres in single-family residential lots ○ 5.605 acres in open space ○ 0.600 acres in ponds <p>Proposed utilities:</p> <ul style="list-style-type: none"> ○ Individual household wells ○ Pump station and central sewer (Union County) <p>Preliminary Plat:</p> <ul style="list-style-type: none"> ○ The current iteration of the Mills of Watkins – Preliminary Plat was approved in July 2021. <p>• Union County Engineer’s Office</p> <ul style="list-style-type: none"> ○ The Engineer’s Office submitted comments in a letter dated 05-04-22. The Engineer’s Office reported the Construction Drawings are approved, but construction has not completed. Due to this, a bond/surety is required, but has not yet been submitted for consideration/approval by the Commissioners. Additional comments are listed
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below. The Engineer's Office recommended denial due to the outstanding comments.

1. Ensure all text on the title sheet is large enough to be legible.

• **Union County Soil & Water Conservation District**

- Soil & Water Conservation District submitted comments in an undated letter.
 1. The first three of the four comments from Soil & Water were concerning ongoing construction.
 2. Below Lot 13 is a 10' wide easement. On the "Reserve and Water Systems Locations" exhibit, this is labelled as a utility easement. However, on Sheet 2/2 on the Plat, it is labeled as a drainage easement. Ensure all stormwater easements are appropriately sized, with a minimum of 20' for access and maintenance.

• **Union County Health Department**

- The Health Department submitted comments in an email dated 06-30-21. The Board of Health and Environmental Health Division are familiar with this subdivision. The proposed homesites within the Mills of Watkins will be serviced by private water systems. This was approved by the Board of Health 09-19-18. Any and all previous approvals are still in effect. No additional comments have been received.

• **City of Marysville**

- The City submitted comments in an email dated 05-06-22.
 1. Sheet 1: Include the City's standard easement language.

• **Dover Township**

- In an email dated 05-09-22, the Township advised the proposed Final Plat is missing lot widths.

• **ODOT District 6**

- No comments received as of 05-04-22.

• **Union Rural Electric**

- URE submitted comments in a letter dated 05-04-22. **Some** of those comments are listed below and



summarized for reference. (Please refer to letter for all comments.)

1. URE specified several locations where easements are required and specified the widths required by URE.
2. URE identified several locations where road crossings and conduit are required.
3. URE requires easements to serve the lift station and access Hinton Mill Road.
4. URE Gas intends to reside within the Utility easement adjacent to the road right-of-way.

• **LUC Regional Planning Commission**

1. Plat of Survey, Sheet 1/1: Is it the applicant's intent to record this Sheet as part of the Plat?
2. Sheet 1/2: On the left side of the Sheet under Standard Deeds Restrictions, 7. reads "and and", but should likely read "any and".
3. Sheet 1/2: The signature lines need to match the style of Section 801 (§801, pp. 32.).
4. Sheet 2/2: Please review and clarify six dimensions along the western edge of the plat. Information below is listed from north to south (§323, 3.).
 - 117.92 seems short
 - C17 has no corresponding table
 - 75.34' is under a pin and difficult to read
 - The right-of-way width is not shown with directional/lineal dimensions
 - 185.56' is the entire length from pin to pin to west line of Lot 12
 - The next dimension to the south is under a pin and difficult to read
5. Sheet 2/2: Please review and clarify several lot dimensions (§323, 6.; §323, 8.).
 - Lot 5: Please review the dimensions along the right-of-way. Are some missing? At least one is difficult to read.
 - Lot 12: Dimensions along the right-of-way are difficult to read.
 - Lot 13: The most eastern dimension is missing.
 - Lot 15: The south dimension is missing.
 - Lot 15: The most western lot line is missing a dimension.



Staff Report – Mills of Watkins, Phase I

	<ul style="list-style-type: none"> ▪ Lot 17: The most western, rear dimension is missing. ▪ Lot 18: The dimension along the right-of-way is difficult to read. <ol style="list-style-type: none"> 6. Sheet 2/2: Is the distance between Lot 20 and the dead end of Clifton Mill missing a dimension along Park Outlot #1? The distance of 55’ seems short (§323, 10.). 7. Sheet 2/2: Do the easements in Park Outlot #3 line-up with the easements running west into Lot 6 (§323, 7.)? 8. Floor Hazard Permits are required for all construction located within Flood Hazard Areas (§416). 9. A letter from Dover Township certifying that the Final Plat conforms with the Township’s zoning is required before any approval of the Final Plat may be granted (§401; §412, 1.; §413, 2.). 10. A letter is required from the County Engineer verifying all required improvements have been installed and approved by the proper officials or agencies, or verifying a bond or other surety, approved by the County Commissioners and their legal counsel, has been furnished assuring installation of the required improvements (§324, 2.; §326; §330).
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Staff Recommendations:	Staff recommends <i>DENIAL</i> of the Mills of Watkins, Phase I – Final Plat. Although the minor technical items in this staff report could be incorporated on the Final Plat Mylar for the 05-12-22 LUC meetings, certification that the Final Plat conforms with the Township’s zoning (§401; §412, 1.; §413, 2.) and confirmation of approval of the outstanding bond or other surety (§324, 2.; §326; §330) is required before staff is comfortable recommending otherwise.
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Z&S Committee Recommendations:	
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DECLARATION OF RESTRICTIVE COVENANTS MILLS of WATKINS

MILLS of WATKINS, according to the map or plat thereof recorded in Volume **, Page **, according to the map or plat thereof recorded in Volume **, Page **, all of the Map Records of Union County, Ohio (collectively, the "Plats").

To establish such covenants, conditions and restrictions as are necessary and desirable to keep the Subdivision attractive for the use and enjoyment of residents and for the protection of property and property values. The restrictive covenants of this Declaration of Restrictive Covenants shall create restrictive covenants for the Subdivision.

The following restrictive covenants (the "Restrictions") shall apply only to those properties within the Subdivision for which the owners of such properties have evidenced their consent to the Restrictions by the execution of this Declaration of Restrictive Covenants. The Restrictions shall run with the land, bind and benefit each owner of property in the Subdivision which is made subject to the Restrictions, from time to time, whether or not referenced in subsequent deeds, and create a uniform plan for the Subdivision for the common benefit of the Subdivision and its owners.

The Restrictions shall be valid upon recording after this Declaration of Restrictive Covenants has been approved by the owners, excluding lienholders, contract purchasers, and the owners of mineral interests, of at least a majority of the square footage within all of the lots in the Subdivision, excluding any area dedicated or used exclusively for roadways or public purposes by utilities.

Owners of property within the Subdivision who do not sign this Declaration of Restrictive Covenants may, at any time, subject their property to the Restrictions by written instrument filed in the Official Public Records of Real Property of Union County, Ohio.

Mills of Watkins

by FARM to GABLE
Development, LLC.

RESTRICTIVE COVENANTS FOR MILLS of WATKINS

ARTICLE I. DEFINITIONS

- 0.1 "Accessory Structure" - a Structure whose use is ancillary to a House, including a storage building, greenhouse and gazebo, but not including a Garage. DESIGN REVIEW
- 0.2 "Building Site" - any tract used or proposed to be used for a House and to be separately owned and/or conveyed.
- 0.3 "Effective Date" - the date the Declaration of Restrictive Covenants is recorded in the Real Property Records.
- 0.4 "Front Street Line" - for interior Lots, the boundary line of a Lot with the Street. For corner lots, the boundary line of the Lot with the street which has the shortest length. Where streets border the Lot on opposite sides, the street the house faces.
- 0.5 "Garage" - a structure for storage of Vehicles, normally with an overhead door, and whether or not attached or detached to a House.
- 1.6 "Garage Apartment" - A Structure with one or more rooms with separate kitchen and bathroom facilities, constituting a dwelling unit, located within the same Lot and under the same ownership as a particular House, and whether or not attached or detached to a Garage.
- 0.7 "Grandfathering" - the right of Lots, Structures and uses non-conforming with these restrictions to continue in legal existence.
- 0.8 "Home Occupation" - a low profile commercial activity meeting the conditions of Section 2.4.
- 0.9 "House" - a single family residential structure.
- 0.10 "Interior Lot Line" - the boundary line of a Lot, which boundary line connects a front street line and a rear lot line, but does not abut a street.
- 0.11 "Lot" - any numbered lot on the Plats.
- 0.12 "Lot Grade" - The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the structure and a line 5 feet from the structure.
- 0.13 "Owner(s)" - the record title owner(s) of fee simple interest in a Lot, specifically excluding lienholders, contract purchasers, and the owners of mineral interests.
- 0.14 "Plats" - the map or plat of Mills of Watkins Place recorded in Volume **, Page ** of the Map Records of Union County, Ohio
- 0.15 "Real Property Records" - the Official Public Records of Real Property of Union County, Ohio (or successor records).
- 0.16 "Rear Lot Line" - the boundary line of a Lot parallel to the front street line.
- 0.17 "Restrictions" - the Restrictive Covenants created herein.
- 0.18 "Side Street Line" - the boundary line of a Lot which is adjacent to a street, but which is not the front street line.
- 0.19 "Street" - the publicly dedicated rights-of-way on the Plats.
- 0.20 "Structure" - any improvement, building or House, including an Accessory Structure, but excluding fences.
- 0.21 "Subdivision" – collectively, all real property located within Mills of Watkins according to the Plat.
- 0.22 "Vehicle" - any automobile, truck, van, trailer, tractor, recreational vehicle (RV), camper, boat, motorcycle or other mode of motorized transportation.

Mills of Watkins

by FARM to GABLE
Development, LLC.

ARTICLE II. RESIDENTIAL CHARACTER/USE RESTRICTIONS

1.1 Single Family Residential. All Lots and Building Sites shall be used exclusively for single family residential purposes. Both the use of a Lot or Building Site and the Structures placed on a Lot shall be single family. Multi-family residential, condominiums, assisted living centers, group homes, commercial, industrial, fraternity, sorority, club, and rooming houses are prohibited. Institutional uses are prohibited, whether conducted on a for profit basis or not. Notwithstanding the foregoing, the Restrictions do not preclude or prohibit the erection, construction and maintenance of one (1) single family Garage on any Lot or Building Site. Any such Garage, however, must comply with the other restrictions set forth in this Declaration.

1.2 No Lot Division. No Lot may be further subdivided or reduced in size. A Lot or Building Site may be eliminated if it is divided between adjacent Lots. Multiple Lots may be used as a single Building Site.

1.3 Renting. No Structure other than a House, excepting a single Garage, may be rented separately; provided, however, that an Owner may permit a person not related by blood or adoption to the Owner to reside in a portion of a House so long as such person is providing caregiver or nanny services to the Owner in exchange for monetary or non-monetary compensation.

1.4 Home Occupation. Low profile commercial activities are allowed under the following conditions:

1.4.1 No employees.

1.4.2 No signs advertising or drawing attention to the commercial activities being conducted inside the Structure.

1.4.3 No visible storage or display of commercial products.

1.4.4 All commercial activities are conducted inside a Structure.

1.4.5 No material disruption, interference or increase in traffic or parking.

1.4.6 No sound or smell is created outside the Structure.

1.4.7 Existence of the Home Occupation is not apparent from outside the Structure. An average of ten (10) vehicles per day stopping at the Lot over any (5) day period (whether customers, business guests or deliveries) shall be deemed to be an unacceptable increase in traffic. An average of (5) vehicles per day parking on any street near the Lot by persons visiting the Lot in any consecutive (5) day period shall be deemed to be an unacceptable interference with parking.

The Home Occupation restrictions above apply to all non-residential activities, whether or not for profit.

Mills of Watkins

by FARM to GABLE
Development, LLC.

ARTICLE III. DIMENSIONS AND SETBACKS

3.1 Number of Structures; Orientation of Structures. More than one (1) House, one (1) Garage, one(1) Accessory Structure are prohibited. All Houses shall be oriented to face a Street.

3.2 Height.

3.2.1 A House exceeding thirty-seven (37) feet in height is prohibited.

3.2.2 A Garage exceeding thirty-seven (37) feet in height is prohibited.

3.2.3 An Accessory Structure or other Structure exceeding thirty-seven (22) feet in height is prohibited.

3.2.4 Height shall be determined from Grade.

3.2.5 All Residences shall conform to the following standards:

One (1) Story Homes shall be the minimum of 1400 square feet

One and a half (1 1/2) Story Homes shall be the minimum of 1600 square feet

Two (2) Story homes shall be the minimum of 1800 square feet

Enclosed garage: shall be a 2 car minimum

3.3.0 Setbacks. No Structure may exist within the following setbacks:

3.3.1 Thirty-five (35) feet from the Front Street Line.

3.3.2 Ten (10) feet from the Side Street Line.

3.3.3 Ten (10) feet from an Interior Lot Line.

3.3.4 Forty (40) feet from Rear Lot Line.

3.4.1 Garages / Accessory Structures. Garages, and Accessory Structures shall not be located closer than (a) three (3) feet from an Interior Lot Line, and (b) seventy-five (75) feet from the Front Street Line.

3.5 Non-typical Lots. Portions of two (2) or more Lots with common ownership used as a Building Site as of the Effective Date and portions of a Lot with separate ownership used as separate building site as of the Effective Date shall be considered as one (1) Lot for the purposes of these Restrictions. The setbacks required by Section 3.3 shall apply to the exterior boundaries of each Building Site without regard to internal Lot Lines.

Mills of Watkins

by FARM to GABLE
Development, LLC.

ARTICLE IV. TERM, RENEWAL AND MODIFICATION

4.1 Term. The Restrictions are binding for forty (40) years from the Effective Date.

4.2 Termination. The Restrictions may be terminated by a document executed and acknowledged by the Owners of at least a seventy-five (75%) of the square footage within all of the Lots in the Subdivision which are then subject to the Restrictions, excluding any area dedicated or used exclusively for roadways or public purposes by utilities, and recorded in the Real Property Records. The termination shall be effective when filed in the Real Property Records.

4.3 Extension. The Restrictions shall automatically renew for successive terms of ten (10) years each, unless a document executed and acknowledged by the Owners of at least a seventy-five (75%) of the square footage within all of the Lots in the Subdivision which are then subject to the Restrictions, excluding any area dedicated or used exclusively for roadways or public purposes by utilities, is recorded in the Real Property Records to preclude the extension. Such document shall be effective to prevent the extension of the term but shall not reduce the term of the Restrictions.

4.4 Amendment. The Restrictions may be amended but not terminated, by a document executed and acknowledged by the Owners of at least sixty (60%) of the square footage within all of the Lots in the Subdivision which are then subject to the Restrictions, excluding any area dedicated or used exclusively for roadways or public purposes by utilities, and recorded in the Real Property Records. The amendment shall be effective when filed in the Real Property Records.

4.5 Existing Violations Grandfathered. A Lot, Building Site, building, structure, improvement or use of a Lot or Building Site that lawfully exists as of the Effective Date, but does not conform to the Restrictions, is considered "nonconforming" and may continue as long as it remains lawful; provided, however, that (a) all restrictions stated herein shall apply to any remodeling and/or additions to a nonconforming improvement and to any new improvements erected on the same Lot/Building Site, and (b) a nonconforming Lot/Building Site shall not be further subdivided. A nonconformity loses its allowable (grandfathered) status at such time as the Lot, building, structure, improvement or use of a Lot comes into compliance with the Restrictions and thereafter, the nonconformity may not resume. Nonconformities shall not include any Lot, Building Site, building, structure, improvement or use of a Lot which violated any applicable laws, ordinances, or regulations on the effective date of this Declaration. In the event that a nonconforming improvement is damaged or destroyed by fire or other casualty not intentionally caused by the Owner or the Owner's agent, the permitted nonconforming structure may be restored.

Mills of Watkins

by FARM to GABLE
Development, LLC.

ARTICLE V. GENERAL PROVISIONS

5.1 Attorneys' Fees. The Owners shall recover all attorneys' fees and court costs incurred in enforcing any provision of the Restrictions.

5.2 Binding Affect. The Restrictions are binding upon and are to the benefit of the Owners and their heirs, executors, representatives, successors and assigns, where permitted.

5.3 Choice of Law. The Restrictions are subject to and governed by the laws of the State of Texas.

5.4 Construction. The Restrictions shall be liberally construed to achieve the intent of the Owners. Any rule of legal construction to strictly construe restrictive covenants or to construe restrictive covenants in favor of the free use of land is inapplicable.

5.5 Effective Date. The Restrictions are effective upon recording in the Real Property Records after this Declaration has been approved by the Owners of at least a majority of the square footage within all of the Lots in the Subdivision, excluding any area dedicated or used exclusively for roadways or public purposes by utilities.

5.6 Mortgagees. No violation of the Restrictions shall invalidate the lien of any mortgagee made in good faith and for value.

5.7 Multiple Signature Pages. The Declaration of Restrictive Covenants contains multiple signature pages and will be executed in multiple originals without all signatures on any one original. Separate signature pages may be attached to the copy of the Restrictions recorded in order to eliminate unnecessary costs of filing multiple copies of the Restrictions.

5.8 Non-Waiver. No waiver, express or implied, of any violation of the Restrictions shall preclude the subsequent enforcement of the Restrictions as to that or similar violations. No Owner has the authority to waive, modify or terminate any provision of the Restrictions.

5.9 Severability. The invalidity, abandonment or waiver of any one of the Restrictions shall not affect or impair any other of the Restrictions and any invalid, abandoned or waived Restriction shall be judicially reformed to be valid, enforceable and effectuate the intentions of the Owners.

5.10 Time. Time is of the essence in the compliance with obligations in the Restrictions. A deadline falling on a Saturday, Sunday or holiday recognized by the State of Texas is extended to the next following weekday which is not a holiday.

5.11 Existing Restrictions. The Owners acknowledge that some of the Lots made subject to the Restrictions may also subject to such restrictive covenants appearing in deeds from the original developer of the Subdivision, Guardian Trust Company, to the original purchasers of lots in the Subdivision (See e.g., General Warranty Deed dated March 24, 1924, and recorded in Volume 578, Page 85 of the Deed Records of Harris County, Texas)(the "Original Restrictions"). To the extent of any conflict between the Original Restrictions and the Restrictions, the more restrictive provision shall control.

[Remainder of page intentionally left blank. Signature pages to follow.]SIGNATURE PAGE

Mills of Watkins

by FARM to GABLE
Development, LLC.

DECLARATION OF RESTRICTIVE COVENANTS

The undersigned certify that they own record title to the real property described below. They have received, read and understood the Declaration of Restrictive Covenants (the "Declaration") and execute this document to evidence their approval and adoption of the Declaration. This signature page may be attached as an exhibit to a master copy of the Declaration to facilitate recordation of the Declaration in the Official Public Records of Union County, Ohio.

OWNER

Printed Name: _____

CO-OWNER (IF APPLICABLE)

Printed Name: _____

THE STATE OF OHIO***COUNTY OF UNION***

PROPERTY

Street Address: _____ MARYSVILLE, OHIO 43040

Legal Description:

Lot(s) ____ Block ____ MILLS OF WATKINS

This instrument was acknowledged before me on the ____ day of _____,
20____, by _____.

[Seal]

THE STATE OF OHIO, COUNTY OF UNION

_____ Notary Public in and for the State of Ohio

This instrument was acknowledged before me on the ____ day of _____, 20____,
by _____.

[Seal]

_____ Notary Public in and for the State of Ohio

Mills of Watkins

by FARM to GABLE
Development, LLC.



May 4, 2022

Bradley Bodenmiller
LUC Regional Planning Commission
10820 St. Rt. 347, PO BOX 219
East Liberty, OH 43319

RE: URE comments for Mills of Watkins

Brad,

Noted comments per paper drawings received 04/27/21. Drawing set of 6 sheets issued for Mills of Watkins, Dated: 08/21/18:

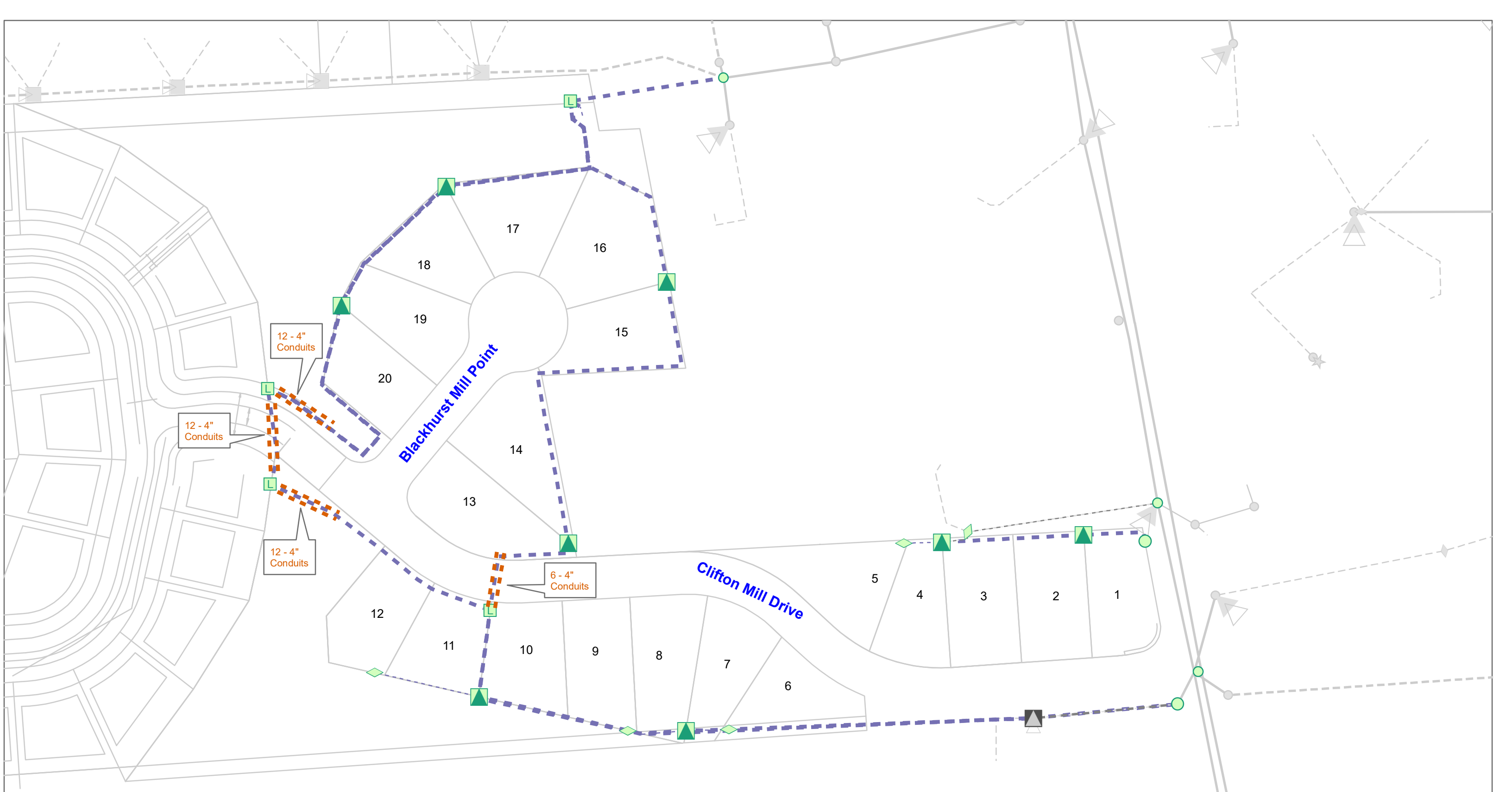
- 1) Sheet 1 – Preliminary Plat
 - a. No Comments
- 2) Sheet 2 – Lot Layout Phase 1
 - a. Noted 20 Lots for development
- 3) Sheet 3 – Phase 1 plan and profile
 - a. URE Requires 10 ft Electric Easement adjacent to the proposed 20' utility easements for Rear Lot Feed for lots 1-5.
 - b. URE Requires 10 ft Electric Easement adjacent to the proposed 30' drainage easements for Rear Lot Feed for lots 6-12.
 - c. URE requires a 20' easement between lots 10 and 11
 - d. URE Requires a 10' easement adjacent to the 20' utility easement along the north side of lots 11-12 and continuing to phase 2 Reference URE Exhibit A
 - e. URE Requires 20' Easements along the back of lots 13-20, Reference URE Exhibit a
 - f. URE will need a road crossing starting between lots 10 and 11 crossing into the electric easement area for lot 13
 - g. URE will need a road crossing just past the wetlands on the western edge of the Phase one area where we will be installing an LBC on either side of the road
 - h. URE requires the developer to install 12 4" conduits for the wetlands crossing on the north and south side of Clifton mill Drive. Reference URE exhibit A
- 4) Sheet 4 – Clifton Mill Drive
 - a. No Comments
- 5) Sheet 5 – Blackhurst Mill CT.
 - a. URE will require Easements to serve the Lift station and access Hinton Mill road
- 6) Sheet 6 - Storm and Sanitary profiles
 - a. No Comments

7) URE Gas will Reside within the Utility easement adjacent to the road right of way

Please contact me with questions or concerns.

Regards,

Ron McGlone
Engineer I
Union Rural Electric Cooperative, Inc.
15461 US Hwy 36, Marysville, Ohio 43040
Direct: (937) 645-9263



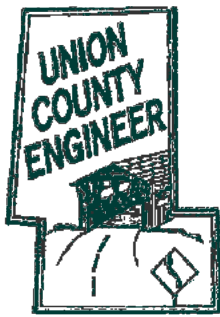
Mills of Watkins

Exhibit A – URE Layout
1/23/2020



15461 US Route 36 E • Marysville, OH 43040-0393
(937) 642-1826 • (800) 642-1826 • Fax (937) 644-4239
www.ure.com • January 2020

- | | |
|-------------------------------|--------------------------------|
| Padmount Transformer | Underground Primary |
| Existing Padmount Transformer | Existing Underground Primary |
| Pedestal | Underground Secondary |
| Enclosure | Existing Underground Secondary |
| New Pole | Mills of Watkins |
| Existing Pole | Conduit |



County Engineer
Environmental Engineer
Building Department
233 W. Sixth Street
Marysville, Ohio 43040
P 937. 645. 3018
F 937. 645. 3161
www.unioncountyohio.gov/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

May 4, 2022

Public Service with integrity

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

Re: Mills of Watkins
Final Plat Review

Brad,

We have completed our review for the above final plat received by our office on April 26, 2022. The construction drawings have been approved by our office. Construction work has commenced on site but has not been completed. The amount of work left to be completed on site is substantial. Also, a performance bond for the full cost of the public improvements is required to be submitted and approved by the Commissioners. As of the date of this letter however, we have not received a bond for approval by the Commissioners.

Because the performance bond has not yet been received or approved by the Commissioners, and because of the amount of construction left on site to complete, we recommend denial of the plat.

There was also an item that should be corrected on the plat.

1. Ensure all text on the title sheet is large enough to be legible.

Should you have any questions or concerns, feel free to contact me at (937) 645-3168.

Luke Sutton, P.E.
Union County Engineer

Brad Bodenmiller

From: Keith Watson <dovertownshipzoning@gmail.com>
Sent: Monday, May 9, 2022 7:08 AM
To: Brad Bodenmiller
Subject: Re: Mills of Watkins - Comments

Brad,
After reviewing compared to the previously submitted plans, the only thing missing in this set is the lot width.

Keith

On Fri, May 6, 2022 at 12:49 PM Brad Bodenmiller <bradbodenmiller@lucplanning.com> wrote:

Good afternoon,

I am wondering if Dover Twp (U) had comments regarding the **Mills of Watkins – Final Plat**. I’m really wanting to know whether you can confirm if the proposal is compliant with zoning or not compliant with zoning based on what was submitted.

Bradley Bodenmiller

Director | LUC Regional Planning Commission

P.O. Box 219 | 10820 State Route 347 | East Liberty, Ohio 43319

P: (937) 666-3431 | www.lucplanning.com

Brad Bodenmiller

From: Kyle Hoyng <khoyng@marysvilleohio.org>
Sent: Friday, May 6, 2022 1:09 PM
To: Brad Bodenmiller
Cc: Chad Green
Subject: Re: Mills of Watkins - Comments

Brad,

The only comment we have is to include the standard Easement language on Page 1 of the Plat. Sorry for the delayed response.

Let us know if you have any questions. Thanks.

Kyle Hoyng, P.E.

City Engineer

City of Marysville, Ohio

209 South Main Street
Marysville, Ohio 43040
(937) 645-7358 (office)



On Fri, May 6, 2022 at 12:48 PM Brad Bodenmiller <bradbodenmiller@lucplanning.com> wrote:

Good afternoon,

I am wondering if either the City of Marysville (U) had comments regarding the **Mills of Watkins – Final Plat**.

Bradley Bodenmiller

Director | LUC Regional Planning Commission

P.O. Box 219 | 10820 State Route 347 | East Liberty, Ohio 43319

P: (937) 666-3431 | www.lucplanning.com



Union Soil and Water Conservation District



18000 State Route 4, Suite B, Marysville, OH 43040 | Phone (937) 642-5871
<https://www.unioncountyohio.gov/union-soil-water-conservation-district>

Brad Bodenmiller,

The following are comments from the Union Soil & Water Conservation District regarding the **Mills of Watkins – Final Plat**.

- Make certain that all storm drains are appropriately located to ensure that water flows into stormwater tiles and does not collect in the street. This is especially important in the cul-de-sac, as it appears to be served by a single drainage line on the southern end.
- Make certain that all storm tiles and retention basins are appropriately sized to handle expected volumes of stormwater.
- It looks as though lots 13 and 14 may employ positive drainage to a waterway located behind the properties. If this is correct, ensure that this waterway is designed properly to collect all stormwater and prevent flooding on the adjacent property owned by Stacy W. and Pamela M. Craig.
- Below lot 13 is a 10' wide easement. On the "RESERVE AND WATER SYSTEMS LOCATIONS" map, this is labelled as a utility easement. However, on the "PHASE 1 PLAT MAP", on the page labelled "2/2", this same easement is labelled as a drainage easement. Ensure that all stormwater easements are appropriately sized, with a minimum of 20' provided for access and maintenance.

For any questions regarding these comments please contact Joseph Grove using the phone number or email address listed below.

Thank You,

Joseph Grove
Urban Technician
Union Soil & Water Conservation District
18000 State Route 4, Suite B
Marysville, OH 43040
937-642-5871 x 2216
jgrove@unioncountyohio.gov

Board of Supervisors

MATT STALEY
27485 Storms Road
West Mansfield, OH 43358

RICK WEIGAND
11700 Hopewell Road
Marysville, OH 43040

ANDY CLARRIDGE
16862 Paver Barnes Road
Marysville, Ohio 43040

CHERYL TRIVISONNO
10477 Shields Road
Ostrander, OH 43061

RANDY TRAPP
24101 Patrick Brush Run Rd.
Marysville, OH 43040



Staff Report – Allen Township Zoning Amendment

Jurisdiction:	Allen Township Zoning Commission c/o Charlotte Blumenschein (937) 644-4111																																																																																			
Request:	The Zoning Commission initiated a parcel amendment to rezone 10 parcels from the current M-2 Heavy Manufacturing District to U-1 Rural District.																																																																																			
Request:	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #333; color: white;"> <th></th> <th>Parcel</th> <th>Address</th> <th></th> <th>Ac.</th> <th>Exist</th> <th>Prop'd</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td>0300040 110010</td> <td>Johnson Rd</td> <td style="text-align: center;">+/-</td> <td style="text-align: center;">13.90</td> <td style="text-align: center;">M-2</td> <td style="text-align: center;">U-1</td> </tr> <tr> <td style="text-align: center;">2</td> <td>0300040 120000</td> <td>23460 Benton Rd</td> <td style="text-align: center;">+/-</td> <td style="text-align: center;">32.40</td> <td style="text-align: center;">M-2</td> <td style="text-align: center;">U-1</td> </tr> <tr> <td style="text-align: center;">3</td> <td>0300040 110000</td> <td>Johnson Rd</td> <td style="text-align: center;">+/-</td> <td style="text-align: center;">34.35</td> <td style="text-align: center;">M-2</td> <td style="text-align: center;">U-1</td> </tr> <tr> <td style="text-align: center;">4</td> <td>0300040 120010</td> <td>20000 Johnson Rd</td> <td style="text-align: center;">+/-</td> <td style="text-align: center;">3.60</td> <td style="text-align: center;">M-2</td> <td style="text-align: center;">U-1</td> </tr> <tr> <td style="text-align: center;">5</td> <td>0300040 240000</td> <td>20000 Johnson Rd</td> <td style="text-align: center;">+/-</td> <td style="text-align: center;">1.41</td> <td style="text-align: center;">M-2</td> <td style="text-align: center;">U-1</td> </tr> <tr> <td style="text-align: center;">6</td> <td>0300021 001000</td> <td>18865 Allen Center Rd</td> <td style="text-align: center;">+/-</td> <td style="text-align: center;">2.82</td> <td style="text-align: center;">M-2</td> <td style="text-align: center;">U-1</td> </tr> <tr> <td style="text-align: center;">7</td> <td>0300070 011000</td> <td>US 33</td> <td style="text-align: center;">+/-</td> <td style="text-align: center;">5.94</td> <td style="text-align: center;">M-2</td> <td style="text-align: center;">U-1</td> </tr> <tr> <td style="text-align: center;">8</td> <td>0300040 140000</td> <td>Darby Pottersburg Rd</td> <td style="text-align: center;">+/-</td> <td style="text-align: center;">2.23</td> <td style="text-align: center;">M-2</td> <td style="text-align: center;">U-1</td> </tr> <tr> <td style="text-align: center;">9</td> <td>0300070 110000</td> <td>23136 Northwest Pkwy</td> <td style="text-align: center;">+/-</td> <td style="text-align: center;">2.63</td> <td style="text-align: center;">M-2</td> <td style="text-align: center;">U-1</td> </tr> <tr> <td style="text-align: center;">10</td> <td>0300070 100000</td> <td>23170 Northwest Pkwy</td> <td style="text-align: center;">+/-</td> <td style="text-align: center;">3.32</td> <td style="text-align: center;">M-2</td> <td style="text-align: center;">U-1</td> </tr> </tbody> </table>								Parcel	Address		Ac.	Exist	Prop'd	1	0300040 110010	Johnson Rd	+/-	13.90	M-2	U-1	2	0300040 120000	23460 Benton Rd	+/-	32.40	M-2	U-1	3	0300040 110000	Johnson Rd	+/-	34.35	M-2	U-1	4	0300040 120010	20000 Johnson Rd	+/-	3.60	M-2	U-1	5	0300040 240000	20000 Johnson Rd	+/-	1.41	M-2	U-1	6	0300021 001000	18865 Allen Center Rd	+/-	2.82	M-2	U-1	7	0300070 011000	US 33	+/-	5.94	M-2	U-1	8	0300040 140000	Darby Pottersburg Rd	+/-	2.23	M-2	U-1	9	0300070 110000	23136 Northwest Pkwy	+/-	2.63	M-2	U-1	10	0300070 100000	23170 Northwest Pkwy	+/-	3.32	M-2	U-1
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Location:	Allen Township is in the west-central part of Union County.																																																																																			



Staff Report – Allen Township Zoning Amendment

Staff Analysis:

In conversations between Allen Township and LUC staff, it was conveyed that there are several lots in the Township that are zoned as M-2 Heavy Manufacturing District. However, these lots contain uses that are not heavy manufacturing uses, such as single family dwellings or agriculture. There have been situations where residents apply for a permit to do something like construct a new structure or add onto an existing structure or split a lot, and discover that the yard (setback) requirements, minimum floor area, frontage requirements, and more, are not suitable for the existing uses and in some situations would be prohibited without a variance. The Township is attempting to alleviate these issues.

The existing zoning of all of the proposed parcels is M-2 Heavy Manufacturing District. The purpose of the M-2 District is to "...provide land for heavy manufacturing and related offices, wholesale and warehousing, printing and publishing, and transport terminals which require large sites, extensive community services and facilities, ready access to regional transportation, have large open storage and service areas, generate heavy traffic and create no nuisance discernible beyond the district." (Zoning Resolution, pp. 5)

The proposed zoning is U-1 Rural District. The purpose of the U-1 District is to "...provide land, which is suitable or used for agriculture, conservation, and very low-density residence not to exceed one (1) family per 87,120 sq. ft. or two (2) acres." (Zoning Resolution, pp. 5)

For ease of review, LUC staff have placed these parcels into 4 groups. Parcels 1-5 are located near the intersection of Johnson and Benton Roads. Parcels 6 and 7 are near Pottersburg. Parcel 8 is by itself between the rail line, township boundary and Darby Pottersburg Rd. Last, Parcels 9 and 10 are paired together and are located on Northwest parkway.

Staff will analyze each group and give a recommendation for each one.



Staff Report – Allen Township Zoning Amendment

Parcels 1-5

Land Use



Figure 1: Location of Parcels 1-5

These lots appear to be mostly agricultural in nature, with two single family dwellings and associated accessory buildings. To the north appears to be more agriculture. To the east across the Township boundary is residential, woodland, and agricultural. To the south is agricultural and woodland. And to the west is manufacturing (HONDA).

Zoning

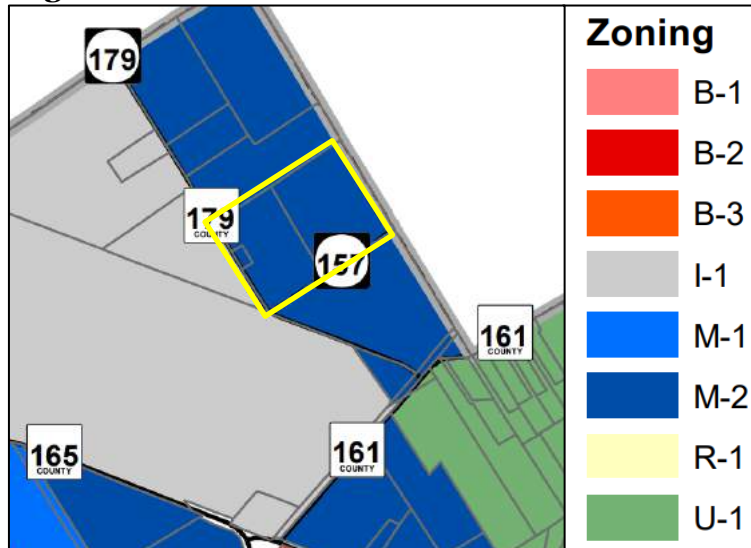


Figure 2: Zoning of Parcels 1-5



Staff Report – Allen Township Zoning Amendment

The existing zoning of parcels 1-5 is M-2 Heavy Manufacturing. To the north is also M-2, south is M-2, and west is I-1 Limited Industrial. Across the township boundary to the east is Liberty Township, Union County. The adjacent area in Liberty Township is zoned U-1 Rural Undeveloped District. The U-1 in Allen Twp and the U-1 in Liberty Twp are similar in nature with the established purpose statements, and permitted and conditional uses.

Comprehensive Plan

A comprehensive plan is a guide for decision-makers considering land use changes. The Allen Township Comprehensive Plan was last updated in 2004. The future land use map shows the area of parcels 1-5 as being planned Manufacturing.

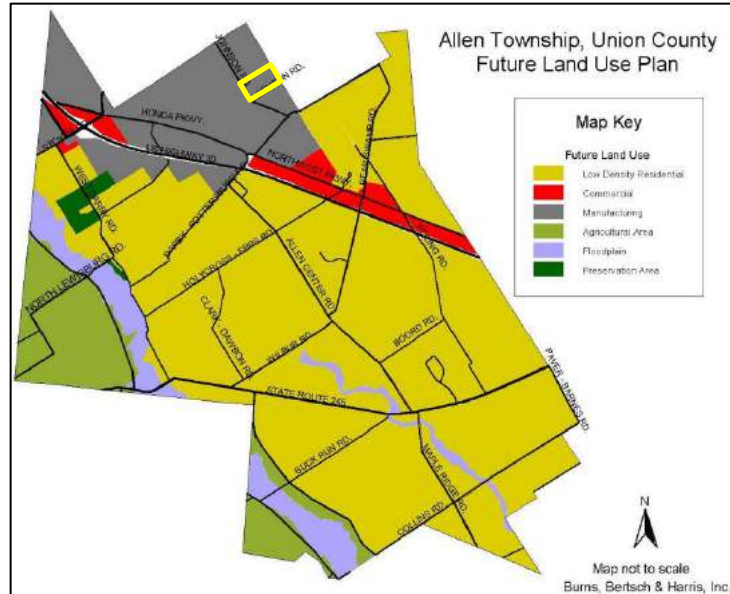


Figure 3: Allen Twp Future Land Use Map

The purpose of the planned manufacturing area is described as including “...all forms of industrial and warehousing development including fabrication, assembly, distribution, and storage.” (Comprehensive Plan, pp. 4.12)

There are also “Guiding Principles” for commercial and industrial that state: “1. Commercial and industrial areas should be located in clusters rather than in isolated, scattered locations. Strip commercial development is discouraged. 2. Major commercial and industrial areas should be located where there is direct access to existing or planned major transportation facilities. 3. Commercial and industrial areas should be extensively buffered from adjacent residential areas.” (Comprehensive Plan, pp. 4.8)



Staff Report – Allen Township Zoning Amendment

Staff Recommendation

Staff recommends approval of the amendment of parcels 1-5 from M-2 to U-1. Even though the future land use map shows the area as being planned manufacturing, the context of the land use and zoning of neighboring Liberty Township and the existing and adjacent land use of parcels 1-5, mean that a change to U-1 makes sense.

Ideally, more of this area zoned M-2 between the I-1 District, Liberty Township, and the railroad tracks would also be zoned U-1 to provide for a more uniform area, so Staff recommends the Township evaluate the possibility of doing that.

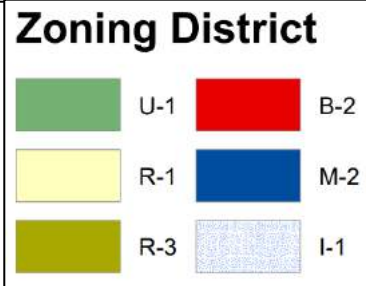
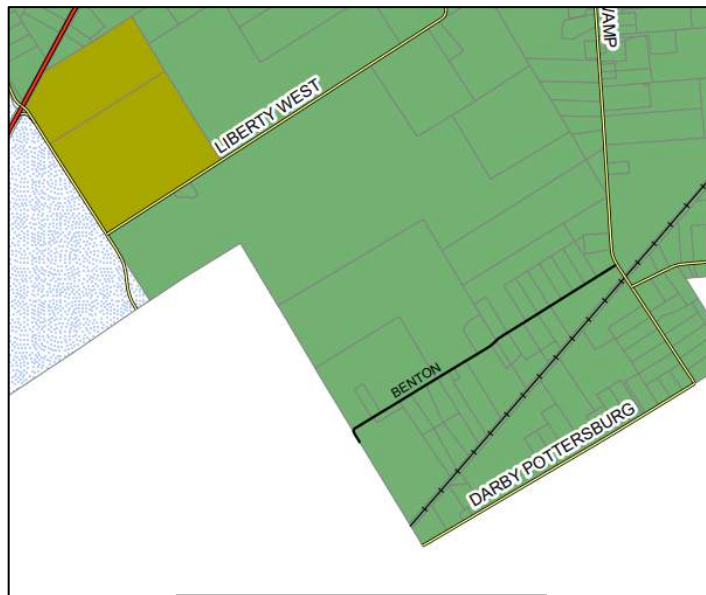


Figure 4: Liberty Township Zoning Map



Staff Report – Allen Township Zoning Amendment

Parcels 6 & 7

Land Use



Figure 5: Location of Parcels 6 & 7

These lots appear to be vacant, with trees and other vegetation occupying the lot, but no apparent structures. To the north is U.S. 33 and the exit/entrance ramp with Honda Parkway. To the east across Honda Parkway is the unincorporated area known as Pottersburg, part of which is platted. Pottersburg appears to contain residential uses or contain vacant land. Nearby uses appear to be residential or agricultural in nature.

Zoning

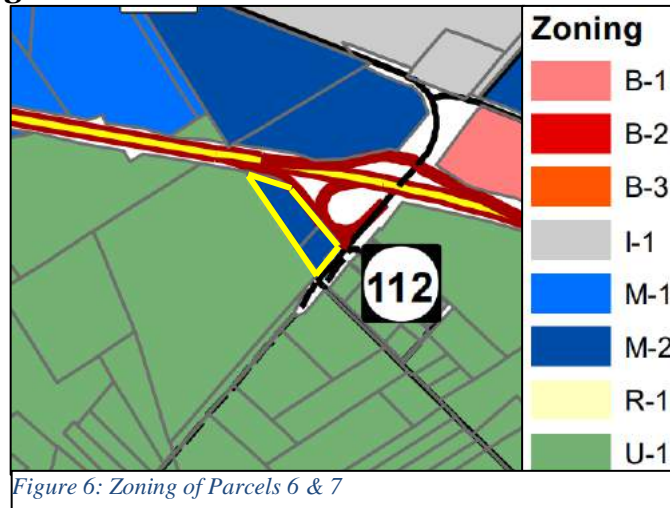


Figure 6: Zoning of Parcels 6 & 7



Staff Report – Allen Township Zoning Amendment

Parcel 8

Land Use



Figure 8: Location of Parcel 8

This lot appears to be agricultural in nature. The neighboring uses appear to also be agricultural, with some residential, and the lot to the east appears to be a part of Industrial Parkway Services, which provides dumpsters for construction and residential needs. It is worth noting that this parcel also abuts an active railroad.

Zoning

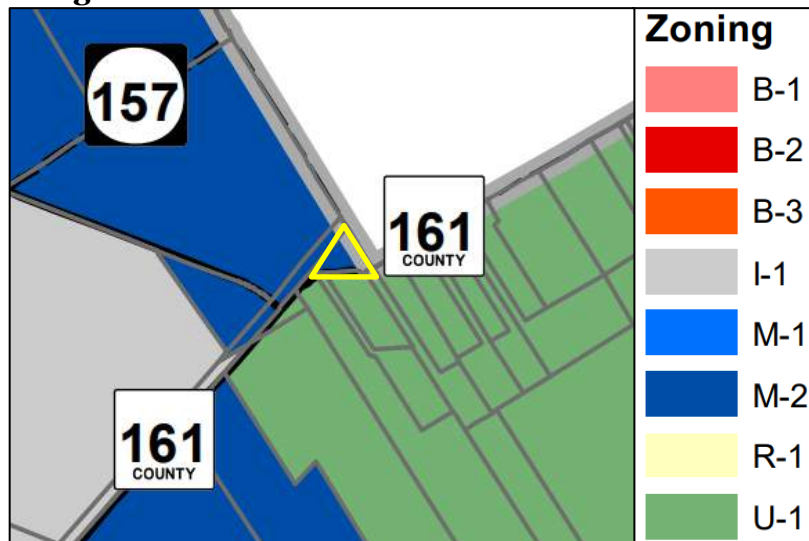


Figure 9: Zoning of Parcel 8



Staff Report – Allen Township Zoning Amendment

The existing zoning of the lot is M-2. The railroad tracks and the lots on the opposite side are all in the M-2 District. The other adjacent lots in Allen Township are zoned U-1. The lots across the Township boundary are zoned U-1 in Liberty Township. While the U-1 in Allen Twp and the U-1 in Liberty Twp share the same designation, it is important to note that they are not the exact same. However, the districts are similar in nature with the established purpose statements, permitted and conditional uses, district regulations, and other regulations in each respective zoning resolution sharing some characteristics.

Comprehensive Plan

The Future Land Use Map shows this area as being planned Manufacturing.

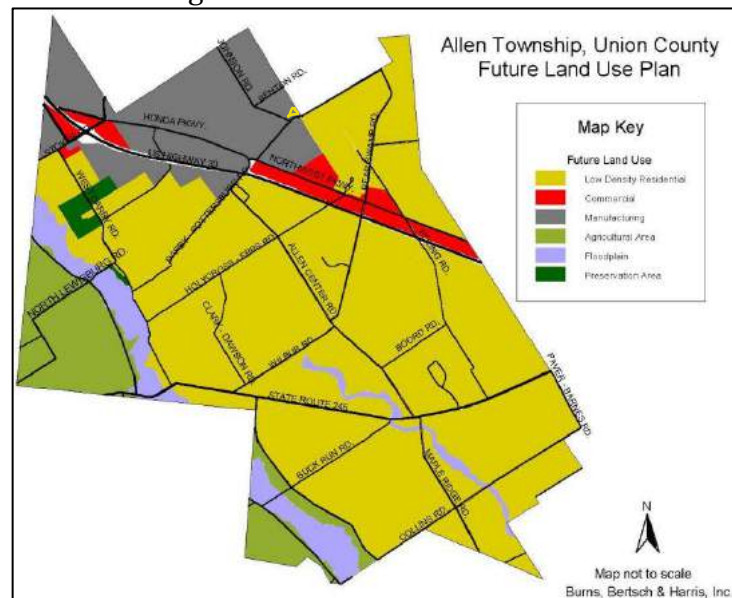


Figure 10: Allen Twp Future Land Use Map

Staff Recommendation

Staff recommends approval of the amendment to parcels 8. It is adjacent to land that is zoned U-1, and the railroad tracks serve as a boundary to separate other M-2 zoned lots from U-1 zoned lots, and parcel 8 is on the same side of the railroad tracks as the rest of the U-1 zoned lots.



Staff Report – Allen Township Zoning Amendment

Parcels 9 & 10

Land Use



Figure 11: Location of Parcels 6 & 7

These lots appear to be residential in nature, with two single family dwellings and associated accessory buildings. Immediately adjacent to the north, west, and east, appear to be uses that involve the heavy use of semi trucks and trailers. Adjacent to the south appears to be agricultural uses and woodlands. Nearby is another semi truck and trailer involved use, but the rest appears to be mostly agricultural, woodlands, and residential.

Zoning

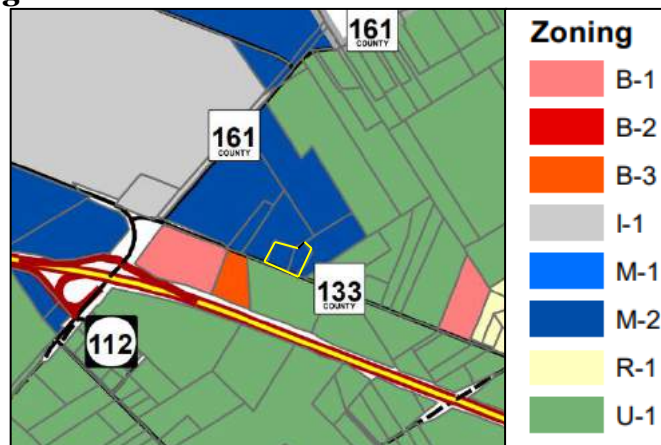


Figure 12: Zoning of Parcels 6 & 7



Staff Report – Allen Township Zoning Amendment

The existing zoning of parcels 1-5 is M-2 Heavy Manufacturing. To the west, north, and east, is also M-2. Adjacent, to the south across Northwest Parkway is U-1. There is also B-3 Heavy Retail/Wholesale District and B-1 Professional Services District nearby.

Comprehensive Plan

The future land use map shows the area of parcels 1-5 as being planned Manufacturing.

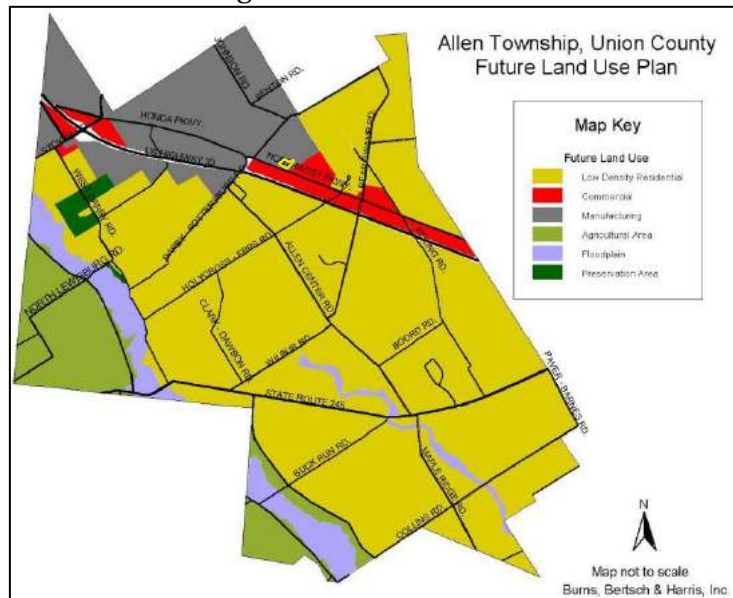


Figure 13: Allen Twp Future Land Use Map

Staff Recommendation

Staff recommends approval of the amendment to parcels 6 and 7. Although the future land use map shows the area to be planned manufacturing, the existing land use of the parcels and adjacent parcels, and the fact that they are adjacent to land that is zoned U-1, means that this change makes sense. There are already dwellings constructed on parcels 6 and 7, so the Township is accommodating existing residents and limiting non-conformities.

Union County Comprehensive Plan

The Union County Comprehensive Plan was last updated in 2013. All of the parcels fall into the Innovation Corridor (U.S. 33 Corridor) Planning Area: Northwest Sub-Area. This is an area 2 miles wide on each side of U.S. 33 from the City of Marysville to the County boundary with Logan County.

The Union County plan envisions this area to continue to be a hub of manufacturing, automotive, and service industries. The rural nature of the local area forces workers to commute long distances to work. Future planning should examine the jobs, housing



Staff Report – Allen Township Zoning Amendment

	balance and maintain a level that can support future expansion of jobs and industry.” (County Plan, pp. 72)
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Staff Recommendations:	Staff recommends APPROVAL of the proposed zoning amendment. Staff also recommends evaluating the possibility of rezoning other properties zoned M-2 bounded by the I-1 District, Liberty Township, and the railroad tracks.
-------------------------------	--

Z&S Committee Recommendations:	
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Logan-Union-Champaign regional planning commission

Director: Bradley J. Bodenmiller

Zoning Parcel Amendment Checklist

Date: 04/26/2022 Township: Allen

Amendment Title: M-2 District to V-1 District

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 Parcel Amendment change must be received in our office along with a cover letter, explaining the proposed zone 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 (which is the second Thursday of every month). It is recommended that a person who is able to provide further information on the amendment attend the Zoning and Subdivision Committee meeting to answer any additional questions that may arise.

Required Item:	Completed by Requestor:	Received by LUC:
Cover Letter & Checklist	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Date of Request (stated in cover letter)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Description of Zoning Parcel Amendment Change(s)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Date of Public Hearing (stated in cover letter)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Township point of contact and contact information for zoning amendment (stated in cover letter)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Parcel Number(s)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Copy of Completed Zoning Amendment Application	<input checked="" type="checkbox"/>	N/A
Applicant's Name and contact information	<input checked="" type="checkbox"/>	N/A
Current Zoning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Proposed Zoning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Current Land Use	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Proposed Land Use	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Acreage	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Copy of Zoning Text associated with proposed district(s)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Contiguous and adjoining Parcel Information, including Zoning District(s)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Any other supporting documentation submitted by applicant	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Non-LUC Member Fee, If applicable	N/A	N/A

Additionally, after final adoption regarding this zoning parcel amendment, please provide LUC with a letter stating the results of the Trustees vote, along with a copy of the adopted parcel change (s).

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

10820 St. Rt 347, PO Box 219
 East Liberty, Ohio 43319
 • Phone: 937-666-3431 •

• Email: luc-rpc@lucplanning.com • Web: www.lucplanning.com

To: Logan-Union-Champaign Planning Commission
From: Allen Township Zoning Commission
Re: Zoning change from M-2 to U-1

Date: April 26, 2022

The Allen Township Zoning Commission is requesting a change of zoning districts for ~~eight~~^{ten} parcels from the current M-2 Heavy Manufacturing District to U-1 Rural District. Most parcels do not meet the requirements of their current zoning district for either acreage, road frontage, or both which limits use of the land. The purpose of changing the zoning district is to place the parcels in a compliant zoning district. There are no current proposed changes of uses for the parcels at this time.

A public hearing is scheduled for **Tuesday, May 24, 2022, at 7:00 p.m.** at the Allen Township Community Building, 16945 Allen Center Road, Marysville, Ohio 43040.

Inquiries should be directed to Charlotte Blumenschein at (937) 644-4111 or through written correspondence sent to Allen Township at the above address.

ARTICLE II ESTABLISHMENT OF DISTRICTS

Section 200 District Types

The Township is hereby divided into fourteen districts as follows: Rural District, Low Density Residential District, Medium Density Residential District, Professional Service District, Institutional or Quasi-public District, Retail Store District, Heavy Retail District, Wholesale District, Special Recreation District - Club, Special Recreation District - Amusement, Special Recreation District - Park, Light Manufacturing District, Heavy Manufacturing District and Special Limited Industrial District.

Section 210 Rural District (U-1)

The intention of the rural district is to provide land, which is suitable or used for agriculture, conservation, and very low-density residence not to exceed one (1) family per 87,120 sq. ft. or two (2) acres. Very low-density residential land use refers to farm housing units and isolated residential developments not requiring a plat under the county subdivision regulations. On-site water and sewer facilities are permitted, provided such facilities comply with the county health regulations (see Section 567).

Objectionable uses for this district are fireworks manufacture or sales, gun clubs, hunting preserves and slaughterhouses.

Prohibited uses are adult entertainment establishments, mobile homes or mobile home parks, medical marijuana cultivators, medical marijuana processors, and medical marijuana dispensaries.

Section 220 Low Density Residential District (R-1)

The purpose of the low-density residential district is to provide land for single family housing units not to exceed one (1) family per 87,120 sq. ft. or two (2) acres. Commercial and industrial development is prohibited. Group or central water and sewer facilities may be required (see Section 567).

Objectionable uses for this district are fireworks manufacture or sales and junkyards.

Prohibited uses are adult entertainment establishments, gun clubs, mobile homes or mobile home parks, slaughterhouses, medical marijuana cultivators, medical marijuana processors, and medical marijuana dispensaries.

Section 230 Medium Density Residential District (R-2)

The purpose of the medium density residential district is to provide land for multifamily housing units not to exceed four (4) families per 87,120 sq. ft. or two (2) acres. Commercial development is prohibited unless introduced under the planned unit development approach. Central water and sewer facilities may be required.

Objectionable uses for this district are fireworks manufacture or sales and junkyards.

Prohibited uses are adult entertainment establishments, gun clubs, slaughterhouses, medical marijuana cultivators, medical marijuana processors, and medical marijuana dispensaries.

Section 261 **Heavy Manufacturing District (M-2)**

The purpose of the heavy manufacturing district is to provide land for heavy manufacturing and related offices, wholesale and warehousing, printing and publishing, and transport terminals which require large sites, extensive community services and facilities, ready access to regional transportation, have large open storage and service areas, generate heavy traffic and create no nuisance discernible beyond the district. Extractive manufacturing use is permitted as a conditional use if the operation does not create a hazard or nuisance which adversely affects the health, safety and general well-being of the community and other manufacturing establishments in the district. Residential development is prohibited. Light manufacturing or industrial uses are permitted as conditional uses. All water and sewer facilities must be approved by appropriate agencies prior to issuance of zoning certificate. A twenty-five (25) foot buffer zone must be provided when contiguous to U-1, R-1, R-2, B-1, B-2, B-3, SR-1, SR-2, or SR-3 Districts.

Objectionable uses of this district are acid manufacture; explosives or fireworks manufacture or storage; garbage, offal or dead animal reduction or dumping; gas manufacture and petroleum refining.

Prohibited uses are slaughterhouses, residential housing, adult entertainment establishments, medical marijuana cultivators, medical marijuana processors, and medical marijuana dispensaries.

Section 270 **Special Recreation District - Club (SR-1)**

The purpose of the special recreation district is to provide land for certain uses as specified below.

The following uses listed shall be subject to this Special Recreation District Regulations, except as they may be permitted by other provisions of this Zoning Resolution.

Golf course, golf club, fishing club, model airplane club, driving range, private swimming pool and related facilities operated on an admission fee or membership basis.

Objectionable uses of this district are fireworks sales and use, gun club and archery/gun range.

Prohibited uses are adult entertainment establishments, medical marijuana cultivators, medical marijuana processors, and medical marijuana dispensaries.

Section 271 **Special Recreation District - Amusement (SR-2)**

The purpose of the special recreation district is to provide land for certain uses as specified below.

The following uses listed shall be subject to this Special Recreation District Regulations, except as they may be permitted by other provisions of this Zoning Resolution.

Amusement center, amusement park, driving range, miniature golf, miniature cart/go-cart track, sports arena/stadium, multipurpose sports complex, golf course, community swimming pool, fishing lake or similar recreational facilities operated as a public facility (free admission) or on an admission fee basis.

Objectionable uses of this district are fireworks sales and use, gun club and archery/gun range.

APPLICATION FOR ZONING AMENDMENT

ALLEN TOWNSHIP, UNION COUNTY, OHIO

Application Number: _____

The undersigned, owner(s) of the following legally described property hereby request the consideration of change in zoning district classification as specified below:

1. Name of Applicant(s): Allen Township Zoning Commission

Mailing Address: 16945 Allen Center, Marysville, Ohio 43040

Phone: (937) 644-4111

2. Location Description: Section _____ Range _____ Townshp _____
OR Virginia Military Survey Number _____ Lot# _____
(If not located in a platted subdivision or community attach a legal description)

By motion of
→ Zoning
Commission.
See parcels.

3. Existing Use: Agriculture, Residence, Vacant

4. Proposed Use: No change

5. Present Zoning District/Classification: M-2 Heavy Manufacturing

6. Proposed Zoning District/Classification: U-1 Rural District

- 7. Supporting Information: Attach the following items to the application.
 - a. A vicinity map showing property lines, streets(roads) and existing & proposed zoning.
 - b. A list of all property owners within, contiguous to and directly across the street(road) from the proposed rezoning area, if ten or fewer parcels are proposed for rezoning.

Date: April 26, 2022

Applicant's Signature: Charlotte Blumenschein
Zoning Commission Chairman

FOR OFFICIAL USE ONLY ZONING COMMISSION

Date Filed: _____ Date of Public Hearing: _____ Date of Notice In Paper: _____

Date of Notice to Property Owners: _____ Fee Paid: _____

Recommendation of Zoning Commission: Approval _____ Denial _____

If Denied, State Reason: _____

Date: _____

Allen Township Zoning Commission: _____

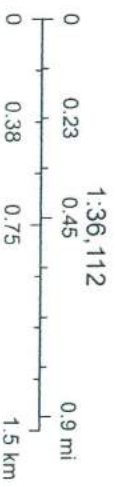
Chairperson

Union County, Ohio



4/25/2022, 1:19:51 PM

- Parcel/Tax Year:2021
- Subdivision/Tax Year:2021
- Road
- Hwy: US & State
- Limited Access
- Hwy: County
- Ramp
- Street: Private
- Hwy: Township
- Townships
- Railroad

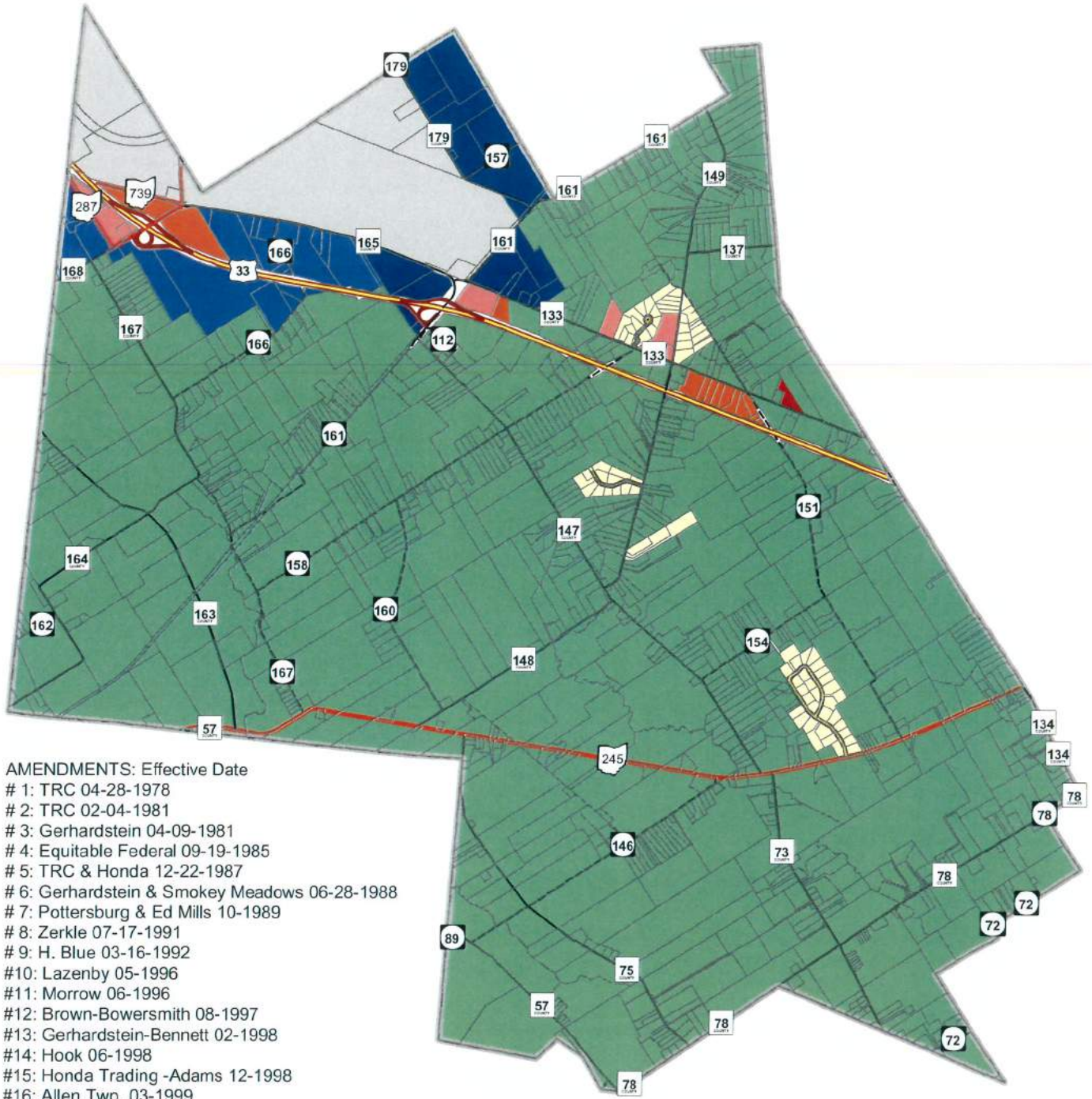


Listing of M2 Properties in Allen Township Reverting Back to U1

Map Location	Parcel Number	Owner	Owner Address	Property Address	Acres	Estimated Frontage (Feet)	House?	Set Back (Feet)	Existen Busines
1	Changing Neighbors	0300040110010	McCreary, Thomass	20000 Johnson Road Marysville, OH 43040	Johnson Road Marysville OH 43040	13.90	358	No	No
		0300040110000	McCreary, Don	23460 Benton Road Marysville, OH 43040	Johnson Road Marysville OH 43040	34.35	940	No	No
		0300040160000	Stephen Shoup	2811 Clearview Drive Lexington OH 44904	Johnson Road Marysville OH 43040	41.56	996	No	No
2	Changing Neighbors	0300040120000	McCreary, Don	23460 Benton Road Marysville, OH 43040	Benton Road Marysville OH 43040	71.24	2,450	No	No
		0300040100000	Stephen Shoup	2811 Clearview Drive Lexington OH 44904	Benton Road Marysville OH 43040	56.10	2,450	No	No
		0300010060000	Honda Development & Mfg	24000 Honda Parkway Marysville OH 43040	23143 Benton Road Marysville OH 43040	48.19	2,268	No	Yes
3	Changing Neighbors	0300040110000	McCreary, Don	23460 Benton Road Marysville, OH 43040	Johnson Road Marysville OH 43040	34.35	940	No	No
		0300040120000	McCreary, Don	23460 Benton Road Marysville, OH 43040	Johnson Road Marysville OH 43040	32.40	1,014	Yes	~40
		0300040160000	Johnson Road Holding	6670 NE State Route 29 West Jefferson Ohio 43162	Johnson Road Marysville OH 43040	71.24	2,450	No	No
4	Changing Neighbors	0300040120010	Mathys Sierra Trustee	20000 Johnson Road Marysville, OH 43040	20000 Johnson Road Marysville, OH 43040	3.60	145/145	No	No
		0300040240000	Mathys Sierra Trustee	20000 Johnson Road Marysville, OH 43040	20000 Johnson Road Marysville, OH 43040	1.41	312	Yes	~40
		0300010060000	Honda Development & Mfg	24000 Honda Parkway Marysville OH 43040	Johnson Road Marysville OH 43040	43.78	2,268	No	Yes
5	Changing Neighbors	0300040240000	Mathys Sierra Trustee	20000 Johnson Road Marysville, OH 43040	20000 Johnson Road Marysville, OH 43040	1.41	312	Yes	~40
		0300040120000	McCreary, Don	23460 Benton Road Marysville, OH 43040	23460 Benton Road Marysville, OH 43040	36.00	1,014	Yes	~40
		0300010060000	Honda Development & Mfg	24000 Honda Parkway Marysville OH 43040	Johnson Road Marysville OH 43040	43.78	2,268	No	Yes
6	Changing Neighbors	0300021001000	Greenbaum, Clarence, Beverly	18638 Dog Leg Road Marysville OH 43040	18865 Allen Center Road, Marysville, OH 43040	2.82	338	No	No
		0300070020000	Virgil, Hilda Brown Trustees	23731 Darby Pottersburg Rd Marysville OH 43040	US 33 Marysville OH 43040	5.94	0	No	No
		0300210440000	Chapman, Tonia	18774 Allen Center Road Marysville, OH 43040	18774 Allen Center Road Marysville, OH 43040	5.94	0	No	No
7	Changing Neighbors	0300070011000	State of Ohio	2828 W. Dublin-Granville Rd Columbus OH 43235-2712	US 33 Marysville OH 43040	5.94	0	No	No
		0300021001000	Greenbaum, Clarence, Beverly	18638 Dog Leg Road Marysville OH 43040	18865 Allen Center Road, Marysville, OH 43040	2.82	338	No	No
		0300070020000	Virgil, Hilda Brown Trustees	23731 Darby Pottersburg Rd Marysville OH 43040	23731 Darby Pottersburg Rd Marysville OH 43040	2.82	338	No	No
8	Changing Neighbors	0300040140000	Duff Brothers	9101 St. Rt. 117 Huntsville OH 43324	Darby Pottersburg Road Marysville OH 43040	2.23	510	No	No
		2200160234010	Volfrath, Thomas Trustee	13025 Industrial Parkway Marysville, OH 43040	Darby Pottersburg Road Marysville OH 43040	2.23	510	No	No
		0300070080000	Kelly, Christopher and Donna	22987 Darby Pottersburg Road Marysville, OH 43040	22987 Darby Pottersburg Road Marysville, OH 43040	2.23	510	No	No
9	Changing Neighbors	0300070100000	Ropp, Joshua G. Collingsworth, Lori	23136 Northwest Parkway Marysville OH 43040	23136 Northwest Parkway Marysville OH 43040	2.63	160	Yes	~165
		0300070090000	Dee Ohio Properties	23200 Northwest Parkway Marysville OH 43040	23200 Northwest Parkway Marysville OH 43040	3.32	365	Yes	~85
		0300070120000	BR&A Properties, LLC	1407 Avelino Cir. Murfreesboro TN 37130	23100 Northwest Parkway Marysville OH 43040	14.12	152	No	Yes
10	Changing Neighbors	0300070100000	Rausch, John and Margaret	23170 Northwest Parkway Marysville OH 43040	23170 Northwest Parkway Marysville OH 43040	3.32	365	Yes	~85
		0300070110000	Ropp, Joshua G. Collingsworth, Lori	23136 Northwest Parkway Marysville OH 43040	23136 Northwest Parkway Marysville OH 43040	2.63	160	Yes	~165
		0300070090000	Dee Ohio Properties	23200 Northwest Parkway Marysville OH 43040	23200 Northwest Parkway Marysville OH 43040	14.12	442	No	Yes

ALLEN TOWNSHIP M-2 DISTRICT PARCELS
Change from M-2 Zoning to U-1 Zoning

1.	0300040120000	Don McCreary	23460 Benton Road, Marysville, Ohio 43030	2.6 ^{32.4} acres	Agriculture/Residence
2.	0300210010000	Clarence Greenbaum Beverly Greenbaum	18865 Allen Center Road, Marysville, Ohio 43040	2.82 acres	Vacant land
3.	0300070011000	State of Ohio	2829 W. Dublin-Granville Road, Columbus, Ohio 43235	5.94 acres	Vacant land
4.	0300040140000	Duff Brothers	Darby Pottersburg Road, Marysville Ohio 43040	2.23 acres	Vacant land
5.	0300070110000	Joshua G. Ropp Lori Collingsworth	23136 Northwest Parkway, Marysville, Ohio 43040	2.63 acres	Residence
6.	0300070100000	John Rausch Margaret Rausch	23170 Northwest Parkway, Marysville, Ohio 43040	3.32 acres	Residence
7.	0300040240000	Sierra Mathys, Trustee	20000 Johnson Road, Marysville, Ohio 43040	1.41 acres	Residence
8.	0300040110000	Don McCreary	0 Johnson Road, Marysville, Ohio 43040	46.77 ^{34.35} acres	Agriculture
9.	0300040110000	Thomas McCreary	20000 Johnson Road, Marysville, Ohio 43040	13.90 acres	Agriculture
10.	0300040120010	Sierra Mathys, Trustee	20000 Johnson Road, Marysville, Ohio 43040	300 acres	Agriculture



AMENDMENTS: Effective Date

- # 1: TRC 04-28-1978
- # 2: TRC 02-04-1981
- # 3: Gerhardstein 04-09-1981
- # 4: Equitable Federal 09-19-1985
- # 5: TRC & Honda 12-22-1987
- # 6: Gerhardstein & Smokey Meadows 06-28-1988
- # 7: Pottersburg & Ed Mills 10-1989
- # 8: Zerkle 07-17-1991
- # 9: H. Blue 03-16-1992
- #10: Lazenby 05-1996
- #11: Morrow 06-1996
- #12: Brown-Bowersmith 08-1997
- #13: Gerhardstein-Bennett 02-1998
- #14: Hook 06-1998
- #15: Honda Trading -Adams 12-1998
- #16: Allen Twp. 03-1999
- #17: Allen Twp. 10-1999
- #18: Flower Trust 02-2001
- #19: Fries 03-2001
- #20: Ramsey 04-2001
- #21: Fries 12-2001
- #22: Isaac 08-2003
- #23: Eastman 09-2005
- #24: Box 08-2007
- #25: Edwards Farms 03-05-2014
- #26: Box 05-04-2016
- #27: Lewco Properties 01-04-2017



Zoning	Roads	Union Township
B-1	County Highway	Allen Township Parcels
B-2	Ramp	Allen Township Boundary
B-3	State Highway	
I-1	Township Highway	
M-1	Township Road	
M-2	US Highway	
R-1		
U-1		

**Allen Township
Union County**

Zoning Map

0 0.25 0.5 1 1.5 Miles

Based on
Official Zoning Map

Created on:
September 2004

Revised:
April 2013; Jan 2018 (BJB)





Staff Report – Claibourne Township Zoning Amendment

Applicant:	<p>Claibourne Township Zoning Commission c/o Tod Dresback (937) 360-1154 dresbackconstruction@gmail.com</p>
Request:	<p>The Zoning Commission initiated an amendment to the text of the Zoning Resolution. The proposal amends Article II Definitions of the Zoning Resolution and creates Section 1071 Solar Energy Systems in Article X Supplementary District Regulations.</p>
Location:	<p>Claibourne Township is in northeast Union County and contains the Village of Richwood.</p>

Staff Analysis:	<p>The Zoning Commission is proposing to add Version 1 of the LUC Solar Model Zoning Text.</p> <p>The Township has submitted the following modifications to the model text:</p> <ul style="list-style-type: none"> • Create a new #1 under A. Accessory Solar Energy Systems that states “No solar energy system shall have a production output of more than 50kW” and renumbering the rest of the standards accordingly. They have also stricken “(Less than 50 MW)” from the section number. <ul style="list-style-type: none"> • Theoretically this would prevent accessory solar energy systems from being unnecessarily large when compared to the energy needs of the lot. • In proposed #3 under A. Accessory Solar Energy Systems changing the standard to read: “A solar energy system shall not be used for the generation of power for the sale or donation of energy to other users, although this provision shall not be interpreted to prohibit the sale or donation of excess power generated from time to time to the local utility company. • In proposed #5(d.) under A. Accessory Solar Energy Systems, changing the setback from twenty (20) to fifty (50) feet. • In proposed #8(d.) under A. Accessory Solar Energy Systems, striking the language requiring a letter from the Health Department or sewer provider. This is a change recommended by LUC staff, previously adopted by other Townships.
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Logan-Union-Champaign
regional planning commission

Staff Report – Claibourne Township Zoning Amendment

Staff Recommendations:	Staff recommends <i>APPROVAL</i> of the proposed zoning amendment.
Z&S Committee Recommendations:	

Date of Request: April 18, 2022

Logan-Union-Champaign Regional Planning Commission
c/o Aaron Smith : Brad Bedenmler
PO Box 219
East Liberty, OH 43319
aaronsmith@lucplanning.com

RE: Zoning Text Amendment Application, Claibourne Township, Union County
Amendment topic: Solar Energy Systems/Facilities

Dear LUC Regional Planning Commission Committee Members:

The Claibourne Township Zoning Commission met at 7:30 PM on April 18, 2022. During the meeting, amendments to the Zoning Resolution were initiated by motion of the Zoning Commission. The amendments propose alterations to the text of the Zoning Resolution.

Description of Zoning Text Amendments.

The proposal amends the Zoning Resolution text, adding language for solar energy systems/facilities.

Included with this cover letter, you will find a copy of the existing Zoning Resolution Supplementary District Regulations as it appears in the Zoning Resolution. Proposed text is shown on a marked-up copy of the LUC model text for solar energy systems/facilities. Please refer to these attachments for further information.

Public Hearing.

The Claibourne Township Zoning Commission of Union County, Ohio, will hold a public hearing concerning the proposed amendments at 7:00 PM on May 16, 2022, in the Claibourne Township Hall.

Point of Contact.

Please consider ~~me~~, ^{him} Tod Dresback, the Township's point of contact for this matter. You may contact ~~me~~ by phone at (740) 360-1154, or by email at dresbackconstruction@gmail.com.

Sincerely,

~~to~~ *Dennis Rasey* VICE CHAIR

Attachments.

1. Existing Zoning Resolution Article X Supplementary District Regulations
2. Proposed Zoning Resolution Text Amendments (shown on a marked-up copy of the LUC model text for solar energy systems/facilities)



Logan-Union-Champaign regional planning commission

Director: Bradley J. Bodenmiller

Zoning Text Amendment Checklist

Date: 04-18-2022

Township: Clayborne Twp (LU)

Amendment Title: Amend Article II Definitions & Create Section 1071 Solar Energy Systems

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



Logan-Union-Champaign regional planning commission

Director: Bradley J. Bodenmiller

Zoning Text Amendment Checklist

Date: 04-18-2022

Township: Clairborne

Amendment Title: Solar Energy Systems - Amend Article II Definitions
- Create Section 1071 Solar Energy Systems

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

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

Required Item:	Completed by Requestor:	Received by LUC:
Cover Letter & Checklist	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Date of Request (stated in cover letter)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Description of Zoning Text Amendment Change (s)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Date of Public Hearing (stated in cover letter) <u>May 16 reserved @ 7 PM</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Township Point of Contact and contact information for zoning amendment (stated in cover letter)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Attachment of Zoning Text Amendment with changes highlighted or bolded	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Copy of current zoning regulation, or section to be modified for comparison	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Non-LUC Member Fee, If applicable	<input checked="" type="checkbox"/>	<input checked="" 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

10820 St Rt 347, PO Box 219
East Liberty, Ohio 43319
• Phone: 937-666-3431 •

• Email: luc-rpc@lucplanning.com • Web: www.lucplanning.com



~~LUC MODEL ZONING TEXT~~

~~Solar Energy Definitions~~

Amend
↓

II

Article ~~XXXX~~ Definitions.

Solar energy related definitions:

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

~~LUC Model Text (Zoning & Subdivision Committee, July 9, 2020)~~



~~LUC MODEL ZONING TEXT~~

~~Solar Energy Systems (Version 1)~~

Crete

1071

Section ~~XXX~~ Solar Energy Systems (~~Less than 50 MW~~)

A. Accessory Solar Energy Systems

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

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

1. ~~No solar energy system shall have a production output of more than 50 kW.~~
All accessory solar energy systems shall meet the following requirements:

2. ~~F~~ A solar energy system is permitted in all zoning districts as an accessory to a principal use.

3. ~~F~~ A solar energy system shall not be used for the generation of power for the sale ~~or~~ or donation of energy to other users, although this provision shall not be interpreted to prohibit the ~~sale or donation~~ sale of excess power generated from time to time to the local utility company.

4. ~~F~~ Roof/Structure mounted solar energy systems:

- Shall be flush-mounted, or as long as it matches the slope of the roof, shall have a maximum tilt of no more than five (5) percent steeper than the roof pitch on which it is mounted.
- Shall not extend beyond the perimeter (or edge of roof) of the building on which it is located.
- May be mounted to a principal or accessory building.
- Combined height of the solar energy system and building to which it is mounted may not exceed the ridgeline of the roof for hip, gable, and gambrel roofs and may not be taller than eighteen (18) inches above the roofline of a flat roof.

5. ~~F~~ Ground/Pole mounted solar energy systems:

- Shall be no taller than seventy-five (75) percent of the maximum building height allowed in that zoning district for accessory buildings.
- Shall be permitted in the rear or side yard only.
- Shall be erected within an established clear fall zone.
- The minimum setback distance from the property lines for structures comprising solar energy systems and all related equipment shall be at least one hundred ten (110) percent of the height of any structure or at least ~~twenty (20)~~ ^{fifty (50)} feet from the nearest property line, whichever is greater.



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- ~~6. 5.~~ Solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street right of ways.
- ~~7. 6.~~ Solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within six (6) months from the date they are no longer producing electricity, become damaged, discontinued or broken. Any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded within thirty (30) days of removal.
- ~~8. 7.~~ In addition to the site plan required for any zoning permit or conditional use permit, the following shall also be submitted at the time of application and shall include:
 - a. Elevation of the proposed solar energy system(s) at maximum tilt.
 - b. Evidence of established setbacks of 1.1 times the height of any structure and "clear fall zone".
 - c. Proof of notice to the electric company regarding the proposal.
 - ~~d. Letter from the County Health Department/District or appropriate sanitary sewer operating authority stating location will not interfere with the septic or sewer system, whichever is applicable, on the property.~~

B. Principal Solar Energy Production Facilities

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

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

Principal Solar Energy Production Facilities are prohibited in any district.

~~LUC Model Text (Zoning & Subdivision Committee, July 9, 2020).~~



LUC MODEL ZONING TEXT
Solar Energy Systems (Version 2)

Section XXXX Solar Energy Systems (Less than 50 MW)

A. Accessory Solar Energy Systems

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

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

All accessory solar energy systems shall meet the following requirements:

1. A solar energy system is permitted in all zoning districts as an accessory to a principal use.
2. A solar energy system shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
3. Roof/Structure mounted solar energy systems:
 - a. Shall be flush-mounted, or as long as it matches the slope of the roof, shall have a maximum tilt of no more than five (5) percent steeper than the roof pitch on which it is mounted.
 - b. Shall not extend beyond the perimeter (or edge of roof) of the building on which it is located.
 - c. May be mounted to a principal or accessory building.
 - d. Combined height of the solar energy system and building to which it is mounted may not exceed the ridgeline of the roof for hip, gable, and gambrel roofs and may not be taller than eighteen (18) inches above the roofline of a flat roof.
4. Ground/Pole mounted solar energy systems:
 - a. Shall be no taller than seventy-five (75) percent of the maximum building height allowed in that zoning district for accessory buildings.
 - b. Shall be permitted in the rear or side yard only.
 - c. Shall be erected within an established clear fall zone.
 - d. The minimum setback distance from the property lines for structures comprising the solar energy systems and all related equipment shall be at least one hundred ten (110) percent of the heights of the solar energy system or at least twenty (20) feet from the nearest property line, whichever is greater.



5. Solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street right of ways.
6. Solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within six (6) months from the date they are no longer producing electricity, become damaged, discontinued or broken. Any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded within thirty (30) days of removal.
7. In addition to the site plan required for any zoning permit or conditional use permit, the following shall also be submitted at the time of application and shall include:
 - a. Elevation of the proposed solar energy system(s) at maximum tilt.
 - b. Evidence of established setbacks of 1.1 times the height of any structure and "clear fall zone".
 - c. Proof of notice to the electric company regarding the proposal.
 - d. Letter from the County Health Department/District or appropriate sanitary sewer operating authority stating location will not interfere with the septic or sewer system, whichever is applicable, on the property.

B. Principal Solar Energy Production Facilities

It is the purpose of this regulation to promote the safe, effective and efficient use of principal solar energy production facilities principally designed to produce greater levels of electrical energy, either for consumers with higher energy demand levels or designed primarily to produce energy to be supplied directly to the electrical grid. No Principal Solar Energy Production Facility shall be located in a zoning district where such facilities are not explicitly listed as a permitted or conditionally permitted use.

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

All principal solar energy production facilities shall meet the following requirements:

1. The proposed solar energy project must be located on at least five (5) acres of land.
2. For purposes of determining lot coverage, the total surface area of all ground mounted and freestanding solar collectors including cells, panels, and water collector devices shall be considered impervious. Panels mounted on the roof of any building shall be subject to the maximum height regulations as specified in the underlying zoning district.
3. To the extent feasible, all on-site utility and transmission lines, that are the responsibility of the principal solar energy production facility to maintain, shall be placed underground.
4. Roof/Structure mounted solar energy systems:

5/7



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- a. Shall be flush-mounted, or as long as it matches the slope of the roof, shall have a maximum tilt of no more than five (5) percent steeper than the roof pitch on which it is mounted.
 - b. Shall not extend beyond the perimeter (or edge of roof) of the building on which it is located.
 - c. May be mounted to a principal or accessory building.
 - d. Combined height of the solar energy system and building to which it is mounted may not exceed the ridgeline of the roof for hip, gable, and gambrel roofs and may not be taller than eighteen (18) inches above the roofline of a flat roof.
5. Ground/Pole mounted solar energy systems:
- a. Shall be no taller than seventy-five (75) percent of the maximum building height allowed in that zoning district for accessory buildings.
 - b. Shall be erected within an established clear fall zone.
6. Solar energy systems shall be designed and located in order to prevent reflective glare towards any inhabited building on adjacent properties as well as adjacent street right of ways.
7. The proposed principal solar energy production facility must comply with any applicable airport zoning overlay and height restrictions, and the ability to comply with the FAA regulations pertaining to hazards to air navigation must be demonstrated.
8. All mechanical equipment of solar energy systems including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, and provide screening in accordance with the zoning resolution.
9. Setback requirements from property lines and adjacent zoning districts shall be twenty (20) feet or the principal structure setback, whichever is greater.
- a. Roof-mounted solar energy equipment are exempt from setback requirements, provided that the equipment is located within the footprint of the roof.
10. Solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within six (6) months from the date they are no longer producing electricity, become damaged, discontinued or broken. Any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded within thirty (30) days of removal.
11. In addition to the site plan required for any zoning permit or conditional use permit, the following shall also be submitted at the time of the application and shall include:
- a. Elevation of the proposed solar energy system(s) at maximum tilt.
 - b. Evidence of established setbacks of 1.1 times the height of any structure and "clear fall zone".
 - c. Proof of notice to the electric company regarding the proposal.



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- d. Letter from the County Health Department/District or appropriate sanitary sewer operating authority stating location will not interfere with the septic or sewer system, whichever is applicable, on the property.
- e. Letters from the County Engineer, Township, and State Department of Transportation regarding the status of any Road User Maintenance Agreement.

LUC Model Text (Zoning & Subdivision Committee; July 9, 2020)

7/7

Claibourne Township Union County, Ohio

Zoning Code

As Amended: Dec 14, 2018

This version: Amended and restated to reflect amendments as effective December 14, 2018.

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 four dwellings 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 812 **Medium Density Residential District (R-2).** The purpose of the R-2 district is to permit the establishment of medium density single-family dwellings not to exceed eight dwelling units per gross acre with a central sewerage system. This district is also designed to permit multi-family dwellings as a Conditional Use. Specific Permitted and Conditional Uses are listed on the Official Schedule of District Regulations.

Section 813 **High Density Residential District (R-3).** The purpose of the R-3 District is to permit the establishment of high density multi-family dwellings not to exceed sixteen (16) dwelling units per gross acre if a central sewerage system is available. Specific Permitted and Conditional Uses and minimum requirements are listed on the Official Schedule of District Regulations.

Section 814

Local Business District (B-2). The purpose of the B-2 District is to provide land for retail and service businesses offering shopping and convenience-type goods and services. A variety of convenience and shopping-type activities may be available in addition to service businesses. Specific permitted and Conditional Uses are listed on the Official Schedule of District Regulations.

Section 815

Light Manufacturing District (M-1). The purpose of the M-1 District is to provide land for manufacturing or industrial type facilities which are relatively clean, quiet and free of objectional elements such as noise, odor, smoke, etc.; operate mostly within enclosed structures; and do not generate as much traffic as would be found in a heavy manufacturing district. Specific Permitted and Conditional Uses are listed on the Official Schedule of District Regulations.

Small Wind Projects less than 5 MW:

- **Accessory Structures.** Structures such as sheds, storage sheds, pool houses, unattached garages, and barns.
- **Anemometer.** An instrument that measures the force and direction of the wind.
- **Clear Fall Zone.** An area surrounding the wind turbine unit into which the turbine and/or turbine components might fall due to the inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located. The purpose of the zone being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel and will not intrude onto a neighboring property.
- **Cowling.** A streamlined removable cover that encloses the turbine's nacelle.
- **Decibel.** A unit of relative loudness equal to ten times the common logarithm of the ratio of two readings. For sound, the decibel scale runs from zero for the least perceptible sound to 130 for sound that causes pain.
- **Nacelle.** Sits atop the tower and contains the essential mechanical components of the turbine to which the rotor is attached.
- **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.
- **Professional Engineer (PE).** A qualified individual who is licensed as a Professional Engineer in the State of Ohio.
- **Megawatt (MW).** A unit of power, equal to one million watts.

- Small Wind Project. Any wind project less than 5MW which includes the wind turbine generator and anemometer.
- Wind Power Turbine Owner. The person, persons, or entity who owns the Wind Turbine structure.
- Wind Power Turbine Tower. The support structure to which the turbine and rotor are attached.
- Wind Power Turbine Tower Height. The distance from the rotor blade at its highest point to the top surface of the ground at the Wind Power Generating Facility (WPGF) foundation.

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

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

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

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

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

Article X **Supplementary District Regulations**

Section 1000 **General.** The purpose of supplementary district regulations is to set specific conditions for various uses, classification of uses or areas where problems may 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 (1 ½) 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 (5) 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 the pool is operated;
2. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than thirty (30) 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 (5) feet in height and maintained in good condition.

Section 1004

Temporary Structures. Temporary structures, such as a manufactured home or mobile home, an existing dwelling, mobile offices, construction trailers, construction equipment and construction materials, used in conjunction with construction work on a lot require a zoning permit. The zoning inspector may approve a zoning permit for temporary structures, but such temporary structures shall be removed upon completion of the construction work or within 24 months upon issuance of an approved zoning permit, whichever occurs first.

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, for a period of more than thirty (30) 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 (30) days shall be prohibited unless such vehicle is stored in an enclosed garage or other accessory buildings;
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 (30) days shall be prohibited.

For purposes of this section, a junked, dismantled or wrecked automotive vehicle shall be one which is damaged, or no longer serviceable, 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 1010** **Supplemental Yard and Height Regulations.** In addition to all yard regulations specified in the Official Schedule of District Regulations, and in other sections of this Resolution, the provisions of Sections 1011-1017, inclusive shall be used for interpretation and clarification.
- Section 1011** **Setback Requirements for Corner Buildings.** On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.
- Section 1012** **Visibility at Intersections.** On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2 ½) and ten (10) feet above the center line grades of the intersecting streets or roads in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street or road lines fifty (50) feet from the point of intersection.
- Section 1014** **Yard Requirements for Multi-Family Dwellings.** Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.
- Section 1015** **Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts.** Non-residential buildings or uses shall not be located in or conducted closer than (40) feet to any lot line of a residential structure, except that the minimum yard requirements may be

reduced to fifty (50) percent of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided.

- Section 1016** **Architectural Projections.** Open structures such as porches, canopies, balconies, platforms, carports, covered patios and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard.
- Section 1017** **Exceptions to Height Regulations.** The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard.
- Section 1020** **Special Provisions for Commercial and Industrial Uses.** No commercial or industrial use as designated on the Official Schedule of District Regulations and defined herein nor any land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this Resolution may be undertaken and maintained if acceptable measures or 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 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, Clay Sand and Gravel Extraction, Storage and Processing.** The extraction, storage and processing of minerals shall be conducted in accordance with the requirements of Sections 1026 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, payable to the township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The bond or other surety shall be released upon written certification of the zoning inspector that the restoration is complete and in compliance with the restoration plan.
- Section 1031** **Enforcement Provisions.** The zoning inspector, prior to the issuance of a zoning permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances. The area being mined or that has been mined shall be posted with “No Trespassing” signs to discourage human injury to the general public.
- Section 1032** **Measurement Procedures.** Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures

published by the American Standards Association, Inc., New York; the Manufacturing Chemists' Association, Inc., Washington D.C.; the United States Bureau of Mines and the Ohio Environmental Protection Agency.

Section 1035 **General Conditions for Medical Marijuana Entities.** In the interest of protecting the public health, safety, and general welfare, this section establishes zoning regulations that provide for State-authorized medical marijuana land uses consistent with ORC 519 and ORC 3796. ORC 519.21 and ORC 3796 allow regulation of the location of medical marijuana cultivators, processors, or dispensaries within the unincorporated area of the township.

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

Section 1040 **Roadside Produce Stands.** A building for the sale of home-grown produce may be located not less than twenty-five (25) feet from the highway right-of-way if it is a portable building. If portable, it shall be removed from its roadside location during the season that it is not in use as a roadside produce stand. A permanent structure for such use may be constructed, but shall be located not less than fifty (50) feet from the highway right-of-way line. Parking shall be provided off the highway right-of-way.

Section 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 one-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 materials.

Section 1055

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

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

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

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

Section 1060

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

Section 1065

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

Section 1067

Mobile Trailers Prohibited for Business, Storage and Sign

Purposes. The use of a mobile home, tractor trailer, box car, or other similar type trailer, container or structure shall not be permitted as an office or business structure, storage facility or sign structure except as stated in Section 1004.

Section 1070

Small Wind Projects less than 5MW. Wind Projects of 5MW or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Small Wind Projects less than 5MW and used solely for Agriculture will be exempt from these zoning regulations as an Agricultural Use. Any proposed construction, erection, or siting of a small wind project less than 5MW including the wind turbine generator or anemometer or any parts thereof shall be a Permitted Use in all Claibourne Township Zoning Districts if the following conditions are met (both as Permitted and Conditional Use):

- A. The maximum height of any turbine shall be 125 ft. For purposes of this Resolution, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the base of the tower.
- B. Setbacks: the following shall apply in regards to setbacks.
 - 1. Any turbine erected on a parcel of land shall be setback 1.25 times the height of the tower, and established "clear fall zone", from all road right-of-way lines, overhead utility lines, and neighboring property lines. A turbine shall be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located.
- C. Maintenance
 - 1. Wind turbines must be maintained in good working order. The owner shall within 30 days of permanently ceasing operation of a wind turbine, provide written notice of abandonment to the Zoning Inspector. An unused wind turbine or small wind project may stand no longer than 12 months following abandonment. All costs associated with the demolition of the wind turbine and associated equipment shall be borne by the owner. A wind

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

D. Decibel Levels

1. Decibel levels shall not exceed those provided by the manufacturer as requested in II. Permits, C., 2., e.

E. Wiring and electrical apparatuses:

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

F. Warning Signs:

1. Appropriate warning signs to address voltage shall be posted as required by the National Electric Code.

G. Building Permits:

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

II. Zoning Permits

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

1. Location of all public and private airports in relation to the location of the wind turbine.
2. An report that shows:
 - a. The total size and height of the unit.
 - b. The total size and depth of the unit's foundation structure, as well as soil and bedrock data.
 - c. A list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection, braking systems, guy wiring & anchors.
 - d. Data specifying the kilowatt size and generating capacity in kilowatts of the particular unit.
 - e. The maximum decibel level of the particular unit. This information shall be obtained from the manufacturer of the turbine unit.
 - f. Hazardous materials containment and disposal plan.
3. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, overhead utility lines, and neighboring property lines.
4. Evidence of established setbacks of 1.25 times the height of the wind turbine and "clear fall zone."
5. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.

Section 1075

General Conditions for Adult Entertainment Use. Adult Entertainment Facilities are conditionally permitted within the B-2 Local Business District only, and subject to conditions set forth in the Zoning Resolution Section 1075 and paragraphs 1-9 hereafter set forth.

1. No adult entertainment facility shall be established within one thousand (1,000) feet of any areas zoned for residential use.

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



Staff Report – Johnson Township Zoning Amendment

Jurisdiction:	Johnson Township Zoning Commission c/o Chris Walker 137 N. Main St Suite 26 Dayton, OH 45402 (937) 226-9000
Request:	The proposed amendment to the Zoning Resolution, initiated by motion of the Zoning Commission, proposes to amend Article II Definitions, Section 430 Single Non-Conforming Lots of Record, Section 431 Non-Conforming Lots of Record in Combination, and the permitted and conditional uses in the Official Schedule of District Regulations.
Location:	Johnson Township is in Champaign County and contains most of the corporation limits of the Village of St. Paris within its boundaries.

Staff Analysis:	<p>Johnson Township submitted a similar amendment for review at LUC’s February 2022 meeting. The Township ultimately did not get everything accomplished in the required timeframe, and has restarted the amendment process. Many of the modifications previously recommended by LUC that were recommended have been incorporated.</p> <p><u>Addition of accessory dwellings as a conditional use in all districts where residences are authorized</u> In previous amendments, Johnson Twp added “accessory dwellings” as a use, intending these as a conditional use in residential districts. The Township proposes this type of use be a conditional use in any district in which single family dwellings are permitted.</p> <p><u>Section 430 & 431 (Single Non-Conforming Lots of Record)</u> This part of the amendment combines Section 430 Single Non-Conforming Lots of Record with Section 431 Non-Conforming Lots of Record in Combination. The Zoning Commission wished to simplify and clear up the language in these two sections. LUC recommended approval of this change back in February 2022.</p>
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Staff Report – Johnson Township Zoning Amendment

	<p><u>Amending of definition of Home Occupation and addition of the definition of “Teleworking”</u></p> <p>The amending of this definition includes the term “teleworking” as an example of a Home Occupation, and adds a “teleworking” definition. It also removes language that states that the Home Occupation must be incidental and subordinate to the use as a residence when conducted in a dwelling unit. This is redundant language found in Section 1020 Home Occupations, so the deletion simplifies the definition and keeps the regulations contained in Section 1020.</p> <p>When LUC reviewed the previous submittal, Staff was concerned with home occupations and teleworking being conducted in structures other than the dwelling. The Zoning Commission has clarified that home occupations are conducted in the dwelling, but teleworking can occur in another building on the same lot as the dwelling. They also clarified that only residents of the dwelling can qualify for teleworking, which was another concern of LUC staff.</p> <p>LUC Staff still recommends that the Township develop standards for the buildings that can be utilized for teleworking. For example, these standards may include, but are not limited to the number of buildings, whether they are accessory or principal buildings or both, the maximum and/or minimum floor area, and maximum and/or minimum heights.</p>
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<p>Staff Recommendations:</p>	<p>LUC Staff recommends <i>APPROVAL WITH MODIFICATIONS</i> of the proposed amendment. The modification is to develop standards that would govern the buildings in which teleworking would be performed in. For example, these standards may include, but are not limited to the number of buildings, whether they are accessory or principal buildings or both, the maximum and/or minimum floor area, and maximum and/or minimum heights.</p>
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<p>Z&S Committee Recommendations:</p>	
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Brad Bodenmiller

From: Chris Walker <cwalker@vankleywalker.com>
Sent: Monday, May 2, 2022 11:35 AM
To: Brad Bodenmiller; Aaron Smith
Cc: guffsconstruction@windstream.net
Subject: Johnson Twp, Champaign County
Attachments: 20201125 District Zoning Schedule corrected final as recorded.xlsx; 20190520 Zoning Resolution.pdf; 20220126 Section 430 431 revised.pdf; 20220323 Home Occupation Teleworking draft for LUC.pdf; 20220323 Amended District Zoning Schedule .pdf; 20220502 LUC Checklist.pdf

Brad and Aaron,

You'll recall that earlier this year, the Johnson Township (Champaign County) Zoning Commission adopted resolutions approving the following recommended text amendments:

1. Amendment of Page 1 of the District Schedule to add accessory dwelling as a conditional use in all districts where residences are authorized, and to add single-family dwelling as a permitted use in the B-2 District.
2. Revision of Section 430 and repeal of Section 431 of the Zoning Resolution. Both of these amendments are for the purpose of clarifying existing frontage provisions consistent with prior discussions with LUC staff and BZA member Dan Benson. No substantive changes are intended.
3. Adoption of a definition of "teleworking" and amendment of the definition of "home occupations," both for the purpose of conforming the home occupation definition to remote working arrangements that are common in the township.

Those amendments went through the public hearing process and were ultimately approved by the Zoning Commission with slight edits to address LUC's comments. Unfortunately, the Township Trustees were not able to meet the statutory timeline for continuing the approval process. Therefore, we need to start over.

During the Zoning Commission's regular meeting last Wednesday, 4/27, we adopted another resolution approving the attached text amendments. FYI, both the District Schedule revision and the teleworking language have been fixed to address the LUC's stated concerns from the last go-around. I have attached redlines of each of the revisions, as well as the completed LUC checklist. I have also attached clean copies of the zoning resolution and district schedule.

The public hearing will take place at 6 PM on Wednesday, May 27, 2022.

Please let me know if you have any questions.



Christopher A. Walker
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Dayton, OH 45402
(937) 226-9000
(937) 226-9002 fax

cwalker@vankleywalker.com

Website: www.vankleywalker.com



Zoning Text Amendment Checklist

Date: May 2, 2022 Township: Johnson (Champaign)

Amendment Title: District Schedule, Frontage Clarifications, Home Occupations

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.

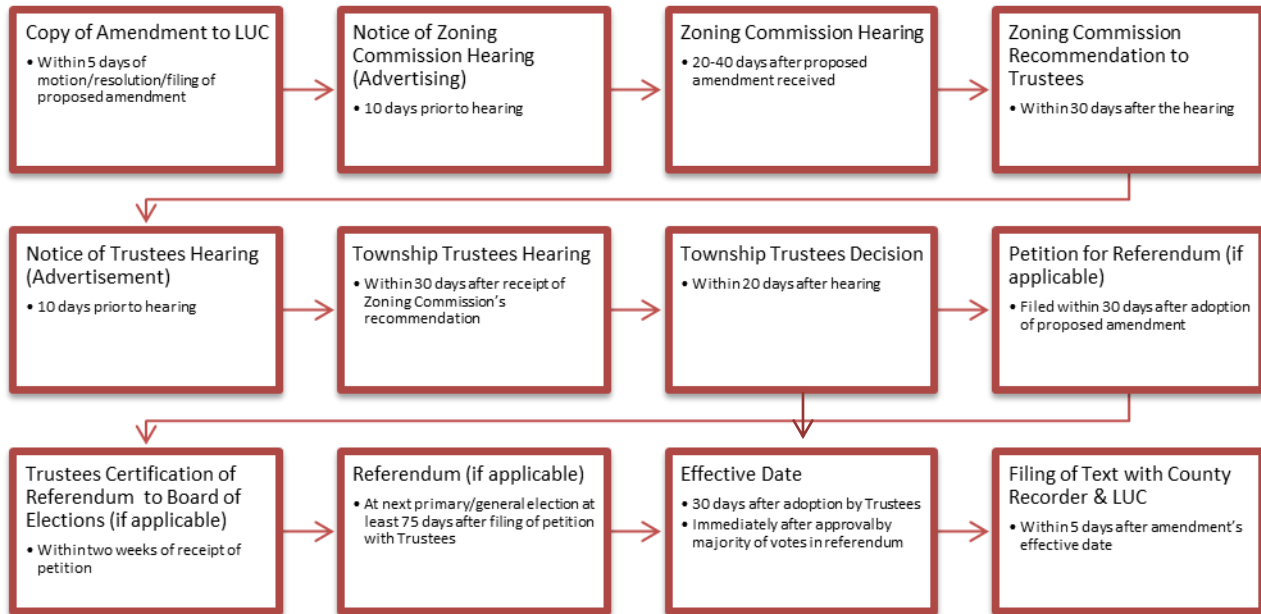
Required Item:	Completed by Requestor:	Received by LUC:
Cover Letter & Checklist	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date of Request (stated in cover letter)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Description of Zoning Text Amendment Change (s)	<input checked="" 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"/>	<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



Township Zoning Amendment Process (ORC 519.12)



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

• Phone: 937-666-3431 • Fax: 937-666-6203
• Email: luc-rpc@lucplanning.com • Web: www.lucplanning.com

DRAFT 3/23/22

Current Definition:

Home Occupation: A trade, profession, or business conducted in a dwelling unit. When conducted in the dwelling unit, the occupation is incidental and subordinate to its use as a residence by the occupants.

Draft Revisions to Definitions:

Home Occupation: A trade, profession, or business conducted in a dwelling unit. The term also includes teleworking by a resident of a dwelling, whether conducted in at the resident's dwelling unit or in another structure building on the same lot as the dwelling. When conducted in the dwelling unit, the occupation is incidental and subordinate to its use as a residence by the occupants.

Also add following definition:

Teleworking: Activities of a trade, profession, or business conducted solely by telephone, computer, or both. Teleworking excludes (a) manufacturing of products or parts of products by means of a computer, (b) shipping or warehousing of products or parts of products, and (c) receiving of products or parts of products other than office supplies or equipment used or consumed in teleworking. Teleworking is deemed a use incidental, subordinate, and accessory to residential use.

DRAFT 1/26/22

Section 430 - Single Non-Conforming Lots of Record.

Where permitted by this Resolution, the construction of a single-family dwelling and customary accessory buildings shall be allowed on any lot of record in existence at the time of the enactment of this Resolution (or at the time of an amendment of this Resolution which affects minimum lot area or width), even if said lot has an area and/or lot width less than that required for such single-family dwelling and customary accessory buildings in the Zoning District in which the lot is located. Said lot must not have continuous frontage with other lots in the same ownership. Except for minimum lot area or minimum lot width, said lot shall conform to all other requirements of this Resolution. Variance of any requirement other than minimum lot area and/or minimum lot width shall be obtained only through action of the Board of Zoning Appeals.

The owner of an improved non-conforming lot may not divide or convey adjacent lots in the same ownership and of continuous frontage, if such conveyance would decrease the lot size or lot width below that required in this Resolution.

~~In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at effective date of adoption or amendment of this Resolution notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Article IX and X 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.

Repealed.

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

Johnson Township Zoning District Schedule

ZONING DISTRICTS	PERMITTED USES	CONDITIONAL USES	PLANNED UNIT DEVELOPMENT USES
(Symbols as used on the official zoning map)	(Accessory uses (except <u>Accessory dwellings</u>) and essential services are included) See Sections 561 through 568 for uses other than permitted.	(Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals)	(Permitted upon Approval by the Zoning Commission and Issuance of Certificate by the Board of Zoning Appeals)
1	2	3	4
U-1 RURAL	Single-family dwelling, Agriculture, Forestry, Home occupation, Public uses	Personal services, Craft & gift shop, Service business, Quasi public uses, Animal hospital & clinic, food processing, Accessory dwelling, Non-commercial recreation, Mobile homes individually***	
R-1 LOW DENSITY RESIDENTIAL	Single-family dwelling, Accessory dwelling , Home occupation, Public and Quasi-public uses	Multi-family dwelling**, <u>Accessory Dwelling</u> , Public service facility, Service business, Personal services, Mobile homes individually***	Residential, Commercial, Public & Quasi-public uses individually or in combination
R-2 MEDIUM DENSITY RESIDENTIAL	Single-family dwelling, Accessory dwelling , Home occupation, Public and Quasi-public uses	Multi-family dwelling**, <u>Accessory dwelling</u> , Public service facility, Service business, Personal services, Mobile homes individually***	Residential, Commercial, Public & Quasi-public uses individually or in combination
R-5 GRANDVIEW HEIGHTS & LaBON ACRES RESIDENTIAL	Single-family dwelling, Accessory dwelling , Home occupation, Public and Quasi-public uses	<u>Accessory dwelling.</u>	Residential, Commercial, Public & Quasi-public uses individually or in combination
B-2 LOCAL BUSINESS	Personal Services, Offices, Service Business, Eating & Drinking Establishments, Food Processing, Commercial Recreation, Travelers' Lodgings, Farm Implement Sales & Service	Business; Public service facility; Animal hospital clinic; Drive-in; Club or fraternal organization; Nursing home; Food processing; Nursery; Light manufacturing; Commercial recreation; Printing and publishing; Signs and advertising structures; Mining; Commercial quarries; Sand and gravel pits; Kennels; Mobile home individually***	Residential, Commercial, Public & Quasi-public uses individually or in combination
M-2 HEAVY MANUFACTURING	Light and Heavy Manufacturing & directly related offices & retail sales, Wholesale & Warehousing, Transport Terminals, Food processing, Home occupation, Supply yards, Service Business, Animal Hospital Clinic, Single-family dwelling*	Low density residential; Storage facility; Public service facility; Junk storage & sales; Shopping type retail business; Adult entertainment; Mining, Commercial quarries, Sand and gravel pits; Mobile homes individually***	Commercial, Industrial, Public & Quasi-public uses individually or in combination



Staff Report – Rush Township Zoning Amendment

Applicant:	Rush Township Zoning Commission c/o Tim Kemper (513) 535-1671
Request:	The Zoning Commission initiated an amendment to the text of the Zoning Resolution. The proposal amends Article XII Definitions of the Zoning Resolution by creating Section 1246 Solar Energy Related Definitions and creates Section 564 Solar Energy Systems in Article V Supplementary District Regulations.
Location:	Rush Township is in northeast Champaign County and contains the Villages of North Lewisburg and Woodstock.

Staff Analysis:	<p>The Zoning Commission is proposing to add Version 1 of the LUC Solar Model Text.</p> <p>The Township has submitted the following modifications to the model text:</p> <ul style="list-style-type: none"> • Create a new #1 under A. Accessory Solar Energy Systems that states “No solar energy system shall have a production output of more than 50kW” and renumbering the rest of the standards accordingly. They have also stricken “(Less than 50 MW)” from the section number. <ul style="list-style-type: none"> • Theoretically this would prevent accessory solar energy systems from being unnecessarily large when compared to the energy needs of the lot. • In proposed #8(d.) under A. Accessory Solar Energy Systems, striking the language requiring a letter from the Health Department or sewer provider. This is a change recommended by LUC staff, previously adopted by other Townships. • Add the definitions as “Section 1246 Solar Energy Related Definitions”. <ul style="list-style-type: none"> • LUC staff does not recommend assigning section numbers to each individual definition or groups of definitions, as it adds another level of complexity to amending the Zoning Resolution. Placing the definitions in alphabetical order is typically enough to promote a well-organized document. However, if the Township still wishes to create a section number, LUC Staff would recommend placing “Solar Related Energy Definitions” in alphabetical order between “Small Wind Project” and “Structure” and assigning it a number that is in
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Staff Report – Rush Township Zoning Amendment

	numerical order between the numbers assigned to those definitions.
Staff Recommendations:	Staff recommends APPROVAL WITH MODIFICATIONS of the proposed zoning amendment. That modification is to place “Solar Energy Related Definitions” in Article XII Definitions in a way that is alphabetical in order, and if a section number must be assigned, to use one that is numerical in order between 1237-40 and 1238.
Z&S Committee Recommendations:	

Date of Request.

April 13, 2022

Logan-Union-Champaign Regional Planning Commission
c/o Aaron Smith *± Bred Bodenmiller*
PO Box 219
East Liberty, OH 43319
aaronsmith@lucplanning.com

RE: Zoning Text Amendment Application, Rush Township, Champaign County
Amendment topic: Solar Energy Systems

Dear LUC Regional Planning Commission Committee Members:

The Rush Township Zoning Commission met at 6:00 PM on April 13, 2022. During the meeting, amendments to the Zoning Resolution were initiated by motion of the Zoning Commission. The amendments propose alterations to the text of the Zoning Resolution.

Description of Zoning Text Amendments.

The proposal amends Article XII ~~Section 129~~ Definitions, Section ~~1246~~
± creates Section 564 Solar Energy Systems.

Included with this cover letter, you will find a copy of the existing zoning as it appears in the Zoning Resolution. Proposed changes are those modified in the LUC Model Zoning Text. Please refer to these attachments for further information.

Public Hearing.

The Rush Township Zoning Commission of Champaign County, Ohio, will hold a public hearing concerning the proposed amendments at 6:00 P M on Monday May, 23rd, in the Village of Woodstock Township Hall Hall.

Point of Contact.

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

cell # 513-535-1671

Sincerely,



Attachments.

- 1. Existing Zoning Resolution Supplemental Section *+ Adjacent Definitions*
- 2. Proposed Zoning Resolution Text Amendments



Zoning Text Amendment Checklist

Date: 04-13-2022

Township: Rush

Amendment Title: Solar Energy Systems

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

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

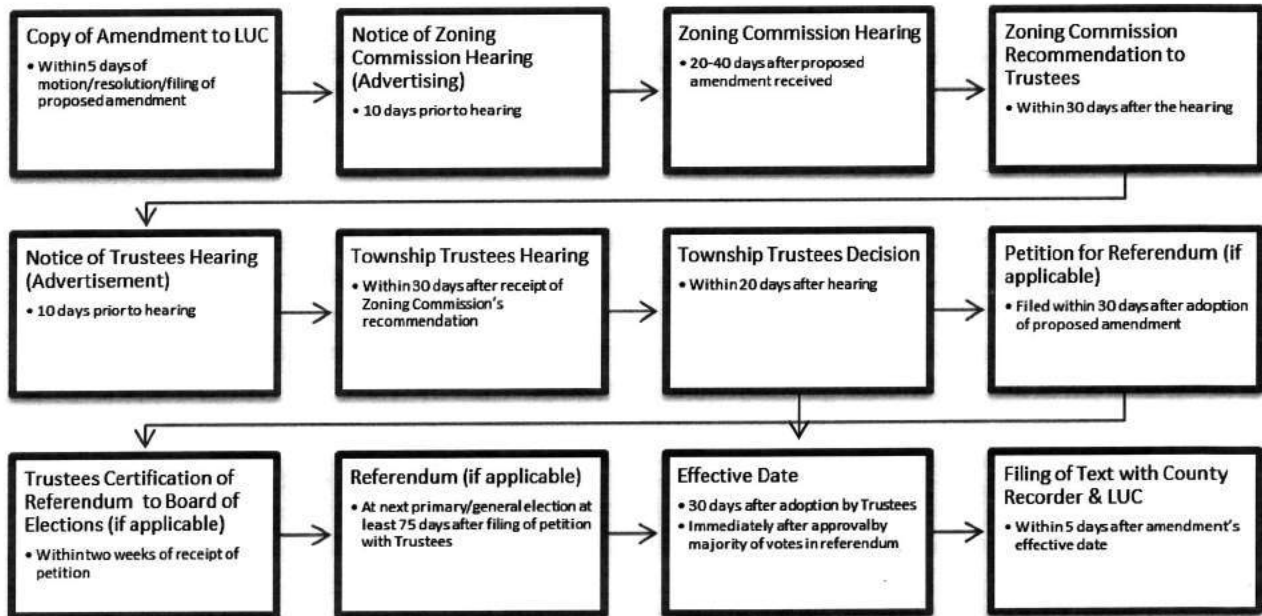
Required Item:	Completed by Requestor:	Received by LUC:
Cover Letter & Checklist	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Date of Request (stated in cover letter)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Description of Zoning Text Amendment Change (s)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Date of Public Hearing (stated in cover letter)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Township Point of Contact and contact information for zoning amendment (stated in cover letter)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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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)





~~LUC MODEL ZONING TEXT~~

XII

~~Solar Energy: Definitions~~

Article ~~XXXX~~ Definitions, Section 12416

Solar energy related definitions:

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

~~LUC Model Text (Zoning & Subdivision Committee; July 9, 2020).~~



~~LUC MODEL ZONING TEXT~~

~~Solar Energy Systems (Version 1)~~

564

~~Section XXX Solar Energy Systems (Less than 50 MW)~~

A. Accessory Solar Energy Systems

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

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

1. No solar energy system shall have a production output of more than 50 kW.
All accessory solar energy systems shall meet the following requirements:

2. ~~1~~ A solar energy system is permitted in all zoning districts as an accessory to a principal use.

3. ~~2~~ A solar energy system shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.

4. ~~3~~ Roof/Structure mounted solar energy systems:

- a. Shall be flush-mounted, or as long as it matches the slope of the roof, shall have a maximum tilt of no more than five (5) percent steeper than the roof pitch on which it is mounted.
- b. Shall not extend beyond the perimeter (or edge of roof) of the building on which it is located.
- c. May be mounted to a principal or accessory building.
- d. Combined height of the solar energy system and building to which it is mounted may not exceed the ridgeline of the roof for hip, gable, and gambrel roofs and may not be taller than eighteen (18) inches above the roofline of a flat roof.

5. ~~4~~ Ground/Pole mounted solar energy systems:

- a. Shall be no taller than seventy-five (75) percent of the maximum building height allowed in that zoning district for accessory buildings.
- b. Shall be permitted in the rear or side yard only.
- c. Shall be erected within an established clear fall zone.
- d. The minimum setback distance from the property lines for structures comprising solar energy systems and all related equipment shall be at least one hundred ten (110) percent of the height of any structure or at least twenty (20) feet from the nearest property line, whichever is greater.



Logan-Union-Champaign regional planning commission

6. ~~5.~~ Solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street right of ways.
7. ~~6.~~ Solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within six (6) months from the date they are no longer producing electricity, become damaged, discontinued or broken. Any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded within thirty (30) days of removal.
8. ~~7.~~ In addition to the site plan required for any zoning permit or conditional use permit, the following shall also be submitted at the time of application and shall include:
- Elevation of the proposed solar energy system(s) at maximum tilt.
 - Evidence of established setbacks of 1.1 times the height of any structure and "clear fall zone".
 - Proof of notice to the electric company regarding the proposal.
 - ~~Letter from the County Health Department/District or appropriate sanitary sewer operating authority stating location will not interfere with the septic or sewer system, whichever is applicable, on the property.~~

B. Principal Solar Energy Production Facilities

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

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

Principal Solar Energy Production Facilities are prohibited in any district.

~~LUC Model Text (Zoning & Subdivision Committee; July 9, 2020)~~



LUC MODEL ZONING TEXT

Solar Energy Systems (Version 2)

Section XXXX Solar Energy Systems (Less than 50 MW)

A. Accessory Solar Energy Systems

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

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

All accessory solar energy systems shall meet the following requirements:

1. A solar energy system is permitted in all zoning districts as an accessory to a principal use.
2. A solar energy system shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
3. Roof/Structure mounted solar energy systems:
 - a. Shall be flush-mounted, or as long as it matches the slope of the roof, shall have a maximum tilt of no more than five (5) percent steeper than the roof pitch on which it is mounted.
 - b. Shall not extend beyond the perimeter (or edge of roof) of the building on which it is located.
 - c. May be mounted to a principal or accessory building.
 - d. Combined height of the solar energy system and building to which it is mounted may not exceed the ridgeline of the roof for hip, gable, and gambrel roofs and may not be taller than eighteen (18) inches above the roofline of a flat roof.
4. Ground/Pole mounted solar energy systems:
 - a. Shall be no taller than seventy-five (75) percent of the maximum building height allowed in that zoning district for accessory buildings.
 - b. Shall be permitted in the rear or side yard only.
 - c. Shall be erected within an established clear fall zone.
 - d. The minimum setback distance from the property lines for structures comprising the solar energy systems and all related equipment shall be at least one hundred ten (110) percent of the heights of the solar energy system or at least twenty (20) feet from the nearest property line, whichever is greater.

RUSH TOWNSHIP

Official Zoning Ordinance

Adopted July 13, 1971

Subsequent Amendments Adopted

March 7, 1988

August 2, 1993

January 4, 2010

November 2, 2015

RUSH TOWNSHIP ZONING ORDINANCE

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

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

Article I **Title of Ordinance**

Section 100 **Title.** This ordinance shall be known and may be cited referred to as the “Zoning Ordinance of the Township of Rush.”

Article II **Establishment of Districts**

Section 200 **District Types.** The Township is hereby divided into five districts as follows: Rural District, Local Business Medium Density Residential District, Local Business District, Light Manufacturing District and Heavy Manufacturing District.

Section 210 **Rural District (U-1).** The intention of the rural district is to provide land which is suitable or used for agriculture, conservation, very low density residence and public and quasi-public purpose. Very low density residential land use refers to farm housing units and isolated residential developments not requiring a plat under the Township subdivision regulations. It is further the attempt of the rural district to discourage the scattering of residential subdivisions and commercial and industrial development. Some residential, commercial and industrial development may be permitted as conditional uses under Section 401 and as planned unit development under Article VI. On-site water and sewer facilities are permitted, provided such facilities comply with the Township health regulations.

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

Article V **Supplementary District Regulations**

- Section 500** **Permitted Conditional Uses.** The conditional uses shall conform to all requirements of this ordinance, including additional standards set forth in Section 501 to 504, inclusive, before being permitted in their respective districts. All conditional uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.
- Section 501** **Required Plan.** A plan for the proposed development of a site for a permitted conditional use shall be submitted with an application for a conditional use permit, and such plan shall show the location of all buildings, parking area, traffic access and circulation drives, open spaces, landscaping, and any other pertinent information that may be necessary to determine if the proposed conditional use meets the requirements of this ordinance.
- Section 502** **Expiration.** A conditional use permit shall be deemed to authorize only one particular conditional use and shall expire if the conditional use shall cease for more than six months for any reason.
- Section 503** **Existing Violations.** No permit shall be issued for a conditional use for a property where there is an existing violation of this ordinance.
- Section 504** **Standards Applicable to All Conditional Uses.** The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to the existing and future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district, and the location, nature of height of buildings, walls, and fences will not discourage the appropriate development and use of adjacent land and buildings or impair its value thereof. In addition, operations in connection with any conditional use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration, or flashing light, than would be the operation of any permitted use.
- Section 510** **Off-Street Parking Requirements.** Off-street automobile parking spaces shall be provided for every land use on any lot or any time any building or structure is erected, enlarged or increased in capacity in accordance with the following requirements:
- (1) Each off-street parking space shall have an area of not less than 300 square feet including access drives and aisles, and shall be surfaced with a sealed surface pavement and maintained in such a manner that no dust will be produced by continuous use.

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

Section 511

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

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

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

Section 512

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

Section 513

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

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

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

- Section 520** **Special Provisions for Residential Uses.** The regulations applicable to residential uses shall be supplemented by the provisions of Sections 521 to 522, inclusive.
- Section 521** **Determining Minimum Floor Area for Housing Units.** The minimum floor area per family in housing units shall include only area used for living quarters. Utility rooms, garages, carports, porches, laundry areas and basements are to be excluded.
- Section 522** **Conversion of Dwellings to More Units.** In U-1, R-2 and R-3 districts a residence may be converted to accommodate an increased number of dwelling units provided.
- (1) The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district.
 - (2) The lot area per family shall equal the lot area requirements for new structures in that district.
 - (3) The number of square feet of living area per family unit is not reduced to less than that which is required for new construction in that district.
- Section 523** **Private Swimming Pools.** A private swimming pool, not including farm ponds, shall be any pool, lake, or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half feet. No such swimming pool, exclusive of portable swimming pools with a diameter less than 12 feet or with an area of less than 100 square feet shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements:
- (1) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
 - (2) It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than 10 feet to any property line of the property on which it is located.
 - (3) The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall

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

Section 524

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

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

Section 525

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

Section 530

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

Section 531

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

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

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

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

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

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

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

(4) Decibel Levels:

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

(5) Wiring and electrical apparatuses:

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

(6) Warning Signs:

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

(7) Building Permits:

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

(8) Permits

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

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

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

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

Section 1242

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

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

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

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

Section 1243

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

Section 1244

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

Section 1245

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



Staff Report – Urbana Township Zoning Amendment

Jurisdiction:	Urbana Township Zoning Commission c/o Daniel Rooney (937) 484-3051
Request:	The Zoning Commission initiated a parcel amendment to reclassify the zoning districts as depicted on the proposed map.
Location:	Urbana Township is in south-central Champaign County, and the majority of the City of Urbana’s corporation limits are within the Township’s boundaries.

Staff Analysis:	<p>History Current and prior LUC staff have worked with the Township to digitize an old paper zoning map from November of 1989. There is a 2007 digitized map that current LUC staff has worked with both current and prior Township staff to update. It was noticed by multiple parties that there were some questions with the 2007 digitized map. These questions mainly resolved around parcels with no clear no zoning district, missing parcel amendments needing to be added, missing annexations to the City of Urbana, and differences between the 1989 map and the 2007 digitized map. The 2007 map also has no signatures on it and states that it is “Based on Official Zoning Map”.</p> <p>Current LUC staff has sought out official records from the Township and Champaign County Recorder’s Office, as well as from LUC’s own files, and pieced together most of what is being proposed. Using these records, current LUC staff met with the previous and current Township officials to review the accuracy of the map.</p> <p>Why a parcel amendment? LUC staff feel that a parcel amendment is the best way to clear up discrepancies. Staff also had discussions with the Champaign County Prosecutor’s Office and this appears to be the best way forward.</p> <p>The parcel amendment process would resolve questions of effective zoning designation. Most recently, LUC has helped</p>
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Logan-Union-Champaign regional planning commission

Staff Report – Urbana Township Zoning Amendment

	<p>Claibourne Township, Union County and Rush Township, Champaign County with a similar issue. LUC staff have also similarly assisted the Village of Lakeview, Village of West Liberty, and is currently working with the Village of Richwood.</p>
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Staff Recommendations:	Staff recommends APPROVAL of the proposed zoning amendment.
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Z&S Committee Recommendations:	
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Date of Request.

April 14, 2022

Logan-Union-Champaign Regional Planning Commission
c/o Aaron Smith
PO Box 219
East Liberty, OH 43319
aaronsmith@lucplanning.com

RE: Zoning Text Amendment Application, Urbana Township, Champaign County
Amendment topic: Reclassification of Zoning Map

Dear LUC Regional Planning Commission Committee Members:

The Urbana Township Zoning Commission met at 7:00 PM on April 14, 2022. During the meeting, amendments to the Zoning Resolution were initiated by motion of the Zoning Commission.

The amendments propose alterations to Zoning Map.

Description of Zoning Parcel Amendments.

The amendment proposes to reclassify to the zoning districts as depicted on the proposed map.

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

Public Hearing.

The Urbana Township Zoning Commission of Champaign County, Ohio, will hold a public hearing concerning the proposed amendments at 8:00 P M on May 19, 2022, in the Urbana Township Hall.

Point of Contact.

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

Daniel Rooney
DK 937-484-3051

Sincerely,

Daniel Rooney

Attachments.

Proposed Zoning Resolution Parcel Amendment(s)



Zoning Parcel Amendment Checklist

Date: 4/14/22 Township: Urbana

Amendment Title: Zoning Map Reclassification

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.

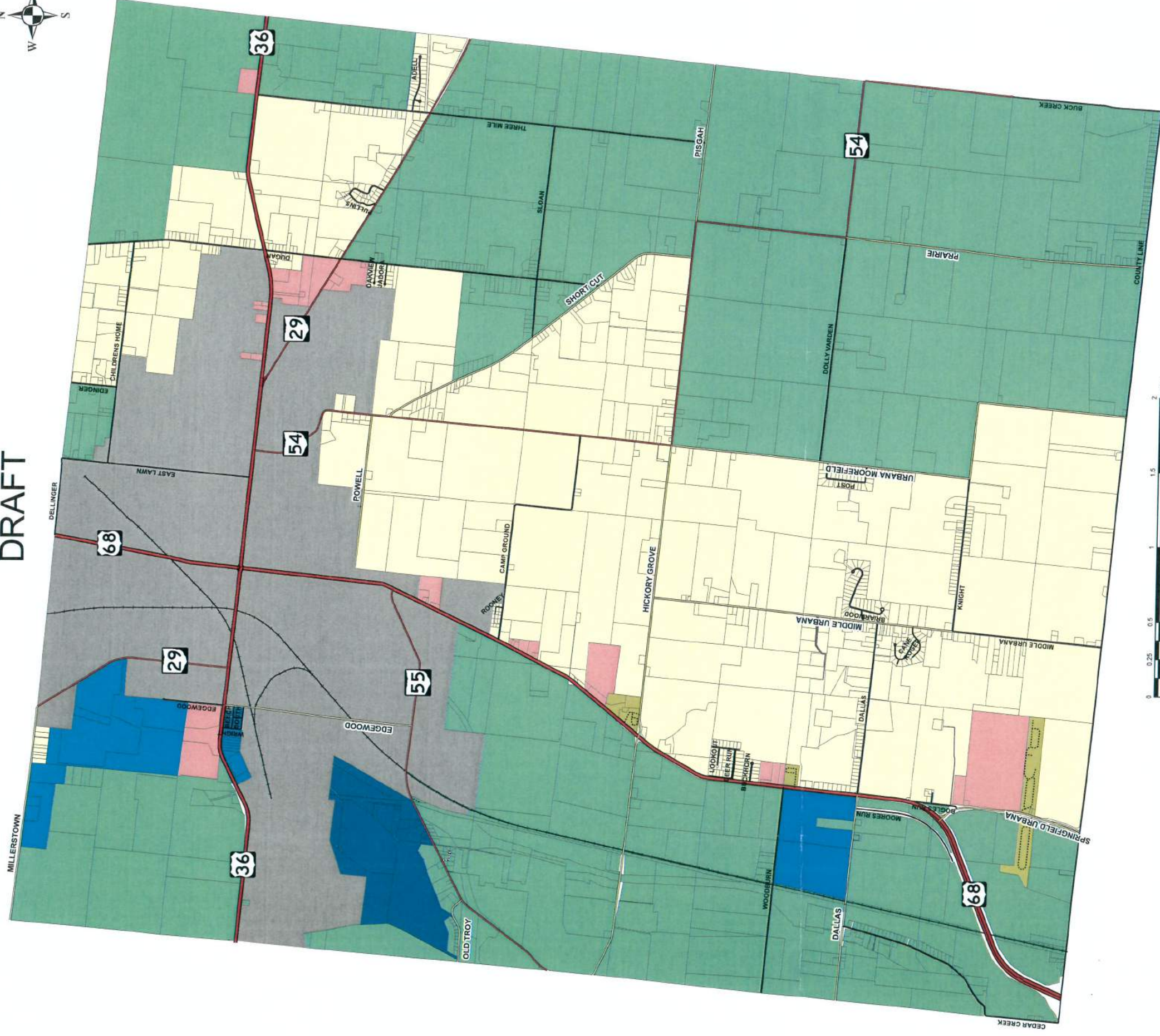
Each Zoning Parcel Amendment change must be received in our office along with a cover letter, explaining the proposed zone change (s). All items listed below must be received **no later than 10 days** before the next scheduled LUC Regional Planning Commission Executive Board Meeting (which is the second 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 Parcel 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"/>
Parcel Number(s)	<u>n/a</u> <input checked="" type="checkbox"/>	<input type="checkbox"/>
Copy of Completed Zoning Amendment Application	<u>n/a</u> <input checked="" type="checkbox"/>	<input type="checkbox"/>
Applicant's Name and contact information	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Current Zoning	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Proposed Zoning	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Current Land Use	<u>n/a</u> <input checked="" type="checkbox"/>	<input type="checkbox"/>
Proposed Land Use	<u>n/a</u> <input checked="" type="checkbox"/>	<input type="checkbox"/>
Acreage	<u>n/a</u> <input checked="" type="checkbox"/>	<input type="checkbox"/>
Copy of Zoning Text associated with proposed district(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Contiguous and adjoining Parcel Information, including Zoning District(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Any other supporting documentation submitted by applicant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Non-LUC Member Fee, If applicable	<input type="checkbox"/>	<input type="checkbox"/>

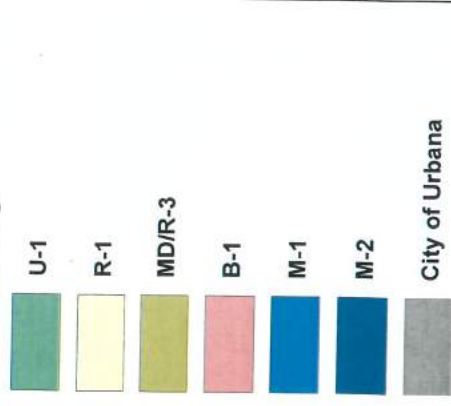
Additionally, after final adoption regarding this zoning parcel amendment, please provide LUC with a letter stating the results of the Trustees vote, along with a copy of the adopted parcel change (s).

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

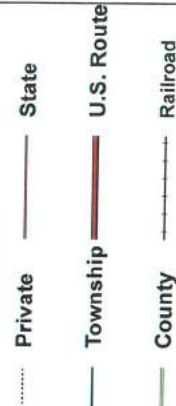
DRAFT



Zoning



Roads



Official Zoning Map Urbana Township, Champaign County, Ohio

This is to certify that this is the Official Zoning Map referred to in Section 700 of the Zoning Resolution of the Township of Urbana, Champaign County, Ohio.

_____ Date of Adoption

_____ Chairman, Board of Trustees

_____ Fiscal Officer



Logan-Union-Champaign
Regional Planning Commission
10820 St Rt 347
East Liberty, OH 43319
(937) 666-3431

This map was prepared by LUC. Zoning information was provided by the Township, the party responsible for the accuracy and maintenance of this map.

Map Amended: 3/16/2022 (ACS)

**URBANA TOWNSHIP
CHAMPAIGN COUNTY, OHIO**

ZONING RESOLUTION

ADOPTED: AUGUST 7, 2017

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.

Onsite water and sewer facilities are permitted provided such facilities comply with the County Health Department's 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 four 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 812 High Density Residential District (R-3).

The purpose of the R-3 District is to permit the establishment of high-density multi-family dwellings not to exceed 16 dwelling units per gross acre. Single-family and manufactured dwellings are also permitted in this district. Specific permitted and conditional uses are listed on the Official Schedule of District Regulations.

Section 813 Service Business District (B-1).

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

Section 814 Light Manufacturing District (M-1).

The purpose of the M-1 District is to provide land for manufacturing or industrial type facilities which are relatively clean, quiet and free of objectionable elements such as noise, odor, dust, smoke, etc.; operate mostly within closed structures; and do not generate as much traffic as would be found in the heavy manufacturing district. Specific permitted and conditional uses are listed on the Official Schedule of District Regulations.

Section 815 Heavy Manufacturing District (M-2).

The purpose of the M-2 District is to provide land for major manufacturing, processing, storage, warehousing, mineral extraction, research and testing facilities, and similar operations. These activities usually require large sites, extensive community services, have large, open storage and service areas, generate greater industrial traffic than in the M-1 district, but create

no nuisances discernible beyond the district to any large extent. Specific permitted and conditional uses are listed on the Official Schedule of District Regulations.

OFFICIAL SCHEDULE OF DISTRICT REGULATIONS
Urbana Township,
Champaign County

ZONING DISTRICTS (Symbols as used on the Official Zoning Map)	ACCESSORY BUILDINGS			MINIMUM (MANDATORY) OFF-STREET PARKING SPACE	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	10	10	SEE ARTICLE XI	SEE ARTICLE XI	SEE ARTICLE XII	*1,300 square feet for mobile dwelling.
R-1 LOW DENSITY RESIDENTIAL DISTRICT	15	10	(5) 10 (10)	SEE ARTICLE XI	See ARTICLE XI	SEE ARTICLE XII	*1,300 for Mobile Homes.
MEDIUM DENSITY (MD/R-3) RESIDENTIAL DISTRICT	15	2	5	SEE ARTICLE XI	SEE ARTICLE XI	SEE ARTICLE XII	*Refer to R-1 District Regulations.
B-1 SERVICE BUSINESS	20	none	none	SEE ARTICLE XI	SEE ARTICLE XI	SEE ARTICLE XII	*Refer to appropriate R district regulations. Non-residential use cannot be conducted closer than 40 feet to any lot line of a residential structure.
M-1 LIGHT MANUFACTURING	25	5	10	SEE ARTICLE XI	SEE ARTICLE XI	SEE ARTICLE XII	*Refer to R-1 District Regulations.
M-2 HEAVY MANUFACTURING DISTRICT	25	10	20	SEE ARTICLE XI	SEE ARTICLE XI	SEE ARTICLE XII	*Refer to R-1 District Regulations. **Non-residential use cannot be conducted closer than 40 feet to any lot line of a residential structure.

OFFICIAL SCHEDULE OF DISTRICT REGULATIONS
Urbana Township,
Champaign County

<u>ZONING DISTRICTS</u> (Symbols as used on the Official Zoning Map) 1	<u>PERMITTED USES</u> (Accessory uses and essential services are included) 2	<u>CONDITIONAL USES</u> (Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals) 3
U-1 RURAL DISTRICT	Agriculture; Very low density residential; animal hospital; clinic; agricultural products processing & sales; public use; quasipublic use; Home Occupation;	Kennel; Public service facility; Low & medium density residential*; Commercial & Non-commercial recreation; Service business; Light & heavy manufacturing; Signs; Mobile homes, Mobile Home Park.
R-1 LOW DENSITY RESIDENTIAL DISTRICT	Single-family housing; Public & quasi-public uses	Agriculture; Commercial & noncommercial recreation; home occupation; light manufacturing; Service business; Personal Services; Offices; Multi-Family Housing; Mobile homes in accordance with Section 1300; telecommunication towers;
MEDIUM DENSITY (MD/R-3) RESIDENTIAL DISTRICT	Single-family Dwelling, Public and Quasi-public Use	Multi-family Dwelling, Non-commercial Recreation, Home Occupation, Mobile home Park, Mobile homes Individually in Accordance with Section 1300, service Business, Personal Services
B-1 SERVICE BUSINESS	Service business; Drive-in business; Eating & drinking estab.; Commercial recreation; Animal Hospital, clinic; Transient lodgings; Retail business; Offices; Personal services; Public & quasi-public uses; Single & multi-family dwellings*;	Wholesale & warehousing; Food processing; Printing & publishing; Transport terminals; Signs & advertising structures; Public & service facility; Adult Entertainment Facilities
M-1 LIGHT MANUFACTURING	Light manufacturing and related offices; Public and quasi-public uses; Very low residential*; Wholesale & warehousing; Mineral Extraction	Printing & publishing; Storage facilities; Transport terminals; Signs & advertising structures; Public Service facility;
M-2 HEAVY MANUFACTURING DISTRICT	Light & heavy manufacturing & related offices; Wholesale & warehousing; Printing & publishing; Transport terminals; Supply yards; Service business; Public & quasi-public uses; Very low residential*.	Signs & advertising structures; Mineral extraction; Junk storage & sales; Public service facility;

OFFICIAL SCHEDULE OF DISTRICT REGULATIONS
Urbana 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 (feet)			
	Square feet/household		Frontage (Width) (Feet)			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
U-1 RURAL DISTRICT	43,560		150	25%	1,300	2 1/2	35	50	20	40	30
R-1 LOW DENSITY RESIDENTIAL DISTRICT	43,560	10,800	150 80	25%	1,300	2 1/2	35	50 (35)	20 (10)	40 (20)	30 (30)
MEDIUM DENSITY (MD/R-3) RESIDENTIAL DISTRICT	14,520	2,700	90	30%	575	3	40	25	8	20	30
B-1 SERVICE BUSINESS	43,560	15,000	150 100	50%	none	3	40	30	none	none	20
M-1 LIGHT MANUFACTURING	43,560	15,000	150* 100	40%	none	4	50	50	10	30	30
M-2 HEAVY MANUFACTURING DISTRICT	130,000	40,000	200 150	50%	none	4	60	80	20**	50**	40**



Staff Report – Washington Township (L) Zoning Amendment

Jurisdiction:	Washington Township Zoning Commission c/o Gary Bias (937) 539-1879 washtwpzoning@gmail.com
Request:	The proposed amendment to the Zoning Resolution, initiated by motion of the Zoning Commission, proposes to amend Article XII Definitions and the Official Schedule of District Regulations and adds Section 571 Solar Energy Systems and Section 572 Medical Marijuana: General Conditions.
Location:	Washington Township is in west-central Logan County and contains the Village of Russells Point.

Staff Analysis:	<p>Solar Energy Systems</p> <p>The Zoning Commission is proposing to add Version 1 of the LUC Model Text for Solar Energy Systems with the following modifications:</p> <ul style="list-style-type: none"> • Create a new #1 under A. Accessory Solar Energy Systems, that specifies that: “No solar energy system shall have a production output of more than:” 50kW for the U-1, R-1, R-2, and B-1 Districts and 2MW for the M-1 and M-2 Districts” and renumbering the rest of the standards accordingly. They have also stricken “(Less than 50 MW)” from the section number. <ul style="list-style-type: none"> • Theoretically this would prevent accessory solar energy systems from being unnecessarily large when compared to the energy needs of the lot it is placed on, and also preventing a principal facility that may be masquerading as an accessory system. • Staff recommends increasing the 2MW for the M-1 and M-2 District to 5MW and changing the language so that systems of exactly 5MW and greater are prohibited. This lines up with the threshold for wind energy systems in Ohio, where Townships cannot regulate wind energy facilities of 5MW or more. <p>According to the companies’ websites, The Honda Transmission Manufacturing plant has two wind turbines that have a production output of 3.4 MW which is equivalent of over 10% of the facility’s energy needs. facility. The Whirlpool Corp. manufacturing plant (Marion Co.) has three wind turbines that have a production</p>
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Staff Report – Washington Township (L) Zoning Amendment

output of 4.5 MW which is equivalent to about 20% of the facility's energy needs.

- In proposed #8(d.) under A. Accessory Solar Energy Systems, striking the language requiring a letter from the Health Department or sewer provider. This is a change recommended by LUC staff that has been given previously to other Townships.

Medical Marijuana

The Zoning Commission is proposing to add Version 2 of the LUC Model Text for Medical Marijuana: General Conditions with the following modifications and LUC staff comments:

- Increase the distance from 500 feet to 1,000 feet for the distance of medical marijuana entities to schools, churches, public libraries, public playgrounds, or public parks.
 - Although the Township can increase this distance, LUC staff would advise caution against this because there has to be a very good reason to establish distance requirements and the State of Ohio has already determined that 500ft is appropriate.
- Eliminated #7 and #8 which governed distance of dispensaries to other dispensaries and total number of dispensaries in the Township.
- Hours of operation are 9:00am to 7:00pm Monday-Saturday and shall not be open for business on Sundays.
 - LUC staff does not recommend these hours of operation, and question why these might be more stringent than hours of operation for a typical pharmacy. There is a Rite-Aid and Aries Pharmacy nearby that the Township could look to for examples.
- "Medical Marijuana Dispensary" listed as a permitted use in the B-1 District.
- "Medical Marijuana Cultivator" as a conditional use in the U-1 District.
 - LUC Staff recommend considering including cultivators as a conditional use in the M-1 and M-2 District with processors, as it is also more of an industrial use and not agricultural.



Staff Report – Washington Township (L) Zoning Amendment

	<ul style="list-style-type: none">• “Medical Marijuana Processor” as a conditional use in the U-1, M-1, and M-2 Districts.
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<p>Staff Recommendations:</p>	<p>Staff recommends <i>APPROVAL WITH MODIFICATIONS</i> of the proposed zoning amendment. Those modifications are:</p> <ul style="list-style-type: none">• The increase of the 2MW production output for the M-1 and M-2 Districts to 5W and modified so that systems of exactly 5MW and greater are prohibited.• Keeping of the distance from certain uses as 500ft• Establishing hours of operation consistent with those of a typical pharmacy use.• And including “Medical Marijuana Cultivators” as a conditional use in the M-1 and M-2 districts.
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<p>Z&S Committee Recommendations:</p>	
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Zoning Text Amendment Checklist

Date: April 25, 2022 Township: Washington

Amendment Title: Solar Energy Systems and Medical Marijuana

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	n/a <input type="checkbox"/>	<input type="checkbox"/>

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

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

Date of Request.

April 25, 2022

Logan-Union-Champaign Regional Planning Commission
c/o Aaron Smith
PO Box 219
East Liberty, OH 43319
aaronsmith@lucplanning.com

RE: Zoning Text Amendment Application, Washington Township, Logan County

Amendment topic: *Solar Energy Systems and Medical Marijuana*

Dear LUC Regional Planning Commission Committee Members:

The Washington Township Zoning Commission met at 6:00PM on April 25, 2022. During the meeting, amendments to the Zoning Resolution were initiated by motion of the Zoning Commission. The amendments propose alterations to the text of the Zoning Resolution.

Description of Zoning Text Amendments.

The proposal amends Article XII Definitions and adds Section 571 Solar Energy Systems, and Section 572 Medical Marijuana: General Conditions

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

Public Hearing.

The Washington Township Zoning Commission of Logan County, Ohio, will hold a public hearing concerning the proposed amendments at 6:00 PM on 5/18/22, 2022 in the Washington Township Hall.

Point of Contact.

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

*GARY L. BIAS
937-539-1899 (ZONING cell)
washtwpzoning@gmail.com
personal cell 937-360-8412*

Sincerely,

GARY L. BIAS

Attachments.

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

**Washington Township, Logan County
Zoning Text Amendment
Proposed on April 25, 2022**

Amend:

Official Schedule of District Regulations

- Add “Medical Marijuana Dispensary” as a permitted use in the B-1 District.
- Add “Medical Marijuana Cultivator” as a conditional use in the U-1 District.
- Add “Medical Marijuana Processor” as a conditional use in the U-1, M-1, and M-2 District.

Amend:

Article XII Definitions.

Add the following definitions in alphabetical order:

Medical marijuana related definitions:

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

Solar energy related definitions:

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

Add:

Section 571 Solar Energy Systems

A. Accessory Solar Energy Systems

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

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

All accessory solar energy systems shall meet the following requirements:

1. No solar energy system shall have a production output of more than:
 - a. U-1, R-1, R-2, B-1 Districts: 50kW.
 - b. M-1, M-2 Districts: 2MW
2. A solar energy system is permitted in all zoning districts as an accessory to a principal use.
3. A solar energy system shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
4. Roof/Structure mounted solar energy systems:
 - a. Shall be flush-mounted, or as long as it matches the slope of the roof, shall have a maximum tilt of no more than five (5) percent steeper than the roof pitch on which it is mounted.
 - b. Shall not extend beyond the perimeter (or edge of roof) of the building on which it is located.
 - c. May be mounted to a principal or accessory building.
 - d. Combined height of the solar energy system and building to which it is mounted may not exceed the ridgeline of the roof for hip, gable, and gambrel roofs and may not be taller than eighteen (18) inches above the roofline of a flat roof.
5. Ground/Pole mounted solar energy systems:
 - a. Shall be no taller than seventy-five (75) percent of the maximum building height allowed in that zoning district for accessory buildings.
 - b. Shall be permitted in the rear or side yard only.
 - c. Shall be erected within an established clear fall zone.
 - d. The minimum setback distance from the property lines for structures comprising solar energy systems and all related equipment shall be at least one hundred ten (110) percent of the height of any structure or at least twenty (20) feet from the nearest property line, whichever is greater.
6. Solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street right of ways.
7. Solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within six (6) months from the date they are

no longer producing electricity, become damaged, discontinued or broken. Any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded within thirty (30) days of removal.

8. In addition to the site plan required for any zoning permit or conditional use permit, the following shall also be submitted at the time of application and shall include:
 - a. Elevation of the proposed solar energy system(s) at maximum tilt.
 - b. Evidence of established setbacks of 1.1 times the height of any structure and "clear fall zone".
 - c. Proof of notice to the electric company regarding the proposal.

B. Principal Solar Energy Production Facilities

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

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

Principal Solar Energy Production Facilities are prohibited in any district.

Add:

Section 572 General Conditions for Medical Marijuana Entities

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

1. Not An Agricultural Use. Medical marijuana is not considered an “agricultural” use pursuant to ORC 519.21 (D).
2. Zoning Districts. No medical marijuana cultivator, processor, or dispensary shall be located in a zoning district where it is not explicitly listed as a permitted or conditionally permitted use. Furthermore, no cultivator, processor, or dispensary shall be permitted as a home occupation.
3. Fully Enclosed Buildings & Screening. Activities related to the use of property by medical marijuana cultivators, processors, and dispensaries shall take place within fully enclosed buildings. Such activities shall be completely screened and shall not be visible from any lot line. Additionally, outside storage is prohibited.
4. Mobile Building Prohibited. No medical marijuana cultivator, processor, or dispensary shall be located within a mobile building.
5. Odor. In addition to Section 536 Special Provisions for Commercial and Industrial Uses, odors traveling off-site and being detectable by a person with a normal sense of smell from a public place, the right-of-way, and other lots are prohibited.
6. Distance from Other Uses. Pursuant to ORC 3796, no medical marijuana cultivator, processor, or dispensary shall be located within one-thousand (1,000) feet of the boundaries of a lot having situated on it a school, church, public library, public playground, or public park. The distance shall be measured as the shortest straight line from property line to property line.
7. Hours of Operation. No medical marijuana dispensary shall be open for business before 9:00am or after 7:00pm on Monday through Saturday, and shall not be open for business on Sundays.
8. Drive-Thru. No medical marijuana dispensary shall include a drive-thru or exterior sales.
9. Applications. Any zoning application—including and not limited to a zoning certificate, zoning permit, variance application, conditional use application—shall include:
 - a. A scale map showing the lots involved in the request are in compliance with the requirements for Distance from Other Uses.
 - b. Proof of compliance with all security requirements in ORC 3796 and the rules and standards adopted thereunder.

W A S H I N G T O N T O W N S H I P ,
L O G A N C O U N T Y
Z O N I N G R E S O L U T I O N

Prepared for:
Washington Township, Logan County, Ohio
By:
The Washington Township Zoning Commission

With the assistance of:
Logan-Union-Champaign (LUC) Regional Planning Commission

Last Updated October 14, 2020
Red Text Designates Approved Changes

Table of Contents

Official Schedule of District Regulations		
Zoning District U-1	Rural Undeveloped District	9
Zoning District R-1	Low-Density Residential District	11
Zoning District R-2	Medium-Density Residential District	13
Zoning District B-1	Service Business District	15
Zoning District B-2	Local Business District	17
Zoning District M-1	Light Manufacturing District	19
Zoning District M-2	Heavy Manufacturing District	21
Certification – Official Schedule of District Regulations		23
Preamble and Certification		23
Article I	Title Of Resolution	23
Section 100	Title	23
Article II	Establishments of Districts	24
Section 200	District Types	24
Section 210	Rural Undeveloped District (U-1)	24
Section 220	Low Density Residential District (R-1)	24
Section 230	Medium Density Residential District (R-2)	24
Section 250	Service Business District (B-1)	24
Section 260	Local Business District (B-2)	25
Section 280	Light Manufacturing District (M-1)	25
Section 290	Heavy Manufacturing District (M-2)	25
Article III	Provision for Official Zoning Map	26
Section 300	Official Zoning Map	26
Section 310	Identification of the Official Zoning Map	26
Section 320	Recording Changes in the Official Zoning Map	26
Section 330	Replacement of the Official Zoning Map	26
Section 340	Preserving Records	26
Section 350	Interpretation of District Boundaries	26

Article IV	District Regulations	28
	Section 400 Compliance with Regulations	28
	Section 410 Schedule of District Regulations Adopted	28
	Section 420 Identification of the Schedule of District Regulations	28
Article V	Supplementary District Regulations	29
	Section 500 Permitted Conditional Uses	29
	Section 501 Required Plan	29
	Section 502 Expiration	29
	Section 503 Existing Violations	29
	Section 504 Standards Applicable to ALL Conditional Uses	29
	Section 510 Off-Street Parking Requirements	29
	Section 511 Number of Parking Spaces Required	30
	Section 512 Screening and Landscaping	31
	Section 513 Minimum Distance and Setbacks	31
	Section 514 Joint Use	31
	Section 515 Other Locations	31
	Section 516 Surfacing	31
	Section 517 Lighting	32
	Section 518 Disabled Vehicles	32
	Section 519 Off-Street Loading Requirements	32
	Section 520 Special Provisions for Residential Uses	32
	Section 521 Determining Minimum Floor Area for Housing Units	32
	Section 522 Conversion of Dwellings to More Units	32
	Section 523 Private Swimming Pools	33
	Section 524 Community or Club Swimming Pools	33
	Section 525 Setback Requirements for Corner Buildings	33
	Section 530 Special Provisions for Commercial and Industrial Uses	33
	Section 531 Fire Hazards	34
	Section 532 Radioactivity or Electrical Disturbance	34
	Section 533 Noise	34
	Section 534 Vibration	34
	Section 535 Smoke	34
	Section 536 Odors	34
	Section 537 Air Pollution	34
	Section 538 Glare	34
	Section 539 Erosion	34

Section 540 Water Pollution	34
Section 541 Mineral, Clay, Sand & Gravel Extraction, Storage & Proc.	35
Section 542 Distance from Residential Areas	35
Section 543 Filing of Location Map	35
Section 544 Information on Operation	35
Section 545 Restoration of Mined Area	35
Section 546 Performance Bond	35
Section 547 Enforcement Provision	35
Section 548 Measurement Procedures	35
Section 550 Supplementary District Regulations	36
Section 551 Side & Rear Yard Requirements for Nonresidential Uses	36
Abutting Residential Districts	
Section 552 Exceptions to Height Regulations	36
Section 553 Architectural Projections	36
Section 554 Visibility at Intersections in Residential Districts	36
Section 555 Fences, Walls, and Hedges	36
Section 556 Erection of More than One Principal Structure on a Lot	37
Section 560 Adult Entertainment	37
Section 565 Telecommunication Towers	38
Section 566 Performance Bond	39
Section 567 Small Wind Project Less than 5MW	40
Section 568 Private Driveway Installation	43
Section 569 Recreational Vehicles	43
Section 570 Demolition	44
Article VI	
Planned Unit Development	45
Section 600 Purpose of Planned Unit Development	45
Section 601 Permitted Uses	45
Section 602 General Requirements	45
Section 603 Disposition of Open Space	45
Section 604 Residential Lot Location	45
Section 605 Diversification of Lot Sizes	45
Section 606 Reduction of Planned Unit Development Area	46
Section 607 Height Requirements	46
Section 608 Commercial Planned Unit Development Requirements	46
Section 609 Commercial Projects, Side Yards, and Rear Yards	46
Section 610 Arrangement of Commercial Uses	46
Section 611 Industrial Planned Unit Development Requirements	46

Section 612 Industrial Project	46
Section 613 Arrangement of Industrial Uses	46
Section 614 Procedure to Secure Approval of Planned Unit Development	47
Section 615 Preliminary Development Plan	47
Section 616 Preliminary Development Plan Review	47
Section 617 Detailed Development Plan	47
Section 618 Basis of Approval	48
Section 619 Action of the Zoning Commission and Board of Appeals	49
Section 620 Approval Period	49
Section 621 Other Requirements	49
Article VII Manufactured and/or Mobile Homes & Manufactured and/or Mobile Home Parks Individually	50
Section 700 Intent	50
Section 710 Location of Manufactured (not permanently site) or Mobile Homes Individually	
Section 712 Additional Requirements Applicable to Manufactured (not permanently site) or Mobile Homes	50
Section 720 Location of Manufactured (not permanently site) or Mobile Home Parks	51
Section 722 Density	51
Section 724 Park Width and Depth	51
Section 726 Park Side and Rear Yards	51
Section 728 Park Improvements	51
Section 730 Temporary Manufactured (not permanently Sited) or Mobile Homes	53
Article VIII Signs and Advertising	53
Section 800 Sign Defined and Regulated	53
Section 801 Outdoor Advertising Structures Defined	53
Section 802 Measurement of Area	53
Section 803 General Provisions	53
Section 804 Location and Area of Advertising Signs	53
Section 805 Area of Announcement and Professional Signs	53
Section 806 Signs for Public or Quasi-Public Purposes	53
Section 807 Wall Signs	54
Section 808 Use of Building Walls for Signs	54
Section 809 Temporary Signs	54

Section 810 Signs and Public Right-of-Way	54
Section 811 Government Flags and Insignia	54
Section 812 Signs Required by Governmental Bodies	54
Section 813 Electrically Illuminated Signs	54
Section 814 Marking of Signs	54
Section 815 Attachment of Signs	54
Section 816 Inspection of Electrical Signs	54
Section 817 Maintenance of Signs	55
Section 818 Signs Installed in Violation of Requirements	55
Section 819 Signs in Commercial and Industrial Districts	55
Section 820 Area of Permanent Advertising Signs	55
Section 821 Free Standing Signs	55
Section 822 Attachment to Wall Signs	55
Section 823 Pole Signs	55
Section 824 Area of Business Advertising Signs	56
Section 825 Roof Signs	56
Section 826 Political Signs	56
Section 827 Sign Setback Requirements	56
Section 828 Increased Setbacks	56
Section 829 Setbacks at the Intersection of Highways	56
Section 830 Setbacks for Public and Quasi-Public Signs	56
Section 831 Special Yard Provisions	56
Section 832 Illumination	56
Section 833 Subdivision Signs	57
Section 834 Sign Permits Required	57
Section 835 Drawings and Specifications	57
Section 836 Signs Interfering with Traffic Control or Movement Prohibited	57
Section 837 Exemptions	57
Section 838 Off-Premise Signs (Billboards)	57
Article IX Non-Conforming Uses	58
Section 900 Intent	58
Section 901 Incompatibility of Non-Conforming Uses	58
Section 902 Avoidance of Undue Hardship	58
Section 903 Non-Conforming Lots of Record	58
Section 904 Non-Conforming Lots of Record in Combination	59
Section 905 Non-Conforming Uses of Land	59

Section 906 Non-Conforming Structures	59
Section 907 Non-Conforming Uses of Structures or Structures and Premises in Combination	60
Section 908 Repairs and Maintenance	61
Section 909 Uses Under Conditional Use Provisions Not Non-Conforming Uses	61
Article X Administration and Enforcement	62
Section 1000 Office of Zoning Inspector Created	62
Section 1001 Zoning Permits Required	62
Section 1002 Application for Zoning Permit	62
Section 1003 Zoning Certificates Required	62
Section 1004 Zoning Certificates for a Non-Conforming Use Required	63
Section 1005 Issuance of Zoning Certificates	63
Section 1006 Temporary Zoning Certificate	63
Section 1007 Record of Zoning Certificates	63
Section 1008 Failure to Obtain a Zoning Certificate	63
Section 1009 Expiration of Zoning Permit	63
Section 1010 Construction and Use to be as Provided in Applications, Plans, Permits, and Zoning Certificates	63
Section 1011 Issuance of Zoning Permit for Projects Requiring Site Plan Review	64
Section 1012 Board of Zoning Appeals Established	64
Section 1013 Proceedings of the Board of Zoning Appeals	64
Section 1014 Hearings, Appeals, Notice	64
Section 1015 Stay of Proceedings	64
Section 1016 Powers and Duties of the Board of Zoning Appeals	65
Section 1017 Administrative Review	65
Section 1018 Conditional Uses	65
Section 1019 Variances, Conditions Governing Applications and Procedures	66
Section 1020 Supplementary Conditions and Safeguards May be Prescribed	67
Section 1021 Board has Powers of Zoning Inspector on Appeals Reversing Decision of Zoning Inspector	67
Section 1022 Duties of Zoning Inspector, Board of Zoning Appeals, Governing Body and Courts on Matter of Appeal	67

Section 1023 Schedule of Fees, Charges, and Expenses	67
Section 1024 Complaints Regarding Violations	68
Section 1025 Penalties for Violations	68
Article XI Amendments	69
Section 1100 General Requirements	69
Section 1101 Procedure for Change in Zoning Districts	69
Section 1102 Application Fees	69
Article XII Definitions	70
Article XIII Interpretation and Enactment	88
Certifications	89
Passed Adopted, Attest	90

Official Schedule of District Regulations
Washington Township, Logan County, Ohio

Zoning District

U-1 Rural Undeveloped District

Permitted Uses (Accessory uses and essential services are included)

Agriculture; very low-density residence (farm housing units and isolated single family dwelling residential developments not requiring a plat under the County subdivision regulations); veterinary animal hospital or clinic, kennel; public use; quasi-public use.

Conditional Uses (Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals)

Public service facility; low-density residence (single family dwelling residential development not to exceed four dwelling units per acre); medium-density residence (single family and multi-family residential development not to exceed eight dwelling units per acre); home occupation; commercial recreation; service business; mineral extraction; light and heavy manufacturing; signs and advertising structures; **manufactured or** mobile home park; storage facility.

Planned Unit Development (Permitted upon approval by the Zoning Commission and issuance of certificate by the Board of Appeals)

Residential; commercial; industrial; public and quasi-public uses.
(Individually or in combination)

Minimum Lot Size (Square feet per dwelling)

With on-site sewage treatment: 2 acres

With group or central sewage treatment: 10,800

Road Frontage Width (feet): 300'

Maximum Percentage of Lot Coverage (Principal and Accessory Buildings)

50 %

Minimum Floor Area (Square feet)

1,000 Square Feet

Maximum Height of Principal Buildings

Stories - 2 ½; 40 Feet

Minimum Yard Dimensions/Setbacks Measured from Survey Pins (feet)

Front – 100’ ; One side yard – 20’; Sum of side yards – 50’ ; Rear – 50’

Accessory Buildings

Maximum height (feet) – 25’; minimum distance to side lot line – 20’;

Minimum distance to rear lot line –20’; minimum distance to front lot line – 100’.

School bus shelters would be an exception to this front line distance and they must

Be at least 20’ from the lot line.

Minimum (mandatory) Off-street Parking Space (two for each unit) One-family housing unit

Minimum (mandatory) Off-street Loading Space

None

Zoning District

U-1 Rural Undeveloped District

Signs Permitted

Yes, under Article VIII

Other Provisions and Requirements (Supplementary regulations, prohibitions, notes, etc.)

Dwelling conversion: permitted as per Section 522.

Mobile housing units and semi-trailers shall not be permitted or used as storage units.

“Dwelling, manufactured (not permanently sited) or mobile homes” are not permitted in the U-1 District unless they are in a **manufactured or** mobile home park.

Official Schedule of District Regulations
Washington Township, Logan County, Ohio

Zoning District

R-1 Low-density Residential District

Permitted Uses (Accessory uses and essential services are included)

Single-family dwelling; public use; quasi-public use.

Conditional Uses (Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals)

Non-commercial recreation; home occupation; storage facility.

Planned Unit Development (Permitted upon approval by the Zoning Commission and issuance of certificate by the Board of Appeals)

Residential; **manufactured** or mobile home park; public and quasi-public uses.
(Individually or in combination)

Minimum Lot Size (Square feet per dwelling)

With on-site sewage treatment: 40,000

With group or central sewage treatment: 10,800

Road Frontage Width (feet): 80'

Maximum Percentage of Lot Coverage (Principal and Accessory Buildings)

50%

Minimum Floor Area (Square feet)

1,500 Square Feet

Maximum Height of Principal Buildings

Stories - 2; Feet - 35

Minimum Yard Dimensions/Setbacks Measured from Survey Pins (feet)

Front - 35'; One side yard - 8'; Sum of Side Yards - 20'; Rear - 40'

Accessory Buildings

Maximum height (feet) – 20'; minimum distance to side lot line – 10'; minimum distance to rear lot line – 10'; minimum distance to front lot line – 35'.

School bus shelters would be an exception to this front line distance and they must be at least 20' from the lot line.

Minimum (mandatory) Off-street parking Space (two for each unit)

One-family housing unit

Minimum (mandatory) Off-street loading Space

None

Signs Permitted

Yes, under Article VIII

Zoning District

R-1 Low-density Residential District

Other Provisions and Requirements (Supplementary regulations, prohibitions, notes, etc.)

Dwelling conversion: permitted as per Section 522.

Mobile housing units and semi-trailers shall not be permitted or used as storage units.

"Dwelling, manufactured (not permanently sited) or mobile homes" are not permitted in the R-1 District **except as a planned unit development.**

Agriculture is prohibited to the extent permitted by ORC 519.21.

Official Schedule of District Regulations
Washington Township, Logan County, Ohio

Zoning District

R-2 Medium-density Residential District

Permitted Uses (Accessory uses and essential services are included)

Single-family dwelling; public use; quasi-public use.

Conditional Uses (Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals)

Manufactured or mobile home park; dwelling, multi-family; non-commercial recreation; home occupation; storage facility.

Planned Unit Development (Permitted upon approval by the Zoning Commission and issuance of certificate by the Board of Appeals)

Residential; commercial; public and quasi-public uses.
(Individually or in combination)

Minimum Lot Size (Square feet per dwelling)

With on-site sewage treatment: Prohibited

With group or central sewage treatment: 5,400

Road Frontage Width (feet): 60'

Maximum Percentage of Lot Coverage (Principal and Accessory Buildings)

50%

Minimum Floor Area (Square feet)

1000 Square Feet

Maximum Height of Principal Buildings

Stories - 2; Feet - 35

Minimum Yard Dimensions/Setbacks Measured from Survey Pins (feet)

Front - 15'; One side yard - 4'; Sum of Side Yards - 10'; Rear - 15'

Accessory Buildings

Maximum height (feet) – 20'; minimum distance to side lot line – 4'; minimum distance to rear lot line – 5'; minimum distance to front lot line – 15'

School bus shelters would be an exception to this front line distance and they must be at least 20' from the lot line.

Minimum (mandatory) Off-street parking Space (two per unit)

One-half housing unit in multi-family structure.

Minimum (mandatory) Off-street loading Space

None

Zoning District

R-2 Medium-density Residential District

Signs Permitted

Yes, under Article VIII

Other Provisions and Requirements (Supplementary regulations, prohibitions, notes, etc.)

Dwelling conversion: permitted as per Section 522.

Mobile housing units and semi-trailers shall not be permitted or used as storage units.

"Dwelling, manufactured (not permanently sited) or mobile homes" are not permitted-in the R-2 District unless they are in a manufactured or mobile home park.

Agriculture is prohibited to the extent permitted by ORC 519.21.

Official Schedule of District Regulations
Washington Township, Logan County, Ohio

Zoning District

B-1 Service Business District

Permitted Uses (Accessory uses and essential services are included)

Service business; drive-in business; eating and drinking establishments; commercial recreation; Veterinary animal hospital or (clinic, kennel); transient lodgings; single family dwelling (See Section 250 for Zoning Regulations); public use; quasi-public use.

Conditional Uses (Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals)

Retail business; offices; wholesale and warehousing; food processing; printing and publishing; transport terminals; signs and advertising structures; public service facility; storage facility.

Planned Unit Development (Permitted upon approval by the Zoning Commission and issuance of certificate by the Board of Appeals)

Commercial; industrial; residential; public and quasi-public uses.
(Individually or in combination)

Minimum Lot Size (Square feet per structure)

With on-site sewage treatment: Prohibited
With group or central sewage treatment: 15,000
Road Frontage Width (feet): 100'

Maximum Percentage of Lot Coverage (Principal and Accessory Buildings)

50%

Minimum Floor Area (Square feet)

200 square feet

Maximum Height of Principal Buildings

Stories - 2; 35-Feet

Minimum Yard Dimensions/Setbacks Measured from Survey Pins (feet)

Front - 50'; Sum of Side Yards - 4'; Rear - 30'

Accessory Buildings

Maximum height (feet) – 20'; minimum distance to side lot line – 4'; minimum distance to rear lot line – 4', minimum distance to front lot line – 50'

Minimum (mandatory) Off-street parking Space (one for each unit)

200 sq. ft. of retail or service floor area.

Minimum (mandatory) Off-street loading Space

5,000 sq. ft. of floor area

Zoning District

B-1 Service Business District

Signs Permitted

Yes, under Article VIII

Other Provisions and Requirements (Supplementary regulations, prohibitions, notes, etc.)

Non-residential use cannot be conducted any closer than 40' from any residential district, except that the minimum yard requirements may be reduced to seventy (75) percent of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided.

Agriculture is prohibited to the extent permitted by ORC 519.21.

Official Schedule of District Regulations
Washington Township, Logan County, Ohio

Zoning District

B-2 Local Business District

Permitted Uses (Accessory uses and essential services are included)

Convenience-type retail business; personal services; offices; public use; quasi-public use.

Conditional Uses (Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals)

Shopping-type retail business; service stations; service business eating and drinking establishments; commercial recreation; public service facility; storage facility.

Planned Unit Development (Permitted upon approval by the Zoning Commission and issuance of certificate by the Board of Appeals)

Residential; commercial; public and quasi-public uses.
(Individually or in combination)

Minimum Lot Size (Square feet per structure)

With on-site sewage treatment: Prohibited

With group or central sewage treatment: None

Road Frontage Width (feet): None

Maximum Percentage of Lot Coverage (Principal and Accessory Buildings)

50%

Minimum Floor Area (Square feet)

200 square feet

Maximum Height of Principal Buildings

Stories - 2; 35 Feet

Minimum Yard Dimensions/Setbacks Measured from Survey Pins (feet)

Front - 30'; One side yard - none; Sum of Side Yards - none; Rear - 30'

Accessory Buildings

Maximum height (feet) – 15'; minimum distance to side lot line – none; minimum distance to rear lot line – none. minimum distance to front lot line – 30'

Minimum (mandatory) Off-street parking Space (one for each unit)

200 sq. ft. of retail or service floor area.

Minimum (mandatory) Off-street loading Space

5,000 sq. ft. of floor area

Zoning District

B-2 Local Business District

Signs Permitted

Yes, under Article VIII

Other Provisions and Requirements (Supplementary regulations, prohibitions, notes, etc.)

Non-residential use cannot be conducted any closer than 40' from any residential district, except that the minimum yard requirements may be reduced to seventy (75) percent of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided.

Agriculture is prohibited to the extent permitted by ORC 519.21.

Official Schedule of District Regulations
Washington Township, Logan County, Ohio

Zoning District

M-1 Light Manufacturing District

Permitted Uses (Accessory uses and essential services are included)

Agriculture; light manufacturing and related offices; public use; quasi-public use.

Conditional Uses (Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals)

Wholesale and warehousing; printing and publishing; storage facilities; transport terminals; signs and advertising structures; public service facility.

Planned Unit Development (Permitted upon approval by the Zoning Commission and issuance of certificate by the Board of Appeals)

Commercial; industrial; public and quasi-public uses.
(Individually or in combination)

Minimum Lot Size (Square feet per structure)

With on-site sewage treatment: Prohibited

With group or central sewage treatment: 15,000

Road Frontage Width (feet): 100'

Maximum Percentage of Lot Coverage (Principal and Accessory Buildings)

50%

Minimum Floor Area (Square feet)

200 square feet

Maximum Height of Principal Buildings

Stories - 4; 50 Feet

Minimum Yard Dimensions/Setbacks Measured from Survey Pins (feet)

Front - 50'; One side yard - 10'; Sum of Side Yards - 30'; Rear - 40'

Accessory Buildings

Maximum height (feet) – 25'; minimum distance to side lot line – 5'; minimum distance to rear lot line – 10'. minimum distance to front lot line – 50'

Minimum (mandatory) Off-street parking Space (one for each unit)

Two (2) employees on the maximum work shift.

Minimum (mandatory) Off-street loading Space

5,000 sq. ft. of floor area.

Zoning District

M-1 Light Manufacturing District

Signs Permitted

Yes, under Article VIII

Other Provisions and Requirements (Supplementary regulations, prohibitions, notes, etc.)

Objectionable uses in noise, odor, and hours of operation prohibited.

Official Schedule of District Regulations
Washington Township, Logan County, Ohio

Zoning District

M-2 Heavy Manufacturing District

Permitted Uses (Accessory uses and essential services are included)

Agriculture; heavy manufacturing and related offices; wholesale and warehousing; printing and publishing; transport terminals; public use; quasi-public use.

Conditional Uses (Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals)

Light manufacturing and related offices; signs and advertising structures; extractive industry; junk yard and sales; public service facility.

Planned Unit Development (Permitted upon approval by the Zoning Commission and issuance of certificate by the Board of Appeals)

Commercial; industrial; public and quasi-public uses.
(Individually or in combination)

Minimum Lot Size (Square feet per structure)

With on-site sewage treatment: 200,000

With group or central sewage treatment: 40,000

Road Frontage Width (feet): 150'

Maximum Percentage of Lot Coverage (Principal and Accessory Buildings)

50%

Minimum Floor Area (Square feet)

200 square feet

Maximum Height of Principal Buildings

Stories - 4; Feet - 50'

Minimum Yard Dimensions/Setbacks Measured from Survey Pins (feet)

Front - 80'; One side yard - 20'; Sum of Side Yards - 50'; Rear - 50'

Accessory Buildings

Maximum height (feet) – 25'; minimum distance to side lot line – 10'; minimum distance to rear lot line – 20'. minimum distance to front lot line – 80'

Minimum (mandatory) Off-street parking Space (one for each unit)

Two (2) employees on the maximum work shift.

Minimum (mandatory) Off-street loading Space

5,000 sq. ft. of floor area.

Zoning District

M-2 Heavy Manufacturing District

Signs Permitted

Yes, under Article VIII

Other Provisions and Requirements (Supplementary regulations, prohibitions, notes, etc.)

Extractive use cannot be conducted any closer than 500' from any residential district.

This is to certify this is the official schedule of District Regulations referred to in Section 410 and Article IV (4) of the Zoning Resolution of Washington Township, Logan County, Ohio.

WASHINGTON TOWNSHIP ZONING RESOLUTION

A RESOLUTION OF THE TOWNSHIP OF WASHINGTON, OHIO, ENACTED IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND THE PROVISIONS OF CHAPTER 519, OHIO REVISED CODE, AND FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, SAFETY, COMFORT, CONVENIENCE AND GENERAL WELFARE; DIVIDING THE UNINCORPORATED PORTION OF THE TOWNSHIP, INTO ZONES AND DISTRICTS, ENCOURAGING, REGULATING AND RESTRICTING THEREIN THE LOCATION, CONSTRUCTION, RECONSTRUCTION, ALTERATION AND USE OF STRUCTURES AND LAND; PROMOTING ORDERLY DEVELOPMENT OF THE RESIDENTIAL, BUSINESS, INDUSTRIAL, RECREATIONAL AND PUBLIC AREAS; PROVIDING FOR ADEQUATE LIGHT, AIR, AND CONVENIENCE OF ACCESS TO PROPERTY BY REGULATING THE USE OF LAND AND BUILDINGS AND THE BULK OF STRUCTURES IN RELATIONSHIP TO SURROUNDING PROPERTIES; LIMITING CONGESTION IN THE PUBLIC RIGHT-OF-WAYS; PROVIDING THE COMPATIBILITY OF DIFFERENT LAND USES AND THE MOST APPROPRIATE USE OF LAND; PROVIDING FOR THE ADMINISTRATION OF THIS RESOLUTION AND DEFINING THE POWERS AND DUTIES OF THE ADMINISTERING OFFICERS AS PROVIDED HEREINAFTER AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THIS RESOLUTION OR ANY AMENDMENT THERTO; AND FOR THE REPEAL BE IT ORDAINED BY THE BOARD OF WASHINGTON_TOWNSHIP TRUSTEES. LOGAN COUNTY, OHIO; THEREFORE BE IT HEREBY RESOLVED BY THE BOARD OF TRUSTEES OF WASHINGTON TOWNSHIP, LOGAN COUNTY, STATE OF OHIO:

ARTICLE I TITLE OF RESOLUTION

Section 100 Title.

This Resolution shall be known and may be cited and referred to as the "Zoning Resolution of the Township of Washington."

ARTICLE II ESTABLISHMENT OF DISTRICTS

Section 200 District Types.

The township is hereby divided into seven districts as follows: Rural District, Low Density Residential District, Medium Density Residential District, Service Business District, Local Business District, Light Manufacturing District, and Heavy Manufacturing District.

Section 210 Rural District (U - 1).

The intention of the rural district is to provide land which is suitable or used for agriculture, conservation, very low density residence and public and quasi-public purpose. Very low density residential land use refers to farm housing unit and isolated residential developments not requiring a plat under the County subdivision regulations. It is further the attempt of the rural district to discourage the scattering of residential subdivisions and commercial and industrial development. Some residential, commercial, and industrial development may be permitted as conditional uses under Section 601 and as planned unit development under Article VI. On-site water and sewer facilities are permitted provided such facilities comply with the County and State health regulations.

Section 220 Low Density Residential District (R - 1).

The purpose of the low density residential district is to provide land for single family housing units not to exceed four families per acre. Manufactured homes (not permanently sited), mobile homes, and multi-family housing units are permitted only under the planned unit development approach. Commercial and industrial development is prohibited. Group or central water and sewer facilities are required if more than one residence is planned on less than 40,000 square feet. (See Official Schedule of District Regulations.)

Section 230 Medium Density Residential District (R-2).

The purpose of the medium density residential district is to provide land for single- and multi-family housing units not to exceed eight families per acre. Manufactured or mobile home parks are permitted under Section 410 and in accordance with Article VII. Commercial development is prohibited unless introduced under the planned unit development approach. Group or central water and sewer facilities are required.

Section 250 Service Business District (B - 1).

The purpose of the service business district is to provide land for sales, service and repair establishments which require highway orientation or large tracts of land not normally available in central and local business districts; do not contribute to the design of a unified business center; depend on drive-in business; and require a location along or near major thoroughfares and intersections. General retail and office businesses are permitted as a conditional use. Residential, commercial, and industrial development may be introduced under the planned unit development approach. Group or central water and sewer facilities are required. All Single Family Dwellings in this B-1 District must meet R-2, Medium-Density Residential District Regulations.

Section 260 Local Business District (B - 2).

The purpose of the local business district is to provide land for small retail and personal service establishments offering convenience-type goods and services for the daily needs of the people in the immediate neighborhood or area. Residential and other commercial development are prohibited unless introduced under the planned unit development approach. Group or central water and sewer facilities are required.

Section 280 Light Manufacturing District (M - 1).

The purpose of the light manufacturing district is to provide land for manufacturing or industrial establishments which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke or glaze; operate within enclosed structures; and generate little industrial traffic. Heavy manufacturing or industrial development is prohibited. Commercial development is prohibited unless introduced under the planned unit development approach. Group or central water and sewer facilities are required.

Section 290 Heavy Manufacturing District (M - 2).

The purpose of the heavy manufacturing district is to provide land for major manufacturing processing, storage, warehousing, research, and testing establishments which require large sites, extensive community services and facilities, ready access to regional transportation; have large open storage and service areas; generate heavy traffic; and create no nuisance discernible beyond the district. Extractive manufacturing use is permitted as a conditional use if the operation does not create a hazard or nuisance which adversely affects the health, safety, and general well-being of the community and other manufacturing establishments in the district. Residential development is prohibited. Light manufacturing or industrial uses are permitted as conditional uses. Commercial and industrial development may be introduced under the Planned Unit Development (PUD) approach. Central water and sewer facilities are required.

ARTICLE III
PROVISION FOR OFFICIAL ZONING MAP

Section 300 Official Zoning Map.

The districts established in Section 200 of this Resolution are shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Resolution.

Section 310 Identification of the Official Zoning Map.

The official zoning map shall be identified by the signature of the Chairman of the Board of Township Trustees attested by the Township Clerk, under the following words: "This is to certify that these are the Official Zoning Map referred to in Section 300 of the Zoning Resolution of the Township of Washington, Logan County, Ohio," together with the date of the adoption of this Resolution.

Section 320 Recording Changes in the Official Zoning Map.

If in accordance with the provisions of this Resolution and Chapter 519 of the Ohio Revised Code changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Board of Township Trustees with a 2/3 vote with an entry on the Official Zoning Map indicating the Resolution number, if any, and the date of adoption.

Section 330 Replacement of the Official Zoning Map.

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Township Trustees may, by Resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Chairman of the Board of Trustees, attested by the Township clerk, under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of the Zoning Resolution of the Township of Washington, Logan County, Ohio.

Section 340 Preserving Records.

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map and/or significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

Section 350 Interpretation of District Boundaries.

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

1. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed as such boundaries;

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

ARTICLE IV
DISTRICT REGULATIONS

Section 400 Compliance with Regulations.

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

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

Section 410 Schedule of District Regulations Adopted.

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

Section 420 Identification of the Schedule of District Regulations.

The Official Schedule of District Regulations shall be identified by the signature of the Chairman of the Board of Township Trustees, attested by the Township Clerk, under the following words: "This is to certify that this is the Official Schedule of District Regulations referred to in Section 410 and Article IV of the Zoning Resolution of the Township of Washington, Logan County, Ohio", together with the date of the adoption or amendment of this Resolution.

ARTICLE V
SUPPLEMENTARY DISTRICT REGULATIONS

Section 500 Permitted Conditional Uses.

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

Section 501 Required Plan.

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

Section 502 Expiration.

A conditional use permit shall be deemed to authorize only one particular conditional use and shall expire if the conditional use shall cease for more than six months for any reason or unless otherwise specified by the Zoning Appeals Board.

Section 503 Existing Violations.

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

Section 504 Standards Applicable to ALL Conditional Uses.

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

Section 510 Off-Street Parking Requirements.

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

1. Each off-street parking space shall have an area of not less than three hundred (300) square feet including access drives and aisles.
2. Each off-street parking space shall have an adequate vehicular access to a street or alley.

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

Section 511 Number of Parking Spaces Required.

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

<u>TYPE OF USE</u>	<u>PARKING SPACES REQUIRED</u> <u>(one unit for each)</u>
• Single family or two-family dwelling	Housing unit.
• Multi-family housing unit	One-half housing unit
• Hotel, motel, lodging house or dormitory	Living or sleeping room
• Private club or lodge	Five (5) members
• Church or temple	Five seats in main auditorium
• Grade school	Five seats in auditorium
• College or high school	Teacher, employee and five students
• Library, museum or art gallery	300 sq. ft. of floor area
• Hospital, clinic, nursing home	Employee and bed or similar institution
• Theater, sports arena, auditorium, stadium or gymnasium other than school	Five seats
• Bowling alley	Bowling seat
• Mortuary or funeral home	Fifty square feet of floor area in slumber rooms, parlors or individual funeral service rooms
• Retail or business service establishment	Two (2) employees; 200 sq. ft. of floor area

- Offices, personal or professional Services; restaurants, nightclubs, Dance halls, assembly or exhibition without fixed seats 200 sq. ft. of floor area
 - Wholesale or warehousing 300 sq. ft. of floor area
 - Manufacturing or industrial establishment, research or testing laboratory, or bottling plant Two employees on the maximum shift
-

Section 512 Screening and Landscaping.

Off-street parking areas for more than ten (10) vehicles shall be effectively screened on each side which adjoins or faces premises situated in any residential district by a fence or wall of acceptable design. Such fence or wall shall be not less than four (4) feet or more than six (6) feet in height and shall be maintained in good condition. The space between such fence or wall and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition. In lieu of such wall or fence a strip of land not less than ten (10) feet in width, and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height may be substituted.

Section 513 Minimum Distance and Setbacks.

No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any housing unit, school, hospital or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen. If on the same lot with a one-family residence the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than four (4) feet to any established street or alley right-of-way.

Section 514 Joint Use.

Two (2) or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap provided that a written agreement, approved by the Zoning Commission, shall be filed with the application for a Zoning Certificate.

Section 515 Other Locations.

Parking spaces may be located on a lot other than that containing the principal use provided it is within three hundred (300) feet of the principal use. Lots farther than three hundred (300) feet from the principal use may be approved by the Board of Zoning Appeals provided a written agreement, approved by the Zoning Commission, shall be filed with the application for a Zoning Certificate.

Section 516 Surfacing.

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

Section 517 Lighting.

Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any residential district.

Section 518 Disabled Vehicles.

The parking of a disabled vehicle within a residential or commercial district for a period of more than thirty (30) days shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building.

Section 519 Off-Street Loading Requirements.

In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of five thousand (5,000) square feet or less, which is to be occupied by manufacturing, storage, warehouse, retail, wholesale, hotel, hospital, mortuary, dry cleaning or other uses similarly requiring the receipt or distribution by vehicle of material or merchandise, there shall be provided and maintained, on the same lot with such building, at least one (1) off-street loading space, plus one (1) additional such loading space for each additional ten thousand (10,000) square feet, or major fraction thereof, of gross floor area, provided, however, that in the case of ground floor area exceeding one hundred thousand (100,000) square feet, not more than eleven (1 1) additional loading spaces shall be required, all in accordance with the following requirements:

1. Each loading space shall be not less than 12 feet in width, 15 feet in height and 50 feet in length for tandem trailers, or 30 feet for two axle trucks.
2. Subject to the limitations of Section 501 of this Resolution such space may occupy all or any part of any required yard space.

Section 520 Special Provisions for Residential Uses.

The regulations applicable to residential uses shall be supplemented by the provisions of Sections 521 to 522, inclusive.

Section 521 Determining Minimum Floor Area for Housing Units.

The minimum floor area per family in housing units shall include only area used for living quarters. Utility rooms, garages, carports, porches, laundry areas, enclosed decks, and basements shall be excluded.

Section 522 Conversion of Dwellings to More Units.

In U-I, R-1 and R-2 districts a residence may be converted to accommodate an increased number of dwelling units provided:

1. The yard dimensions still meet the yard dimensions required by the Zoning Regulations for new structures in that district;
2. The lot area per family shall equal the lot area requirements for new structures in that district;
3. The number of square feet of living area per family unit is not reduced to less than that which is required for new construction in that district.

Section 523 Private Swimming Pools.

A private swimming pool, not including farm ponds, shall be any pool, lake or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half (1 1 | 2) feet. No such swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet, shall be allowed in any commercial or residential district except as an accessory use and unless it complies with the following conditions and requirements:

1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located;
2. It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than ten (10) feet to any property line of the property on which it is located; and
3. The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall be not less than four (4) and not more than six (6) feet in height and maintained in good condition with a gate and lock.

Section 524 Community or Club Swimming Pools.

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

1. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;
2. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line of the property on which it is located; and
3. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than six (6) feet in height and maintained in good condition with a gate and lock.

Section 525 Setback Requirements for Corner Buildings.

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

Section 530 Special Provisions for Commercial and Industrial Uses.

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

Section 531 Fire Hazards.

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-suppression equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance, which is compatible with the potential danger involved and shall comply with all local, state, and federal regulations.

Section 532 Radioactivity or Electrical Disturbance.

No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

Section 533 Noise.

Noise which is objectionable due to volume, frequency or beat shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement. (Except as provided for under Sections 542 to 546.)

Section 534 Vibration.

No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

Section 535 Smoke.

Smoke shall not be emitted with a density greater than No. 1 on the Ringelman Chart as issued by the U. S. Bureau of Mines except for blow-off periods of ten minutes duration of one per hour when a density of not more than No. 2 is permitted.

Section 536 Odors.

No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.

Section 537 Air Pollution.

No pollution of air by fly-ash, dust, vapors or other substances shall be permitted which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling. In the case of an area within an M-2 Heavy Manufacturing District, in lieu of the foregoing standards, no emissions shall be permitted except in compliance with applicable federal and state environmental protection, health, safety or other applicable federal or state governmental laws and regulations.

Section 538 Glare.

No direct or reflected glare shall be permitted which is visible from any property outside an industrial district or from any public street, road, or highway.

Section 539 Erosion.

No erosion, by either wind or water, shall be permitted which will carry objectionable substance onto neighboring properties.

Section 540 Water Pollution.

Pollution of water shall be subject to the requirements and regulations established by the Ohio Water Pollution Control Board. In the case of an area within an M-2 Heavy Manufacturing

District, in lieu of the foregoing standards, the discharge of water pollutants shall not be permitted except in compliance with applicable federal and state environmental protection, health, safety or other applicable federal or state governmental laws and regulations.

Section 541 Mineral, Clay, Sand and Gravel Extraction, Storage and Processing.

The extraction, storage and processing of minerals shall be conducted in accordance with the requirements of Sections 542 to 546, inclusive.

Section 542 Distance from Residential Areas.

Mineral extraction, storage or processing shall not be conducted closer than 500 feet from any residential district, nor closer than 200 feet from any structure used for human occupancy in any other district.

Section 543 Filing of Location Map.

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

Section 544 Information on Operation.

The operator shall submit information on the anticipated depth of excavations and on depth and probable effect on the existing water table as coordinated with the Ohio Division of Water.

Section 545 Restoration of Mined Area.

The operator shall file with the Board Of Zoning Appeals a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five feet, the type and number per acre of trees or shrubs to be planted; and the location of future roads, drives, drainage course, or other improvements, contemplated.

Section 546 Performance Bond.

The operator shall file with the Board of Township Trustees a bond, payable to the Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate, per acre of property to be mined, of the required bond shall be fixed by Resolution of the Board of Township Trustees. The bond shall be released upon written certification of the zoning inspector that the restoration is complete and in compliance with the restoration plan.

Section 547 Enforcement Provision.

The Zoning Inspector or Board of Zoning Appeals, prior to the issuance of a zoning certificate, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

Section 548 Measurement Procedures.

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

Section 550 Supplementary District Regulations.

Supplementary regulations apply to several districts or a set of districts and are set forth in Sections 551 to 560, inclusive.

Section 551 Side and Rear Yard Requirements for Nonresidential Uses Abutting Residential Districts.

Nonresidential buildings or uses shall not be located nor conducted closer than forty (40) feet to any lot line of a residential district, except that the minimum yard requirement may be reduced to 50 percent of the requirement if acceptable landscaping or screening approved by the Board of Zoning Appeals is provided. Such screening shall be a masonry or solid fence between four (4) and eight (8) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense planting of evergreen shrubbery not less than four feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within twenty (20) feet of an intersection.

Section 552 Exceptions to Height Regulation.

The height limitation contained in the Official Schedule of District Regulations, Section 410, do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

Section 553 Architectural Projections.

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

Section 554 Visibility at Intersections in Residential Districts.

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

Section 555 Fences, Walls and Hedges.

Fences, walls, and hedges are permitted in all districts, subject to the following Conditions:

1. Location: Fences, walls and hedges shall be permitted in any yard.
2. Site Distance Requirements: Corner barriers are prohibited. No fence, wall, or hedge shall violate the site distance requirements found in Section 554.
3. Height: Except in the M-2 District, fences, walls and hedges shall not exceed (4) feet in the front yard or six (6) feet in height in other yards. In the M-2 District, fences, walls, and hedges shall not exceed eight (8) feet in height.

Section 556 Erection of More than One Principal Structure on a Lot.

In any district more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Resolution shall be met for each structure as though it were on an individual lot. Accessory buildings such as a garage may be located in the rear yard, provided that yard and other requirements of this Resolution are met.

All accessory buildings must meet setback requirements of the associated zoning district and, therefore, shall require a permit (agricultural use exempted from this provision). This requirement applies regardless whether a foundation is included in the construction of the utility building.

Section 560 Adult Entertainment.

General Conditions for Adult Entertainment facilities Use.

Adult Entertainment Facilities are conditionally permitted within the B-1 Business District only, and subject to conditions set forth in the Zoning Resolution Section 560 and paragraphs 1-9 hereafter set forth.

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

9. Off-street parking shall be provided in accordance with the standards for permitted use within B-1 Business District.

Section 565 Telecommunication Towers.

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

1. The applicant must provide proof that the proposal to construct a tower or attach equipment to an existing structure has been approved by all other agencies and governmental entities with jurisdiction (i.e. Federal Communication Commission, Federal Aviation Administration, Ohio Department of Transportation, and Ohio Building Basic Code).
2. The applicant shall provide proof of notification to contiguous or directly across the street property owners as required by ORC Section 519.211.
3. The applicant must demonstrate at the time of application that no technically suitable and feasible sites are available in a nonresidential district. There shall be an explanation of why a tower at this proposed site is technically necessary.
4. Co-location. Applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other users on the same tower to the extent possible. All co-located and multiple-use telecommunication facilities shall be designed to promote facility and site sharing.
5. Setbacks from all platted residential uses and residential districts. All new towers shall be setback from the closest subdivision boundary line for all platted residential subdivisions, and for all non-platted residential districts from the closest residence, a distance of 900 feet with the exception of the B-2 zoning district where such setback shall be 200 feet.
6. Setbacks from all streets and private and public road right of ways. All new towers shall be setback from all road right of ways public and private, a distance of 900 feet.
7. Setbacks from all other uses allowable in the zoning district. All new towers shall be setback from any building that is not associated with or accessory to the telecommunications tower facility a distance of 900 feet.
8. Any and all base station equipment, accessory structures, buildings, etc. used in conjunction with the tower shall be screened with fencing, masonry, shrubbery or other screening materials.

9. The applicant shall notify the Zoning Inspector within 30 Days of ceasing operations at the site and shall remove all structures within 120 days of ceasing operations.
10. No advertising or illumination other than that required by law may be located on the structure or on the required screening.
11. An inspection report prepared by a qualified engineer licensed by the State of Ohio shall be submitted to the Zoning Office every five (5) years which details the structural integrity of all towers and support structures on the property. The results of such inspections shall be provided to the Logan County Building Regulations Department and Washington Township Zoning Inspector. Based upon results of an inspection, the Township Trustees may require repair or removal of a communication tower. Any and all necessary repairs to the tower and/or support structures shall be made within a seven (7) day period or the tower and/or structures shall be removed. The tower owner (applicant) is responsible to cover the cost of all inspections, repair, and/or removal.
12. The unstaffed storage building and/or unit that houses transmitting equipment is considered an accessory use and/or structure. Setbacks for accessory uses/structures will comply with distances in the zoned district of the tower location. These facilities may not include offices, long-term vehicle storage, other outdoor storage, or broadcast studios except for emergency purposes, or other uses that are needed to send or receive transmissions.
13. A six (6) foot safety fence with a locked gate surrounding the tower is required. If high voltage is necessary, signs must be posted every twenty (20) feet along the fence saying, "Danger - High Voltage." The operator must also post "NO Trespassing" signs.

Section 566 Performance Bond

1. For each telecommunication tower, the owner or operator shall provide to the Township, a surety bond or a bank letter of credit, to assure the Township that the terms and conditions of Section 565 are performed and complied with, including necessary repairs, including repairs to public highways and roads and the costs and expenses of removal in the event of abandonment.
2. The Washington Township Board of Trustees may draw upon the performance bond to recover any costs, damages, or expenses incurred by the Township, which arise out of the violations of Section 565 or the abandonment or discontinuance of the use of a tower.

Section 567 - Small Wind Projects less than 5MW

1. Wind Projects of 5MW or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Small Wind Projects less than 5MW and used solely for Agriculture will be exempt from these zoning regulations as an Agricultural Use. Any proposed construction, erection, or siting of a small wind project less than 5MW including the wind turbine generator or anemometer or any parts thereof shall be a Permitted Use in all Washington Township Zoning Districts the U 1, B, and M Districts if the following conditions are met (both as Permitted and Conditional Use):

A. The maximum height of any turbine shall be 125 ft. For purposes of this Resolution, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the base of the tower.

B. Setbacks: the following shall apply in regards to setbacks.

1. Any turbine erected on a parcel of land shall be setback 1.1 times the height of the tower, or established "clear fall zone", from all road right-of-way lines and neighboring property lines. A turbine shall be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located at.

C. Maintenance

1. Wind turbines must be maintained in good working order. The owner shall within 30 days of permanently ceasing operation of a wind turbine, provide written notice of abandonment to the Zoning Inspector. An unused wind turbine or small wind project may stand no longer than 12 months following abandonment. All costs associated with the demolition of the wind turbine and associated equipment shall be borne by the owner. A wind turbine is considered abandoned when it ceases transmission of electricity for 30 consecutive days. Wind turbines that become inoperable for more than 12 months must be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing wind turbine.

D. Decibel Levels

1. Decibel levels shall not exceed those provided by the manufacturer as requested in II Permits, 2, e.

E. Wiring and electrical apparatuses:

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

F. Warning Signs:

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

G. Building Permits:

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

2. Permits

A. A permit shall be required before construction can commence on an individual wind turbine project.

B. As part of the permit process, the applicant shall inquire with the County Building Regulations as to whether or not additional height restrictions are applicable due to the unit's location in relation to any local airports.

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

1. Location of all public and private airports in relation to the location of the wind turbine.
2. An engineering report that shows:
 - a. The total size and height of the unit
 - b. If applicable, the total size and depth of the unit's foundation structure, as well as soil and bedrock data.
 - c. A list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection, braking systems, guy wiring & anchors.
 - d. Data specifying the kilowatt size and generating capacity in kilowatts of the particular unit.

- e. The maximum decibel level of the particular unit. This information shall be obtained from the manufacturer of the turbine unit.
 - f. Hazardous materials containment and disposal plan.
3. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, and neighboring property lines.
 4. Evidence of an established setbacks of 1.1 times the height of the wind turbine and "clear fall zone."
 5. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.

These definitions would go in Article XII after "Sign" and listed under "Small Wind Projects less than 5MW":

Accessory Structures: Structures such as sheds, storage sheds, pool houses, unattached garages, and barns.

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

Clear Fall Zone: An area surrounding the wind turbine unit into which the turbine and -or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located. The purpose of the zone being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel.

Cowling: A streamlined removable cover that encloses the turbine's nacelle.

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

Nacelle: Sits atop the tower and contains the essential mechanical components of the turbine to which the rotor is attached.

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.

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

Megawatt (MW): A unit of power, equal to one million watts.

Small Wind Project: Any wind project less than 5MW which includes the wind turbine generator and anemometer.

Wind Power Turbine Owner. The person or persons who owns the Wind Turbine structure.

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

Wind Power Turbine Tower Height. The distance from the rotor blade at its highest point to the top surface of the ground at the Wind Power Generating Facility (WPGF) foundation.

Section 568 - Private Driveway Installation

Private driveways installed on county or township roads will be the responsibility of the Logan County Engineer's office.

Section 569 - Recreational Vehicles

Recreational vehicles shall be parked in an approved campground, **Recreational Vehicle Park, Recreational Vehicle Site** or on an approved service business, with the exception that not more than one (1) camper may be located on a residential or undeveloped lot subject to the following:

(1) Campers that are temporarily occupied, in accordance with this Section, shall be located in a side or rear yard and may not be located within required setbacks for the district.

(2) It is not to be occupied for dwelling purposes for more than thirty (30) days within any one calendar year.

(3) It is not hooked up to a water system, septic system or other utilities.

(4) Any sewage generated shall be disposed of in accordance with all applicable local, state and federal regulations.

(5) Nothing shall prohibit a property owner from **storing** his/her recreation vehicle on his/her property.

Section 570 - Demolition

A zoning permit is required for demolition. Material from demolition operations are those items affixed to the structure being demolished, such as brick, concrete, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing, plumbing fixtures, wiring, insulation material and other similar materials and/or waste. Where a structure is removed or destroyed, all debris shall be cleared and removed from the premises with sixty (60) days after the zoning permit is issued. Precautions shall be taken to ensure no debris is scattered on neighboring properties. All holes or depressions in the ground must be filled to grade level with soil and planted with grass seed. Monitoring of the site will be done to ensure compliance with this section. Zoning Violations shall be issued for any person found not to be in compliance with this section.

ARTICLE VI

PLANNED UNIT DEVELOPMENT

Section 600 Purpose of Planned Unit Development.

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

Section 601 Permitted Uses.

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

Section 602 General Requirements.

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

Section 603 Disposition of Open Space.

The amount of open space reserved under a planned unit development shall be held in corporate ownership by the owners of the project area building sites for the use of each owner who buys property within the development.

Section 604 Residential Lot Location.

Every property subdivided under the planned unit development shall be designed to abut upon open space or similar areas. A clustering of dwellings is encouraged. In areas where town houses are used there shall be no more than five town house units in any contiguous group. A variety of building setbacks, color, and building materials for contiguous town house units is encouraged.

Section 605 Diversification of Lot Sizes.

A diversification of lot sizes may be permitted within a district without additional dedication or creation of open space, provided the overall density of the project area is not increased and provided further the net residential area per family is not reduced below the minimum requirements of Section 602.

Section 606 Reduction of Planned Unit Development Area.

The minimum tract size to be developed under the planned unit development may be reduced 50 percent where the proposed development is to contain only residential, commercial, or industrial developments, not a mixture of uses.

Section 607 Height Requirements.

For each foot of building height over the maximum height regulations specified in the Official Schedule of District Regulations, Section 410, the distance between such building and the side and rear property lines of the planned unit development project area shall be increased by one foot in addition to the side and rear yard required in the district, provided that this additional setback shall not be considered part of the side and rear yards.

Section 608 Commercial Planned Unit Development Requirements.

Planned unit development of related commercial establishments is encouraged by varying the setback and area requirements. Open space gained through the varying of setback and area requirements is to be used for the development of open plazas, pedestrian malls, tot lots, and other public spaces and uses with adequate arrangement, design and planting.

Section 609 Commercial Projects, Side Yards and Rear Yards.

Side yards of thirty (30) feet and a rear yard of forty (40) feet shall be required if the project is to be located adjacent to any residential district or planned residential unit development.

Section 610 Arrangement of Commercial Uses.

The location and arrangement of structures, parking, access drives, outdoor lighting, signs and other uses and developments in the planned commercial unit development shall be compatible with the existing and future land use plan. Off-street parking, loading, and service areas shall be provided in accordance with Sections 510 to 519, inclusive. However, off-street parking and loading areas shall not be permitted within fifteen (15) feet of a residential district. All areas designated for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner.

Section 611 Industrial Planned Unit Development Requirements.

Planned unit development of industrial establishments is encouraged by varying the setback and other requirements, if it can be shown that the development results in a more efficient and desirable use of space.

Section 612 Industrial Project.

Project side yards of forty (40) feet and a rear yard of fifty (50) feet shall be required if the project is located adjacent to any residential district or planned residential unit development.

Section 613 Arrangement of Industrial Uses.

The location and arrangement of structures, parking, access drives, outdoor lighting, signs, storage areas, and other uses and developments in the planned industrial unit development shall be compatible with the existing and future land use plan. Off-street parking, loading, and service areas shall be provided in accordance with Sections 510 to 519, inclusive.

Section 614 Procedure to Secure Approval of Planned Unit Development.

The procedure in Sections 615 to 621, inclusive, shall be met before approval to develop land under the planned unit development is granted by the Zoning Commission and the Board of Zoning Appeals.

Section 615 Preliminary Development Plan.

Three copies of a preliminary development plan shall be submitted to the Zoning Commission for an approval in principle of the land uses proposed and their interrelationship. Approval in principle shall not be construed to endorse precise location of uses, configuration of parcels or engineering feasibility. Any preliminary development plan and text shall be prepared and endorsed by a qualified urban planner and shall include the following information presented in a general, schematic fashion:

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

Section 616 Preliminary Development Plan Review.

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

Section 617 Detailed Development Plan.

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

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

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

Section 618 Basis of Approval.

The Zoning Commission may recommend that the Board of Zoning Appeals after a public hearing, approve the detailed development plan, provided the Zoning Commission finds that the facts submitted with the application and presented, at the hearings establish that:

1. The proposed development can be completed within five (5) years of the date of approval;
2. Each individual unit of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under standard district regulations;

3. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned development;
4. Any proposed commercial development can be justified economically at the locations proposed to provide for adequate commercial facilities of the types proposed;
5. Any exception from standard district requirements is warranted by the design and amenities incorporated in the detailed development plans, in accord with the planned unit development and the adopted policy of the Zoning-Commission and the Board of Township Trustees;
6. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
7. The planned unit development is in general conformance with the comprehensive plan of the Township; and
8. The existing and proposed utility services are adequate for the population densities and non-residential uses proposed.

Section 619 Action of the Zoning Commission and Board of Zoning Appeals.

The Zoning Commission shall deny the detailed development plan if from the facts presented the Zoning Commission is unable to make the necessary findings. The Zoning Commission shall certify to the Board of Zoning Appeals the approval, approval with specific amendments or disapproval of the detailed development plan within 30 days of the date of submission of said plan. If the Board of Zoning Appeals finds that the proposed planned unit development is consistent with the intent and purpose of this Resolution after a public hearing, it may authorize the zoning inspector to issue a zoning certificate permitting the planned unit development.

Section 620 Approval Period.

The zoning certificate for a Planned Unit Development shall be for a period of five years to allow the preparation and recording of the required subdivision plat and the development of the project. If no development has occurred to effectuate the plan within five years after approval is granted, the approval shall be voided and the land shall revert to the district regulations in which it is located. An extension of the time limit or modification of the approved development plan may be approved if the Zoning Commission and the Board of Zoning Appeals find that such extension or modification is not in conflict with the public interest. Partial completion/development of the PUD shall result in the remaining undeveloped land reverting to the district regulations in which it is located.

Section 621 Other Requirements.

Underground utilities, including telephone and electric systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be exempt from this requirement if the Zoning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

ARTICLE VII
MANUFACTURED AND/OR MOBILE HOME PARKS &
MANUFACTURED AND/OR MOBILE HOMES INDIVIDUALLY

Section 700 Intent

It is the intent of this Article to regulate the location of, and to encourage, stabilize and protect the development of well-planned manufactured (not permanently sited) and/or mobile homes parks if one is proposed.

Section 710 Location of Manufactured (Not Permanently Sited) or Mobile Homes Individually.

Individual Manufactured (not permanently sited) or Mobile Homes are permitted only in Manufactured (not permanently sited) or Mobile Home Parks and as permitted by the Official Schedule of District Regulations.

Section 712 Additional Requirements Applicable to Manufactured (not permanently site) or Mobile Homes.

- 1) Two or more contiguous lots may be considered as one lot for the purposes of this resolution;
- 2) Provisions for sewage disposal must be made before a permit can be issued;
- 3) Setbacks shall be those already established for the area by precedent; a minimum setback from the street right-of-way line of 15 feet for 40 x 80 foot lots on allotments platted previous to June 8, 1972. Rear lot line setbacks shall not be less than 15 feet for those lots. Side yard setbacks shall be in accord with the requirements set down in the Schedule of District Regulations incorporated into Section 412. Skirting must be installed within 90 days after the mobile is set on the lot; (Ref. Section 706-13)
- 4) Structure must have a minimum Of 3:12 roof pitch, conventional siding and a minimum 6 inch eave overhang, including appropriate rain gutters.
- 5) Each Manufactured (not permanently sited) or Mobile Home Site shall be developed with a manufactured (not permanently sited) or mobile home stand and which may, at the option of the owner, be any of the following:
 - a. Standard footer and foundation – footer depth to 32 inches or more from completed grade line.
 - b. A poured concrete pad consistent with the size of the mobile home. The dimension of which shall not be less than the perimeter of the mobile home and not less than 5 inches thick, over a suitable coarse gravel underlayment of not less than 6 inches of gravel. The concrete shall be above the grade of the surrounding area to permit drainage of the pad.
- 6) Each mobile home stand shall be provided with at least four (4) tie-downs points to secure the mobile home to the stand.

- 7) Manufactured (not permanently sited) or Mobile homes must have a solid foundation consisting of footer or poured masonry walls built to Logan County building requirements.

Section 720 Location of Manufactured (not permanently sited) or Mobile Home Parks.

A manufactured (not permanently sited) or mobile home park shall be permitted only as a conditional use in the U-1 and R-2 Districts. Manufactured (not permanently sited) or Mobile home parks may be conditionally permitted in any district under planned unit development, provided a planned unit development in that district permits residential uses.

Section 722 Density.

The maximum density shall not exceed six (6) manufactured (not permanently sited) or mobile homes per gross acre, and the minimum lot size shall not be less than 4,000 square feet.

Section 724 Park Width and Depth.

The park shall have a minimum frontage of two hundred and fifty (250) feet. The ratio of width to depth shall not exceed one to five (1:5).

Section 726 Park Side and Rear Yards.

A side yard on each side of the park and a rear yard of thirty (30) feet or more shall be provided around the edge of the manufactured (not permanently sited) or mobile home park. Such yards shall not be occupied by or counted as part of an individual manufactured (not permanently sited) or mobile home site.

Section 728 Park Improvements.

The location and size of manufactured (not permanently sited) or mobile home sites and structures within the manufactured (not permanently sited) or mobile home park shall be in accordance with the following provisions:

1. Each manufactured (not permanently sited) or mobile home site shall have a clearly defined minimum area of four thousand (4,000) square feet, with a minimum lot width of forty (40) feet, and a minimum depth of one hundred (100) feet. The minimum width of corner lots, however, shall be fifty (50) feet;
 - a) Each manufactured (not permanently sited) or mobile home placed within the mobile home park or in any district on a single lot shall have a minimum of one thousand (1000) square feet of floor space.
2. There shall be a minimum clearance of twenty (20) feet between the individual manufactured (not permanently sited) or mobile homes or trailers;
3. All manufactured (not permanently sited) or mobile home parks shall meet the County street requirements and specifications currently in effect;
4. Walkways not less than three feet wide, which may abut street pavement, shall be provided from the manufactured (not permanently sited) or mobile home sites to the service buildings. Such walkways shall be constructed of concrete having a minimum thickness of four (4) inches and lighted at night by not less than three-tenths (3/10) foot candle of artificial light;

5. Each manufactured (not permanently sited) or mobile home site shall be developed with a manufactured (not permanently sited) or mobile home stand of not less than ten (10) feet by fifty (50) feet and such manufactured (not permanently sited) or mobile home stand shall be not less than ten (10) feet from the manufactured (not permanently sited) or mobile home site boundary. The manufactured (not permanently sited) or mobile home stand shall be constructed of a minimum of six (6) inches of concrete and provide two tie-down rings;
6. Each manufactured (not permanently sited) or mobile home site shall be provided with a water outlet connected to an approved water supply and a connection to an approved sewer system;
7. Electricity, electrical outlets, and wiring shall be according to the current provisions of the National Electric Code published by the National Fire Protection Association;
8. The park shall provide service buildings, complying with all applicable building regulations, to house laundry facilities and supplemental toilet facilities.
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, usable recreation area shall be conveniently located in each manufactured (not permanently sited) or mobile home park, the size of which shall be determined at one thousand (1000) square feet per household or manufactured (not permanently sited) or mobile home;
11. No manufactured (not permanently sited) or mobile home site shall be located closer to any street right-of-way line than thirty (30) feet measured horizontally from the right-of-way line to the lot line of the manufactured (not permanently sited) or mobile home site.
12. All telephone, electrical and other distribution lines shall be installed in underground conduits. No overhead lines shall be permitted. All underground utilities, sanitary sewers and drainage structures installed in streets or access roads shall be constructed prior to the surfacing of such roads;
13. Each manufactured (not permanently sited) or mobile home in any district or trailers within a mobile home park shall be skirted, entirely enclosing the bottom section with a permanent type material, using materials generally accepted in such situations and acceptable to the zoning inspector within ninety (90) days after its placement;
14. The storage and collection of garbage and refuse within each manufactured (not permanently sited) or mobile home park shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, fire hazards, or air pollution. All garbage shall be stored in fly-tight, rodent-proof containers and shall be collected at least once weekly.
15. A permanent masonry, concrete, or a footing or foundation approved by the manufacturing homes commission pursuant to ORC 4781.

Section 730 Temporary Manufactured (not permanently sited) or Mobile Homes. In the case of building or remodeling sites or an undue hardship such as illness that requires care or fire of home, an owner/parcel may temporarily (up to 6 months) reside/hold a manufactured (not permanently sited) or mobile home on said parcel upon issuance of a conditional use permit from the Board of Zoning Appeals.

Article VIII

SIGNS AND ADVERTISING

Section 800 Sign Defined and Regulated.

Any device or display designated to inform or attract the attention of persons not on the premises on which the sign is located. No sign or advertising structure of any classification shall be permitted in any district except as provided in Sections 801 to 838, inclusive.

Section 801 Outdoor Advertising Structures Defined.

Any outdoor display for the purpose of advertisement, notice or announcement located apart from the premises or product referred to in the display.

Section 802 Measurement of Area.

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

Section 803 General Provisions.

Permits for all signs and outdoor advertising structures shall be granted by the zoning inspector in accordance with the requirements set forth in Sections 804 to 838, inclusive, except that no permit shall be required for any sign containing less than six (6) square feet of advertising area or advertising the sale, rent or lease of the premises on which the sign is located.

Section 804 Location and Area of Advertising Signs.

Signs not exceeding twelve (12) square feet in area and advertising the sale, rental or lease of the premises on which the sign is located shall be permitted on any property, except that the maximum size of such a sign in any residential district shall not exceed six (6) square feet.

Section 805 Area of Announcement and Professional Signs.

Announcement or professional signs for home occupations and professional activities where permitted shall not exceed four (4) square feet in area in the residential district and not more than six (6) square feet in other districts.

Section 806 Signs for Public or Quasi public Purposes.

Bulletin boards and signs for a church, school, community, or other public or quasi-public institutional building shall be permitted, provided the area of such bulletin board or sign shall not exceed fifteen (15) square feet.

Section 807 Wall Signs.

Wall signs pertaining to a nonconforming use shall be permitted on the same premises of such use provided the area of such sign does not exceed fifteen (15) square feet.

Section 808 Use of Building Walls for Signs.

No building wall shall be used for display of advertising except that pertaining to the use carried on within such building.

Section 809 Temporary Signs.

Temporary signs not exceeding in the aggregate fifty (50) square feet announcing special public or institutional events or the erection of a building, the architect, the builders, contractors, etc., may be erected for a period of sixty (60) days plus the construction period.

Section 810 Signs and Public Right-of-Way.

No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.

Section 811 Government Flags and Insignia.

Flags and insignia of any government except when displayed in connection with commercial promotion shall be permitted on any property.

Section 812 Signs Required by Governmental Bodies.

Legal notices, identification, informational or directional signs erected or required by governmental bodies shall be permitted on any property.

Section 813 Electrically Illuminated Signs.

All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the National Electric Code and applicable local electric codes in effect.

Section 814 Marking of Signs.

All signs hereafter installed or erected shall be plainly marked with the name of the person, firm, or corporation installing or erecting such sign.

Section 815 Attachment of Signs.

No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.

Section 816 Inspection of Electrical Signs.

No electrical sign of any description shall hereafter be erected without having first been inspected on the ground and approved by the Zoning Inspector or his authorized agent. It shall be the duty of the erector of such sign to notify the zoning inspector when such sign is ready for aforesaid ground inspection.

Section 817 Maintenance of Signs.

Should any sign be or become insecure or in danger of falling or otherwise unsafe, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign.

Section 818 Signs Installed in Violation of Requirements.

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Resolution the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Resolution.

Section 819 Sign in Commercial and Industrial Districts.

Except as provided in the following sentence in a commercial or industrial district, each business shall be permitted one flat or wall sign. In the case of an area within an M-2 Heavy Manufacturing District, each business shall be permitted two flat or wall signs. Projection of wall signs shall not exceed two (2) feet as measured from the face of the main building.

Section 820 Area of Permanent Advertising Signs.

The area of all permanent advertising signs for any single business enterprise shall be limited according to the width of the building or part of building occupied by such enterprise. For the purposes of this section, width shall be measured along the building face nearest and parallel to the street line. In the case of a corner lot, either frontage may be used in determining maximum area of the sign.

Section 821 Free Standing Signs.

Except as provided in the following sentence, free-standing signs not over thirty (30) feet in height, having a maximum total sign area of one hundred (100) square feet per display area and located not closer than ten (10) feet to any street right-of-way line and not closer than thirty (30) feet to any adjoining lot line, may be erected to serve a group of business establishments, and there shall be only one free-standing sign for each building, regardless of the number of businesses conducted in said building. In the case of an area within an M-2 Heavy Manufacturing District, there shall be permitted two (2) free-standing signs not over five (5) feet in height nor twenty (20) feet in length, each having a maximum total sign area of one hundred (100) square feet per display area and located not closer than ten (10) feet to any street right-of-way line and not closer than thirty (30) feet to any adjoining lot line. The setback requirement contained herein for signs in the M-2 Heavy Manufacturing District shall apply in lieu of any other setback requirements for signs contained in this Resolution.

Section 822 Attachments to Wall Signs.

Every wall sign projecting out from the face of the building shall be securely attached to the building wall structure, or suitable metal posts located within the lot lines by iron or metal anchors, bolts, supports, chains, stranded cables or steel rods. No such sign shall project into the street right-of-way or be supported from a street, road or sidewalk.

Section 823 Pole Signs.

Pole signs of symbolical design shall be permitted for business establishments, provided no part of such sign shall project into the right-of-way of any street or highway; the maximum area of any face of such sign shall not exceed thirty (30) square feet; and the pole support of the sign shall not be less than fifty (50) feet from any lot in any residential district.

Section 824 Area of Business Advertising Signs.

The area of all permanent advertising signs for any single business enterprise may have an area equivalent to one and one-half square feet of sign area for each lineal foot of width of a building, or part of a building occupied by such enterprise, but shall not exceed a maximum area of one hundred (100) square feet.

Section 825 Roof Signs.

No sign shall be placed on the roof of any building.

Section 826 Political Signs.

No political sign shall be posted in any place or in any manner that is destructive of public property upon posting or removal. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two (2) weeks following Election Day.

Section 827 Sign Setback Requirements.

Except as provided in this Resolution signs and outdoor advertising structures where permitted shall be set back from the established right-of-way line of any street or highway at least as far as the required front yard depth for a principal use in such district except for the modifications in Sections 828 to 831, inclusive.

Section 828 Increased Setbacks.

For every square foot by which such sign or outdoor advertising structure exceeds fifty (50) square feet, the setback shall be increased by one-half (1.5) foot but need not exceed one hundred (100) feet.

Section 829 Setbacks at the Intersection of Highways.

At the intersection of any state, federal or major local highway with a major or Collector Street, the setback of any sign or outdoor advertising structure shall not be less than fifty (50) feet from the established right-of-way of each highway or street.

Section 830 Setbacks for Public and Quasi-public Signs.

Real estate signs and bulletin boards for a church, school or any other public or quasi-public, religious or educational institution may be erected not less than ten (10) feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.

Section 831 Special Yard Provisions.

Signs and advertising structures where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located except no sign or advertising structure shall be erected or placed closer than within fifty (50) feet to a side or rear lot line in any residential district.

Section 832 Illumination.

All signs and advertising structures except as hereinafter modified may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged as to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights.

Section 833 Subdivision Signs.

Upon application to the zoning inspector, a permit may be issued as a conditional use in accordance with this Resolution allowing a land-sales sign, provided that the sign shall not be illuminated; the sign shall advertise the sale or development of a recorded lot subdivision; the sign shall be erected only upon the property for sale or being developed and shall be set back from the street right-of-way at least one (1) foot for each square foot of sign area; the sign shall not be in excess of thirty (30) square feet; not more than one such sign shall be placed along single road frontage of any property in single and separate ownership, provided that not more than two (2) such signs may be permitted in any single development; and a permit for the erection, construction or maintenance of said sign shall expire within one (1) year.

Section 834 Sign Permits Required.

A separate permit shall be required for the erection of signs regulated in this Resolution, except that no permit shall be required for temporary real estate signs with an area of twelve (12) square feet or less, for the sale or lease of property and for small announcement signs with an area of less than four (4) square feet. Announcement signs shall be removed by the person or persons responsible for posting same within thirty (30) days after erection.

Section 835 Drawings and Specifications.

Clear drawings and specifications shall be made of the proposed sign indicating the location, nature, and quality of material, full dimensions in figures, supports, manner of erecting, manner of fastening the sign to the structure, number and the weight of the sign. Such plans to be made on blank forms furnished by the Zoning Inspector, signed by the owner or tenant of property for which sign is to be used and by the erecting contractor.

Section 836 Signs Interfering With Traffic Control or Movement Prohibited.

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

Section 837 Exemptions.

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

Section 838 Off-Premise Signs (Billboards).

A distance of one thousand (1000) feet is to be maintained between commercial free-standing off-premise signs (billboards).

ARTICLE IX NON-CONFORMING USES

Section 900 Intent.

Within the districts established by this Resolution or amendments that may later be adopted, there exists lots, uses of land, structures and uses of structures and land in combination which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Resolution or future amendments. It is the intent of this Resolution to permit these non-conformities to continue until they are removed, but not to encourage their survival. 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 901 Incompatibility of Non-Conforming Uses.

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

Section 902 Avoidance of Undue Hardship.

To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution, and upon which actual building construction has been carried on diligently. "Actual construction" is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation, demolition or removal of an existing building has substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently. Where a building is removed or destroyed, all debris shall be removed in accordance with Section 570 of this Zoning Resolution.

Section 903 Non-Conforming Lots of Record.

At the time of adoption or amendment of this Resolution there may exist lots of record that do not conform to the requirements for lot width and or lot area established by this Resolution or amendment. Nothing in this Resolution shall prevent the construction of dwellings, buildings, structures, or accessory uses or structures on these non-conforming lots of record provided the following:

1. The proposed dwellings, buildings, structures, or accessory uses are permitted within the district established by this Resolution.
2. Such lot shall be in separate ownership and not of continuous frontage with other lots in the same ownership.
3. The construction of dwellings, buildings, structures, or accessory uses shall meet all requirements established by this Resolution other than for lot area and lot width.
4. Variance from all other requirements shall be obtained only through action of the Board of Zoning Appeals.

Section 904 Non-Conforming Lots of Record in Combination.

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

Section 905 Non-Conforming Uses Of Land.

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

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution;
2. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Resolution;
3. If any such non-conforming use of land has been willfully abandoned for any reason for a period of more than 24 months (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; and,
4. No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such non-conforming use of land.

Section 906 Non-Conforming Structures.

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

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity;
2. Any non-conforming structure which is removed, partially removed, damaged, destroyed, or partially destroyed by any means by more than 60 percent of its then fair market value shall eliminate the non-conforming use of structure or structure and land in combination, and shall not be repaired or reconstructed except in conformity with this Resolution. All remaining debris shall be cleared away and disposed of properly within two months of the time of removal, partial removal, damage, destruction, or partial destruction. If the structure is damaged 60 percent or less of the fair market value, the non-conforming structure may be restored on the

same footprint, provided such restoration shall begin with six months from the time of removal, partial removal, damage, destruction, or partial destruction.

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

Section 907 Non-Conforming Uses of Structures or of Structures and Premises in Combination.

If lawful use involving individual structures, 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 or amendment, 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 that was not used for such non-conforming use at the time of adoption or amendment of this resolution.
3. If no structural alterations are made, any non-conforming use of a structure, or structure and land in combination, may upon application to and approval by the Board of Zoning Appeals as a Conditional Use, be changed to another non-conforming use provided that, in addition to any other criteria, the Board of Zoning Appeals finds after consideration of the nature, predominate character, and intensity of the proposed use and the size, dimensional requirements, and other regulatory characteristics of the proposed use, that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use and that the size, dimensional requirements, traffic generation, signage needs, parking requirements and other regulatory characteristics are not greater than the existing non-conforming use. The Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with provisions of this Resolution.
4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district and the non-conforming use may not thereafter be resumed.
5. When a non-conforming use of a structure, or structure and land in combination, is willfully discontinued or abandoned for 24 months (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.

Section 908 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 walls, fixtures, wiring, or plumbing, provided that the following :

1. The cubic content of the structure existing when it became non-conforming shall not be increased through such repairs or maintenance.
2. 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.

Section 909 Uses Under Conditional Use Provisions not Non-Conforming Uses.

Any use which is permitted as a conditional use in a district shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

ARTICLE X
ADMINISTRATION AND ENFORCEMENT

Section 1000 Office of Zoning Inspector Created.

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

Section 1001 Zoning Permits Required.

No building or other structure shall be erected, moved, added to or structurally altered without a permit therefore, issued by the Zoning Inspector. No Zoning permit shall be issued by the zoning inspector except in conformity with the provisions of this Resolution unless he receives a written order from the Board of Zoning Appeals in the form of an administrative review, conditional use, or variance as provided by this Resolution.

Section 1002 Application for Zoning Permit.

All applications for zoning permits shall be accompanied by plans showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The placement of survey pins is required of all zoning permits. The application shall include such other information as lawfully may be required by the Zoning Inspector, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this Resolution. The one copy of the plans shall be retained by the Zoning Inspector.

Section 1003 Zoning Certificates Required.

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Zoning Certificate shall have been issued therefore by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Resolution. If a building or premises is created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure without obtaining a zoning permit, the Zoning Inspector **will issue a violation notice.**

Section 1004 Zoning Certificates for a Non-Conforming Use Required.

No non-conforming structure or use shall be maintained, renewed, changed, or extended unless and until approved by the Board of Zoning Appeals and a zoning certificate shall thereupon have been issued by the zoning inspector. The zoning certificate shall state specifically wherein the non-conforming use differs from the provisions of this Resolution, provided that upon enactment or amendment of this Resolution, owners or occupants of non-conforming uses or structures shall have six (6) months to apply for zoning certificates. Failure to make such application within six months shall be presumptive evidence that the property was not in conforming use at the time of enactment or amendment of this Resolution.

Section 1005 Issuance of Zoning Certificates.

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

Section 1006 Temporary Zoning Certificate.

A temporary zoning certificate may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary zoning certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

Section 1007 Record of Zoning Certificates.

The Zoning Inspector shall maintain a record of all zoning certificates, and a copy shall be furnished upon request to any person. Appropriate fees as set forth in Section 1023 apply.

Section 1008 Failure to Obtain a Zoning Certificate.

Failure to obtain a zoning certificate shall be a violation of this Resolution and punishable under Section 1025 of this Resolution.

Section 1009 Expiration of Zoning Permit.

If the work described in any zoning permit has not begun within 180 days from the date of issuance thereof, said permit shall expire. It shall be cancelled by the Zoning Inspector and written notice thereof shall be given to the persons affected. If the work described in any building permit has not been substantially completed within one year of the date of issuance thereof, said permit shall expire and be cancelled by the zoning inspector, and written notice thereof shall be given to the persons affected together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

Partially constructed dwellings or other structures shall be deemed a hazard to the health, safety, and welfare of the community at-large and, therefore, shall be removed by order of the Zoning Inspector and at the expense of the property owner.

Section 1010 Construction and Use To Be as Provided in Applications, Plans, Permits and Zoning Certificates. Zoning Permits issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, arrangement or construction as specified in the permit. Use, arrangement or construction at variance with that authorized shall be deemed violation of this Resolution and punishable as provided by Section 1025 hereof.

Section 1011 Issuance of Zoning Permit for Projects Requiring Site Plan Review.

The zoning inspector shall not issue a zoning certificate for any application requiring site plan review by the Zoning Commission and/or the Board of Zoning Appeals, namely planned unit development (Article VI) and **manufactured or** mobile home parks (Article VII), unless the site plan has been approved by the Zoning Commission and/or the Board of Zoning Appeals.

Section 1012 Board of Zoning Appeals Established.

A Board of Zoning Appeals is hereby established, which shall consist of five members to be appointed by the Board of Township Trustees each for a term of five years, except the initial appointments shall be one each for one, two, three, four and five year terms. Each member shall be a resident of the unincorporated area of Washington Township. Members of the Board of Zoning Appeals may be removed from office by the Board of Township Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by resolution of the Board of Township Trustees for the unexpired term of the member affected.

Section 1013 Proceedings of the Board of Zoning Appeals.

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

Section 1014 Hearings, Appeals, Notice.

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 governing body of the Township affected by any decision of the Zoning Inspector. Such appeals shall be taken within a reasonable time, not to exceed sixty (60) days or such lesser period as may be provided by the rules of the Board of Zoning Appeals, by filing with the Zoning Inspector and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board of Zoning Appeals all papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

Section 1015 Stay of Proceedings.

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

Section 1016 Powers and Duties of the Board of Zoning Appeals.

The Board of Zoning Appeals shall have the powers and duties set forth in Section 1017 to 1027, inclusive.

Section 1017 Administrative Review.

The Board of Zoning Appeals shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Resolution.

Section 1018 Conditional Uses.

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

1. A written application for a conditional use is submitted indicating the section of this Resolution under which the conditional use is sought and stating the grounds on which it is requested;
2. Notice shall be given at least ten (10) days before the date of the public hearing and shall set forth the time, place, and nature of the proposed appeal. Notice of such hearing shall be given in one newspaper of general circulation in the Township. Written notice of such hearing shall be mailed by the Township by first class to all parties of interest, including property owners contiguous and directly across the road (street) from the property concerned. The owner of the property for which the appeal is sought or his agent shall be notified by certified mail. Notice of such hearings shall be posted at the Township Hall and in one other public place ;
3. The public hearing shall be held. Any party may appear in person, or by agent or attorney;
4. The Board of Zoning Appeals shall make a finding that it is empowered under the section of this Resolution described in the application to grant the conditional use and that the granting of the conditional use will not adversely affect the public interest;
5. Before any conditional use shall be issued, the Board of Zoning Appeals shall make written findings certifying compliance with the specific rules governing individual conditional uses and that satisfactory provisions and arrangement has been made concerning the following, where applicable:
 - a. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
 - b. Off-street parking and loading areas where required, with particular attention to the items in (a .) above and

the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district;

- c. Refuse and service areas, with particular reference to the items in (a .) and (b .) above;
- d. Utilities, with reference to locations, availability, and compatibility;
- e. Screening and buffering with reference to type, dimensions, and character;
- f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;
- g. Required yards and other open space;
- h. General compatibility with adjacent properties and other property in the district.

Section 1019 Variances, Conditions Governing Applications and Procedures.

To 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 the issuance of a variance. A variance from the terms of this Resolution shall not be granted by the Board of Zoning Appeals unless and until:

1. A written application for a variance is submitted demonstrating:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district;
 - b. That literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Resolution;
 - c. 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.
2. Notice of public hearing shall be given as in Section 1018(2) of this Resolution;
3. The public hearing shall be held. Any party may appear in person, or by agent or attorney;
4. The Board of Zoning Appeals shall make findings that the requirements of Section 1019(1) have been met by the applicant for a variance;

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

Section 1020 Supplementary Conditions and Safeguards May Be Prescribed.

In granting any variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Resolution and punishable under Section 1025 of this Resolution. Under no circumstances shall the Board of Zoning Appeals grant a 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.

Section 1021 Board has Powers of Zoning Inspector on Appeals Reversing Decision of Zoning Inspector.

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

Section 1022 Duties of Zoning Inspector, Board of Zoning Appeals, Governing Body and Courts on Matters of Appeal.

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the zoning inspector, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Board of 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 Board of 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 1023 of this Resolution.

Section 1023 Schedule of Fees, Charges and Expenses.

The Board of Township Trustees shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, zoning certificates, appeals and other matters pertaining to this Resolution. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Board of Township Trustees. Until all

applicable fees, charges and expenses have been paid in full no action shall be taken on any application or appeal.

Section 1024 Complaints Regarding Violations.

Whenever a violation of this 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. He shall record properly such complaint, immediately investigate and take action thereon as provided by this Resolution.

Section 1025 Penalties for Violation.

Violation of the provisions of this Resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than maximum penalty allowable for minor misdemeanor offenses under Ohio Revised Code, section 2929-28 (A) (b), and in addition shall pay all costs and expenses involved in the case. Such sum may be recovered in a court of jurisdiction in Logan 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 Trustees from taking such other lawful action as is necessary to prevent or remedy any violations.

ARTICLE XI

AMENDMENTS

Section 1100 General Requirements.

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

Section 1101 Procedure for Change in Zoning Districts.

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

Section 1102 Application Fees.

At the time that an application for a change of zoning districts is filed with the Zoning Commission, as provided herein, a fee shall be paid to the Zoning Inspector, who shall deliver same to the Township Clerk, for investigation, legal notices, and other expenses incidental to the determination of the zoning change. . Such sums so deposited shall be credited to the general fund of the Township. Refer to the Washington Township Zoning Permit Fee Schedule for these fees

ARTICLE XII 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;
2. Partnership, trust, company or corporation, as well as an individual;
3. The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular;
4. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement and the word "should" is a preferred requirement;
5. The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied;" and
6. 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 or structure.

Adult Entertainment Facilities. A facility having a significant portion of its function as adult entertainment which includes the following listed categories:

1. Adult Bookstore. An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" as herein defined or an establishment with a segment or section devoted to the sale or display of such material.
2. Adult Booth. Any area of a sexually oriented business establishment or tattoo parlor set off from the remainder of such establishment by one or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of "specified anatomical areas" or the conduct or simulation of "specified sexual activities."
3. Adult Material. Any of the following, whether new or used:
 - a. Books, magazines, periodicals, or other printed matter, or digitally stored materials that are distinguished or characterized by an emphasis on the exposure, depiction, or description of "specified anatomical areas" or the conduct or simulation of "specified sexual activities."

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

Agriculture. "Agriculture" as per Ohio Revised Code 519.01 shall include farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and furbearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber, pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

Alley. See Thoroughfare

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

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

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.

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

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

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 not 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 service to the public or to other commercial or industrial enterprises. Some retail sales may be involved in connection with the services rendered.

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

Building Line. See setback line.

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

Building, 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.

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

Channel. A natural or artificial watercourse of perceptible extent with bed and banks to confine and conduct continuously or periodically flowing water.

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.

Comprehensive Development Plan. A plan or any portion thereof, adopted by the Regional Planning Commission and the Board of County Commissioners showing the general location and extent of present and proposed physical facilities, including housing, industrial and commercial uses, major thoroughfares, parks, schools and other community facilities. This plan established the goals, objectives, and policies of the community.

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

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

Corner, Lot. See Lot Types.

Cul-de-Sac. See Thoroughfare.

Dead-end Street. See Thoroughfare.

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

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

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

Dwelling, Mobile Home. Pursuant to ORC 4501.01 (O), "mobile home" means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length or, when erected on site, is three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined herein or as an industrialized unit as defined herein.

Dwelling, Manufactured Home. Pursuant to ORC 3781.06 (C) (4), "manufactured home" means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

Dwelling, Manufactured Home (Permanently Sited). Pursuant to ORC 3781.06 (C) (6), "permanently sited manufactured home" means a manufactured home that meets all of the following criteria:

- a) The structure is affixed to a permanent foundation and is connected to appropriate facilities. "Permanent foundation" means permanent masonry, concrete, or a footing or foundation approved by the Ohio Department of Commerce pursuant to ORC 4781, to which a manufactured home may be affixed; and,
- b) The structure, excluding any addition, has a width of at least twenty-two feet at one point, a length of at least twenty-two feet at one point, and a total living area, excluding garages, porches, or attachments, of at least nine hundred square feet; and,
- c) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering; and,
- d) The structure was manufactured after January 1, 1995; and,
- e) The structure is not located in a manufactured home park as defined herein.

Dwelling, Industrialized Unit. Pursuant to ORC 3781.06 (C) (3), "industrialized unit" means a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes unit installs on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not include a manufactured home as defined herein or a mobile home as defined herein.

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

Dwelling, Single Family. A dwelling (except a mobile home or manufactured home not permanently sited) consisting of single dwelling unit only, separated from other dwelling units by open space.

Dwelling, Rooming House (Boarding House, Lodging House or 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 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.

Easement. Authorization by a property owner of any designated part of his property by another for a specified purpose.

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.

Fair Market Value. The "Fair Market Value" as used herein shall first be determined to be the current value of structures as carried by the Logan County Auditor. If such value is disputed by the owner of the structures or the Township, the Township may elect to hire a licensed third party appraiser to determine the value.

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

Flood Plain. That land including the flood fringe and the floodway subject to inundation by a regional flood.

Flood, Regional. Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred (100) year recurrence interval floods.

Floodway. That portion of the flood plain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

Floodway Fringe. That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

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

Floor Area of a Non-Residential Building for use in calculating parking requirements). The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and 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.

Forestry. The propagation and harvesting of forest trees.

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

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

Junk Yard. Junk Yard means an establishment or place of business which is maintained or operated 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, and any site, location or premise on which are kept two or more junk motor vehicles defined in Section 311.301 of the Ohio Revised Code, whether or not for a commercial purpose.

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.

Location Map. See Vicinity Map.

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 or on an approved private street and may consist of:

1. A single lot of record;
2. A portion of a lot of record; and
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 construed to be the portion nearest the street. On waterfront parcels the water side is considered the front. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to Streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

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.

Lot Measurements. A lot shall be measured as follows: (3-1 Ratio)

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. No lot shall have an average depth which is more than three (3) times its average width, (ratio 3 to 1)
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 and through lots is as follows:

1. Corner Lot. A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees;
2. Interior Lot. A lot with only one frontage on a street;

3. Through Lot. A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots; and
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.

Major Thoroughfare Plan. The portion of the Comprehensive Plan adopted by the Board of County Commissioners indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

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 and odor, but not beyond the district boundary to any large extent.

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

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

Manufactured or 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 for such park. **This definition does not include individual lots for the purpose of installation of manufactured or mobile homes.**

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.

Noxious Weeds. Any type or species that have been included on the official list of noxious plants for the State of Ohio which includes the following. Wild Mustard, Musk Thistle (Nodding Thistle), Oxeye Daisy, Canada Thistle, Poison Hemlock, Wild Carrot (Queen Annes Lace), Purple Loosestrife, Wild Parsnip, Mile-a-Minute Weed, Russian Thistle, Cressleaf Groundsel, Shattercane, Johnsongrass, and Grapevines (abandoned). Noxious weeds possess one or more of the following attributes: aggressive competition with cultivated plants, toxicity to livestock, natural habitat degradation, threat to public health, safety, navigation, or as defined by the OSU Extension Agency.

Nuisance. A building or property that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. A nuisance could constitute an offensive activity on a property that reduces the property value of neighboring properties or results in a lessening of normal use and enjoyment to neighboring properties. Examples include, noise, junk, automobile storage, accumulation of rodents and/or insects or mosquitoes, rubbish, refuse, debris, or weeds and tall grass measuring over twelve (12) inches.

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

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

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

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

Orchards. An area of land devoted to the cultivation and sale of fruit trees and the sale of the fruit 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 and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

Performance Bond or Surety Bond. An agreement by a subdivider or developer with the Board of County Commissioners for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

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

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

Public Service Facility. The erection, construction, alteration, operation or maintenance of buildings, power plants, or substations, water treatment plants or pumping station, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a governmental agency, including the furnishing of electrical, gas, rail transport, communication, public or private water and sewage service and 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 and public service facilities.

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

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

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, ball parks, etc.

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

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

Recreational Vehicle Site. A plot of ground within a recreational vehicle park intended for the accommodation of 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).

School Bus Shelter. A Portable type building on a skid, which shall be no more than 64 square feet in area, with a maximum height of 8 feet, with a 4/12 peaked roof. This structure can be enclosed on all sides, and shall be used solely for the purpose of children waiting for their school buses.

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.

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.

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

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

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

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

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

- 1) Sign, On-Premises. Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
- 2) Sign, Off-Premises (Billboards). 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. Billboards are considered Off-Premises Signs.
- 3) Sign, Illuminated. Any sign illuminated by electricity, gas or other artificial light including reflecting or phosphorescent light;
- 4) Sign, Lighting Device. Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign;
- 5) Sign, Ground. Means a display sign supported by uprights or braces in or upon the ground surface;

- 6) Sign, Marquee. Means a display sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building and extending beyond the building wall, building line or street lot line;
- 7) Sign, Pole. Means any sign which is erected on a pole or poles, which is wholly or partially independent of any building for support;
- 8) Sign, Projecting. Means a display sign which is attached directly to the building wall and which extends more than fifteen inches from the face of the wall;
- 9) Sign, Roof. Means a display sign which is erected, constructed and maintained above the roof of the building;
- 10) Sign, Temporary. Means a display sign, banner or other advertising device constructed on cloth, canvas, fabric or other light temporary material, with or without a structural frame, intended for a limited period of display, including decorative displays for holidays or public demonstrations; and
- 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.

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

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

Structure. Anything constructed or erected, the use of which requires location of the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, manufactured or mobile dwellings, 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, pond, lake, or open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager. Farm ponds are exempt from this definition:

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

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

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

Through Lot. See Lot types.

Thoroughfare, Street or Road. The full width between property lines bounding every public way or whatever nature with a part thereof to be used for vehicular traffic and designated as follows:

1. Alley. A minor street used primarily for vehicular service access to the back or side of properties abutting on another street;
2. Arterial Street. A general term denoting a highway primarily for through traffic carrying heavy loads and large volume of traffic, usually on a continuous route;
3. Collector Street. A thoroughfare, whether within a residential, industrial, commercial or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions;
4. Cul-de-Sac. A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround;
5. Dead-end Street. A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future;
6. Local Street. A street primarily for providing access to residential or other abutting property;
7. Loop Street. A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other; and
8. Marginal Access Street. A local or collector street, parallel and adjacent to an arterial or collector street, providing access to

abutting properties and protection from arterial or collector streets.
(Also called Frontage Street.)

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 and where a literal enforcement of the regulations would result in unnecessary and undue hardship.

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

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

Walkway. A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

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

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

1. Yard, Front. A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building; on waterfront parcels the water side is considered the front.

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

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

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

ARTICLE XIII

INTERPRETATION AND ENACTMENT

Section 1300 Provisions of Resolution Declared to be Minimum Requirements.

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

Section 1301 Separability Clause.

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

Section 1302 Repeal of Conflicting Resolutions, Effective Date.

All resolutions or parts of resolutions in conflict with this Zoning Resolution, or inconsistent with the provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect. This Resolution shall become effective from and after the date of its approval and adoption, as provided by law.

Section 1303 M-2 Heavy Manufacturing District.

Minimum Lot Size (square feet per household) with onsite sewage treatment 200,000 — with group or central sewage treatment 400,000 — provided that the installation and maintenance of on-site sewage treatment is done in accordance with applicable federal, state or local governmental laws and regulations.

CERTIFICATIONS

Washington Township Trustees
Logan County, Ohio

Date: April 12, 1970

Gentlemen:

The Washington Township Zoning Commission has for a period of some months had under study certain modifications and amendments to the zoning laws of Washington Township. These changes were brought about in part by changes in township conditions.

The Zoning Commission hereby certifies a revised plan for the districting and zoning of lands and structures in the interest of public, health, safety, convenience, comfort, prosperity, and general welfare. The plan is based upon planning studies and other Commission investigations.

Washington Township Zoning Commission

By: Roy Sickles, chairman

By: James O. Stevenson, secretary

Passed May 8, 1972
Adopted June 8, 1972

Board of Trustees,
Huitt Kipler, chairman

Attest
Township clerk,
James O. Stevenson

Amendment I Passed July 8, 1974
Adopted August 8, 1974
Carl Evans, Board of Trustees, chairman
Attest: James O. Stevenson, clerk

Exhibit B Letter of July 16, 1984
Roy Sickles, chairman, Washington Township
Zoning Commission

Charles R. Rogers
Vincent L. Glaze
Roger Kipler, Washington Township Trustees

Exhibit II February 7, 1983
 Lowell Miller
 Richard Beard
 James O. Sullivan, clerk

 March 2, 1983
 Lowell Miller
 Richard Beard
 James O. Sullivan, clerk

Typed and revised May 1990

Resolution is hereby adopted on this 8th day of September 2011.

Revised June 14, 2010 to include minor text changes, adding definitions, and adding Section 567 for Small Wind Projects Less than 5 MW (Megawatts) and Section 568 for Private Driveway Installations.

Revised August 8, 2011 to include minor text changes, Article XIII adding definitions for Noxious Weeds & Nuisance, and adding conditional uses for storage facilities for various Zoning districts U-1, R-1, R-2, B-1 & B-2

Revised December 14, 2011 to include adding Section 569 for the use and storage of recreational vehicles, Section 570 requiring a zoning permit for demolition operations and the removal of debris associated with that demolition and Section 902 text changes for Avoidance of Undue Hardship.

Revised December 14, 2015, to include minor changes to Section 555 for fences, Entire Article IX, Non-conforming Uses, minor change to Article X, Administration & Enforcement, and adding "Fair Market Value" to our definitions.

Revised October, 8, 2018, to include altering the text of the Official Schedule of District Regulations, Article II Establishment of Districts, Article V Supplementary District Regulations, Article VII Mobile Homes and Mobile Home Parks, Article IX Non-Conforming Uses, and Article XII Definitions. The map amendment is described as rezoning all Lewistown B-1 Districts from B-1 District to R-2 District.

Revised October 14, 2020, to include:

1. Official Schedule of District regulations: U-1, R-1, R-2; Conditional Uses/PUD Uses and Other Provisions and Requirements
2. Minor change to Article II Establishment of Districts
3. Section 555 Fences, Walls and Hedges
4. Section 569 Recreational Vehicles

- 5. Article VII Manufactured and/or Mobile Home Parks & Manufactured and/or Mobile Homes Individually
- 6. Section 1003 Zoning Certificates Required
- 7. Section 1011 Issuance of Zoning Permits for Projects Requiring Site Plan review
- 8. Section 1018 Conditional Uses
- 9. Article XII Definitions

Chairman, Board of Township Trustees

Member, Board of Township Trustees

Member, Board of Township Trustees

Attest, Clerk Township Trustees



Staff Report – Washington Township (U) Zoning Amendment

Applicant:	<p>Washington Township Zoning Commission c/o Luke Brill (937) 935-8343 lukebrill@gmail.com</p>
Request:	<p>The Zoning Commission initiated an amendment to the text of the Zoning Resolution. The proposal amends Article II Definitions of the Zoning Resolution and creates Section 1061 Solar Energy Systems in Article X Supplementary District Regulations.</p>
Location:	<p>Washington Township is the northwestern-most township in Union County.</p>

Staff Analysis:	<p>The Zoning Commission is proposing to add Version 1 of the LUC Solar Model Zoning Text.</p> <p>The Township has submitted the following modifications to the model text:</p> <ul style="list-style-type: none"> • Create a new #1 under A. Accessory Solar Energy Systems that states “No solar energy system shall have a production output of more than 50kW” and renumbering the rest of the standards accordingly. They have also stricken “(Less than 50 MW)” from the section number. <ul style="list-style-type: none"> • Theoretically this would prevent accessory solar energy systems from being unnecessarily large when compared to the energy needs of the lot it is placed on. • Create a new #2 under A. Accessory Solar Energy Systems that states “For purposes of determining lot coverage, the total surface area of all ground mounted and freestanding solar collectors including cells, panels, and water collector devices shall be considered impervious. Panels mounted on the roof of any building shall be subject to the maximum height regulations as specified in the underlying zoning district.” • In proposed #9(d.) under A. Accessory Solar Energy Systems, striking the language requiring a letter from the Health Department or sewer provider. This is a change recommended by LUC staff, previously adopted by other Townships.
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Logan-Union-Champaign regional planning commission

Staff Report – Washington Township (U) Zoning Amendment

Staff Recommendations:	Staff recommends APPROVAL of the proposed zoning amendment.
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Z&S Committee Recommendations:	
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Logan-Union-Champaign regional planning commission

Director: Bradley J. Bodenmiller

Zoning Text Amendment Checklist

Date: May 2, 2022 Township: Washington (U)

Amendment Title: Solar Energy Systems

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

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

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

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

Date of Request.

May 2, 2022

Logan-Union-Champaign Regional Planning Commission
c/o Aaron Smith
PO Box 219
East Liberty, OH 43319
aaronsmith@lucplanning.com

RE: Zoning Text Amendment Application, Washington Township, Union County
Amendment topic: Solar Energy Systems

Dear LUC Regional Planning Commission Committee Members:

The Washington Township Zoning Commission met at ~~6:30~~^{7:00} PM on May 2, 2022. During the meeting, amendments to the Zoning Resolution were initiated by motion of the Zoning Commission. The amendments propose alterations to the text of the Zoning Resolution.

Description of Zoning Text Amendments.

The proposal amends Article II Definitions, and adds Section ~~1060~~¹⁰⁶¹ Solar Energy Systems.

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

Public Hearing.

The Washington Township Zoning Commission of Union County, Ohio, will hold a public hearing concerning the proposed amendments at 6:30 PM on June 6, 2022, in the Washington Township Hall.

Point of Contact.

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

Luke Drill
937-935-8343
lukedrill@gmail.com

Sincerely,



Attachments.

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

Washington Township, Union County
Zoning Text Amendment
Proposed on May 2, 2022

Amend:

Article II Definitions.

Add the following definitions:

Solar energy related definitions:

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

Add:

Section 1061 Solar Energy Systems

A. Accessory Solar Energy Systems

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

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

All accessory solar energy systems shall meet the following requirements:

1. No solar energy system shall have a production output of more than 50kW.
2. For purposes of determining lot coverage, the total surface area of all ground mounted and freestanding solar collectors including cells, panels, and water collector devices shall be considered impervious. Panels mounted on the roof of any building shall be subject to the maximum height regulations as specified in the underlying zoning district.
3. A solar energy system is permitted in all zoning districts as an accessory to a principal use.
4. A solar energy system shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
5. Roof/Structure mounted solar energy systems:
 - a. Shall be flush-mounted, or as long as it matches the slope of the roof, shall have a maximum tilt of no more than five (5) percent steeper than the roof pitch on which it is mounted.
 - b. Shall not extend beyond the perimeter (or edge of roof) of the building on which it is located.
 - c. May be mounted to a principal or accessory building.
 - d. Combined height of the solar energy system and building to which it is mounted may not exceed the ridgeline of the roof for hip, gable, and gambrel roofs and may not be taller than eighteen (18) inches above the roofline of a flat roof.
6. Ground/Pole mounted solar energy systems:
 - a. Shall be no taller than seventy-five (75) percent of the maximum building height allowed in that zoning district for accessory buildings.
 - b. Shall be permitted in the rear or side yard only.
 - c. Shall be erected within an established clear fall zone.
 - d. The minimum setback distance from the property lines for structures comprising solar energy systems and all related equipment shall be at least one hundred ten (110) percent of the height of any structure or at least twenty (20) feet from the nearest property line, whichever is greater.
7. Solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street right of ways.

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

B. Principal Solar Energy Production Facilities

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

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

Principal Solar Energy Production Facilities are prohibited in any district.

**Washington Township,
Union County
Zoning Resolution**

October 2005

TABLE OF CONTENTS

PREAMBLE			1
ARTICLE I		TITLE, INTERPRETATION AND ENACTMENT	1
Section 100		Title	1
Section 101		Use of Land or Buildings for Agricultural Purposes Not Affected	1
Section 110		Provisions of Resolution Declared to be the Minimum Requirements	1
Section 120		Separability Clause	1
Section 130		Replacement of Existing Resolutions, Effective Date	2
ARTICLE II		DEFINITIONS	3
ARTICLE III		ENFORCEMENT	29
Section 300		Zoning Permits Required	29
Section 301		Contents of Application For Zoning Permit	29
Section 302		Approval of Zoning Permit	30
Section 303		Submission to Director of Transportation	30
Section 304		Expiration of Zoning Permit	30
Section 312		Records of Zoning Permits	30
Section 320		Failure to Obtain a Zoning Permit	30
Section 330		Construction and Use To Be As Provided In Applications, Plans, Permits, and Certificates	31
Section 340		Complaints Regarding Violations	31
Section 350		Penalties for Violation	31
Section 360		Schedule of Fees, Charges, and Expenses	31
ARTICLE IV		NON-CONFORMITIES	32
Section 400		Intent	32
Section 410		Incompatibility of Non-Conformities	32
Section 420		Avoidance of Undue Hardship	32
Section 430		Single Non-Conforming Lots of Record	32
Section 431		Non-Conforming Lots of Record in Combination	33
Section 440		Non-Conforming Uses of Land	33
Section 450		Non-Conforming Structures	33
Section 456		Non-Conforming Uses of Structures or of Structures and Land in Combination	34
Section 470		Repairs and Maintenance	35
Section 480		Uses Under Conditional Use Provisions Not Non-Conforming Uses	35

ARTICLE	V	ADMINISTRATION	36
Section	500	Office of Zoning Inspector Created	36
Section	501	Duties of the Zoning Inspector	36
Section	510	Proceedings of Zoning Board	36
Section	511	Duties of Zoning Board	36
Section	520	Board of Zoning Appeals Created	36
Section	521	Proceedings of the Board of Zoning Appeals	37
Section	522	Duties of the Board of Zoning Appeals	37
Section	530	Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal	37
Section	540	Procedure and Requirements for Appeals and Variances	38
Section	541	Appeals	38
Section	542	Stay of Proceedings	38
Section	543	Variances	38
Section	544	Application and Standards for Variances	38
Section	545	Supplementary Conditions and Safeguards	39
Section	546	Public Hearing by the Board of Zoning Appeals	39
Section	547	Notice of Public Hearing in Newspaper	39
Section	548	Notice to Parties in Interest	40
Section	549	Action by Board of Zoning Appeals	40
Section	560	Procedure and Requirements For Approval of Conditional Use Permits	40
Section	561	General	40
Section	562	Contents of Application for Conditional Use Permit	40
Section	563	General Standards Applicable to all Conditional Uses	41
Section	565	Supplementary Conditions and Safeguards	41
Section	566	Procedure for Hearing, Notice	41
Section	567	Action by the Board of Zoning Appeals	42
Section	568	Expiration of Conditional Use Permit	42
Section	569	Revocation	42
ARTICLE	VI	AMENDMENT	43
Section	600	Procedure for Amendment or District Changes	43
Section	601	General	43
Section	602	Initiation of Zoning Amendments	43
Section	603	Contents of Application	43
Section	604	Transmittal to Zoning Board	43
Section	605	Public Hearing by Zoning Board	44
Section	606	Transmittal to Regional Planning Commission	44
Section	607	Submission to Director of Transportation	44
Section	608	Recommendation by Zoning Board	44
Section	609	Public Hearing by Township Trustees	44
Section	610	Notice of Public Hearing in Newspaper	45

Section	611	Action by Township Trustees	45
Section	612	Effective Date and Referendum	45
ARTICLE	VII	PROVISIONS FOR OFFICIAL ZONING MAP	46
Section	700	Official Zoning Map	46
Section	710	Identification of the Official Zoning Map	46
Section	720	Interpretation of District Boundaries	46
ARTICLE VIII		ESTABLISHMENT AND PURPOSE OF DISTRICTS	47
Section	800	Intent	47
Section	810	Rural Undeveloped District (U-1)	47
Section	811	Low Density Residential District (R-1)	47
Section	814	Local Business District (B-1)	47
Section	816	Light Manufacturing District (M-1)	47
ARTICLE IX		DISTRICT REGULATIONS	48
Section	900	Compliance with Regulations	48
Section	910	Official Schedule of District Regulations Adopted	48
ARTICLE X		SUPPLEMENTARY DISTRICT REGULATIONS	52
Section	1000	General	52
Section	1001	Conversion of Dwellings to More Units	52
Section	1002	Private Swimming Pools	52
Section	1003	Community or Club Swimming Pools	52
Section	1004	Temporary Buildings	53
Section	1005	Parking and Storage of Certain Vehicles	53
Section	1006	Required Trash Areas	53
Section	1010	Supplemental Yard and Height Regulations	54
Section	1011	Setback Requirements for Corner Buildings	54
Section	1012	Visibility at Intersections	54
Section	1014	Yard Requirements for Multi-Family Dwellings	54
Section	1015	Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts	54
Section	1016	Architectural Projections	54
Section	1017	Exceptions to Height Regulations	55
Section	1020	Special Provisions for Commercial and Industrial Uses	55
Section	1021	Fire Hazards	55
Section	1022	Electrical Disturbance	55
Section	1023	Storage of Toxic or Hazardous Materials	55
Section	1024	Odors	55
Section	1025	Water Pollution	56
Section	1026	Air Pollution	56
Section	1027	Mining, Mineral, Sand and Gravel Extraction; Storage and Processing	56

Section 1028	Distance from Residential Areas	56
Section 1029	Filing of Location Map	56
Section 1030	Information on Operation	56
Section 1031	Restoration of Mined Area	56
Section 1032	Performance Bond	57
Section 1033	Enforcement Provisions	57
Section 1034	Measurement Procedures	57
Section 1035	Telecommunications Towers	57
Section 1036	Satellite Television Antennas	59
Section 1038	General Conditions for Adult Entertainment Use	59
Section 1040	Roadside Produce Stands	60
Section 1045	Junk Storage and/or Sales of Junk	60
Section 1050	Junk	60
Section 1052	Garage, Porch, Yard, or Similar Type Sales	61
Section 1055	Mobile Trailers Prohibited for Business, Storage, and Sign Purposes	61
ARTICLE XI	OFF-STREET PARKING AND LOADING REQUIREMENTS	62
Section 1100	General Requirements	62
Section 1110	Parking Space Dimensions	62
Section 1111	Loading Space Requirements and Dimensions	62
Section 1112	Paving	62
Section 1113	Drainage	62
Section 1114	Maintenance	63
Section 1115	Lightning	63
Section 1116	Location of Parking Spaces	63
Section 1117	Screening and Landscaping	63
Section 1119	Minimum Distance and setbacks	63
Section 1120	Joint Use	63
Section 1121	Wheel Blocks	64
Section 1122	Width of Driveway Aisle	64
Section 1130	Parking Space Requirements	64
Section 1131	General Interpretations	64
ARTICLE XII	SIGNS	65
Section 1200	Intent	65
Section 1201	Governmental Signs Excluded	65
Section 1202	General Requirements for all Signs and Districts	65
Section 1203	Measurement of Sign Area	66
Section 1210	Signs Permitted in all Districts not Requiring a Permit	66
Section 1211	Signs Permitted in any District Requiring a Permit	66
Section 1220	Temporary Signs	66
Section 1221	Political Signs	67
Section 1240	Sign Setback Requirements	67

Section	1243	Setbacks for Public and Quasipublic Signs	67
Section	1244	Special Yard Provisions	67
Section	1260	Voilations	67
ARTICLE XIII			
MOBILE HOME PARKS – MOBILE HOMES INDIVIDUALLY			68
Section	1300	Intent	68
Section	1310	Approval Procedures	68
Section	1320	General Standards for Manufactured of Mobile Home Parks	68
Section	1330	Manufactured of Mobile Home Park Requirements	68
Section	1340	Minimum Floor Area	68
Section	1341	Mobile Homes Individually	68
ARTICLE XIV			
PLANNED UNIT DEVELOPMENTS			70
Section	1400	Purpose of Planned Unit Development	70
Section	1401	Permitted Uses	70
Section	1402	General Requirements	70
Section	1403	Disposition of Open Space	70
Section	1404	Residential Lot Location	71
Section	1405	Diversification of Lot Sizes	71
Section	1406	Reduction of Planned Unit Development Area	71
Section	1407	Height Requirements	71
Section	1408	Commercial Planned Unit Development Requirements	71
Section	1409	Commercial Projects, Side Yards, and Rear Yards	71
Section	1410	Arrangement of Commercial Uses	71
Section	1411	Industrial Planned Unit Development Requirements	72
Section	1412	Industrial Projects	72
Section	1413	Arrangement of Industrial Uses	72
Section	1414	Procedure to Secure Approval of Planned Unit Development	72
Section	1415	Preliminary Development Plan	72
Section	1416	Preliminary Plan Review	73
Section	1417	Detailed Development Plan	73
Section	1418	Basis of Approval	74
Section	1419	Action by Zoning Board and Board of Zoning Appeals	74
Section	1420	Approval Period	75
Section	1421	Other Requirements	75
SIGNATURE BLOCKS			76

PREAMBLE

A RESOLUTION OF THE TOWNSHIP OF WASHINGTON, 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, RECREATIONAL, AND PUBLIC AREAS, PROVIDING FOR ADEQUATE LIGHT, AIR, AND CONVENIENCE OF ACCESS TO PROPERTY BY REGULATING THE USE OF LAND AND BUILDINGS AND THE BULK OF STRUCTURES IN RELATIONSHIP TO SURROUNDING PROPERTIES; LIMITING CONGESTION IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING THE COMPATIBILITY OF DIFFERENT LAND USES AND THE MOST APPROPRIATE USE OF LAND; PROVIDING FOR THE ADMINISTRATION OF THIS RESOLUTION AS PROVIDED HEREAFTER, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THIS RESOLUTION OR ANY AMENDMENT THERETO. ALL FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE AND FOR THE REPEAL THEREOF.

THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWNSHIP OF WASHINGTON, 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 Washington, Union County, Ohio."

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

Section 110 Provisions of Resolution Declared to be 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 the general welfare. Whenever the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulations, resolutions or deed restrictions, the most restrictive, or that imposing the higher standards shall govern.

Section 120 Separability Clause. Should any section or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the

validity of the Resolution as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 130 Replacement of Existing Resolutions, Effective Date.

All Resolutions or parts of Resolutions in conflict with this Zoning Resolution or inconsistent with the provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect. This Resolution shall become effective from and after the date of its approval and adoption, as provided by law.

ARTICLE II DEFINITIONS

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

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

Terms not defined. Where terms not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context applies.

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

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

Acre. A measure of land area. One (1) acre shall equal forty-three thousand, five hundred sixty (43,560) square feet.

Adult Entertainment Facilities. A facility having a significant portion of its function as adult entertainment which includes the following listed categories:

1. **Adult Bookstore.** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" as herein defined or an establishment with a segment or section devoted to the sale or display of such material.
2. **Adult Booth.** Any area of a sexually oriented business establishment or tattoo parlor set off from the remainder of such establishment by one or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an

emphasis on the exposure, depiction, or description of “specified anatomical areas” or the conduct or simulation of “specified sexual activities.”

3. **Adult Material.** Any of the following, whether new or used:
 - a. Books, magazines, periodicals, or other printed matter, or digitally stored materials that are distinguished or characterized by an emphasis on the exposure, depiction, or description of “specified anatomical areas” or the conduct or simulation of “specified sexual activities.”
 - b. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of “specified anatomical areas” or the conduct or simulation of “specified sexual activities.”
 - c. Instruments, novelties, devices, or paraphernalia that are designed for use in connection with “specified sexual activities” or that depict or describe “specified anatomical areas.”
4. **Adult Mini Motion Picture Theatre.** A facility with a capacity for less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” for observation by patrons therein.
5. **Adult Motion Picture Theatre.** A facility with a capacity of fifty (50) or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” for observation by patrons therein.
6. **Adult Entertainment Business.** Any establishment involved in the sale or services or products characterized by the exposure or presentation of “specified anatomical areas” or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.

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

Airport. A tract of land designated and set aside for the landing and take-off of commercial and/or non-commercial aircraft, for the discharge or receiving of cargo

and/or passengers, or for the repair, fueling, or storage of aircraft; and which contains facilities for aircraft including specifically a paved strip on which airplanes land and take-off. A airport shall not be construed to be a private landing field as defined herein.

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

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

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

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

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

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

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

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

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

Bed and Breakfast Facilites. Single-family dwellings offering room and board without individual kitchen facilities for up to five (5) persons who are transient.

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

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

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

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

Building Line. See setback line.

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

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

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

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

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

Campground, Commercial or Private. An area of land providing space for or containing two (2) or more recreational vehicles, camping tents, or other similar temporary recreational structures, where they may be parked or erected for a continuous period of time not exceeding sixty (60) days. Campgrounds shall include any building, structure, tent, vehicle,

or enclosure, used or intended for use as part of the equipment of such campground, and providing sewer, water, electric, or other similar facilities required to permit occupancy of such recreational vehicles or camping tents.

Cemetery. Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes.

Channel. A natural or artificial watercourse of perceptible extent with bed and banks to confine and conduct continuously or periodically flowing water.

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

Child Day Care. Care provided for any part of the twenty-four hour day for infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians or relatives by blood, marriage, or adoption, in a place or residence other than the child's own home. Places of worship during religious services are not included.

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 room or board or kept overnight on the premises.

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

Commercial Recreation Establishment. Any private, public, or semi-public recreation or amusement facility which is located within an enclosed building or structure and is operated for profit, such as videogame arcades, pinball arcades, or other types of amusement game arcades; tennis or racquetball clubs; bowling alleys, skating rinks, or billiard halls; but not including indoor motion picture theatres.

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

Regulations). Lots not meeting the required road frontage shall be required to obtain a variance from the Township Board of Zoning Appeals.

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

Comprehensive Development Plan. A plan or any portion thereof, adopted by the Regional Planning Commission and the Board of County Commissioners showing the general location and extent of present and proposed physical facilities including housing, industrial, and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

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

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

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

Corner Lot. See Lot Types.

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

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

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

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

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

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

Dwelling, Single-Family. A single dwelling unit only, separated from other dwelling units by open space. Detached, individual dwelling units, which accommodate one family living as one housekeeping unit. The type of construction of such units shall conform to the applicable building code, or be classified as an Industrialized Unit under the Ohio Basic Building Code, or conform to the Ohio Revised Code [ORC 519.212] definition of permanently-sited manufactured housing, as follows:

Permanently-Sited Manufactured Housing must:

- a. Be constructed pursuant to the HUD Code (Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.A. 88 stat.700, 5401 and 5403) after January 1, 1995;
- b. Have a permanent label or tag attached to it as specified in 42 U.S.C.A. 5415, certifying compliance with all federal construction and safety standards;
- c. Be attached to a permanent frost-free foundation meaning permanent masonry, concrete, or a locally approved footing or foundation (slab, crawl space foundation or full. foundation), and connected to appropriate utilities;
- d. Excluding any additions, have a width of at least twenty two (22) feet and a length of at least twenty two (22) feet, as manufactured;
- e. Have a total living area of one thousand (1,000) square feet, excluding garages, porches, basements, or attachments;
- f. Have conventional residential siding (i.e. lap, clapboard, shake, masonry, vertical natural materials), a six (6) inch minimum eave overhang, and a minimum "A" roof pitch of 3:12;
- g. Have removed its indicia of mobility (temporary axles, trailer tongue, running lights) upon placement upon its foundation;
- h. Meet all applicable zoning requirements uniformly imposed on all single-family dwellings in the particular district (excepting contrary requirements for minimum roof pitch and requirements that do not comply with HUD code standards for manufactured housing);
- i. And, is not located in a manufactured home park as defined by ORC 3733.01.

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, Manufactured Home. 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. 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 factor but not erected at the foundation site.

- (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) **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.

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

- (a) **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, while still retaining their individual chassis for possible future movement.
- (b) **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.
- (c) **Industrialized Unit.** A building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized Unit," includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized Unit" does not include a manufactured or mobile home as defined herein.

Dwelling, 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 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 dwellings (see definition of Stick-built) in which a substantial amount of material and construction labor are brought together in final form at the foundation site. The above explanation is the spirit in which any future interpretation shall be made from this section, no matter what terms for manufactured housing are in vogue at any given time.

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.

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.

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

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

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

Farm. A farm is an area of land on which at least \$2,500 gross sales from agriculture products was produced and thus must meet the following Current Agricultural Use Value (CAUV) standards: All farms larger than ten (10) acres qualify for CAUV if they have been

devoted exclusively to "commercial" agricultural use for the past three (3) years. Farms smaller than ten (10) acres are eligible if the average yearly gross farm income for the past three (3) years is at least \$2,500 from "commercial" agricultural production. See Section 5713.30(A) of the Ohio Revised Code for further explanation.

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

Fence, Decorative. A fence or hedge used for decorative purposes only and not used to confine or enclose an area.

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

Flood, Regional. Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred (100) year occurrence interval flood.

Floodway. That portion of the flood plain, excluding the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

Floodway Fringe. That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

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

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

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

Floor Area, Useable. Measurement of usable floor area shall be the sum of the horizontal areas of the several areas 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.

Forestry. The propagation and harvesting of forest trees.

Foundation, Permanent. Permanent perimeter masonry, concrete, or a locally approved footing or foundation to which a dwelling may be affixed.

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

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

Home Occupation. An occupation conducted in a dwelling unit, provided that: No more than one person other than members of the family residing on the premises shall be engaged in such occupation. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than thirty-five (35%) percent of floor area of the dwelling unit shall be used in the conduct of the home occupation. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, nor exceeding four (4) square feet in area, non-illuminated and mounted flat against the wall of the principal building. No traffic shall be generated by such occupation in greater volume than would normally be expected in such a residential area and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution.

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

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 (1,000) feet of the nearest edge of the right-of-way of a highway or street.

Juvenile. An unmarried person under the age of eighteen.

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

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

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

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.

Location Map. See Vicinity Map.

Lot. For purposes of this Resolution, a lot is a parcel of land of at least 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 are herein required. Such lot shall have frontage on an improved public street or road, 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 construed to be the portion at the street or road right-of-way line. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to street or road right-of-way lines shall be considered frontage, and yards shall be provided as indicated under "Yard" in this section. (Also, see Lot 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 (See the Official Schedule of District Regulations).

Lot Measurements. A lot shall conform to the following:

1. **Depth.** No lot containing ten (10) acres or less shall have an average depth that is more than four (4) times its width measured at the road right-of-way line. For the purposes of this requirement the average depth shall be the distance between the mid-point of a straight line connecting the foremost points of each side lot line at the front and the mid-point of a straight line connecting the rearmost points of the rear lot line.
2. **Width.** The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the street or road right-of-way line, except on cul-de-sac streets (roads) where it is measured at the setback line. (Also, see Lot Frontage.). For lots containing ten (10) acres or less in area, the actual distance between the side lot lines at any point along the lot depth cannot be less than eighty (80%) percent of the required Lot Frontage. For lots containing more than ten (10) acres, said lot shall comply with road frontage requirements.

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

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

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

Major Thoroughfare Plan. The portion of the Comprehensive Plan adopted by the Board of County Commissioners indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

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

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

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

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

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

Mobile Home. A building unit or assembly of closed construction that is fabricated in an off-site facility, that is more than thirty-five (35) body feet in length or, when erected on site, is three hundred twenty (320) or more square feet, that is built on a permanent chassis and transportable in one or more sections, and that does not qualify as a manufactured home or as an industrialized unit.

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

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

Nonconforming Use of Land and Buildings. The lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time of enactment of a zoning resolution or amendment thereto, may be continued, although such use does not conform with the provisions of such resolution or amendment. If any such nonconforming use is discontinued for two (2) years or more, any future use of said land or building shall be in conformity with the current zoning resolution.

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

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

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

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

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

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

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

Original Tract. A contiguous quantity of land held in common ownership which has not been platted by the existing owner or owners since the enactment of these Regulations.

Outdoor Recreation Area, Public or Private. Any privately or publicly owned and operated recreation facility or area which is not located within an enclosed building or structure, such as a golf course, tennis courts, ball fields, swimming pools, driving ranges, race tracks, amusement parks, stadiums, motorcross or snowmobile circuits, or campgrounds.

Parcel. An individual lot held under common ownership.

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

Performance Bond or Surety Bond. An agreement by a sub-divider or developer with the Board of County Commissioners for the amount of the estimated construction costs guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the sub-divider's agreement.

Permanent Foundation. Permanent masonry, concrete, or locally approved footing or foundation, to which a dwelling may be affixed.

Permanently-Sited Manufactured Housing. See Dwelling, Single Family.

Permitted Use. A use which is specifically authorized by these Zoning Regulations in a particular zoning district.

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.

Planned Unit Development (PUD). A residential or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines. Planned Unit Developments are designed and developed subject to the provisions of these Regulations.

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

Pools, Swimming (Private). Any structure that contains water over twenty four (24) inches in depth and which is used, or intended to be used, for swimming or recreational bathing and which is available only to the family and guests of the householder. This includes in-ground, above ground, on-ground, and portable swimming pools.

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

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

Public Service Facility. The erection, construction, alteration, operation or maintenance of buildings, power plants, substations, water treatment plants 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 Use. Uses including public parking, schools, and administrative, cultural, and service buildings, but not including public land or buildings devoted solely to the storage and maintenance of equipment and materials.

Public Utility. The erection, construction, alteration, operation or maintenance of 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, sanitary landfills and other similar public service structures or facilities whether publicly or privately owned.

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

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

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. A vehicle type unit primarily designed as temporary (not more than 120 days) living quarters 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: travel trailer, camping trailer, truck camper, and motor home. A recreational vehicle shall not be used as a permanent residence or residential dwelling and must have a current license.

1. “Travel trailer” means a non self-propelled recreational vehicle that does not exceed an overall length of thirty-five feet, exclusive of bumper and tongue or coupling, and contains less than three hundred twenty square feet of space when erected on site. “Travel trailer” includes a tent-type foldout camping trailer as defined in section 4517.01 of the Revised Code.
2. “Motor home” means a self-propelled recreational vehicle that is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.
3. “Truck camper” means a self-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. “Truck camper” does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling.
4. “Fifth wheel trailer” means a vehicle that is of such size and weight as to be movable without a special highway permit, that has a gross trailer area of four hundred square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck.

5. “Park trailer” means a vehicle that is commonly known as a park model recreational vehicle, meets the American National Standard Institute standard A119.5 (1998) for park trailers, is built on a single chassis, has a gross trailer area of not more than one hundred square feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities necessary for the operation of installed features and appliances.

Recreational Vehicle Park. A parcel of land upon which two (2) or more recreational vehicles 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 intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis.

Refuse. Refuse shall mean combustible and noncombustible waste materials.

Religious, Cultural, and Fraternal Activity. A use or building owned or maintained by organized religious organizations or nonprofit associations for social, civic or philanthropic purposes, or the purpose for which persons regularly assemble for worship.

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

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

Roof, Mean Height. The average of the roof eave height and the height to the highest point on the roof surface, except that eave height shall be used for roof angle of less than or equal to ten (10) degrees.

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

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

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

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.

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

Semitrailer/Sealand Containers. A vehicle designed or used for carrying persons or property with another and separate motor vehicle, so that in operation, a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle. A semitrailer shall not be used for storage, advertising, business, and residential use.

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

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

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

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

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 (Billboards).** 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. Billboards are considered off-premises signs.
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.** A display sign supported by uprights or braces in or upon the ground surface.
6. **Sign, Marquee.** A display sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.
7. **Sign, Pole.** A sign which is erected on a pole or poles, which is wholly or partially independent of any building for support.
8. **Sign, Political.** A sign which announces the candidacy of a person or slate or persons running for elective office, a political party, or issue or slate of issues.
9. **Sign, Portable.** A sign which is designed to be easily movable.
10. **Sign, Projecting.** A display sign which is attached directly to the building wall and which extends more than fifteen (15) inches from the face of the wall.
11. **Sign, Roof.** A display sign which is erected, constructed, and maintained above the roof of the building.
12. **Sign, Temporary.** A display sign, banner or other advertising device constructed on cloth, canvas, fabric or other light temporary material, with or without a structural frame, intended for a limited period of display, including decorative displays for holidays or public demonstrations.

13. **Sign, Wall.** A display sign which is painted on or attached directly to the building wall and which extends not more than fifteen inches from the face of the wall.

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

Solid Wastes. 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 also, and other substances which are not harmful to public health, and includes, but is not limited to, garbage, combustible and non-combustible material, street dirt, and debris. For purposes of this definition, "material from construction operations" and "material from demolition 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.

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.

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

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

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.

Subdivision.

- 1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners where such sale or exchange does not create additional building sites, shall be exempted; or
- 2) The improvement of one (1) or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land

for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.

Subdivision, Minor. A subdivision approved by the Union County Engineer's Office and the Regional Planning Commission's designated representative which does not require a plat and which is in conformance with the provisions of Section 329 and Section 803 of the Union County Subdivision Regulations.

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, pond, lake, or open tank containing at least twenty four (24) inches of water at any point and maintained by the owner or manager. Farm ponds are exempt from this definition.

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

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

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

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

Controlled or limited access thoroughfares shall not be construed as providing lot frontage as required by these Regulations.

Thoroughfare, Major or Secondary. An officially designated Federal or State numbered highway or County or other road designated as a major thoroughfare by the Union County Engineer, or a County or other road designated as a secondary thoroughfare.

THOROUGHFARED, STREET, OR ROAD: The full width between property lines bounding every public way or whatever nature with a part thereof to be used for vehicular traffic and designed as follows:

1. ALLY A minor street used primarily for vehicular service access to the back side of properties abutting on another street.
2. ARTERIAL STREET A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually, on a continuous route.
3. COLLECTOR STREET A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial street, including the principal entrance and circulation routes within residential sub-divisions.
4. CUL-DE-SAC A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. DEAD-END STREET A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
6. LOCAL STREET A street primarily for providing access to residential or other abutting property.
7. LOOP STREET A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
8. MARGINAL ACCESS STREET A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called frontage street.)

Through Lot. See Lot Types.

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

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

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

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

Travel Trailer. A non-self propelled recreational vehicle that does not exceed an overall length of thirty five (35) feet, exclusive of bumper and tongue or coupling, and contains less than three hundred and twenty (320) square feet when erected on site. "Travel trailer" continues to include a tent-type fold-out camping trailer as defined in section 4517.01 of the Ohio Revised Code. A travel trailer is designed to be used as temporary (not more than 120 days) and shall not be used as a residential dwelling.

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

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

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

Very Low Density Residential. Single-family dwellings and/or farm housing units and isolated residential developments not requiring a major plat under Union County's Subdivision Regulations.

Veterinary Animal Hospital or Clinic. A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical

or surgical attention, and may include over-night accommodations on the premises for treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

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

Walkway. A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of the road or not.

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

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

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

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

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

ARTICLE III ENFORCEMENT

Section 300 Zoning Permits Required. No building, or other structure, shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Inspector. Said permit shall be obtained before any county permits are obtained. 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 (6) months or substantially completed within one and one-half (1.5) years. At a minimum, the application shall contain the following information.

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

Section 302 Approval of Zoning Permit. Within thirty (30) 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 (6) months. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked, such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Resolution.

Section 303 Submission to Director of Transportation. Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification within a radius of five hundred (500) feet from the point of intersection or 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 (6) months from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within one and one-half (1.5) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted. Extensions, if granted, shall be in six (6) months increments, not to exceed one and one-half (1.5) years.

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

Section 320 Failure to Obtain a Zoning Permit.

Failure to obtain a zoning permit or certificate occupancy all be a violation of this Resolution and punishable under Section 350 of this Resolution.

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

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

Section 350 Penalties for Violation. Violation of the provisions of this Resolution or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this Resolution shall constitute a 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 Union County by the legal representative of the Township, in the name of the Township and for the use thereof. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Board of Township Trustees from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 360 Schedule of Fees, Charges, and Expenses. The Board of Township Trustees shall by Resolution establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, applications, 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 exists lots, uses of land, structures, and uses of structures and land in combination which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution or future amendments. It is the intent of this Resolution to permit these non-conformities to continue until they are removed or discontinued. It is further the intent of this Resolution that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

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

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

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

recorded that did not meet the minimum requirements in effect at the time of creation of the lot, then said lot shall not be built upon.

Section 431 Non-Conforming Lots of Record in Combination. If two (2) or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Resolution and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Resolution and no portion of said parcel shall be used or sold in a manner which 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 not conforming to the requirements of this Resolution shall be erected in connection with such nonconforming use of land.

Section 450 Non-Conforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this Resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

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

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

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

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

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

Section 470 Repairs and Maintenance. On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

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

ARTICLE V ADMINISTRATION

Section 500 Office of Zoning Inspector Created. A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this Resolution. He or she 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 violation(s), ordering the action necessary to correct such violation;
2. Order discontinuance of illegal uses of land, buildings, or structures;
3. Order removal of illegal buildings or structures or illegal additions or structural alterations;
4. Order discontinuance of any illegal work being done;
5. Take any other action authorized by this Resolution to ensure compliance with or to prevent violation(s) of this Resolution. This may include the issuance of an action on zoning and such similar administrative duties as are permissible under the law.

Section 510 Proceedings of Zoning Board. The Zoning 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 Zoning Board may determine. All meetings shall be open to the public. The Zoning Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Zoning Board.

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

1. Initiate proposed amendments to this Resolution;
2. Review all proposed amendments to this Resolution;
3. Review all planned unit developments (PUD's) and make recommendations to the Board of Zoning Appeals as provided in Article 13.

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

Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Trustees for the unexpired term of the member affected.

Section 521 Proceedings of the Board of Zoning Appeals. The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other 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, decision, or determination appealed from and make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from, whom the appeal is taken. A concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution or to effect any variation in the application of this Resolution. For the purpose of this Resolution, the Board has the following specific responsibilities:

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

Section 530 Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal. It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding

such questions shall be as stated in this section and this Resolution. Under this Resolution the Township Trustees shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Resolution as provided by law; and of establishing a schedule of fees and charges as stated in Section 360 of this Resolution. Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board to the courts as provided in the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the Board's **written** decision.

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

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

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

Section 543 Variances. The Board of Zoning Appeals may authorize upon appeal in special 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 as obtained from the County Auditor or said deed;
3. Description or nature of variance requested;
4. A narrative statement demonstrating that the requested variance conforms to the following standards:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - b. That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties, in the same district under the terms of this Resolution;
 - c. That special conditions and circumstances do not result from the actions of the applicant;
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district.

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

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

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

Section 547 Notice of Public Hearing in Newspaper. Before holding the public hearing required in Section 546, notice of such hearing shall be given in one newspaper of general circulation in the township at least ten (10) days before the date of said hearing. The notice

shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

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

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

Section 560 Procedure and Requirements for Approval of Conditional Use Permits. Conditional uses shall conform to the procedures and requirements of Section 561-563, 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 as obtained by the County Auditor or said deed;
3. Description of existing use;
4. Current 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; and the relationship of the proposed use to the Comprehensive Plan.

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

1. Is in fact a conditional use as established under the provisions of Article 9 and appears on the Official Schedule of District Regulations adopted by Section 910 for the zoning district involved;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
3. Will not be hazardous or disturbing to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, or odors;
7. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

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

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

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

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

Section 569 Revocation. A conditional use permit shall be revoked when the applicant fails to comply with conditions imposed by the Board of Zoning Appeals.

ARTICLE VI AMENDMENT(S)

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

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 Board, 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 Board;
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 Board. 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 Board. The

Zoning Board shall comply with all the requirements of Chapter 519.12 of the Ohio Revised Code.

Section 605 Public Hearing by Zoning Board. The Zoning Board shall set a public hearing date no less than twenty (20) days nor more than forty (40) days after the filing of the application. Notice of the public hearing must be published in a newspaper of general circulation at least ten (10) days before the hearing. In the case of a zoning amendment to property or parcels, the Zoning Board shall mail a notice of the public hearing by first class mail to all the owners adjacent to or across the road from the property affected by the proposed change.

Section 606 Transmittal to Regional Planning Commission. The Zoning Board must also provide the Regional Planning Commission with copies of the application and attachments, so that the Regional Planning Commission shall review the proposed change at their monthly Executive Committee meeting. The Regional Planning Commission shall recommend approval or denial of the proposed amendment or approval with modifications.

Section 607 Submission to Director of Transportation. Before any zoning amendment is approved effecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway the Zoning Board shall give notice, by registered mail or certified mail to the Director of Transportation. The Zoning Board may proceed as required by law, however, the Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Trustees that he shall proceed to acquire the land needed, then the Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Trustees that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Trustees shall proceed as required by law.

Section 608 Recommendation by Zoning Board. Within seventy (70) days from the receipt of the proposed amendment, and within thirty (30) days of their public hearing, the Zoning Board (after advertised public hearing and complying with all the requirements of Chapter 519.12 of the Ohio Revised Code), shall transmit its recommendation to the Township Trustees. The Zoning Board 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 609 Public Hearing by Township Trustees. Upon receipt of the recommendation from the Zoning Board, 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 Board.

Section 610 Notice of Public Hearing in Newspaper. Notice of the public hearing required in Section 607 shall be given by the Township Trustees by at least one (1) publication in one (1) or more newspapers of general circulation in the Township. Said notice shall be published at least ten (10) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment. This shall comply with all the requirements of Chapter 519.12 of the Ohio Revised Code.

Section 611 Action by Township Trustees. Within twenty (20) days after the public hearing required in Section 607, the Township Trustees shall either adopt or deny the recommendation of the Zoning Board, or adopt some modification thereof. In the event the Trustees denies or modifies the recommendation of the Zoning Board, it must do so by a unanimous vote.

Section 612 Effective Date and Referendum. Such amendment adopted by the Trustees shall become effective thirty (30) days after the date of adoption unless within thirty (30) days after the passage of the Resolution there is presented to the Clerk a petition signed by a number of qualified voters residing in the Township equal to not less than eight (8) per cent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Trustees to submit the zoning amendment to the electors of the Township for approval or rejection at the next primary or general election. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect. This shall comply with all of the requirements of Section 519.12 of the Ohio Revised Code.

ARTICLE VII PROVISIONS FOR OFFICIAL ZONING MAP

Section 700 Official Zoning Map.

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

Section 710 Identification of the Official Zoning Map.

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

Section 720 Interpretation of District Boundaries.

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

- 1) Where district boundaries are indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines 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 center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map.
- 4) If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official 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 Undeveloped District (U-1).

The intention of the rural district is to provide land which is suitable or used for agriculture, conservation, very low density residence and public and quasi-public purpose. Very low density residential land use refers to farm housing units and isolated residential developments not requiring a major plat under Union County's Subdivision Regulations. 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 Union County Health Department's 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 dwellings per acre with a central sewage system. If a central sewage system is not available, then the minimum lot size shall be 65,400 square feet exclusive of road right-of-way. This district shall also include land that is subdivided which requires a major plat under Union County's Subdivision Regulations. Specific Permitted and Conditional Uses and minimum requirements are listed on the Official Schedule of District Regulations.

Section 814 Local Business District (B-1).

The purpose of the local business district is to provide land for small convenience-type retail and personal service establishments and service businesses offering convenience-type goods and services for the daily needs of the people in the general area. Specific Permitted and Conditional uses are listed on the Official Schedule of District Regulations.

Section 816 Light Manufacturing District (M-1). The purpose of this District is to provide land for manufacturing or industrial type facilities which are relatively clean, quiet, and free of objectionable elements such as noise, odor, dust, smoke, etc.; operate mostly within enclosed structures; and do not generate as much traffic as would be found in a heavy manufacturing district. 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 building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall be erected or altered:
 - a. to provide for greater height or bulk;
 - b. to accommodate or house a greater number of families;
 - c. to occupy a greater percentage of lot area;
 - d. to have narrower or smaller rear yards, front yards, side yards, or other open spaces;
3. No yard or lot existing at the time of passage of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Resolution shall meet at least the minimum requirements set forth herein.

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

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 issuance of a Conditional Use Permit by the Board of Zoning Appeals)
1	2	3
U-1 RURAL UNDEVELOPED	Agriculture; Low density residential; Public & quasi-public uses; Orchards.	Kennel; Public service facility; Service business; Mineral extraction; Food processing; Light & heavy manufacturing; Junk storage & sales; Commercial recreation; Manufactured or mobile home park; Mobile homes individually; Telecommunication Towers; Non-commercial recreation; Animal hospital & Clinic; Shopping type retail; Convenience type retail; Home occupation; Craft & gift shop; Signs & advertising structures.
R-1 LOW DENSITY RESIDENTIAL	Single-family dwellings; Public & quasi-public use; Permanent foundation sited manufactured dwelling.	Personal services; Service business; Multi-family dwellings; Mobile home individually; Telecommunication Towers; Commercial & non-commercial recreation; Public service facility; Home occupation.
B-1 LOCAL BUSINESS	Convenience-type retail; Personal services; Offices; Service business; Eating & drinking establishments; Commercial recreation; Single-family dwellings*; Public & quasi-public uses; Farm implement sales & service; Food processing; Supply yards; Transient lodgings; Drive-in business; Animal hospital, clinic, or kennel.	Public service facility; Mobile homes individually; Multi-family dwellings; Wholesale & warehousing; Printing & publishing; Transport terminals; Signs & advertising structures.
M-1 LIGHT MANUFACTURING	Light manufacturing & related offices; Wholesale & warehousing; Printing and publishing; Public quasi-public uses; Single-family dwelling** Permanent foundation sited manufactured dwelling.	Signs & advertising structures; Public service facility; Adult Entertainment.

MINIMUM LOT SIZE		FRONT AGE	MAXIMUM % OF LOT TO BE OCCUPIED	MINIMUM FLOOR AREA	MAXIMUM HEIGHT (principal buildings)		MINIMUM YARD DIMENSIONS (ft.)			
With sewage on-site treatment	With group or central sewage treatment	Width/ Feet	Principal and Accessory Buildings	Sq. ft.	# of Stories	# of Feet	Front	Side Yards		Rear
								One side yard	Sum of side yards	
4	5	6	7	8	9	10	11	12	13	14

U-1	65,400	----- 10,800	150 80	25	1,000*	2.5	35	50	20	40	30
R-1	65,400	----- 10,800	150 80	25	1,000* 900 (multi)	2.5	35	50	20	40	30
B-1	65,400	----- 15,000	150 100	50	none*	3	40	30	none**	none**	20**
M-1	65,400	----- 15,000	150 100	50	none*	4	50	50	10**	30**	30**

	ACCESSORY BUILDINGS Maximum Height (feet) Minimum distance in feet		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.)	
	15	16	17	18	19	20	21
U-1	20	10	10	Two spaces for each dwelling unit (See Article XI)	none	Yes, under Article XII	*1,000 square feet for mobile dwelling; Use of land or buildings for agricultural purposes are not affected by this Resolution and no zoning certificate shall be required for any such building or structure or use of land. Residential dwellings do require a permit.
R-1	15 (5)	10 (10)	10	Two spaces for each dwelling unit (See Article XI)	none	Yes, under Article XII	*1,000 square feet for mobile dwelling.
B-1	20	None	None	(See Article XI)	One space for first 5,000 s.f. of floor area or less, and one for each additional 10,000 s.f. or fraction thereof of ground floor area.	Yes, under Article XII	*For residential, refer to R-1 regs. **Non-residential use cannot be conducted closer than 40 feet to any lot line of a residential structure.
M-1	25	5	10	(See Article XI)	One space for first 5,000 s.f. of floor area or less, and one for each additional 10,000 s.f. or fraction thereof of ground floor area.	Yes, under Article XII	*For residential, refer to R-1 regs. **Non-residential use cannot be conducted closer than 40 feet to any lot line of a residential structure.

ARTICLE X SUPPLEMENTARY DISTRICT REGULATIONS

Section 1000 General.

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

Section 1001 Conversion of Dwellings to More Units.

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

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

Section 1002 Private Swimming Pools.

A private swimming pool, not including farm ponds, shall be any pool, lake, or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than twenty four (24) inches. No such swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (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 ten (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 (5) feet in height and maintained in good condition with a gate and lock.

Section 1003 Community or Club Swimming Pools.

Community and club swimming pools are permitted in any commercial or residential district, but shall comply with the following conditions and requirements:

- 1) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;
- 2) The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty (50) 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 (5) 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, for a period of more than thirty (30) 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 (30) 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 are in public view of any highway for a period of more than thirty (30) days shall be prohibited. After said thirty (30) days, junked, dismantled, or wrecked automotive vehicle or parts thereof shall be stored in an enclosed garage or other accessory building.

For purposes of this section, a junked, dismantled, or wrecked automotive vehicle shall be defined as meeting the following criteria: as one which is damaged, or no longer serviceable, to the extent that it is inoperable or is unsafe to operate upon the public highways; three model years or older; extensively damaged, including, but not limited to missing wheels, tires, engine, or transmission. This section shall not apply to properly licensed junkyards and motor vehicle salvage facilities which are regulated by appropriate sections of the Ohio Revised Code.

Section 1006 Required Trash Areas.

All commercial, industrial, and multi-family residential uses that provide trash and/or garbage collection areas shall be enclosed on at least three (3) sides by a solid wall or fence a minimum of four (4) feet in height or one (1) foot higher than the receptacles therein if such area is not within an enclosed building or structure.

Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Zoning Inspector shall be required.

Section 1010 Supplemental Yard and Height Regulations.

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

Section 1011 Setback Requirements for Corner Buildings.

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

Section 1012 Visibility at Intersections.

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

Section 1014 Yard Requirements for Multi-Family Dwellings.

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

Section 1015 Side, and Rear Yard Requirements for Non-Residential Uses

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

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 as established by the performance requirements in Sections 1021-1032, inclusive.

Section 1021 Fire Hazards.

Any activity involving the 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 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 (EPA), in quantities greater than fifty five (55) gallons liquid or twenty five (25) pounds dry weight for any one material shall be prohibited. This section shall not apply to fuels stored in less than one thousand one hundred (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 material, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of the material.

Section 1024 Odors. No malodourous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property including the burning of household trash or garbage in the R-1 Residential

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

Section 1025 Water Pollution.

Water pollution as defined or determined by the County Board of Health or the Ohio Environmental Protection Agency (EPA) shall be subject to corrective measures, requirements, and regulations as established by the Board of Health or the Ohio EPA.

Section 1026 Air Pollution. No pollution of air by fly-ash, dust, fumes, vapors, gases, or other substances shall be permitted which is harmful to health, animals, vegetation or other property or which can cause excessive soiling; except in the case of areas within the M-1 Manufacturing District, in lieu of the foregoing standards, no such emissions shall be permitted except in compliance with applicable federal and state environmental protection, health, safety, or other applicable federal or state governmental laws and regulations.

Section 1027 Mining, Mineral, Clay Sand and Gravel Extraction, Storage and Processing. The extraction, storage and processing of minerals shall be conducted in accordance with the requirements of Sections 1026 and 1032 inclusive.

Section 1028 Distance from Residential Areas.

Mineral extraction, storage or processing shall not be conducted closer than five hundred (500) feet from any residential district, nor closer than five hundred (500) feet from any structure used for human occupancy in any other district.

Section 1029 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 1030 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 1031 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 1032 Performance Bond.

The operator may be required to file with the Board of Township Trustees a bond, or other surety, payable to the Township and conditioned upon 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 1033 Enforcement Provisions.

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

Section 1034 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 Chemist's Association, Inc., Washington, D.C., the United States Bureau of Mines, and the Ohio Environmental Protection Agency (EPA).

Section 1035 Telecommunications Towers.

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

- 1) The applicant must provide proof that the proposal to construct a tower or attach equipment to an existing structure has been approved by all other agencies and governmental entities with jurisdiction (i.e. Federal Communications Commission, Federal Aviation Administration, Ohio Department of Transportation; Ohio Building Basic Code).
- 2) Applicant is required to show cost of construction at this time;
- 3) The applicant shall provide proof of notification to contiguous property owners and those property owners directly across the street as required by ORC Section 519.211;
- 4) The applicant must demonstrate at the time of application that no other existing towers are feasible for co-location, and that no technically suitable and feasible sites

- are available in a nonresidential district. There shall be an explanation of why co-location is not possible and why a tower at this proposed site is technically necessary;
- 5) All underground installation shall be trenched and not plowed in. Damage to anything must be repaired, and ground restored to original condition;
 - 6) Co-location. Applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other users on the same tower to the extent possible. All co-located and multiple-use telecommunication facilities shall be designed to promote facility and site sharing;
 - 7) Setbacks from all platted residential uses and residential districts. All new towers shall be setback from the closest subdivision boundary line for all platted residential subdivisions, and for all non-platted residential districts from the closest residence, a distance equal to the height of the tower plus fifty (50) feet;
 - 8) Setbacks from all streets and private buildings and public road right of ways. All new towers shall be setback from all road right of ways public and private, a distance equal to the height of the tower plus fifty (50) feet;
 - 9) Setbacks from all other uses allowable in the zoning district. All new towers shall be setback from any building that is not associated with or accessory to the telecommunications tower facility a distance equal to the height of the tower plus fifty (50) feet;
 - 10) Any and all base station equipment, accessory structures, buildings, etc. used in conjunction with the tower shall be screened with fencing, masonry, shrubbery, or other screening materials.
 - 11) The applicant shall notify the Zoning Inspector within thirty (30) days of ceasing operations at the site and shall remove all structures within one hundred and twenty (120) days of ceasing operations;
 - 12) Lighting. Telecommunication towers shall not be artificially lighted unless required by the Federal Aviation Administration or other applicable regulatory authority. If lighting is required, the lighting design that would cause the least disturbance to the surrounding views shall be chosen. All telecommunication facilities shall be unlit except for security lighting, or when authorized personnel are present;
 - 13) No advertising or illumination other than that required by law may be located on the structure or on the required screening;
 - 14) An inspection report prepared by a qualified engineer licensed by the State of Ohio shall be submitted to the zoning office every five (5) years, which details the structural integrity of all towers and support structures on the property. The results of such inspections shall be provided to the Union County Building Regulations Department and Township Zoning Inspector. Based upon results of an inspection, the Township Trustees may require repair or removal of a communication tower. Any and all necessary repairs to the tower and/or support structures shall be made within a seven (7) day period or the tower and/or structures shall be removed. The tower owner (applicant) is responsible to cover the cost of all inspections, repair and/or removal;
 - 15) The unstaffed storage building and/or unit that houses transmitting equipment is considered an accessory use and/or structure. Setbacks for accessory uses/structures

shall comply with distances in the zoned district of the tower location. These facilities may not include offices, long-term vehicle storage, other outdoor storage or broadcast studios except for emergency purposes;

- 16) A six (6) foot safety fence with a locked gate surrounding the tower is required. If high voltage is necessary, signs must be posted every twenty (20) feet along the accessory building and fence saying, "Danger – High Voltage." The operator must also post "No Trespassing" signs.
- 17) Lot shall be mowed and maintained to control weeds;
- 18) Performance Bond. For each telecommunication tower, the owner or operator shall provide to the Township a surety bond or a bank letter of credit so as to assure the Township that the terms and conditions of Section 1035 are performed and complied with, including necessary repairs, repairs to public highways and roads, and the costs and expenses of removal in the event of abandonment; Bond shall equal anticipated demolition, and debris removal cost; the Township Board of Trustees may draw upon the performance bond to recover any costs, damages or expenses incurred by the Township that may arise out of the violations of Section 1035 or the abandonment or discontinuance of the tower. The bond or letter of credit shall be issued by a Board of Trustees, in a form approved by said Board, and shall be in an amount that is equal to no less than fifty percent (50%) of the construction value of the tower. By its terms, the bond or letter of credit may not expire, be terminated, or cancelled without providing the Township Board of Trustees with written notice of such expiration, termination, cancellation or other event of non-renewal no later than one hundred twenty (120) days prior to the date of such event.

Section 1036 Satellite Television Antennas. A satellite television antenna is an antenna for the purpose of which is to receive television or radio signals from orbiting satellites. A satellite television antenna shall not be located in any front yard nor shall it be located in any side yard closer to the building front setback line than the front of an adjoining residential structure, provided the adjoining residential structure is within one hundred (100) feet of the side lot line on which the antenna is proposed. Said antenna shall meet the minimum side and rear yard requirements for accessory structures and buildings. Ground mounted satellite antennas in areas zoned residential shall not extend more than fifteen (15) feet above the ground, twenty (20) feet in all other zones. The satellite television antenna shall be constructed and anchored in such a manner to withstand wind forces up to one hundred (100) miles per hour.

Section 1038 General Conditions for Adult Entertainment Use.

Adult Entertainment Facilities are conditionally permitted within the M-1 Manufacturing District only, and subject to conditions set forth in the Zoning Resolution Section 1038 and paragraphs 1-9 hereafter set forth.

1. No adult entertainment facility shall be established within one thousand (1,000) feet of any areas zoned for residential use.

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

Section 1040 Roadside Produce Stands. A building for the sale of home-grown produce may be located not less than twenty five (25) feet from the highway right-of-way if it is a portable building. If portable, it shall be removed from its roadside location during the season that it is not in use as a roadside produce stand. A permanent structure for such use may be constructed, but shall be located not less than fifty (50) feet from the highway right-of-way line. Parking shall be provided off the highway right-of-way.

Section 1045 Junk Storage and/or Sales of Junk. The outdoor accumulation, collection, and/or storage of junk (as defined herein and in Section 1050), which is in public view from any highway or adjoining residential structure, shall be prohibited in all zoning districts unless the provisions of the following are met: Junk storage and/or sales of junk shall be effectively screened on all sides by means of walls, fences, or plantings. Walls or fences shall be a minimum of eight (8) feet in height with no advertising thereon. In lieu of such wall or fence, a strip of land not less than fifteen (15) feet in width, planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than six (6) feet in height

may be substituted. Storage of materials shall not exceed the height of the screening. Storage of junk shall not be located in any front or side yard.

Section 1050 Junk. No trash, debris, litter, rubbish, unused property, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard, or nuisance to the Township or general public.

Section 1052 Garage, Porch, Yard, or Similar Type Sales. A resident may conduct a garage, porch, yard, or similar type sale provided such sale does not exceed one such event during any six (6) month period. No sale shall exceed three (3) consecutive days in length. Parking shall be provided off the public highway right-of-way and off neighboring property unless consent is obtained from the affected neighbor to do so. All signs advertising such sales shall be removed immediately after the sale has concluded its duration.

Section 1055 Mobile Trailers Prohibited for Business, Storage, and Sign Purposes. The use of a mobile home, tractor trailer, box car, sealand container, or other similar type trailer, container, or structure shall not be permitted as an office or business structure, storage facility, or sign structure except as stated in Section 1004.

ARTICLE XI OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 1100 General Requirements

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

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

Section 1111 Loading Space Requirements and Dimensions. A loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles and other circulation areas and a height of clearance of not less than fifteen (15) feet. One off-street loading space shall be provided and maintained on the same lot requiring delivery of goods and having a modified gross floor area of 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 Sections 1111 and 1130, together with driveways, aisles and other circulation areas, shall be improved with such material to provide a durable and dust-free surface.

Section 1113 Drainage. All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

Section 1114 Maintenance. The owner of property used for parking and/or loading shall maintain such area in good condition without holes free of all dust, trash, and other debris.

Section 1115 Lighting. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property.

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

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

Section 1117 Screening and 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 and shall be maintained in good condition. In the event that terrain or other natural features are such that the erection of such fence or planting screen will not serve the intended purpose, then no such fence or planting screen and landscaping shall be required.

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

Section 1120 Joint Use. Two (2) or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Zoning Inspector shall be filed with the application for a zoning permit.

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

Section 1122 Width of Driveway Aisle. Driveways serving individual parking spaces shall be not less than twenty-five (25) feet wide for ninety (90) degree parking, twelve (12) feet wide for parallel parking, seventeen and one-half (17.5) feet for sixty (60) degree parking and thirteen (13) feet for forty-five (45) degree parking.

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

TYPE OF USE	PARKING SPACES REQUIRED
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 square feet of 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

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

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

ARTICLE XII SIGNS

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

Section 1201 Governmental Signs Excluded. For the purpose of this Resolution "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by 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. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there from to be directed or beamed upon a public thoroughfare so as to cause glare or reflection that may constitute a traffic hazard of nuisance;
2. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect, if any;
3. No sign shall be placed on the roof of any building;
4. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 1220 herein;
5. No sign except as provided in Section 1220, or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign;
6. 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;
7. All signs hung and erected shall be plainly marked with the name of the person, firm, or corporation responsible for maintaining the sign;

8. 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;
9. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.

Section 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 on each side, except in all residential districts where the area of the sign shall not be more than eight (8) square feet on each side;
2. Professional name plates not to exceed two (2) feet by three (3) feet in area;
3. Signs denoting the name and address of the occupants of the premises, not to exceed four (4) square feet in area.

Section 1211 Signs Permitted in any District Requiring a Permit.

1. Signs or bulletin boards customarily incidental to places of worship, social clubs, or societies, which signs or bulletin boards shall not exceed fifteen (15) square feet in area and which shall be located on the premises of such institution.
2. Any sign advertising a commercial enterprise, including real estate developers or subdividers in a district zoned rural or residential shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

Section 1220 Temporary Signs. Temporary signs not exceeding thirty-two (32) square feet in area on each side, announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period. Such temporary signs shall conform to the general

requirements listed in Section 1202 and have a minimum setback of ten (10) feet from the right-of-way line.

Section 1221 Political Signs. No political sign shall be posted in any place or in any manner that is destructive to property upon posting or removal. No political sign shall be placed in such a way to hinder traffic visibility (from any direction) and public safety.

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

Section 1241 Increased Setback. For every square foot by which any on-premises sign exceeds fifty (50) square feet, the setback shall be increased by one-half (1/2) foot but need not exceed one hundred (100) feet.

Section 1243 Set-backs for Public and Quasipublic Signs. Real estate signs and bulletin boards for a church, school, or any other public, religious or educational institution, and may be erected not less than ten (10) feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.

Section 1244 Special Yard Provisions. On-premises signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on-premises signs shall not be erected or placed within twelve (12) feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than twelve (12) feet, the latter shall apply.

Section 1250 Limitation. For the purposes of this Resolution, outdoor advertising off-premises (billboards) signs shall be classified as a business use and be permitted in all districts zoned for business, manufacturing, or lands used for agricultural purposes. In addition, regulation of signs along primary highways shall conform to the requirements of the Ohio Revised Code Chapter 5316 and the regulations adopted pursuant thereto.

Section 1260 Violations. In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Resolution, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Resolution. Failure to comply shall be deemed a violation and shall be punishable under Section 350 of this Resolution.

ARTICLE XIII
MOBILE HOME PARKS AND MOBILE HOMES INDIVIDUALLY

Section 1310 Intent. It is the intent of this Article to regulate the location of, and to encourage, stabilize, and protect the development of well-planned manufactured or mobile home parks if one is proposed.

Section 1310 Approval Procedures. Manufactured or mobile home parks shall be permitted as a conditional use in the U-1 Rural Undeveloped district and shall be developed in according to the general standards and regulations stated and referenced in Article 13.

Section 1320 General Standards for Manufactured or Mobile Home Parks. The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed or expanded manufactured or mobile home park in terms of the following standards and shall find adequate evidence showing that the manufactured or mobile home park development:

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

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

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

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

1. Individual mobile homes shall have using accepted industry measurement standards a minimum area of one thousand (1,000) square feet of floor area.
2. The mobile home's tongue(s), axle(s) and wheels shall be removed and the home shall be placed upon a permanent concrete foundation which is below the frost line and is in accordance with the County Auditor's current requirement for real estate tax purposes and which includes at least two (2) tie-down rings.
3. The mobile home shall be skirted entirely enclosing the bottom section, within ninety (90) days after its placement. Skirting shall be constructed of vinyl, aluminum, or other suitable material that is designed specifically for skirting
4. The mobile home shall be landscaped with lawn within one hundred sixty (160) days after is placement.
5. The mobile home shall: (1) not be increased in floor area by any means of construction except with a unit specifically designed and constructed by the mobile home manufacturer; (2) not be covered with an additional roof structure.
6. The mobile home lot shall have an accessory structure thereon with minimum dimensions of eight (8) by twelve (12) feet for storage purposes. It shall be located in the side or rear yard.

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

ARTICLE XIV PLANNED UNIT DEVELOPMENTS

Section 1400 Purpose of Planned Unit Development.

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

Section 1401 Permitted Uses.

Only those uses permitted or conditionally permitted in each district or interpreted to be included under Sections 1400 to 1421, inclusive, the Official Schedule of District Regulations, of this Resolution may be proposed for development under the planned development approach. Compatible residential, commercial, industrial, public and quasipublic uses may be combined, provided that the proposed location of the commercial or industrial uses will not adversely affect or disregard adjacent property, public health, safety, morals, and general welfare, and provided further that in a residential-commercial-industrial or residential-commercial development the amount of land devoted to commercial and/or industrial usage shall not exceed fifty (50) percent of the total land area of the development. A variety of housing and building types is encouraged by permitting an increased number of families per acre and by allowing reductions in lot dimensions, yards, building setbacks, and area requirements.

Section 1402 General Requirements.

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

Section 1403 Disposition of Open Space.

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

Section 1404 Residential Lot Location.

Every property subdivided under the planned unit development shall be designed to abut upon open space or similar areas. A clustering of dwellings is encouraged. In areas where town houses are used there shall be no more than five (5) town-house units in any contiguous group. A variety of building setbacks, color, and building materials for contiguous townhouse units is encouraged.

Section 1405 Diversification of Lot Sizes.

A diversification of lot sizes may be permitted within a district without additional dedication or creation of open space, provided the overall density of the project area is not increased, and provided further the net residential area per family is not reduced below the minimum requirements of the Official Schedule of District Regulations.

Section 1406 Reduction of Planned Unit Development Area.

The minimum tract size to be developed under the planned unit development may be reduced fifty (50%) percent where the proposed development is to contain only residential, commercial, or industrial development, not a mixture of uses.

Section 1407 Height Requirements.

For each foot of building height over the maximum height regulations specified in the Official Schedule of District Regulations, the distance between such building and the side and rear property lines of the planned unit development project area shall be increased by one (1) foot in addition to the side and rear yards required in the district, provided that this additional setback shall not be considered part of the side and rear yards.

Section 1408 Commercial Planned Unit Development Requirements.

Planned unit development of related commercial establishments is encouraged by varying the setback and area requirements. Open space gained through the varying of setback and area requirements is to be used for the development of open plazas, play area and other public spaces and uses with adequate arrangement, design, and planting.

Section 1409 Commercial Projects, Side Yards and Rear Yards.

Side yards of thirty (30) feet and a rear yard of forty (40) feet shall be required if the project is to be located adjacent to any residential area district or planned residential unit development.

Section 1410 Arrangement of Commercial Uses.

The location and arrangement of structures, parking access drives, outdoor lighting, signs and other uses and developments in the planned commercial unit development shall be compatible with the existing and future land use plan. Off-street parking, loading, and service areas shall be provided in accordance with Sections 1100 to 1131, inclusive. However, off-street parking and loading areas shall not be permitted within fifteen (15) feet of a residential district. All areas designated for future expansion or not intended for

immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner.

Section 1411 Industrial Planned Unit Development Requirements.

Planned unit development of industrial establishments is encouraged by varying the setback and other requirements, if it can be shown that the development results in a more efficient and desirable use of space.

Section 1412 Industrial Project.

Project side yards of forty (40) feet and a rear yard of fifty (50) feet shall be required if the project is located adjacent to any residential district or planned residential unit development.

Section 1413 Arrangement of Industrial Uses.

The location and arrangement of structures, parking access drives, outdoor lighting, signs, storage areas, and other uses and developments in the planned industrial unit development shall be compatible with the existing and future land use plan. Off-street parking, loading, and service areas shall be provided in accordance with Sections 1100 to 1131, inclusive.

Section 1414 Procedure to Secure Approval of Planned Unit Development.

The procedure in Sections 1400 to 1421, inclusive, shall be met before approval to develop land under the planned unit development is granted by the Zoning Board and the Board of Zoning Appeals.

Section 1415 Preliminary Development Plan.

Five (5) copies of a development plan shall be submitted to the Zoning Board for an approval in principle of the land uses proposed and their interrelationship. Approval in principle shall not be construed to endorse precise location of uses, configuration of parcels, or engineering feasibility. Any preliminary development plan and text shall be prepared and endorsed by a qualified urban planner and shall include the following information presented in a general, schematic fashion:

- (1) Proposed location and size of the planned development;
- (2) Proposed land uses, population densities, and building intensities;
- (3) Proposed parks, playgrounds, and other open spaces;
- (4) Relation to existing and future land use in surrounding area;
- (5) Proposed provision of water, sanitary sewers, and surrounding area drainage;
- (6) Proposed traffic circulation pattern, indicating both public and private streets and access points to public rights-of-way;
- (7) A market analysis of proposed commercial uses, if the property is not zoned for commercial purposes at the time of submittal of the preliminary development plan;
- (8) Proposed schedule of site development; and;

(9) Evidence that the applicant has sufficient control over the land to carry out the proposed development plan within five (5) years.

Section 1416 Preliminary Plan Review.

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

Section 1417 Detailed Development Plan.

The detailed development plan shall be submitted in five (5) copies and shall contain the following documents and supporting evidence, prepared and endorsed by a qualified professional team, which shall include an urban planner, licensed architect, registered land surveyor, registered civil engineer, and registered landscape architect.

- (1) A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, existing features of the development site, including specimen trees, structures, streets, easements, utility lines, and land use;
- (2) A detailed development plan which shall be in accordance or conformance with the approved preliminary plan, showing, as appropriate, all the information required on the preliminary development plan; the approximate location and size of lots; the approximate location and proposed density of dwellings; non-residential building intensity; and land use considered suitable for adjacent properties;
- (3) A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses; the number of housing units proposed by type; estimated residential population by type of housing; estimated non-residential population; proposed retail sales area and economic justification; anticipated timing for each unit; and standards for height, open space, building intensity, parking areas, population density and public improvements proposed for each unit of development whenever the applicant proposes an exception from standard zoning district or other regulations governing developments;
- (4) Engineering feasibility studies and plans showing, as necessary, water, sewer, and other utility installations; waste disposal facilities; surface drainage; street improvements; and nature and extent of earth work required for site preparation and development;
- (5) Site plan, showing building(s), various functional use areas, circulation, and their relationship;
- (6) Preliminary building plans, including floor plans and exterior elevations;
- (7) Landscaping plans; and

(8) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained.

Section 1418 Basis of Approval.

The Zoning Board may recommend that the Board of Zoning Appeals, after a public hearing, approve the detailed development plan, provided the Zoning Board finds that the facts submitted with the application and presented at the hearings establish that:

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

Section 1419 Action of the Zoning Board and Board of Zoning Appeals.

The Zoning Board shall deny the detailed development plan if, from the facts presented, the Zoning Board is unable to make the necessary findings. The Zoning Board shall certify to the Board of Zoning Appeals the approval, approval with specific amendments, or disapproval of the detailed development plan within 30 days of the date of submission of said plan. If the Board of Zoning Appeals finds that the proposed planned unit development is consistent with the intent and purpose of this Resolution after a public

hearing, it may authorize the Zoning Inspector to issue a zoning certificate permitting the planned unit development.

Section 1420 Approval Period.

The zoning certificate for a planned unit development shall be for a period of five (5) years to allow the preparation and recording of the required subdivision plat and the development of the project. If no development has occurred to effectuate the plan within five (5) years after approval is granted, the approval shall be voided and the land shall revert to the district regulations in which it is located. An extension of the time limit or modification of the approved development plan may be approved if the Zoning Board and the Board of Zoning Appeals find that such extension or modification is not in conflict with the public interest.

Section 1421 Other Requirements.

Underground utilities, including telephone and electric systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the Zoning Board finds that such exemption will not violate the intent or character of the proposed planned unit development.

This Resolution is hereby adopted on this _____ day of _____ 20__.

Chairman, Board of Township Trustees

Member, Board of Township Trustees

Member, Board of Township Trustees

Attest, Clerk Township Trustees



Staff Report – York Township Zoning Amendment

Applicant:	York Township Zoning Commission c/o Charley Gilliland (937) 243-7613
Request:	The Zoning Commission initiated an amendment to the text of the Zoning Resolution. The proposal amends Article XII Definitions of the Zoning Resolution and creates Section 536 Solar Energy Systems in Article V Supplementary District Regulations.
Location:	York Township is located in northwestern Union County.

Staff Analysis:	<p>The Zoning Commission is proposing to add Version 1 of the LUC Model Zoning Text: Solar Energy Systems.</p> <p>The Township has submitted the following modifications to the model text:</p> <ul style="list-style-type: none"> • Create a new #1 under A. Accessory Solar Energy Systems that states “No solar energy system shall have a production output of more than 50kW” and renumbering the rest of the standards accordingly. They have also stricken “(Less than 50 MW)” from the section number. <ul style="list-style-type: none"> • Theoretically this would prevent accessory solar energy systems from being unnecessarily large when compared to the energy needs of the lot it is placed on. • Create a new #8 under A. Accessory Solar Energy Systems that states “In no event shall any person interdict or interfere with any existing tile or surface drain channel unless it is determined that such tile or channel can be removed or relocated without interfering with the drainage on adjacent properties”. <ul style="list-style-type: none"> • This language was taken from Section 525 Adequate Drainage Outlet and Acceptable Soils of the York Township Zoning Resolution and ensures that accessory solar energy systems do not interfere with the drainage of neighboring lots. • In proposed #9(d.) under A. Accessory Solar Energy Systems, striking the language requiring a letter from the Health Department or sewer provider. This is a change recommended by LUC staff, previously adopted by other Townships.
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Logan-Union-Champaign regional planning commission

Staff Report – York Township Zoning Amendment

Staff Recommendations:	Staff recommends <i>APPROVAL</i> of the proposed zoning amendment.
Z&S Committee Recommendations:	

Date of Request.

April 11, 2022

Logan-Union-Champaign Regional Planning Commission
c/o Bradley Bodenmiller
PO Box 219
East Liberty, OH 43319
aaronsmith@lucplanning.com

RE: Zoning Text Amendment Application, York Township, Union County
Amendment topic: Solar Energy Systems

Dear LUC Regional Planning Commission Committee Members:

The York Township Zoning Commission met at 7:00 PM on April 11, 2022. During the meeting, amendments to the Zoning Resolution were initiated by motion of the Zoning Commission. The amendments propose alterations to the text of the Zoning Resolution.

Description of Zoning Text Amendments.

The proposal amends the Zoning Resolution Article XII definitions
creating Section 536 Solar Energy Systems.

Included with this cover letter, you will find a copy of the existing zoning as it appears in the Zoning Resolution. Proposed changes are those modified in the LUC Model Zoning Text. Please refer to these attachments for further information.

Public Hearing.

The York Township Zoning Commission of Union County, Ohio, will hold a public hearing concerning the proposed amendments at 7:00 PM on Wednesday May 18.

Point of Contact.

Please consider me Charley Township's point of contact for this matter. My contact information is below: [Signature]

→ 937-243-7613

Sincerely,

Attachments.

- 1. Existing Zoning Resolution Supplemental Section Adjacent + Definitions
- 2. Proposed Zoning Resolution Text Amendments



Logan-Union-Champaign regional planning commission

Director: Bradley J. Bodenmiller

Zoning Text Amendment Checklist

Date: 04-11-2022 Township: York Twp

Amendment Title: Solar Energy Systems

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

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

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

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

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

10820 St Rt 347, PO Box 219
 East Liberty, Ohio 43319
 • Phone: 937-666-3431 •

• Email: luc-rpc@lucplanning.com • Web: www.lucplanning.com



Article ~~XII~~ Definitions.

Solar energy related definitions:

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



Section 530 Solar Energy Systems

A. Accessory Solar Energy Systems

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

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

All accessory solar energy systems shall meet the following requirements:

2. A solar energy system is permitted in all zoning districts as an accessory to a principal use.
3. A solar energy system shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
4. Roof/Structure mounted solar energy systems:
 - a. Shall be flush-mounted, or as long as it matches the slope of the roof, shall have a maximum tilt of no more than five (5) percent steeper than the roof pitch on which it is mounted.
 - b. Shall not extend beyond the perimeter (or edge of roof) of the building on which it is located.
 - c. May be mounted to a principal or accessory building.
 - d. Combined height of the solar energy system and building to which it is mounted may not exceed the ridgeline of the roof for hip, gable, and gambrel roofs and may not be taller than eighteen (18) inches above the roofline of a flat roof.
5. Ground/Pole mounted solar energy systems:
 - a. Shall be no taller than seventy-five (75) percent of the maximum building height allowed in that zoning district for accessory buildings.
 - b. Shall be permitted in the rear or side yard only.
 - c. Shall be erected within an established clear fall zone.
 - d. The minimum setback distance from the property lines for structures comprising solar energy systems and all related equipment shall be at least one hundred ten (110) percent of the height of any structure or at least twenty (20) feet from the nearest property line, whichever is greater.

1. No solar energy system shall have a production output of more than 50 kW.



Logan-Union-Champaign regional planning commission

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

8. In no event shall any person interdict or interfere with any existing tile or surface drain channel unless it is determined that such tile or channel can be removed or relocated without interfering with the drainage on adjacent properties.

B. Principal Solar Energy Production Facilities

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

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

Principal Solar Energy Production Facilities are prohibited in any district.

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**TOWNSHIP OF YORK
UNION COUNTY, OHIO**

**ZONING RESOLUTION
ADOPTED MAY 14TH, 1984
Revised March 05, 2007
Revised March 18, 2013
Revised July 16, 2018**

ARTICLE II ESTABLISHMENT AND PURPOSE OF DISTRICTS

Section 200 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 210 Rural District (U-1). The intention of the rural district is to provide land which is suitable or used for agriculture, conservation, very low density residence, single family dwellings, and public and quasipublic purpose. Very low density residential land use refers to farm housing units and isolated residential developments not requiring a major plat under the County's Subdivision Regulations. (A major plat consists of 6 or more lots). Some residential, commercial and industrial development may be permitted as conditional uses under Section 863. 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 211 Low Density Residential District (R-1). The purpose of the low density residential district is to provide land for single family housing units not to exceed one (1) family per 30,000 square feet. . 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).

Section 212 Subdivision Residential (R-2). Any area which might be developed for residential purposes shall have lots of a minimum area of 10,800 sq. ft. provided the following regulations are performed.

- a. Setback lines shall not be less than 35 ft. from edge of right-of-way.
- b. At setback lines a minimum width of 70 ft. shall be required.
- c. No building shall be closer than 5 ft. to any adjacent lot line.
- d. Total width of building shall not exceed 80 per cent of width of lot at setback lines.
- e. A central sewage disposal system and a central water supply shall be required, approved by Union County Health Department.
- f. Adequate storage sewer facilities or drainage shall be required.
- g. Streets shall be a 60 ft. right-of-way and 26 ft. concrete or asphalt pavement.
- h. Construction of any or all streets shall meet minimum county specifications.

Section 213 Business-Commercial (B-1). Business establishments that generally sell commodities in large quantities. This district includes food processing such as cannery, locker houses, dairy processing, and egg processing.

Section 214 Local Business District (B-2). The purpose of the local business district is to provide land for small convenience-type retail and personal service establishments and service businesses offering convenience – type goods and services for the daily needs of the people in the general area.

Section 215 Light Manufacturing District (M-1). The purpose of the light manufacturing district is to encourage the development of manufacturing, and wholesale business establishments which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare; operate mostly within enclosed structures and generate little industrial traffic. Includes Extractive Manufacturing.

ARTICLE V SUPPLEMENTARY DISTRICT REGULATIONS

Section 500 General. The purpose of supplementary district regulations is to set specific conditions for various uses, specification of uses or areas where problems may frequently be encountered.

Section 501 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 multi-family structures in that district in which the dwelling is located.
2. The lot area per family equals the lot area requirements for new multi-family structures in that district;
3. The floor area per dwelling unit is not reduced to less than that which is required for new multi-family construction in that district;

Section 502 Private Swimming Pools. A private swimming pool, not including farm ponds, shall be any pool, 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 two (2) feet. Swimming pools shall be permitted in any district, as an accessory use provided 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. Portable swimming pools are permitted in any zoning district.
3. 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.
4. The swimming pool area is walled or fenced consistent with the standards in the Residential Code of Ohio. An above ground pool with walls or sides taller than forty-eight (48) inches, shall be in compliance provided access to the pool is restricted by removing or otherwise locking any climbing devices located on the sides of the pool.

Section 503 Community or Club Swimming Pools. Community and club swimming pools are permitted in any commercial or residential district, but shall comply with the following conditions and requirements:

1. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;
2. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty (50) 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 (5) feet in height and maintained in good condition.

Section 504 Recreational Facilities. Recreational facilities are permitted, provided a conditional use permit is issued and provided specifications of Sections 515-519, inclusive, are met.

Section 505 Temporary Buildings. Temporary building, construction trailers, equipment and material 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 date of the project, and shall require a zoning permit authorized by the Zoning Inspector.

Section 506 Parking and Storage of Certain Vehicles. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any area other than in completely enclosed buildings under car covers, or properly screened and landscaped under section 1016 of the Zoning Resolution, for more than 90 days. However, one such vehicle may be parked or stored in the rear yard.

Section 507 Required Trash Areas. All commercial, industrial, and multi-family residential uses that provide trash and/or garbage collection areas shall be enclosed on at least three sides by a solid wall or fence and minimum of four feet in height or one foot higher than the receptacles therein if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Zoning Inspector shall be required.

Section 508 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 509-514, inclusive shall be used for interpretation and clarification.

Section 509 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 510 Visibility at Intersections. On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and a half (2 ½) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection.

Section 511 Yard Requirements for Multi-Family Dwellings. Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

Section 512 Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts. Non-residential buildings or uses shall not be located in or conducted closer than forty (40) feet to any lot line of a residential district, except that the minimum yard requirements may

be reduced to fifty (50) percent of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided.

Section 513 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 514 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 515 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 as established by the performance requirements in Sections 516-520, inclusive.

Section 516 Fire Hazards. Any activity involving the use or storage of flammable chemicals, petroleum products or explosive material shall be protected by adequate fire-fighting and fire prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

Section 517 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 518 Noise. Noise is the general word for any loud, disagreeable, annoying or deafening sound painful to the ear. Objectionable noise as determined by the zoning inspector which is due to volume or frequency shall be muffled or otherwise controlled. Disaster or fire sirens and related apparatus used solely for public purposes are exempt from this requirement.

Section 519 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 520. Landfills and Dumps. No Sanitary Landfills, Junk Yards, Dumps, Toxic or Hazardous Materials, or Motor Vehicle Salvage Facilities, shall be permitted under this Zoning Resolution.

Section 521 Telecommunication Towers. Pursuant to the Telecommunications Act of 1996 and the ORC Section 519.211, and the YORK Township Trustees being duly notified of a person's intent to construct a Telecommunication Tower in an areas zoned "R-1" District; public utilities or

other functionally equivalent providers may site a telecommunications tower as a conditional use provided the following conditions are met:

- (a) The applicant must provide proof that the proposal to construct a tower or attach equipment to an existing structure has been approved by all other agencies and governmental entities with jurisdiction (i.e. Federal Communication Commission, Federal Aviation Administration, Ohio Department of Transportation, Ohio Building Basic Code).
- (b) The applicant shall provide proof of notification to contiguous or directly across the street property owners as required by ORC Section 519.211.
- (c) The applicant must demonstrate at the time of application that no technically suitable and feasible sites are available in a nonresidential district. There shall be an explanation of why a tower at this proposed site is technically necessary.
- (d) Co-Location. Applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other users on the same tower to the extent possible. All co-located and multiple-use telecommunication facilities shall be designed to promote facility and site sharing.
- (e) Setbacks from all platted residential uses and residential districts. All new towers shall be setback from the closest subdivision boundary line for all platted residential subdivisions, and for all non-platted residential districts from the closest residence, a distance of 900 feet.
- (f) Setbacks from all streets and private and public road right of ways. All new towers shall be setback from all road right of ways public and private, a distance of 900 feet.
- (g) Setbacks from all other uses allowable in the zoning district. All new towers shall be setback from any building that is not associated with or accessory to the telecommunications tower facility a distance of 900 feet.
- (h) Any and all base station equipment, accessory structures, buildings, etc. used in conjunction with the tower shall be screened with fencing, masonry, shrubbery or other screening materials.
- (i) The applicant shall notify the Zoning Inspector within 30 days of ceasing operations at the site and shall remove all structures within 120 days of ceasing operations.
- (j) No advertising or illumination other than that required by law may be located on the structure or on the required screening.
- (k) An inspection report prepared by a qualified engineer licensed by the State of Ohio shall be submitted to the Zoning Office every five (5) years which details the structural integrity of all towers and support structures on the property. The results of such inspections shall be provided to the Union County Building Regulations Department and YORK Township Zoning Inspector. Based upon results of an inspection, the Township Trustees may require repair or removal of a communication tower. Any and all necessary repairs to the tower and/or support structures shall be made within a seven (7) day period or the tower and/or structures shall be removed. The tower owner (applicant) is responsible to cover the cost of all inspections, repair and/or removal.
- (l) The unstaffed storage building and/or unit that houses transmitting equipment is considered an accessory use and /or structure. Setbacks for accessory uses/structures will comply with distances in the zoned district of the tower location. These facilities may not include offices, long-term vehicle storage, other outdoor storage, or broadcast studios except for emergency purposes, or other uses that are needed to send or receive transmissions.
- (m) A six (6) foot safety fence with a locked gate surrounding the tower is required. If high voltage is necessary, signs must be posted every twenty (20) feet along the fence saying, "Danger – High Voltage." The operator must also post "NO Trespassing" signs.

Section 522 Performance Bond.

- (1) For each telecommunication tower, the owner or operator shall provide to the Township, a surety bond or a bank letter of credit, to assure the Township that the terms and conditions of Section 521 are performed and complied with, including necessary repairs, including repairs to public highways and roads and the costs and expenses of removal in the event of abandonment.
- (2) The YORK Township Board of Trustees may draw upon the performance bond to recover any costs, damages, or expenses incurred by the Township, which arise out of the violations of Section 521 or the abandonment or discontinuance of the use of a tower.

Section 524 General Conditions for Medical Marijuana Entities. In the interest of protecting the public health, safety, and general welfare, this section establishes zoning regulations that provide for State-authorized medical marijuana land uses consistent with ORC 519 and ORC 3796. ORC 519.21 and ORC 3796 allow regulation of the location of medical marijuana cultivators, processors, or dispensaries within the unincorporated area of the township.

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

Section 525 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 and Water Conservation District," in writing, shall determine the drainage outlet adequacy and the soils acceptability. This statement along with a plot map of the drainage systems shall accompany the application for permit. Furthermore, all construction (including construction of ponds) within the Township shall be accomplished in a manner consistent with maintenance and good surface drainage. In all improvements or uses where submittal of drainage plans is not specifically required, every reasonable effort shall be made to ensure that proper drainage on the subject property and adjacent or servient properties is maintained or improved. In no event shall any person interdict or interfere with any existing tile or surface drain channel unless it is determined that such tile or channel can be removed or relocated without interfering with the drainage on adjacent properties.

Section 526 Ponds. Ponds shall be excavated as a permitted use provided the following standards are met. (Also, see Ponds definition.)

1. Union Soil and Water Conservation District (SWCD) must review and approve proposed construction site with landowner.
2. The pond shall be designed in accordance with NRCS (Natural Resource Conservation Service) Standards and Specifications along with USDAS (United States Department of

Agricultural Services) Engineering Field Manual for Conservation Practices. Tile found in working order on site must be rerouted around proposed pond. Soil must be spread in a manner not to encroach on adjacent properties.

3. Union Soil and Water Conservation District (SWCD) or an independent contractor shall be responsible for designing the pond and doing site inspections during construction to assure that the pond is constructed according to the approved plan.
4. The pond outlet must be designed not to encroach on adjacent property.
5. Every lot shall have an adequate drainage outlet and acceptable soils consistent with requirements for the proposed use. The Union SWCD shall determine the drainage outlet adequacy and the soils acceptability for ponds.
6. If earth mounds or tree lines are used, the setback shall be fifty (50) feet from the road right-of-way to the high water mark and thirty (30) feet from the high water mark to the side and rear lot lines. If earth mounds or tree lines are NOT used, the setback shall be one hundred (100) feet from the road right-of-way to the high water mark, and thirty (30) feet from the high water mark to the side and rear lot lines.
7. Three (3) acre minimum lot size.
8. All ponds shall be at least one-fourth ($\frac{1}{4}$) acre in size.
9. Disturbed soil shall be seeded accordingly to Ohio EPA Regulations and NRCS standards and specifications.
10. Permits. The excavation of all ponds shall require a zoning permit. Work shall commence on said pond within six (6) months from the date of permit issuance from the Township Zoning Inspector. Prior to issuance of a zoning permit, all drainage tiles shall be identified and clearly marked. Ponds shall be completed within sixty (60) days from the date that construction on pond commences. The property owner shall notify the Zoning Inspector upon commencement of construction on the pond. Should the permit expire before work on the pond is complete, all excavated land shall be returned to its original state.
11. This applies to all zoning districts.

Section 530 Erection of More than One Principal Structure on a Lot. In any district more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard or other requirements of this Resolution shall be met for each structure as though it were on an individual lot. Accessory buildings such as a garage may be located in the rear yard, provided that all yard and other requirements of this Resolution are met.

From Article XII Definitions

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, Ground.** A display sign supported by uprights or braces in or upon the ground surface.
4. **Sign, Marquee.** A display sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building and extending beyond the building wall, building line or street lot line.
5. **Sign, Projecting.** A display sign which is attached directly to the building wall and which extends more than fifteen inches from the face of the wall
6. **Sign Roof.** A display sign which is erected, constructed and maintained above the roof of the building.
7. **Sign, Temporary.** A display sign, banner or other advertising device constructed on cloth, canvas, fabric or other light temporary material, with or without a structural frame, intended for a limited period of display, including decorative displays for holidays or public demonstrations.
8. **Sign, Wall.** A display sign which is painted on or attached directly to the building wall and which extends not more than fifteen inches from the face of the wall.

Solid Waste. Means such unwanted residual solid or semi-solid material as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, and slag and other substances which are not harmful or inimical to public health, and includes, but is not limited to garbage, 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 materials.

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

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

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

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

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

Swimming Pool. A pool, pond, or open tank containing at least two (2) feet of water at any point and maintained by the owner or manager. Farm ponds are exempt from this definition,

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

Thoroughfare, Street, or Road. The full width between property lines bounding every public way or whatever nature with a part thereof to be used for vehicular traffic and designated as follows:

1. **Alley.** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. **Collector Street.** A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which including the principal entrance and circulation routes within residential subdivisions.
3. **Cul-de-Sac.** A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
4. **Dead-end-Street.** A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
5. **Local Street.** A street primarily for providing access to residential or other abutting property.

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

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

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.



Staff Report – Zane Township Zoning Amendment

Applicant:	Zane Township Zoning Commission c/o Paul Gantt (614) 206-2172
Request:	The Zoning Commission initiated an amendment to the text of the Zoning Resolution. The proposal amends Article II Definitions of the Zoning Resolution and creates Section 1036 Solar Energy Systems in Article X Supplementary District Regulations.
Location:	Zane Township is the southeasternmost township in Logan County.

Staff Analysis:	<p>The Zoning Commission is proposing to add Version 1 of the LUC Solar Model Zoning Text.</p> <p>The Township has submitted the following modifications to the model text:</p> <ul style="list-style-type: none"> • Create a new #1 under A. Accessory Solar Energy Systems that states “No solar energy system shall have a production output of more than 50kW” and renumbering the rest of the standards accordingly. They have also stricken “(Less than 50 MW)” from the section number. <ul style="list-style-type: none"> • Theoretically this would prevent accessory solar energy systems from being unnecessarily large when compared to the energy needs of the lot it is placed on. • Staff recommends expanding this modification and specifying that for the Rural District (U-1), Low Density Residential District (R-1), Medium Density Residential District, Service Business District (B-1), and Local Business District (B-2): “No solar energy system shall have a production output of more than 50kW”. But for the Light Manufacturing (M-1) and Special Limited Industrial District (I-1): “No accessory solar energy system shall have a production output of 5MW or more”. • The 5MW figure lines up with the threshold for wind energy systems in Ohio, where Townships cannot regulate wind energy facilities of 5MW or more. <ul style="list-style-type: none"> • According to the companies’ websites, The Honda Transmission Manufacturing plant has two wind turbines that have a production output of 3.4 MW which is equivalent of over 10% of the facility’s energy needs. facility. The Whirlpool
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Logan-Union-Champaign regional planning commission

Staff Report – Zane Township Zoning Amendment

	<p>Corp. manufacturing plant (Marion Co.) has three wind turbines that have a production output of 4.5 MW which is equivalent to about 20% of the facility's energy needs.</p> <ul style="list-style-type: none">• In proposed #8(d.) under A. Accessory Solar Energy Systems, striking the language requiring a letter from the Health Department or sewer provider. This is a change recommended by LUC staff, previously adopted by other Townships.
Staff Recommendations:	Staff recommends <i>APPROVAL WITH MODIFICATIONS</i> of the proposed zoning amendment. The modification is to limit the production output of accessory solar energy systems in the U-1, R-1, R-2, B-1, and B-2 to 50kw, and to permit accessory solar energy systems in the M-1 and I-1 only if they are less than 5MW.
Z&S Committee Recommendations:	

Date of Request.

April 20, 2022

Logan-Union-Champaign Regional Planning Commission
c/o Aaron Smith
PO Box 219
East Liberty, OH 43319
aaronsmith@lucplanning.com

RE: Zoning Text Amendment Application, Zane Township, Logan County
Amendment topic: Solar Energy Systems

Dear LUC Regional Planning Commission Committee Members:

The Zane Township Zoning Commission met at 7:00 PM on ~~May~~ ^{April}, 20, 2022. During the meeting, amendments to the Zoning Resolution were initiated by motion of the Zoning Commission. The amendments propose alterations to the text of the Zoning Resolution.

Description of Zoning Text Amendments.

The proposal amends Article II Definitions and adds Section 1036
Solar Energy Systems.

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

Public Hearing.

The Zane Township Zoning Commission of Logan County, Ohio, will hold a public hearing concerning the proposed amendments at 7:00 PM on May 17, 2022, in the Zane Township Community Center.

Point of Contact.

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

PAUL GANTT
614.206.2172
Paul Gantt

Sincerely,

Attachments.

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



Zoning Text Amendment Checklist

Date: April 20, 2022 Township: Zane

Amendment Title: Solar Energy Systems

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

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

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

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

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

Zane Township, Logan County
Zoning Text Amendment
Proposed on April 20, 2022

Amend:

Article II Definitions.

Solar energy related definitions:

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

Add:

Section 1036 Solar Energy Systems

A. Accessory Solar Energy Systems

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

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

All accessory solar energy systems shall meet the following requirements:

1. No solar energy system shall have a production output of more than 50kW.
2. A solar energy system is permitted in all zoning districts as an accessory to a principal use.
3. A solar energy system shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
4. Roof/Structure mounted solar energy systems:
 - a. Shall be flush-mounted, or as long as it matches the slope of the roof, shall have a maximum tilt of no more than five (5) percent steeper than the roof pitch on which it is mounted.
 - b. Shall not extend beyond the perimeter (or edge of roof) of the building on which it is located.
 - c. May be mounted to a principal or accessory building.
 - d. Combined height of the solar energy system and building to which it is mounted may not exceed the ridgeline of the roof for hip, gable, and gambrel roofs and may not be taller than eighteen (18) inches above the roofline of a flat roof.
5. Ground/Pole mounted solar energy systems:
 - a. Shall be no taller than seventy-five (75) percent of the maximum building height allowed in that zoning district for accessory buildings.
 - b. Shall be permitted in the rear or side yard only.
 - c. Shall be erected within an established clear fall zone.
 - d. The minimum setback distance from the property lines for structures comprising solar energy systems and all related equipment shall be at least one hundred ten (110) percent of the height of any structure or at least twenty (20) feet from the nearest property line, whichever is greater.
6. Solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street right of ways.
7. Solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within six (6) months from the date they are no longer producing electricity, become damaged, discontinued or broken. Any earth

disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded within thirty (30) days of removal.

8. In addition to the site plan required for any zoning permit or conditional use permit, the following shall also be submitted at the time of application and shall include:
 - a. Elevation of the proposed solar energy system(s) at maximum tilt.
 - b. Evidence of established setbacks of 1.1 times the height of any structure and "clear fall zone".
 - c. Proof of notice to the electric company regarding the proposal.

B. Principal Solar Energy Production Facilities

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

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

Principal Solar Energy Production Facilities are prohibited in any district.

ZANE TOWNSHIP
LOGAN COUNTY, OHIO

ZONING CODE

APRIL 2005

TABLE OF CONTENTS

PREAMBLE			1
ARTICLE	I	TITLE, INTERPRETATION AND ENACTMENT	1
Section	100	Title	1
Section	101	Use of Land or Buildings for Agricultural Purposes Not Affected	1
Section	110	Provisions of Resolution Declared to be the Minimum Requirements	1
Section	120	Separability Clause	1
Section	130	Replacement of Existing Resolutions, Effective Date	2
ARTICLE	II	DEFINITIONS	3
ARTICLE	III	ENFORCEMENT	29
Section	300	Zoning Permits Required	29
Section	301	Contents of Application For Zoning Permit	29
Section	302	Approval of Zoning Permit	30
Section	303	Submission to Director of Transportation	30
Section	304	Expiration of Zoning Permit	30
Section	312	Record of Zoning Permits	30
Section	320	Failure to Obtain a Zoning Permit	31
Section	330	Construction and Use To Be As Provided In Applications, Plans, and Permits	31
Section	340	Complaints Regarding Violations	31
Section	350	Penalties for Violation	31
Section	360	Schedule of Fees, Charges, and Expenses	31
ARTICLE	IV	NON-CONFORMITIES	32
Section	400	Intent	32
Section	410	Incompatibility of Non-Conformities	32
Section	420	Avoidance of Undue Hardship	32
Section	430	Single Non-Conforming Lots of Record	32
Section	431	Non-Conforming Lots of Record in Combination	33
Section	440	Non-Conforming Uses of Land	33
Section	450	Non-Conforming Structures	33
Section	456	Non-Conforming Uses of Structures or of Structures and Land in Combination	34
Section	470	Repairs and Maintenance	35
Section	480	Uses Under Conditional Use Provisions Not Non-Conforming Uses	35

ARTICLE	V	ADMINISTRATION	36
Section	500	Office of Zoning Inspector Created	36
Section	501	Duties of the Zoning Inspector	36
Section	510	Proceedings of Zoning Commission	36
Section	511	Duties of Zoning Commission	36
Section	520	Board of Zoning Appeals Created	36
Section	521	Proceedings of the Board of Zoning Appeals	37
Section	522	Duties of the Board of Zoning Appeals	37
Section	530	Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal	37
Section	540	Procedure and Requirements for Appeals and Variances	38
Section	541	Appeals	38
Section	542	Stay of Proceedings	38
Section	543	Variances	38
Section	544	Application and Standards for Variances	38
Section	545	Supplementary Conditions and Safeguards	39
Section	546	Public Hearing by the Board of Zoning Appeals	39
Section	547	Notice of Public Hearing in Newspaper	39
Section	548	Notice to Parties in Interest	40
Section	549	Action by Board of Zoning Appeals	40
Section	560	Procedure and Requirements For Approval of Conditional Use Permits	40
Section	561	General	40
Section	562	Contents of Application for Conditional Use Permit	40
Section	563	General Standards Applicable to all Conditional Uses	41
Section	565	Supplementary Conditions and Safeguards	41
Section	566	Procedure for Hearing, Notice	41
Section	567	Action by the Board of Zoning Appeals	42
Section	568	Expiration of Conditional Use Permit	42
Section	569	Revocation	42
ARTICLE	VI	AMENDMENT	43
Section	600	Procedure for Amendment or District Changes	43
Section	601	General	43
Section	602	Initiation of Zoning Amendments	43
Section	603	Contents of Application	43
Section	604	Transmittal to Zoning Commission	43
Section	605	Public Hearing by Zoning Commission	44
Section	606	Transportation to Regional Planning Commission	44
Section	607	Submission to Director of Transportation	44
Section	608	Reccomendation by Zoning Commission	44
Section	609	Public Hearing by Township Trustees	45
Section	610	Notice of Public Hearing in Newspaper	45

Section	611	Action by Township Trustees	45
Section	612	Effective Date and Referendum	45
ARTICLE	VII	PROVISIONS FOR OFFICIAL ZONING MAP	46
Section	700	Official Zoning Map	46
Section	710	Identification of the Official Zoning Map	46
Section	720	Interpretation of District Boundaries	46
ARTICLE VIII		ESTABLISHMENT AND PURPOSE OF DISTRICTS	47
Section	800	Intent	47
Section	810	Rural District (U-1)	47
Section	811	Low Density Residential District (R-1)	47
Section	812	Medium Density Residential District (R-2)	47
Section	813	Service Business District (B-1)	47
Section	814	Local Business District (B-2)	47
Section	815	Light Manufacturing District (M-1)	48
Section	815	Special Limited Industrial District (I-1)	48
ARTICLE IX		DISTRICT REGULATIONS	49
Section	900	Compliance with Regulations	49
Section	910	Official Schedule of District Regulations Adopted	49
ARTICLE X		SUPPLEMENTARY DISTRICT REGULATIONS	50
Section	1000	General	50
Section	1001	Conversion of Dwellings to More Units	50
Section	1002	Private Swimming Pools	50
Section	1003	Community or Club Swimming Pools	50
Section	1004	Temporary Buildings	51
Section	1006	Required Trash Areas	51
Section	1010	Supplemental Yard and Height Regulations	51
Section	1011	Setback Requirements for Corner Buildings	51
Section	1012	Visibility at Intersections	51
Section	1014	Yard Requirements for Multi-Family Dwellings	52
Section	1015	Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts	52
Section	1016	Architectural Projections	52
Section	1017	Exceptions to Height Regulations	52
Section	1020	Special Provisions for Commercial and Industrial Uses	52
Section	1021	Fire Hazards	52
Section	1022	Electrical Disturbance	53
Section	1023	Storage of Toxic or Hazardous Materials	53
Section	1024	Odors	53
Section	1025	Water Pollution	53

Section	1026	Air Pollution	53
Section	1027	Mining, Mineral, Clay Sand and Gravel Extraction, Storage and Processing	54
Section	1028	Distance from Residential Areas	54
Section	1029	Filing of Location Map	54
Section	1030	Information on Operation	54
Section	1031	Restoration of Mined Area	54
Section	1032	Performance Bond	54
Section	1033	Enforcement Provisions	54
Section	1034	Measurement Procedures	54
Section	1035	Telecommunications Towers	55
Section	1037	Wind Power Generating Facilities	57
Section	1038	General Conditions for Adult Entertainment Use	63
Section	1040	Roadside Produce Stands	63
Section	1043	Parking and Storage of Certain Vehicles or Disabled Vehicles	64
Section	1045	Junk Storage and/or Sales of Junk	64
Section	1050	Junk (as defined herein)	65
Section	1052	Garage, Porch, Yard or Similar Type Sales	65
Section	1055	Mobile Trailers Prohibited for Business, Storage and Sign Purposes	65
Section	1060	Erection of more than one Principal Structure on a Lot	65
ARTICLE XI		OFF-STREET PARKING AND LOADING REQUIREMENTS	66
Section	1100	General Requirements	66
Section	1110	Parking Space Dimensions	66
Section	1111	Loading Space Requirements and Dimensions	66
Section	1112	Paving	66
Section	1113	Drainage	66
Section	1114	Maintenance	67
Section	1115	Lighting	67
Section	1116	Location of Parking Spaces	67
Section	1117	Screening and Landscaping	67
Section	1119	Minimum Distance and setbacks	67
Section	1120	Joint Use	67
Section	1121	Wheel Blocks	68
Section	1122	Width of Driveway Aisle	68
Section	1130	Parking Space Requirements	68
Section	1131	Disabled Vehicles	68
Section	1132	General Interpretations	68
ARTICLE XII		SIGNS	69
Section	1200	Intent	69
Section	1201	Governmental Signs Excluded	69

Section	1202	General Requirements for all Signs and Districts	69
Section	1203	Measurement of Sign Area	70
Section	1210	Signs Permitted in all Districts not Requiring a Permit	70
Section	1211	Signs Permitted in any District Requiring a Permit	70
Section	1220	Temporary Signs	70
Section	1221	Political Signs	71
Section	1240	Sign Setback Requirements	71
Section	1241	Increased Setback	71
Section	1243	Setbacks for Public and Quasipublic Signs	71
Section	1244	Special Yard Provisions	71
Section	1250	Violations	71
Section	1260	Violations	71
ARTICLE XIII		MOBILE HOME PARKS – MOBILE HOMES INDIVIDUALLY	72
Section	1300	Intent	72
Section	1310	Approval Procedures	72
Section	1320	General Standards for Manufactured or Mobile Home Parks	72
Section	1330	Manufactured or Mobile Home Park Requirements	72
Section	1340	Minimum Floor Area	72
Section	1341	Mobile Homes Individually	72
ARTICLE XIV		PLANNED UNIT DEVELOPMENTS	74
Section	1400	Purposed of Planned Unit Development	74
Section	1401	Permitted Uses	74
Section	1402	General Requirements	74
Section	1403	Disposition of Open Space	74
Section	1404	Residential Lot Location	75
Section	1405	Diversification of Lot Sizes	75
Section	1406	Reduction of Planned Unit Development Area	75
Section	1407	Height Requirements	75
Section	1408	Commercial Planned Unit Development Requirements	75
Section	1409	Commercial Projects, Side Yards and Rear Yards	75
Section	1410	Arrangement of Commercial Uses	75
Section	1411	Industrial Planned Unit Development Requirements	76
Section	1412	Industrial Requirements	76
Section	1413	Arrangement of Industrial Uses	76
Section	1414	Procedure to Secure Approval of Planned Unit Development	76
Section	1415	Preliminary Developemtn Plan	76
Section	1416	Preliminary Plan Review	77
Section	1417	Detailed Development Plan	77
Section	1418	Basis of Approval	78
Section	1419	Action of the Zoning Commission and Board of Zoning Appeals	79

Section 1420	Approval Period	79
Section 1421	Other Requirements	79

SIGNATURE BLOCKS **80**

APPENDIX
Official Schedule of District Regulations

PREAMBLE

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

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

ARTICLE I TITLE, INTERPRETATION AND ENACTMENT

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

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

Section 110 Provisions of Resolution Declared to be 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 the general welfare. Whenever the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulations, resolutions or deed restrictions, the most restrictive, or that imposing the higher standards shall govern.*

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

Section 130 Replacement of Existing Resolutions, Effective Date.

All Resolutions or parts of Resolutions in conflict with this Zoning Resolution or inconsistent with the provisions of this Resolution are hereby repealed to extent necessary to give this Resolution full force and effect. This Resolution shall become effective from and after the date of its approval and adoption, as provided by law.

ARTICLE II DEFINITIONS

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

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

Terms not defined. *Where terms not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context applies.*

Access Management. *The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed.*

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

Acre. *A measure of land area. One (1) acre shall equal forty-three thousand, five hundred sixty (43,560) square feet.*

Adult Entertainment Facilities. *A facility having a significant portion of its function as adult entertainment which includes the following listed categories:*

1. ***Adult Bookstore.*** *An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" as herein defined or an establishment with a segment or section devoted to the sale or display of such material.*

2. **Adult Booth.** Any area of a sexually oriented business establishment or tattoo parlor set off from the remainder of such establishment by one or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of “specified anatomical areas” or the conduct or simulation of “specified sexual activities.”
3. **Adult Material.** Any of the following, whether new or used:
 - a. Books, magazines, periodicals, or other printed matter, or digitally stored materials that are distinguished or characterized by an emphasis on the exposure, depiction, or description of “specified anatomical areas” or the conduct or simulation of “specified sexual activities.”
 - b. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of “specified anatomical areas” or the conduct or simulation of “specified sexual activities.”
 - c. Instruments, novelties, devices, or paraphernalia that are designed for use in connection with “specified sexual activities” or that depict or describe “specified anatomical areas.”
4. **Adult Mini Motion Picture Theatre.** A facility with a capacity for less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” for observation by patrons therein.
5. **Adult Motion Picture Theatre.** A facility with a capacity of fifty (50) or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” for observation by patrons therein.
6. **Adult Entertainment Business.** Any establishment involved in the sale or services or products characterized by the exposure or presentation of “specified anatomical areas” or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.

Agriculture. "Agriculture" includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and furbearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms;

timber, pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

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

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

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

Animal Hospital, Clinic, or Kennel. *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 and surgical attention. Facilities may be available for boarding animals overnight.*

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

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

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

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

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

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

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

Bed and Breakfast Facilites. *Single-family dwellings offering room and board without individual kitchen facilities for up to five (5) persons who are transient.*

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

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

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

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

Building Line. *See setback line.*

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

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

Business, Convenience-Type Retail. Retail businesses whose market area is the neighborhood or part of the community, which provides convenience-type goods and personal services for the daily needs of the people within the residential area. Uses include,

but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry facilities, supermarkets, etc.

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

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

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

Campground, Commercial or Private. *An area of land providing space for or containing two (2) or more recreational vehicles, camping tents, or other similar temporary recreational structures, where they may be parked or erected for a continuous period of time not exceeding sixty (60) days. Campgrounds shall include any building, structure, tent, vehicle, or enclosure, used or intended for use as part of the equipment of such campground, and providing sewer, water, electric, or other similar facilities required to permit occupancy of such recreational vehicles or camping tents.*

Cemetery. *Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes.*

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

Child Day Care. *Care provided for any part of the twenty-four hour day for infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians or relatives by blood, marriage, or adoption, in a place or residence other than the child's own home. Places of worship during religious services are not included.*

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 room or board or kept overnight on the premises.*

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

Commercial Recreation Establishment. *Any private, public, or semi-public recreation or amusement facility which is located within an enclosed building or structure and is operated for profit, such as videogame arcades, pinball arcades, or other types of amusement game arcades; tennis or racquetball clubs; bowling alleys, skating rinks, or billiard halls; but not including indoor motion picture theatres.*

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

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

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

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

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

Corner Lot. *See Lot Types.*

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

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

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

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

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

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

Dwelling, Single-Family. A single dwelling unit only, separated from other dwelling units by open space. Detached, individual dwelling units, which accommodate one family living as one housekeeping unit. The type of construction of such units shall conform to the applicable building code, or be classified as an Industrialized Unit under the Ohio Basic Building Code, or conform to the Ohio Revised Code [ORC 519.212] definition of permanently-sited manufactured housing, as follows:

Permanently-Sited Manufactured Housing must:

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

- g. *Have removed its indicia of mobility (temporary axles, trailer tongue, running lights) upon placement upon its foundation;*
- h. *Meet all applicable zoning requirements uniformly imposed on all single-family dwellings in the particular district (excepting contrary requirements for minimum roof pitch and requirements that do not comply with HUD code standards for manufactured housing);*
- i. *And, is not located in a manufactured home park as defined by ORC 3733.01.*

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, Manufactured Home. *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. 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 factor but not erected at the foundation site.*

(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) **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.*

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

(a) **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, while still retaining their individual chassis for possible future movement.

(b) 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.

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

Dwelling, 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 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 dwellings (see definition of Stick-built) in which a substantial amount of material and construction labor are brought together in final form at the foundation site. The above explanation is the spirit in which any future interpretation shall be made from this section, no matter what terms for manufactured housing are in vogue at any given time.

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.

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.

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

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

Farm. *A farm is an area of land on which at least \$2,500 gross sales from agriculture products was produced and thus must meet the following CAUV standards: All farms larger than ten (10) acres qualify for CAUV if they have been devoted exclusively to "commercial" agricultural use for the past three (3) years. Farms smaller than ten (10) acres are eligible if the average yearly gross farm income for the past three (3) years is at least \$2,500 from "commercial" agricultural production. See Section 5713.30(A) of the Ohio Revised Code for further explanation.*

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

Financial Assurance. *Reasonable assurance from a credit worthy party, examples of which include a surety bond, trust instrument, cash escrow, or irrevocable letter of credit.*

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

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

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

Floor Area, Useable. *Measurement of usable floor area shall be the sum of the horizontal areas of the several areas 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.

Foundation, Permanent. *Permanent perimeter masonry, concrete, or a locally approved footing or foundation to which a dwelling may be affixed.*

Frontage. *The side(s) of a lot abutting on a dedicated and improved public street, an improved private street, or an approved common access drive (CAD).*

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

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

Home Occupation. An occupation conducted in a dwelling unit, provided that: No more than one person other than members of the family residing on the premises shall be engaged in such occupation. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than thirty-five (35%) percent of floor area of the dwelling unit shall be used in the conduct of the home occupation. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, nor- exceeding four square feet in area, non-illuminated and mounted flat against the wall of the principal building. No traffic shall be generated by such occupation in greater volume than would normally be expected in such a residential area and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution.

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

Junk Yard. "Junk Yard" means an establishment or place of business which is maintained or operated, or any other land used, for the purpose of storing, keeping, buying, or selling

junk, or for the maintenance or operation of an automobile graveyard. It shall also include scrap metal processing facilities which are located within one thousand (1,000) 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.

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

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

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 purposes of this Resolution, a lot is a parcel of land of at least 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 are herein required. Such lot shall have frontage on an improved public street or road, 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 construed to be the portion at the street or road right-of-way line. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to street or road right-of-way lines shall be considered frontage, and yards shall be provided as indicated under "Yard" in this section. (Also, see Lot 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 (See the Official Schedule of District Regulations).

Lot Measurements. *A lot shall conform to the following:*

1. **Depth.** *No lot containing ten (10) acres or less shall have an average depth that is more than four (4) times its width measured at the road right-of-way line. For the purposes of this requirement the average depth shall be the distance between the mid-point of a straight line connecting the foremost points of each side lot line at the front and the mid-point of a straight line connecting the rearmost points of the rear lot line.*
2. **Width.** *The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the street or road right-of-way line, except on cul-de-sac streets (roads) where it is measured at the setback line. (Also, see Lot Frontage.). For lots containing ten (10) acres or less in area, the actual distance between the side lot lines at any point along the lot depth cannot be less than eighty (80%) percent of the required Lot Frontage. For lots containing more than ten (10) acres, said lot shall comply with road frontage requirements.*

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

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

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

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

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

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

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

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

Mobile Home. A building unit or assembly of closed construction that is fabricated in an off-site facility, that is more than thirty-five (35) body feet in length or, when erected on site, is three hundred twenty (320) or more square feet, that is built on a permanent chassis and transportable in one or more sections, and that does not qualify as a manufactured home or as an industrialized unit.

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

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

Nonconforming Use of Land and Buildings. *The lawful use of any dwelling, building, building, or structure and of any land or premises, as existing and lawful at the time of enactment of a zoning resolution or amendment thereto, may be continued, although such use does not conform with the provisions of such resolution or amendment. If any such nonconforming use is discontinued for two (2) years or more, any future use of said land or building shall be in conformity with the current zoning resolutions.*

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

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

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

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

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

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

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

Original Tract. *A contiguous quantity of land held in common ownership which has not been platted by the existing owner or owners since the enactment of these Regulations.*

Outdoor Recreation Area, Public or Private. *Any privately or publicly owned and operated recreation facility or area which is not located within an enclosed building or structure, such as a golf course, tennis courts, ball fields, swimming pools, driving ranges, race tracks, amusement parks, stadiums, motorcross or snowmobile circuits, or campgrounds.*

Parcel. *An individual lot held under common ownership.*

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

Permanent Foundation. *Permanent masonry, concrete, or locally approved footing or foundation, to which a dwelling may be affixed.*

Permanently-Sited Manufactured Housing. *See Dwelling, Single Family.*

Permitted Use. *A use which is specifically authorized by these Zoning Regulations in a particular zoning district.*

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.

Planned Unit Development (PUD). *A residential or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines. Planned Unit Developments are designed and developed subject to the provisions of these Regulations.*

Pond. *Any man made structure in which water is impounded by constructing a dam or embankment or by excavating a pit or dugout. Definition for ponds includes retention basins designed to permanently hold water. This definition would not*

apply to detention basins designed for short-term water containment. This would not include landscape water features less than one hundred and fifty (150) square feet.

Pools, Swimming (Private). Any structure that contains water over twenty four (24) inches in depth and which is used, or intended to be used, for swimming or recreational bathing and which is available only to the family and guests of the householder. This includes in-ground, above ground, on-ground, and portable swimming pools.

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

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

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

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

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

Public Service Facility. The erection, construction, alteration, operation or maintenance of buildings, power plants, substations, water treatment plants 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 Use. Uses including public parking, schools, and administrative, cultural, and service buildings, but not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

Public Utility. The erection, construction, alteration, operation or maintenance of 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, sanitary landfills and other similar public service structures or facilities whether publicly or privately owned.

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

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. *A vehicle type unit primarily designed as temporary (not more than 120 days) living quarters 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: travel trailer, camping trailer, truck camper, and motor home. A recreational vehicle must have a current license. A recreational vehicle shall not be used as a permanent residence or residential dwelling and must have a current license.*

Recreational Vehicle Park. *A parcel of land upon which two or more recreational vehicles 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 intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis.*

Refuse. *Refuse shall mean combustible and noncombustible waste materials.*

Religious, Cultural, and Fraternal Activity. *A use or building owned or maintained by organized religious organizations or nonprofit associations for social, civic or philanthropic purposes, or the purpose for which persons regularly assemble for worship.*

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

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

Roof, Mean Height. *The average of the roof eave height and the height to the highest point on the roof surface, except that eave height shall be used for roof angle or less than or equal to ten (10) degrees.*

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

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

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

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.*

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

Semitrailer/Sealand Containers. *A vehicle designed or used for carrying persons or property with another and separate motor vehicle, so that in operation, a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle. A semitrailer shall not be used for storage, advertising, business, and residence.*

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

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

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

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

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 (Billboards).** *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. Billboards are considered off-premises signs.*
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.** *A display sign supported by uprights or braces in or upon the ground surface.*
6. **Sign, Marquee.** *A display sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the*

building and extending beyond the building wall, building line, or street lot line.

7. *Sign, Pole. Any sign which is erected on a pole or poles, which is wholly or partially independent of any building for support.*
8. *Sign, Political. A sign which announces the candidacy of a person or slate or persons running for elective office, a political party, or issue or slate of issues.*
9. *Sign, Portable. A sign which is designed to be easily movable.*
10. *Sign, Projecting. A display sign which is attached directly to the building wall and which extends more than fifteen (15) inches from the face of the wall.*
11. *Sign, Roof. A display sign which is erected, constructed, and maintained above the roof of the building.*
12. *Sign, Temporary. A display sign, banner or other advertising device constructed on cloth, canvas, fabric or other light temporary material, with or without a structural frame, intended for a limited period of display, including decorative displays for holidays or public demonstrations.*
13. *Sign, Wall. A display sign which is painted on or attached directly to the building wall and which extends not more than fifteen inches from the face of the wall.*

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

Solid Wastes. 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 also, and other substances which are not harmful or inimical to public health, and includes, but is not limited to, garbage, combustible and non-combustible material, street dirt, and debris. For purposes of this definition, "material from construction operations" and "material from demolition 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.

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.*

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

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

Storage Facilities. Land, buildings, and structures devoted primarily to the storage of goods, equipment and material.

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.

Subdivision.

- 1) *The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners where such sale or exchange does not create additional building sites, shall be exempted; or*
- 2) *The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.*

Subdivision, Minor. *A subdivision approved by the Logan County Engineer's Office and the Regional Planning Commission's designated representative which does not require a plat and which is in conformance with the provisions of Section 329 and Section 803 of the Logan County Subdivision Regulations.*

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, pond, lake, or open tank containing at least twenty four (24) inches of water at any point and maintained by the owner or manager. Farm ponds are exempt from this definition.*

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

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

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

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

Thoroughfare, Major or Secondary. *An officially designated Federal or State numbered highway or County or other road designated as a major thoroughfare by the Logan County Engineer, or a County or other road designated as a secondary thoroughfare.*

Through Lot. *See Lot Types.*

Toxic or Hazardous Material. *Any substance or mixture by physical characteristic such as flammability, corrosivity, toxicity, reactivity, or infectious characteristics as*

to pose, a significant or potential hazard to water supplies or human health if such substances were discharged to land or waters of the community or township.

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

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

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

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

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 over-night accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

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

Walkway. *A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of the road or not.*

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

Wind Power Generating Facility (WPGF). *All necessary devices that together convert wind energy into electricity, including the rotor, nacelle generator, Wind Power Generating Facility (WPGF) tower, electrical components, WPGF foundation, transformer, substation, and electrical cabling from the WPGF tower to the substation.*

Wind Power Generating Facility (WPGF) Applicant. *The entity or person who submits to the Township Zoning Inspector an application for the siting of any Wind Power Generating Facility Substation.*

Wind Power Generating Facility (WPGF) Contract. *The agreement between the WPGF Applicant and the landowner(s).*

Wind Power Generating Facility (WPGF) Operator. *The entity responsible for the day-to-day operation and maintenance of the Wind Power Generator Facility (WPGF), including any third party subcontractors.*

Wind Power Generating Facility (WPGF) Owner. *The entity or entities with an equity interest in the Wind Power Generating Facility (WPGF) including their respective successors and assigns. Owner does not mean the property owner from whom land is leased for locating the WPGF (unless the property owner has an equity interest in the WPGF) or if any person holding a security interest in the WPGF solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the WPGF at the earliest practicable date.*

Wind Power Generating Facility's (WPGF's) Project. *The collection of Wind Power Generating Facilities (WPGF) and substation(s) as specified in the site approval application pursuant to Section 1037 of this Township Zoning Resolution.*

Wind Power Generating Facility (WPGF) Substation. *This apparatus connects the electrical collection system of the Wind Power Generating Facility (WPGF) and allows electricity to flow into the grid along the transmission lines.*

Wind Power Generating Facility (WPGF) Tower. *The support structure to which the nacelle and rotor are attached.*

Wind Power Generating Facility (WPGF) Tower Height. *The distance from the rotor blade at its highest point to the top surface of the Wind Power Generating Facility (WPGF) foundation.*

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

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

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

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

ARTICLE III ENFORCEMENT

Section 300 Zoning Permits Required. No building, or other structure, shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Inspector. Said permit shall be obtained before any county permits are obtained. 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 (1.5) years. At a minimum, the application shall contain the following information.

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

Section 302 Approval of Zoning Permit. *Within thirty (30) days after the receipt or an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. All zoning permits shall, however, be conditional upon the commencement of work within six months. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked, such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Resolution.*

Section 303 Submission to Director of Transportation. *Before any zoning permit is issued affecting any land within three-hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification within a radius of five-hundred (500) feet from the point of intersection or 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 (6) months from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within one and one-half (1.5) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted. Extensions, if granted, shall be in six (6) months increments, not to exceed one and one-half (1.5) years.

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

Section 320 Failure to Obtain a Zoning Permit.

Failure to obtain a zoning permit or certificate occupancy all be a violation of this Resolution and punishable under Section 350 of this Resolution.

Section 330 Construction and Use To Be As Provided In Applications, Plans, and Permits.

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

Section 340 Complaints Regarding Violations.

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

Section 350 Penalties for Violation.

Violation of the provisions of this Resolution or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this Resolution shall constitute a 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 Logan County by the legal representative of the Township, in the name of the Township and for the use thereof. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Board of Township Trustees from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 360 Schedule of Fees, Charges, and Expenses.

The Board of Township Trustees shall by Resolution establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, applications, 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 exists lots, uses of land, structures, and uses of structures and land in combination which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution or future amendments. It is the intent of this Resolution to permit these non-conformities to continue until they are removed or discontinued. It is further the intent of this Resolution that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

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

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

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

recorded that did not meet the minimum requirements in effect at the time of creation of the lot, then said lot shall not be built upon.

Section 431 Non-Conforming Lots of Record in Combination. If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Resolution and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Resolution and no portion of said parcel shall be used or sold in a manner which 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 not conforming to the requirements of this Resolution shall be erected in connection with such nonconforming use of land.

Section 450 Non-Conforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this Resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

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

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

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

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

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

Section 470 Repairs and Maintenance. On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

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

ARTICLE V ADMINISTRATION

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

Section 501 Duties of 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 violation(s), ordering the action necessary to correct such violation;
2. Order discontinuance of illegal uses of land, buildings, or structures;
3. Order removal of illegal buildings or structures or illegal additions or structural alterations;
4. Order discontinuance of any illegal work being done;
5. Take any other action authorized by this Resolution to ensure compliance with or to prevent violation(s) of this Resolution. This may include the issuance of and action on zoning and such similar administrative duties as are permissible under the law.

Section 510 Proceedings or 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 511 Duties of Zoning Commission. *For the purposes of this Resolution the Commission shall have the following duties:*

- 1. Initiate proposed amendments to this Resolution;*
- 2. Review all proposed amendments to this Resolution;*
- 3. Review all planned unit developments (PUD's) and make recommendations to the Board of Zoning Appeals as provided in Article 13.*

Section 520 Board of Zoning Appeals Created. A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Board of Township Trustees each for a term of five (5) years, except that the initial appointments

shall be one (1), two (2), three (3), four (4), and five (5) year terms. Each member shall be a resident of the Township. Members of the Board may be removed from office by the Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Trustees for the unexpired term of the member affected.

Section 521 Proceedings of the Board of Zoning Appeals. The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other 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, decision, or determination appealed from and make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from, whom the appeal is taken. A concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution or to effect any variation in the application of this Resolution. For the purpose of this Resolution, the Board has the following specific responsibilities:

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

Section 530 Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal. It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the

Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Resolution. Under this Resolution the Township Trustees shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Resolution as provided by law; and of establishing a schedule of fees and charges as stated in Section 360 of this Resolution. Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board to the courts as provided in the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the Board's *written* decision.

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

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

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

Section 543 Variances. The Board of Zoning Appeals may authorize upon appeal in special 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 as obtained from the County Auditor or said deed;
3. Description or nature of variance requested;
4. A narrative statement demonstrating that the requested variance conforms to the following standards:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - b. That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties, in the same district under the terms of this Resolution;
 - c. That special conditions and circumstances do not result from the actions of the applicant;
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district.

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

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

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

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

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

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

Section 560 Procedure and Requirements for Approval of Conditional Use Permits. Conditional uses shall conform to the procedures and requirements of Section 561-563, 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 as obtained by the County Auditor or said deed;
3. Description of existing use;
4. Current 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; and the relationship of the proposed use to the Comprehensive Plan.

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

1. Is in fact a conditional use as established under the provisions of Article 9 and appears on the Official Schedule of District Regulations adopted by Section 910 for the zoning district involved;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
3. Will not be hazardous or disturbing to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, or odors;
7. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

Section 565 Supplementary Conditions and Safeguards. In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such conditions and safeguards, when made a part of the terms

under which the conditional use is granted, shall be deemed a violation of this Resolution and punishable under Section 350 of this Resolution.

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

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

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

Section 569 Revocation. A conditional use permit shall be revoked when the applicant fails to comply with conditions imposed by the hearing examiner.

ARTICLE VI AMENDMENT

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

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

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

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

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

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

Section 604 Transmittal to Zoning Commission. Immediately after the adoption of a resolution by the Township Trustees or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Zoning

Commission. The Zoning Commission shall comply with all the requirements of Chapter 519.12 of the Ohio Revised Code.

Section 605 Public Hearing by Zoning Commission. *The Zoning Commission shall set a public hearing date no less than twenty (20) days nor more than forty (40) days after the filing of the application. Notice of the public hearing must be published in an newspaper of general circulation at least ten (10) days before the hearing. In the case of a zoning amendment to property or parcels, the Zoning Commission shall mail a notice of the public hearing by first class mail to all the owners adjacent to or across the road from the property affected by the proposed change.*

Section 606 Transmittal to Regional Planning Commission. *The Zoning Commission must also provide the Regional Planning Commission with copies of the application and attachments, so that the Regional Planning Commission shall review the proposed change at their monthly Executive Committee meeting. The Regional Planning Commission shall recommend approval or denial of the proposed amendment or approval with modifications.*

Section 607 Submission to Director of Transportation. *Before any zoning amendment is approved effecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway the Commission shall give notice, by registered mail or certified mail to the Director of Transportation. The Commission may proceed as required by law, however, the Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Trustees that he shall proceed to acquire the land needed, then the Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Trustees that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Trustees shall proceed as required by law.*

Section 608 Recommendation by Zoning Commission. *Within seventy (70) days from the receipt of the proposed amendment, and within thirty (30) days of their public hearing, the Zoning Commission (after advertised public hearing and complying with all the requirements of Chapter 519.12 of the Ohio Revised Code), shall transmit its recommendation to the Township Trustees. The Zoning Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.*

Section 609 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 610 Notice of Public Hearing in Newspaper. Notice of the public hearing required in Section 605 shall be given by the Township Trustees by at least one (1) publication in one (1) or more newspapers of general circulation in the Township. Said notice shall be published at least ten (10) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment. This shall comply with all the requirements of Chapter 519.12 of the Ohio Revised Code.

Section 611 Action by Township Trustees. Within twenty (20) days after the public hearing required in Section 609, the Township Trustees shall either adopt or deny the recommendation of the Zoning Commission, or adopt some modification thereof. In the event the Trustees denies or modifies the recommendation of the Zoning Commission, it must do so by a unanimous vote.

Section 612 Effective Date and Referendum. Such amendment adopted by the Trustees shall become effective thirty (30) days after the date of adoption unless within thirty (30) days after the passage of the Resolution there is presented to the Clerk a petition signed by a number of qualified voters residing in the Township equal to not less than eight (8%) per cent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Trustees to submit the zoning amendment to the electors of the Township for approval or rejection at the next primary or general election. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect. This shall comply with all of the requirements of Section 519.12 of the Ohio Revised Code.

ARTICLE VII PROVISIONS FOR OFFICIAL ZONING MAP

Section 700 Official Zoning Map.

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

Section 710 Identification of the Official Zoning Map.

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

Section 720 Interpretation of District Boundaries.

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

- 1) Where district boundaries are indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines 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 center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map.
- 4) If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official 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 intention of the rural district is to provide land which is suitable or used for agriculture, conservation, very low density residence and public and quasi-public purpose. Very low density residential land use refers to farm housing units and isolated residential developments not requiring a major plat under Logan County's Subdivision Regulations. 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 Logan County Health Department's Regulations.

Section 811 Low Density Residential District (R-1).

The purpose of the low-density residential district is to provide land for single-family dwelling units not to exceed four (4) dwellings per acre with a central sewage system. If a central sewage system is not available, then the minimum lot size shall be 40,000 square feet exclusive of road right-of-way. This district shall also include land that is subdivided which requires a major plat under Logan County's Subdivision Regulations. Specific Permitted and Conditional Uses and minimum requirements are listed on the Official Schedule of District Regulations.

Section 812 Medium Density Residential District (R-2). The purpose of the medium density residential district is to provide land for single and multi-family housing units not to exceed eight (8) families per acre with a central sewage system.

Section 813 Service Business District (B-1). The purpose of the service business district is to provide land for sales, service and repair establishments which require highway orientation or large tracts of land not normally available in central and local business districts; do not contribute to the design of a unified business center; depend on drive-in business; and require a location on or near major thoroughfares and intersections. Residential, commercial and industrial development may be introduced under the planned unit development approach.

Section 814 Local Business District (B-2).

The purpose of the local business district is to provide land for small retail and personal service establishments and service businesses offering convenience-type goods and services for the daily needs of the people in the general area.

Section 815 Light Manufacturing District (M-1).

The purpose of the M-1 light manufacturing district is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare; operate mostly within enclosed structures and generate little industrial traffic. Heavy manufacturing is prohibited. Commercial development is prohibited unless introduced under the planned unit development approach. Group or central water and sewer facilities are required.

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

ARTICLE IX DISTRICT REGULATIONS

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

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

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

ARTICLE X SUPPLEMENTARY DISTRICT REGULATIONS

Section 1000 General.

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

Section 1001 Conversion of Dwellings to More Units.

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

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

Section 1002 Private Swimming Pools.

A private swimming pool, not including farm ponds, shall be any pool, lake, or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater *than twenty four (24)* inches. No such swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (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 ten (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 (5) feet in height and maintained in good condition with a gate and lock.

Section 1003 Community or Club Swimming Pools.

Community and club swimming pools are permitted in any commercial or residential district, but shall comply with the following conditions and requirements:

- 1) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;
- 2) The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty (50) 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 (5) 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 1006 Required Trash Areas.

All commercial, industrial, and multi-family residential uses that provide trash and/or garbage collection areas shall be enclosed on at least three (3) sides by a solid wall or fence a minimum of four (4) feet in height or one (1) foot higher than the receptacles therein if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Zoning Inspector shall be required.

Section 1010 Supplemental Yard and Height Regulations.

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

Section 1011 Setback Requirements for Corner Buildings.

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

Section 1012 Visibility at Intersections.

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

Section 1014 Yard Requirements for Multi-Family Dwellings.

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

Section 1015 Side, and Rear Yard Requirements for Non-Residential Uses

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

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 as established by the performance requirements in Sections 1021-1032, inclusive.

Section 1021 Fire Hazards.

Any activity involving the 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 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 (EPA), in quantities greater than fifty five (55) gallons liquid or twenty five (25) pounds dry weight for any one material shall be prohibited. This section shall not apply to fuels stored in less than one thousand one hundred (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 material, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of the material.

Section 1024 Odors. No malodourous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property; except, in the case of areas within the M-1 Manufacturing district, in lieu of the foregoing standards, no odor shall be emitted by any use permitted in such quantities as to be readily detectable by an average observer at any point on the line of the premises or beyond, except for industrial or manufacturing activities or research, development and testing activities in the M-1 Manufacturing District, so long as such activities are conducted in accordance with applicable federal and state environmental protection, health, safety or other applicable federal or state governmental laws and regulations.

Section 1025 Water Pollution.

Water pollution as defined or determined by the County Board of Health or the Ohio Environmental Protection Agency (EPA) shall be subject to corrective measures, requirements, and regulations as established by the Board of Health or the Ohio EPA.

Section 1026 Air Pollution. No pollution of air by fly-ash, dust, fumes, vapors, gases, or other substances shall be permitted which is harmful to health, animals, vegetation or other property or which can cause excessive soiling; except in the case of areas within the M-1 Manufacturing District, in lieu of the foregoing standards, no such emissions shall be permitted except in compliance with applicable federal and state environmental protection, health, safety, or other applicable federal or state governmental laws and regulations.

Section 1027 Mining, Mineral, Clay Sand and Gravel Extraction, Storage and Processing. The extraction, storage and processing of minerals shall be conducted in accordance with the requirements of Sections 1026 and 1032 inclusive.

Section 1028 Distance from Residential Areas.

Mineral extraction, storage or processing shall not be conducted closer than five hundred (500) feet from any residential district, nor closer than two hundred (200) feet from any structure used for human occupancy in any other district.

Section 1029 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 1030 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 1031 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 1032 Performance Bond.

The operator may be required to file with the Board of Township Trustees a bond, or other surety, payable to the township and conditioned upon 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 1033 Enforcement Provisions.

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

Section 1034 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 (EPA).

Section 1035 Telecommunications Towers.

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

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

- 11) *The applicant shall notify the Zoning Inspector within thirty (30) days of ceasing operations at the site and shall remove all structures within one hundred and twenty (120) days of ceasing operations;*
- 12) *Lighting. Telecommunication towers shall not be artificially lighted unless required by the Federal Aviation Administration or other applicable regulatory authority. If lighting is required, the lighting design that would cause the least disturbance to the surrounding views shall be chosen. All telecommunication facilities shall be unlit except for security lighting, or when authorized personnel are present;*
- 13) *No advertising or illumination other than that required by law may be located on the structure or on the required screening;*
- 14) *An inspection report prepared by a qualified engineer licensed by the State of Ohio shall be submitted to the zoning office every five (5) years, which details the structural integrity of all towers and support structures on the property. The results of such inspections shall be provided to the Logan County Building Regulations Department and Township Zoning Inspector. Based upon results of an inspection, the Township Trustees may require repair or removal of a communication tower. Any and all necessary repairs to the tower and/or support structures shall be made within a seven (7) day period or the tower and/or structures shall be removed. The tower owner (applicant) is responsible to cover the cost of all inspections, repair and/or removal;*
- 15) *The unstaffed storage building and/or unit that houses transmitting equipment is considered an accessory use and/or structure. Setbacks for accessory uses/structures will comply with distances in the zoned district of the tower location. These facilities may not include offices, long-term vehicle storage, other outdoor storage or broadcast studios except for emergency purposes;*
- 16) *A six (6) foot safety fence with a locked gate surrounding the tower is required. If high voltage is necessary, signs must be posted every twenty (20) feet along the accessory building and fence saying, "Danger – High Voltage." The operator must also post "No Trespassing" signs.*
- 17) *Lot shall be mowed and maintained to control weeds;*
- 18) *Performance Bond. For each telecommunication tower, the owner or operator shall provide to the Township a surety bond or a bank letter of credit so as to assure the Township that the terms and conditions of Section 1033 are performed and complied with, including necessary repairs, repairs to public highways and roads, and the costs and expenses of removal in the event of abandonment; Bond shall equal anticipated demolition, and debris removal cost; the Township Board of Trustees may draw upon the performance bond to recover any costs, damages or expenses incurred by the Township that may arise out of the violations of Section 1035 or the abandonment or discontinuance of the tower. The bond or letter of credit shall be issued by a Board of Trustees, in a form approved by said Board, and shall be in an amount that is equal to no less than*

50% of the construction value of the tower. By its terms, the bond or letter of credit may not expire, be terminated, or cancelled without providing the Township Board of Trustees with written notice of such expiration, termination, cancellation or other event of non-renewal no later than one hundred twenty (120) days prior to the date of such event.

***Section 1037 Wind Power Generating Facilities.** Pursuant to the Township Zoning Inspector and Township Trustees being duly notified of the person's intent to construct Wind Power Generating Facility (WPGF) in any area zoned for low-density residential use (U-1 Rural Undeveloped District and R-1 Low Density Residential District), public utilities, or other functionally equivalent providers may site a WPGF as a permitted use provided the following conditions of Section 1037 are met:*

- 1.) **Applicability.** Section 1037 of this Township Zoning Resolution governs the siting of Wind Power Generating Facilities (WPGF) and substations that generate electricity for personal use or to be sold to the wholesale or retail market.*
- 2.) **Prohibition.** No Wind Power Generating Facilities (WPGF) or components thereof governed by Section 1037 of this Township Zoning Resolution shall be constructed, erected, installed, or located within this Township until prior siting approval has been obtained pursuant to this Township Zoning Resolution.*
- 3.) **Siting Approval Application.** To obtain siting approval, the applicant must first submit a siting approval application to the Township Zoning Inspector and must contain the following information:
 - A. A Wind Power Generating Facility (WPGF) Project Summary including to the extent available the following items:
 - i. a general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturer(s) type(s) of WPGF, number of WPGF, and name plate generating capacity of each WPGF; the maximum height of the general location of the project.*
 - ii. A description of the applicant, owner and operator, including their respective business structures.**
 - B. The name(s), address(es), and phone number(s) of the applicant(s), owner and operator, and all property owner(s), if known.*
 - C. A site plan for the installation of WPGF showing the planned location of each WPGF tower, guy lines and anchor bases (if any), primary structure(s), property lines (including identification of adjoining properties and owner contact information), set back lines, public access roads and turnout locations, substation(s), ancillary equipment, third party transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.**

- D. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Resolution.*
 - E. The applicant may make adjustments to the siting so long as such adjustments are limited to land parcels identified in the original application, and such adjustments comply with the conditions of Section 1037 herein.*
 - F. Any other information normally required by the Township as part of its Zoning Resolution.*
- 4.) *Design and Installation.*
- A. Design Safety Certification.*
 - i. WPGF shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party.*
 - ii. Following the granting of siting approval under this Resolution, a Professional Engineer shall certify, as part of the building permit application, that the foundation and tower design of the WPGF, including substation, transformer, underground cabling or parts thereof and the access road, is within accepted professional standards, given local soil and climate conditions.*
 - B. Controls and Brakes. All WPGF shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over speed protection.*
 - C. Electrical Components. All electrical components of the WPGF shall conform to applicable local, state, and national codes, and relevant national and international standards (ie. ANSI and International Electrical Commission).*
 - D. Color. Towers and blades shall be painted white or gray or another non-reflective, unobtrusive color.*
 - E. Compliance with the Federal Aviation Administration. The applicant for the WPGF shall comply with all applicable Federal Aviation Administration (FAA) requirements.*
 - F. Warnings.*
 - i. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.*

- ii. *A reasonably visible warning sign stating contact phone number of operator in case of emergency.*
- iii. *Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen (15) feet from the ground.*

G. Climb Prevention. *All WPGF towers must be unclimbable by design or protected by anti-climbing devices.*

H. Setbacks.

- i. *All WPGF towers shall be set back at least five hundred (500) feet from any primary structure. The distance for the above setback shall be measured from the point of the primary structure foundation closest to the WPGF tower to the center of the WPGF tower foundation. In no case shall a WPGF tower be located closer to a primary structure than 1.10 times the WPGF tower height (to cover taller towers).*
- ii. *All WPGF towers shall be set back a distance of at least 1.10 times the WPGF tower height from public roads, third party transmission lines, and communication towers.*
- iii. *All WPGF towers shall be set back a distance of at least 1.10 times the WPGF tower height from adjacent property lines. The affected adjacent property owners may waive this setback requirement by signing a contract with the WPGF.*
- iv. *The applicant does not need to obtain a variance from the Township upon execution of a contract with a WPGF by an adjacent property owner of the above setback requirements of Section 1037. Any waiver of any of the above setback requirements shall run with the land and be recorded as part of the chain of title in the deed of the subject property.*

I. Compliance with additional regulations. *Nothing in this Resolution is intended to preempt other applicable state and federal laws and regulations.*

J. Use of Public Roads.

- i. *An applicant, owner, or operator proposing to use any county, municipal, township, or village road (s) for the purpose of transporting WPGF or substation parts and/or equipment for construction, operation, or maintenance of the WPGF or substations shall identify all such public roads or bridges and obtain applicable weight and size permits from relevant government agencies prior to construction.*
- ii. *To the extent an applicant, owner, or operator must obtain a weight or size permit from the county, municipality, township, or village, the applicant, owner, or operator shall*

conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage; and secure financial assurance, in a reasonable amount agreed to by the relevant parties, for the purpose of repairing any damage to public roads caused by constructing, operating, or maintaining the WPGF.

5.) Operation.

A. Maintenance.

- i. The owner or operator of the WPGF shall furnish an operation and maintenance report to the Township on an annual basis.*
- ii. Any physical modification to the WPGF that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification under this Resolution. Like-kind replacements shall not require re-certification. Prior to making any physical modification (other than a like-kind replacement), the owner or operator shall confer with a relevant third party certifying entity identified in this Resolution to determine whether the physical modification requires re-certification.*

B. Interference.

- i. The applicant shall provide the applicable microwave transmission providers and local emergency service providers/911 operators copies of the project summary and site plan as set for in this Resolution. To the extent that the above providers demonstrate a likelihood of interference with its communications resulting from the WPGF, the applicant shall take reasonable measures to mitigate such anticipated interference. If, after construction of the WPGF, the owner or operator receives a written complaint related to the above-mentioned interference, the owner or operator shall take reasonable steps to respond to the complaint.*
- ii. If, after construction of the WPGF, the owner or operator receives a written complaint related to interference with local broadcast residential television, the owner or operator shall take reasonable steps to respond to the complaint.*

C. Coordination with Local Fire Department.

- i. The applicant, owner, or operator shall submit to the local Fire Department a copy of the site plan.*
- ii. Upon request by the local Fire Department, the owner or operator shall cooperate with the local Fire Department to develop the Fire Department's emergency response plan.*

- iii. *Nothing in this Section of this Resolution shall alleviate the need to comply with all other applicable fire laws and regulations.*
- iv. *Upon request by the local Fire Department, the owner or operator shall on a yearly basis, participate in High Angle Rescue using the WPGF tower.*

D. Materials Handling, Storage, and Disposal.

- i. *All solid wastes related to the construction, operation, maintenance, and decommissioning of the WPGF shall be removed from the site promptly and disposed of in accordance with all applicable local, state, and federal laws.*
 - ii. *All hazardous materials related to the construction, operation, and maintenance of the WPGF shall be handled, stored, transported, and disposed of in accordance with all applicable local, state, and federal laws.*
- 6.) **Noise Levels.** *Noise levels from each WPGF unit of WPGF project shall be in compliance with applicable State of Ohio regulations. The applicant, through the use of a qualified professional, as part of the siting approval application process, shall appropriately demonstrate compliance with the above noise regulations.*
 - 7.) **Birds.** *A qualified professional, such as an ornithologist or wildlife biologist, shall conduct an avian habitat study, as part of the siting approval application process, to determine if the installation of the WPGF will have a substantial adverse impact on birds.*
 - 8.) **Public Participation.** *Nothing in the Section 1037 of this Resolution is meant to augment or diminish existing opportunities for public participation.*
 - 9.) **Liability Insurance.** *The owner or operator of each WPGF shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$3 million per occurrence.*
 - 10.) **Decommissioning Plan.** *Prior to receiving site approval under Section 1037 of this Resolution, the applicant, owner, and/or operator must formulate a Decommissioning Plan to ensure that the WPGF project is properly decommissioned. The Decommissioning Plan shall include:*
 - A. *Provision describing the triggering events for decommissioning the WPGF project.*
 - B. *Removal of structures, debris, access roads, and electrical cabling, including transmission lines below the soil surface, as specified in each individual WPGF contract with the landowner(s).*
 - C. *Provisions for the restoration of the soil and vegetations.*
 - D. *An estimate of the decommissioning costs certified by a Professional Engineer.*

- E. Financial Assurance, secured by the owner/operator, for the purpose of adequately performing the decommissioning, in an amount equal to the Professional Engineer's certified estimate of the decommissioning costs.*
- F. Identification of and procedures for Township access to financial assurances.*
- G. A provision that the terms of the Decommissioning Plan shall be binding upon the owner or operator and any of their successors, assigns, or heirs.*

11.) Remedies.

- A. The applicant's, owner's, or operator's failure to materially comply with any of the above provisions shall constitute a default under this Resolution.*
- B. Prior to implementation of the existing Township procedures for the adjudication of such default(s), the appropriate Township body shall first provide written notice to the owner and operator, setting forth the alleged default(s). Such written notice shall provide the owner and operator a reasonable time period, not to exceed sixty (60) days, for good faith negotiation period, the existing Township Resolution provisions addressing the adjudication of such default(s) shall govern.*
- C. If the Township determines in its discretion, that the parties cannot resolve the alleged default(s) within the good faith negotiation period, the existing Township Resolution provisions addressing the resolution of such default(s) shall govern.*

Section 1038 General Conditions for Adult Entertainment Use.

Adult Entertainment Facilities are conditionally permitted within the M-1 Manufacturing District only, and subject to conditions set forth in the Zoning Resolution Section 1038 and paragraphs 1-9 hereafter set forth.

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

Section 1040 Roadside Produce Stands. ***A building for the sale of home-grown produce may be located not less than twenty five (25) feet from the highway right-of-way if it is a portable building. If portable, it shall be removed from its roadside location during the season that it is not in use as a roadside produce stand. A permanent structure for such use may be constructed, but shall be located not less than fifty (50) feet from the highway right-of-way line. Parking shall be provided off the highway right-of-way.***

Section 1043 Parking and Storage of Certain Vehicles or Disabled 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, for a period of more than thirty (30) days (from the time the Zoning Inspector receives a written and signed complaint) shall be prohibited unless such vehicle is stored in an enclosed garage, building, or other accessory building;*
- 2) The parking or storage, within any district, of a disabled automotive vehicle for a period of more than thirty (30) days (from the time the Zoning Inspector receives a written and signed complaint) shall be prohibited unless such vehicle is stored in an enclosed garage, building, or other accessory building;*
- 3) The parking or storage, within any district, of a junked, dismantled, or wrecked automotive vehicle or parts thereof which are in public view of any highway, road, or thoroughfare for a period of more than thirty (30) days (from the time the Zoning Inspector receives a written and signed complaint) shall be prohibited. After said thirty (30) days, junked, dismantled, or wrecked automotive vehicle or parts thereof shall be stored in an enclosed garage or other accessory building.*

For purposes of this section, a junked, dismantled, or wrecked automotive vehicle shall be defined as meeting the following criteria: as one which is damaged, or no longer serviceable, to the extent that it is inoperable or is unsafe to operate upon the public highways; three model years or older; extensively damaged, including, but not limited to missing wheels, tires, engine, or transmission. This section shall not apply to properly licensed junkyards and motor vehicle salvage facilities which are regulated by appropriate sections of the Ohio Revised Code.

Regardless of whether it is licensed or unlicensed, a collector's vehicle is a "junk motor vehicle" for purposes of this section if the collector's vehicle meets all of the following criteria: three model years or older; apparently inoperable; extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.

Section 1045 Junk Storage and/or Sales of Junk. *The outdoor accumulation, collection, and/or storage of junk (as defined herein and in Section 1050), which is in public view from any highway, road, thoroughfare, or adjoining residential structure, shall be prohibited in all zoning districts unless the provisions of the following are met: Junk storage and/or sales of junk shall be effectively screened on all sides by means of walls, fences, or plantings. Walls or fences shall be a minimum of eight (8) feet in height with no advertising thereon. In lieu of such wall or fence, a strip of land not less than fifteen (15) feet in width, planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than six (6) feet in*

height may be substituted. Storage of materials shall not exceed the height of the screening. Storage of junk shall not be located in any front or side yard.

Section 1050 Junk (as defined herein). *No trash, debris, litter, rubbish, unused property, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard, or nuisance to the Township or general public.*

Section 1052 Garage, Porch, Yard, or Similar Type Sales. *A resident may conduct a garage, porch, yard, or similar type sale provided such sale does not exceed one such event during any six (6) month period. No sale shall exceed three (3) consecutive days in length. Parking shall be provided off the public highway right-of-way and off neighboring property unless consent is obtained from the affected neighbor to do so. All signs advertising such sales shall be removed immediately after the sale has concluded its duration.*

Section 1055 Mobile Trailers Prohibited for Business, Storage, and Sign Purposes. *The use of a mobile home, tractor trailer, box car, sealand container, or other similar type trailer, container, or structure shall not be permitted as an office or business structure, storage facility, or sign structure except as stated in Section 1004.*

Section 1060 Erection of more than one Principal Structure on a Lot. *In any district, other than the M-1 Manufacturing District, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Resolution shall be met for each structure as though it were on an individual lot. Accessory buildings such as a garage may be located in the rear yard, provided that yard and other requirements of this Resolution are met.*

ARTICLE XI OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 1100 General Requirements

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

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

Section 1111 Loading Space Requirements and Dimensions. A loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles and other circulation areas and a height of clearance of not less than fifteen (15) feet. One off-street loading space shall be provided and maintained on the same lot requiring delivery of goods and having a modified gross floor area of 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 Sections 1111 and 1130, together with driveways, aisles and other circulation areas, shall be improved with such material to provide a durable and dust-free surface.

Section 1113 Drainage. All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

Section 1114 Maintenance. The owner of property used for parking and/or loading shall maintain such area in good condition without holes free of all dust, trash, and other debris.

Section 1115 Lighting. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property.

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

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

Section 1117 Screening and 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 and shall be maintained in good condition. In the event that terrain or other natural features are such that the erection of such fence or planting screen will not serve the intended purpose, then no such fence or planting screen and landscaping shall be required.

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

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

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

Section 1122 Width of Driveway Aisle. Driveways serving individual parking spaces shall be not less than twenty-five (25) feet wide for ninety (90) degree parking, twelve (12) feet wide for parallel parking, seventeen and one-half (17.5) feet for sixty (60) degree parking and thirteen (13) feet for forty-five (45) degree parking.

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

TYPE OF USE	PARKING SPACES REQUIRED
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 square feet of 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

Section 1131 Disabled Vehicles. The parking of a disabled vehicle within a residential or commercial district for a period of more than thirty (30) shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building. *Also, see Section 1043.*

Section 1132 General Interpretations. In the interpretation of this Article, the following rules shall govern.

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

ARTICLE XII SIGNS

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

Section 1201 Governmental Signs Excluded. For the purpose of this Resolution "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by 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. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there from to be directed or beamed upon a public thoroughfare so as to cause glare or reflection that may constitute a traffic hazard of nuisance;
2. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect, if any;
3. No sign shall be placed on the roof of any building;
4. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 1220 herein;
5. No sign except as provided in Section 1220, or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign;
6. 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;
7. All signs hung and erected shall be plainly marked with the name of the person, firm, or corporation responsible for maintaining the sign;

8. 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;
9. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.

Section 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 on each side, except in all residential districts where the area of the sign shall not be more than eight (8) square feet on each side;
2. Professional name plates not to exceed two (2) feet by three (3) feet in area;
3. Signs denoting the name and address of the occupants of the premises, not to exceed four (4) square feet in area.

Section 1211 Signs Permitted in any District Requiring a Permit.

1. Signs or bulletin boards customarily incidental to places of worship, social clubs, or societies, which signs or bulletin boards shall not exceed fifteen (15) square feet in area and which shall be located on the premises of such institution.
2. Any sign advertising a commercial enterprise, including real estate developers or subdividers in a district zoned rural or residential shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

Section 1220 Temporary Signs. Temporary signs not exceeding thirty-two (32) square feet in area on each side, announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period. Such temporary signs shall conform to the general

requirements listed in Section 1202 and have a minimum setback of ten (10) feet from the right-of-way line.

Section 1221 Political Signs. No political sign shall be posted in any place or in any manner that is destructive to property upon posting or removal. *No political sign shall be placed in such a way to hinder traffic visibility (from any direction) and public safety.* All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two (2) weeks following election day.

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

Section 1241 Increased Setback. For every square foot by which any on-premises sign exceeds fifty (50) square feet, the setback shall be increased by one-half (1/2) foot but need not exceed one hundred (100) feet.

Section 1243 Set-backs for Public and Quasipublic Signs. Real estate signs and bulletin boards for a church, school, or any other public, religious or educational institution, and may be erected not less than ten (10) feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.

Section 1244 Special Yard Provisions. On-premises signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on-premises signs shall not be erected or placed within twelve (12) feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than twelve (12) feet, the latter shall apply.

Section 1250 Limitation. For the purposes of this Resolution, outdoor advertising off-premises (billboards) signs shall be classified as a business use and be permitted in all districts zoned for business, manufacturing, or lands used for agricultural purposes. In addition, regulation of signs along primary highways shall conform to the requirements of the Ohio Revised Code Chapter 5316 and the regulations adopted pursuant thereto.

Section 1260 Violations. In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Resolution, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Resolution. Failure to comply shall be deemed a violation and shall be punishable under Section 350 of this Resolution.

ARTICLE XIII
MOBILE HOME PARKS AND MOBILE HOMES INDIVIDUALLY

Section 1310 Intent. It is the intent of this Article to regulate the location of, and to encourage, stabilize, and protect the development of well-planned manufactured or mobile home parks if one is proposed.

Section 1310 Approval Procedures. Manufactured or mobile home parks shall be permitted as a conditional use in the U-1 and R-2 district and shall be developed in according to the general standards and regulations stated and referenced in Article 13.

Section 1320 General Standards for Manufactured or Mobile Home Parks. The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed or expanded manufactured or mobile home park in terms of the following standards and shall find adequate evidence showing that the manufactured or mobile home park development:

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

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

Section 1340 Minimum Floor Area. Individual manufactured or mobile homes located within the park shall have a minimum floor area of one thousand (1,000) square feet using the 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 (1,000) square feet of floor area.
2. The mobile home's tongue(s), axle(s) and wheels shall be removed and the home shall be placed upon a permanent concrete foundation which is below the frost line and is in accordance with the County Auditor's current requirement for real estate tax purposes and which includes at least two (2) tie-down rings.
3. The mobile home shall be skirted entirely enclosing the bottom section, within ninety (90) days after its placement. Skirting shall be constructed of vinyl, aluminum, or other suitable material that is designed specifically for skirting
4. The mobile home shall be landscaped with lawn within one hundred sixty (160) days after is placement.
5. The mobile home shall not be covered with an additional roof structure.
6. The mobile home lot *may* have an accessory structure thereon with minimum dimensions of eight (8) x twelve (12) feet for storage purposes. It shall be located in the side or rear yard.

ARTICLE XIV
PLANNED UNIT DEVELOPMENTS

Section 1400 Purpose of Planned Unit Development.

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

Section 1401 Permitted Uses.

Only those uses permitted or conditionally permitted in each district or interpreted to be included under Sections 1400 to 1421, inclusive, the Official Schedule of District Regulations, of this Resolution may be proposed for development under the planned development approach. Compatible residential, commercial, industrial, public and quasipublic uses may be combined, provided that the proposed location of the commercial or industrial uses will not adversely affect or disregard adjacent property, public health, safety, morals, and general welfare, and provided further that in a residential-commercial-industrial or residential-commercial development the amount of land devoted to commercial and/or industrial usage shall not exceed fifty (50) percent of the total land area of the development. A variety of housing and building types is encouraged by permitting an increased number of families per acre and by allowing reductions in lot dimensions, yards, building setbacks, and area requirements.

Section 1402 General Requirements.

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

Section 1403 Disposition of Open Space.

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

Section 1404 Residential Lot Location.

Every property subdivided under the planned unit development shall be designed to abut upon open space or similar areas. A clustering of dwellings is encouraged. In areas where town houses are used there shall be no more than five (5) town-house units in any contiguous group. A variety of building setbacks, color, and building materials for contiguous townhouse units is encouraged.

Section 1405 Diversification of Lot Sizes.

A diversification of lot sizes may be permitted within a district without additional dedication or creation of open space, provided the overall density of the project area is not increased, and provided further the net residential area per family is not reduced below the minimum requirements of the Official Schedule of District Regulations.

Section 1406 Reduction of Planned Unit Development Area.

The minimum tract size to be developed under the planned unit development may be reduced fifty (50) percent where the proposed development is to contain only residential, commercial, or industrial development, not a mixture of uses.

Section 1407 Height Requirements.

For each foot of building height over the maximum height regulations specified in the Official Schedule of District Regulations, the distance between such building and the side and rear property lines of the planned unit development project area shall be increased by one (1) foot in addition to the side and rear yards required in the district, provided that this additional setback shall not be considered part of the side and rear yards.

Section 1408 Commercial Planned Unit Development Requirements.

Planned unit development of related commercial establishments is encouraged by varying the setback and area requirements. Open space gained through the varying of setback and area requirements is to be used for the development of open plazas, play area and other public spaces and uses with adequate arrangement, design, and planting.

Section 1409 Commercial Projects, Side Yards and Rear Yards.

Side yards of thirty (30) feet and a rear yard of forty (40) feet shall be required if the project is to be located adjacent to any residential area district or planned residential unit development.

Section 1410 Arrangement of Commercial Uses.

The location and arrangement of structures, parking access drives, outdoor lighting, signs and other uses and developments in the planned commercial unit development shall be compatible with the existing and future land use plan. Off-street parking, loading, and service areas shall be provided in accordance with Sections 1100 to 1131,

inclusive. However, off-street parking and loading areas shall not be permitted within fifteen (15) feet of a residential district. All areas designated for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner.

Section 1411 Industrial Planned Unit Development Requirements.

Planned unit development of industrial establishments is encouraged by varying the setback and other requirements, if it can be shown that the development results in a more efficient and desirable use of space.

Section 1412 Industrial Project.

Project side yards of forty (40) feet and a rear yard of fifty (50) feet shall be required if the project is located adjacent to any residential district or planned residential unit development.

Section 1413 Arrangement of Industrial Uses.

The location and arrangement of structures, parking access drives, outdoor lighting, signs, storage areas, and other uses and developments in the planned industrial unit development shall be compatible with the existing and future land use plan. Off-street parking, loading, and service areas shall be provided in accordance with Sections 1100 to 1131, inclusive.

Section 1414 Procedure to Secure Approval of Planned Unit Development.

The procedure in Sections 1400 to 1421, inclusive, shall be met before approval to develop land under the planned unit development is granted by the Zoning Commission and the Board of Zoning Appeals.

Section 1415 Preliminary Development Plan.

Five (5) copies of a development plan shall be submitted to the Zoning Commission for an approval in principle of the land uses proposed and their interrelationship. Approval in principle shall not be construed to endorse precise location of uses, configuration of parcels, or engineering feasibility. Any preliminary development plan and text shall be prepared and endorsed by a qualified urban planner and shall include the following information presented in a general, schematic fashion:

- (1) Proposed location and size of the planned development;*
- (2) Proposed land uses, population densities, and building intensities;*
- (3) Proposed parks, playgrounds, and other open spaces;*
- (4) Relation to existing and future land use in surrounding area;*
- (5) Proposed provision of water, sanitary sewers, and surrounding area drainage;*

- (6) Proposed traffic circulation pattern, indicating both public and private streets and access points to public rights-of-way;*
- (7) A market analysis of proposed commercial uses, if the property is not zoned for commercial purposes at the time of submittal of the preliminary development plan;*
- (8) Proposed schedule of site development; and;*
- (9) Evidence that the applicant has sufficient control over the land to carry out the proposed development plan within five (5) years.*

Section 1416 Preliminary Plan Review.

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

Section 1417 Detailed Development Plan.

The detailed development plan shall be submitted in five (5) copies and shall contain the following documents and supporting evidence, prepared and endorsed by a qualified professional team, which shall include an urban planner, licensed architect, registered land surveyor, registered civil engineer, and registered landscape architect.

- (1) A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, existing features of the development site, including specimen trees, structures, streets, easements, utility lines, and land use;*
- (2) A detailed development plan which shall be in accordance or conformance with the approved preliminary plan, showing, as appropriate, all the information required on the preliminary development plan; the approximate location and size of lots; the approximate location and proposed density of dwellings; non-residential building intensity; and land use considered suitable for adjacent properties;*
- (3) A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses; the number of housing units proposed by type; estimated residential population by type of housing; estimated non-residential population; proposed retail sales area and economic justification; anticipated timing for each unit; and standards for height, open space, building intensity, parking areas, population density and public improvements proposed for each unit of development*

whenever the applicant proposes an exception from standard zoning district or other regulations governing developments;

(4) Engineering feasibility studies and plans showing, as necessary, water, sewer, and other utility installations; waste disposal facilities; surface drainage; street improvements; and nature and extent of earth work required for site preparation and development;

(5) Site plan, showing building(s), various functional use areas, circulation, and their relationship;

(6) Preliminary building plans, including floor plans and exterior elevations;

(7) Landscaping plans; and

(8) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained.

Section 1418 Basis of Approval.

The Zoning Commission may recommend that the Board of Zoning Appeals, after a public hearing, approve the detailed development plan, provided the Zoning Commission finds that the facts submitted with the application and presented at the hearings establish that:

- (1) The proposed development can be completed within five (5) years of the date of approval.*
- (2) Each individual unit of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding area uses, but will have a beneficial effect which could not be achieved under standard district regulations;*
- (3) The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned development;*
- (4) Any proposed commercial development can be justified economically at the locations proposed to provide for adequate commercial facilities of the types proposed;*
- (5) Any exception from standard district requirements is warranted by the design and amenities incorporated in the detailed development plans, in*

accord with the planned unit development and the adopted policy of the Zoning Commission and the Board of Township Trustees;

- (6) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;*
- (7) The planned unit development is in general conformance with the comprehensive plan of the Township; and*
- (8) The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.*

Section 1419 Action of the Zoning Commission and Board of Zoning Appeals.

The Zoning Commission shall deny the detailed development plan if, from the facts presented, the Zoning Commission is unable to make the necessary findings. The Zoning Commission shall certify to the Board of Zoning Appeals the approval, approval with specific amendments, or disapproval of the detailed development plan within 30 days of the date of submission of said plan. If the Board of Zoning Appeals finds that the proposed planned unit development is consistent with the intent and purpose of this Resolution after a public hearing, it may authorize the Zoning Inspector to issue a zoning certificate permitting the planned unit development.

Section 1420 Approval Period.

The zoning certificate for a planned unit development shall be for a period of five (5) years to allow the preparation and recording of the required subdivision plat and the development of the project. If no development has occurred to effectuate the plan within five (5) years after approval is granted, the approval shall be voided and the land shall revert to the district regulations in which it is located. An extension of the time limit or modification of the approved development plan may be approved if the Zoning Commission and the Board of Zoning Appeals find that such extension or modification is not in conflict with the public interest.

Section 1421 Other Requirements.

Underground utilities, including telephone and electric systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the Zoning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

This Resolution is hereby adopted on this _____ day of _____ 20__.

Chairman, Board of Township Trustees

Member, Board of Township Trustees

Member, Board of Township Trustees

Attest, Fiscal Officer Township Trustees



Zoning & Subdivision Committee
Thursday, May 12, 2022

The Zoning and Subdivision Committee met in regular session on Thursday, May 12, 2022, at 11:53 am.

Zoning & Subdivision Committee Members were in attendance as follows: Brad Bodenmiller, Tyler Bumbalough, Wes Dodds, Mike Kerns for Scott Coleman, Todd Freyhof, Ashley Gaver, Mark Mowrey for Steve McCall, Heather Martin, Tammy Noble, Steve Robinson, Aaron Smith, and Luke Sutton for Jeff Stauch. Absent member was Tom Scheiderer.

Wes Dodds chaired the Zoning & Subdivision Committee Meeting.

Tyler Bumbalough moved a motion to approve the minutes from the April 14, 2022, meeting as written, and Steve Robinson seconded. All in favor.

1. Review of Mills of Watkins Final Plat (Union County) – Staff Report by Brad Bodenmiller
 - Brad Bodenmiller stated the applicant has requested to table this Plat.
 - Tammy Noble moved a motion to recommend accepting the request to table of the Mills of Watkins Final Plat and Luke Sutton seconded. All in favor.

2. Review of Allen Township Zoning Parcel Amendment (Union County) – Staff Report by Aaron Smith
 - Tammy Noble – This is a tough one. My comments are focused on the idea that it doesn't meet the community plan. It looks like it was the idea to have this as a certain land use. Maybe there is another route, like updating the zoning scheme. How did they pick these 10 parcels?
 - Aaron Smith – There were more than 10 originally; they found these locations that didn't fit into the district. They attempted to contact the owners of the lots and received some responses. It did get trimmed down to a smaller narrow list because some landowners didn't want changed.
 - Tammy – I sympathize and get what they're trying to achieve. Have they thought of something short of a rezoning to allow for different types of setbacks when it's not the use?
 - Aaron – We haven't had those conversations; it's certainly a possibility.
 - Tammy – It's just a thought; it goes against both comp plans and seems like a band aid approach.
 - Ashley Gaver – It creates a lot of spot zoning.
 - Aaron – When we first had the conversation there were many more properties so it looked like it would be more comprehensive. Instead, they decided to do a small chunk in the center at the township north boundary. It does kind of split the



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Director: Bradley J. Bodenmiller

- district in the middle and create a pocket. With the context of the neighboring township, that's what helped support our recommendation of approval.
- Tammy – Do they eventually see this being industrial in 20 years? If they no longer see it as industrial, then that changes the conversation.
 - Aaron – Their comp plan was last updated in 2004 and I am not sure if they have interest in updating.
 - Brad – I think they would appreciate comments if you had particular parcel recommendations. They've struggled with flag lots; at the same time, they have areas that are legacy zoned. A lot of places allowed single-family dwellings in manufacturing districts back several decades ago. In this case, they have houses in some manufacturing districts now. They've tried to address the problems and tried to fix these places.
- Todd Freyhof – The triangle across from Pottersberg, with the railroad nearby I could see it becoming manufacturing someday and then they'll be back asking for a rezoning.
 - Tyler Bumbalough – I agree with LUC's recommendation on the first five; it makes sense to rezone those. What predates what? Were those houses built in the middle of the businesses?
 - Aaron – I'm unsure.
 - Brad - I actually think those were planned for residential in the old TRC zoning area plan.
 - Tammy asked for clarification regarding how the zoning code reads.
 - Tyler Bumbalough moved a motion to recommend approval of the Allen Township Zoning Parcel Amendment in accordance with staff comments and Tammy Noble seconded. All in favor with Tammy Noble voting No.
3. Review of Claibourne Township Zoning Text Amendment (Union County) – Staff Report by Brad Bodenmiller
- Tyler Bumbalough – These are panels that are accessories attached to the house?
 - Brad provided clarification, as did Aaron. The first section of the proposal addresses accessory and the second section address principal solar energy systems.
 - Tammy Noble – This is based on your template for solar?
 - Brad – Yes.
 - Tyler Bumbalough – What is the reason for striking the 50 megawatts?
 - Brad provided an explanation. Striking or keeping the 50 megawatts line doesn't impact anything. Adding a cap does. I can see a concern or reason for seeking a cap is to make sure the system is actually accessory to the principal use.
 - Steve Robinson moved a motion to recommend approval of the Claibourne Township Zoning Text Amendment and Tammy Noble seconded. All in favor.

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4. Review of Johnson Township Zoning Text Amendment (Champaign County) – Staff Report by Aaron Smith
 - Aaron Smith – This is the same proposal we reviewed a few months ago. They've sent it back through because a timeline in the ORC was missed. They've incorporated some of our recommendations from the last review.
 - Ashley Gaver moved a motion to recommend approval of the Johnson Township Zoning Text Amendment with modifications and Todd Freyhof seconded. All in favor.
5. Review of Rush Township Zoning Text Amendment (Champaign County) – Staff Report by Brad Bodenmiller
 - Todd Freyhof moved a motion to recommend approval of the Rush Township Zoning Text Amendment with modifications as recommended by the staff and Tyler Bumbalough seconded. All in favor.
6. Review of Urbana Township Zoning Parcel Amendment (Champaign County) – Staff Report by Aaron Smith
 - Tyler Bumbalough – It appears to have the current boundaries for Urbana on it.
 - Tyler Bumbalough moved a motion to recommend approval of the Urbana Township Zoning Parcel Amendment and Todd Freyhof seconded. All in favor.
7. Review of Washington Township Zoning Text Amendment (Logan County) – Staff Report by Aaron Smith
 - Tammy Noble – For the two uses for the cultivators, are they typically exclusive uses?
 - Aaron – Right. There are some examples in Ohio, but they are separate facilities even if owned by the same company. The state has regulations that pertain to all of them.
 - Tammy Noble moved a motion to recommend approval of the Washington Township Zoning Text Amendment with modifications and Steve Robinson seconded. All in favor.
8. Review of Washington Township Zoning Text Amendment (Union County) – Staff Report by Brad Bodenmiller
 - Tyler Bumbalough – Have they decided how they're going to calculate impervious area? Are these panels removable?
 - Brad – The drainage requirement has them count the panels as impervious area, like you would for area under roof. It would be calculated by panel, not as one giant area. If I were zoning inspector, I would have them calculate it at a level slope. I've tried to bring that up with townships, but I haven't gotten people to change their minds on some of the drainage requirements. I can see why they want to have drainage requirements.
 - Tyler – So they'll have to choose whether to be more or less restrictive.



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- Tammy Noble moved a motion to recommend approval of the Washington Township Zoning Text Amendment with staff comments and Tyler Bumbalough seconded. All in favor.

- 9. Review of York Township Zoning Text Amendment (Union County) – Staff Report by Brad Bodenmiller
 - Steve Robinson moved a motion to recommend approval of the York Township Zoning Text Amendment and Tammy Noble seconded. All in favor.

- 10. Review of Zane Township Zoning Text Amendment (Logan County) – Staff Report by Aaron Smith
 - Todd Freyhof moved a motion to recommend approval of the Zane Township Zoning Text Amendment with staff modifications and Tyler Bumbalough seconded. All in favor.

The Zoning and Subdivision Committee adjourned at 12:59 pm with Mark Mowery moving a motion to adjourn and Todd Freyhof seconded. All in favor.