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# ZONING REGULATIONS

for

## JACKSON TOWNSHIP

JACKSON TOWNSHIP, AUGLAIZE COUNTY, OHIO

AMENDED RESOLUTION # 07063

March 6, 2007

EFFECTIVE April 6, 2007

JACKSON TOWNSHIP

7 N. Hanover Street

Minister, Ohio 45865

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## JACKSON TOWNSHIP ZONING RESOLUTION

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## CHAPTER 1

### GENERAL REGULATIONS

#### Section A: Title and Enactment

WHEREAS, it is determined by the Board of Township Trustees of Jackson Township that it is in the interest of the Township to regulate and/or protect the location and use of land, buildings, and structures for agriculture and resource protection and for residential, commercial, and industrial development that is consistent with the essentially rural character of the Township; to divide Jackson Township into such zoning districts as are deemed best suited for said purposes; to provide a method of administration and enforcement; and to prescribe penalties for violation of the provisions thereof.

The Board of Township Trustees of Jackson Township adopted its first Zoning Resolution effective in June 1981. This resolution was amended: August 7, 1984 by Resolution #80784 (Effective September 6, 1984); December 5, 1995 by Resolution #120504 (Effective January 4, 1996); and March 6, 2007 by Resolution #07063 (Effective April 6, 2007). All such amended regulations are denoted by footnotes herein.<sup>1</sup>

#### Section B: Interpretation and Purposes

These regulations are adopted as an exercise of the police power as the minimum requirements necessary for the promotion of the public health, safety, convenience, comfort, prosperity, or general welfare pursuant to the zoning enabling authority contained in ORC Chapter 519. Whenever the Constitution or zoning enabling laws have been amended or superseded, this Unified Development Ordinance shall be deemed amended in reference to the new or revised laws.<sup>2</sup>

#### Section C: Area of Jurisdiction

1. The provisions of this Resolution shall apply to the entire unincorporated land area of Jackson Township, Auglaize County, Ohio.
2. Nothing in this Resolution shall impose restrictions with respect to land used for legitimate agricultural purposes or with respect to the erection, maintenance, repair, alteration, remodeling or extension of agricultural buildings or structures, except that such buildings and structures shall conform to required setback lines.

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<sup>1</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>2</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

3. Nothing in this Resolution shall impose restrictions with respect to land used for legitimate purposes by any public utility or railroad with respect to the erection, maintenance, repair, alteration, remodeling or extension of any building or structure (except general offices or other uses not directly related to provision of utility services) of any public utility or rail road, whether publicly or privately owned; except that such public utility and/or railroad buildings or structures shall conform to required setback lines.

#### **Section D: Repeal of Existing Resolutions**

All resolutions or part of resolutions inconsistent with or in conflict with this Zoning Resolution, and all additions and amendments thereto are hereby repealed by the adoption of this Resolution.

#### **Section E: Invalidity of a Part**

If any article, section, subsection paragraph, sentence or phrase of this Resolution is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution.

#### **Section F: Required Conformance**

Except as hereinafter specifically provided:

1. No land shall be used except for a use permitted in the Zoning District in which it is located, or for a use conditionally permitted and subject to the issuance of a Conditional Use Permit.
2. No building shall be erected, converted, enlarged, or reconstructed; nor shall any building be moved onto a zoning lot or within the same zoning lot, unless it is a use permitted in the Zoning District in which such building is located, except as provided for in Chapter 8 (Administration and Enforcement).
3. Every building hereafter erected or structurally altered shall be located on a lot as herein defined. No more than one principal building per lot shall be permitted.
4. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any lot hereafter be created, which does not conform and meet the requirements of this Resolution.

#### **Section G: Nonconforming Uses, Buildings. and Lots <sup>3</sup>**

1. Regulations Not Retroactive. Nothing in this Resolution shall prevent the continuance of a legal nonconforming use as herein-before authorized unless the nonconforming

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<sup>3</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)



- structure is a nuisance or fails to conform to health and fire codes such that a discontinuance is necessary for the safety of life or property.
2. Continuance. Except as otherwise specified in these Regulations, 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 this Zoning Resolution or any amendments hereto, may be continued, although such use does not conform with this Zoning Resolution or amendments hereto.
  3. Abandonment. If any such nonconforming use is voluntarily discontinued for two (2) or more years, any future use shall be in conformity with this Zoning Resolution and amendments hereto.
  4. Alteration. The alteration of a nonconforming use or building is permitted provided that such alteration will make the nonconforming use substantially more in character with its surroundings.
  5. Enlargement. No nonconforming building or use may be enlarged or otherwise expanded except upon the granting of a Conditional Use Permit issued by the Board of Zoning Appeals. The Board may impose such requirements and conditions as they may deem necessary for the protection of adjacent properties in the public interest.
  6. Extension. An existing, legal nonconforming use which occupied only a portion of an existing structure or premises may be extended throughout such structure or premises only upon the granting of a Conditional Use Permit issued by the Board of Zoning Appeals when such extension will substantially make the nonconforming use more in character with its surroundings.
  7. Restoration. When a structure, the use of which does not conform to the provisions of this Zoning Resolution is damaged by fire, explosion, flood, wind, earthquake, or other calamity outside the control of the owner or occupant and:
    - (a) Where the cost of restoration is equal to or less than fifty (50) percent of its replacement value, the restoration of the nonconforming use or building is permitted provided that such alteration will not increase the nonconforming nature of the structure.
    - (b) To the extent that the cost of restoration is more than fifty (50) percent of its replacement value, it shall not be restored unless in conformity with the provisions set forth in this Zoning Resolution for the district in which it is located.
    - (c) Such restoration shall be commenced within ninety (90) days of such calamity and diligently continued until completed.
    - (d) For the purposes of this section "replacement value" shall be defined as the reproduction cost of the structure prior to the calamity.

8. Substitution. A nonconforming use of a less objectionable nature may be substituted for an existing nonconforming use.
9. Nonconforming Permit. Nothing contained in these Regulations shall require any change in the plans, construction, size or designated use of a building, for which a valid permit has been issued or lawful approval given before the effective date of these Regulations; provided, however, construction under such permit or approval shall have been started within six (6) months and the ground floor framework including structural parts of the second floor (where applicable) shall have been completed within one (1) year after the effective date of these Regulations.
10. Nonconforming Lots. The construction of a conforming structure and/or the conduct of a permitted use shall be allowed on any lot of record which has an area and/or lot width less than that required for such structure or permitted use in the Zoning District in which the lot is located. Variance of any development standard other than minimum lot area and/or minimum lot width shall be obtained only through action of the Board of Zoning Appeals in accordance with the provisions of this chapter. Such nonconforming lots must be in separate ownership and not of continuous frontage with other land in the same ownership on the effective date of the applicable amendment to the Zoning Resolution. Otherwise, development shall be permitted only in accordance with the development standards of the Zoning District in which such ownership is located.

## CHAPTER 2

### ESTABLISHMENT OF DISTRICTS AND ZONING MAP

#### Section A: Establishment of Zoning Districts

Jackson Township, Auglaize County, Ohio is hereby divided into seven (7) zoning districts:

1. A Agricultural District;
2. R Single-Family Residential District;
3. R-MHP Manufactured Home Park District; <sup>4</sup>
4. PRD Planned Residential Development District;
5. C Commercial District;
6. I Industrial District; and
7. FP Floodplain and Drainageway Overlay District.

#### Section B: Zoning District Statements of Intent

Each district on the Official Zoning District Map shall be designated for the following purposes:

1. **A Agricultural District.** The Agricultural District is intended to reflect existing areas in agricultural use and to reserve such lands for agricultural purposes, very low density rural residential development, and other essentially non-urban types of activities so that the basically rural character of these areas may be preserved and maintained until such time as future growth and/or economic conditions indicate the appropriateness of more urban types of development in a planned basis.
2. **R Single-Family Residential District.** The Single-Family Residential District is intended to provide areas for single-family suburban type residential development at relatively low density on land which is generally vacant at the time of development. These areas are intended to provide space for new residential development of a suburban character on lands which are served with central water and sewerage systems.
3. **R-MHP Manufactured Home Park District.** <sup>5</sup> The intent of the Manufactured Home Park District is to provide, subject to site plan review and approval, for the placement of manufactured homes in a planned, physical setting upon a site under unified management and ownership, and which contains provisions for connections to approved public utility systems.

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<sup>4</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>5</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

4. **PRD Planned Residential Development District.**<sup>6</sup> The purpose of the Planned Residential Development District is to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in providing public and utility services, and encourage innovation in the planning and building of all types of development. The PRD District is specifically proposed to establish an incentive zoning procedure for the development of new residential areas on a planned basis in accordance with an overall development plan, and to specify procedures for site plan review and approval. The intent is to promote diversity within the housing stock, to be flexible in the regulation of basic land planning, and to encourage imaginative site planning that provides both a variety of dwelling types, lot sizes, and usable open space as an integral part of the development.
5. **C District.** The Commercial District is intended to accommodate the shopping and related commercial needs of the residents of the township and vicinity. These districts should be located with access along State highways. The C District is proposed to provide a procedure for the development of commercial areas in a planned manner in accordance with a development plan and specific procedures for site plan review and approval. The intent is to promote sound site planning that provides both a variety of types of commercial activities, controlled access to and from commercial sites, and usable open space and/or buffers as an integral part of such developments.
6. **I Industrial District.** The Industrial District is proposed to accommodate existing industrial development and allow land for future industrial expansion; and to provide land for new industrial sites. The I designation is intended for lands which are located with frontage along state highways and/or where convenient access exists to state highways and/or rail systems.
7. **FP Flood Plain and Drainageway Overlay District.** The Flood Plain and Drainageway Overlay District is proposed to meet the need of safely carrying abnormal flows of water in stormwater channels in times of high water and flooding; to prevent encroachments into these Districts which will unduly increase flood heights and the risk of damage from flooding, and to prevent the loss of life and property damage from flooding. Land uses intended to be permitted in this proposed district should generally be associated with open space and recreational activities, and should not hinder the movement of flood waters. The FP District is intended to provide a review procedure for requests for new construction or substantial improvements to existing structures to ensure that these activities are carried out in accord with currently acceptable floodplain and drainageway management criteria. Once the flood-proofing measures of the FP District have been complied with, the standard underlying zoning district regulations shall become the criteria for development.

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<sup>6</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

**Section C: Minimum Size Requirements for New Zoning Districts**

Districts established after adoption of this Resolution shall meet the following minimum size requirements:

<u>Designation</u>	<u>District Name</u>	<u>Minimum District Size</u>
A	Agricultural District	No Minimum
R	Single-Family Residential District	5 Acres
R-MHP	Manufactured Home Park District <sup>7</sup>	3 Acres
PRD	Planned Residential District	5 Acres
C	Commercial District	3 Acres
I	Industrial District	10 Acres
FP	Floodplain and Drainageway Overlay	No Minimum

**Section D: Official Zoning District Map**

The Official Zoning District Map is an integral part of these Regulations.

**Section E: Rules for Interpretation of the Official Zoning District Map**

1. Where definite distances are not shown in feet on the Official Zoning District Map, the District Boundaries are intended to follow lot lines, the centerlines of existing streets, alleys, highway right-of-way lines, railroads, and bodies of water. If the exact location of such lines are not clear, it shall be determined by either supplemental detail drawings or rule of interpretation, adopted by the concurring vote of the majority of the Board of Zoning Appeals.
2. When the streets or alleys on the ground differ from the streets or alleys on the Official Zoning District Map, the Board of Zoning Appeals may apply the Zoning District designations on the map to the property on the ground in such manner as to conform to the intent and purposes of this section in the judgement of the Board of Zoning Appeals.
3. Whenever any street, alley, or public way is vacated by official action of the Board of Township Trustees, the Zoning Districts adjoining each side of such street, alley or public way shall automatically be extended to the center of such vacation, and all area, including the vacation, shall then and henceforth be subject to all regulations of the extended Districts.

<sup>7</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

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## CHAPTER 3

### GENERAL ZONING DISTRICT REGULATIONS

#### Section A: Miscellaneous Provisions

1. Frontage Required. All lots created after the adoption of this Resolution shall have frontage on a state highway, county road or township road.
2. Unsafe Buildings. Nothing in this Resolution shall prevent the strengthening or restoring of any part of any building or structure declared unsafe by proper authority to a safe condition in full compliance with the requirements of this Zoning Resolution.<sup>8</sup>
3. Exceptions to Height Limitations. The building height limitations set forth in this Resolution shall not apply to church spires, domes, flag poles, windmills, chimneys, cooling towers, monuments, stacks, derricks, conveyors, stage towers, tanks, water towers, or necessary mechanical appurtenances which may be erected to any safe and lawful height.
4. Structure Separation. No building shall be located closer than twenty-five (25) feet to another structure unless the adjacent walls of both structures are masonry, in which event said building shall be no closer than fifteen (15) feet. No building shall be located closer than fifteen (15) feet to another building, unless one of said structures has, as its exterior facing wall, a firewall, free of any opening and capable of stopping the spread of any fire. This provision shall not apply to agricultural buildings located in the Agricultural District.<sup>9</sup>
5. Sanitary Sewer Requirements and Pollution Control. All uses shall be conducted in conformance with regulations promulgated by the Environmental Protection Agency and the Auglaize Health Department. Prior to the issuance of any Zoning Certificate, evidence of compliance with said Regulations shall be presented to the Zoning Inspector.
6. Replacement or Relocation of Mobile Homes. An existing mobile home or a mobile home dwelling located on a lot in any district, other than in an established Manufactured Home Park, once removed, shall not be relocated to other any lot in the Township. Such unit may be replaced with a manufactured home dwelling or a dwelling unit, as defined herein.<sup>10</sup>

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<sup>8</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>9</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>10</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

## MINIMUM ZONING LOT REQUIREMENTS

Section B: A – AGRICULTURAL DISTRICT		Lot Size (s.f.)	Frontage (ft.)	Front Yard Setback (ft.)	Side Yard (ft.)		Rear Yard (ft.)	Maximum Height		Footnotes
					Least Width	Sum of Both		(ft.)	Stories	
(a) PRINCIPAL PERMITTED USES										
(1) Agriculture and related uses, buildings, and structures		--	--	--	--	--	--	--	--	#1, #4, #9
(2) Public Parkland and Open Space		--	--	--	--	--	--	--	--	#4
(3) Single Family Dwelling		1 Acre	--	50	25	50	80	40	3	#3, #4, #13
(b) CONDITIONALLY PERMITTED USES (Requires conditional use approval by BZA)										
(1) Home Occupations		--	--	--	--	--	--	--	--	#2
(2) Resource and Mineral Extraction		--	--	--	--	--	--	--	--	#6
(3) Private Outdoor Recreation Areas		--	--	--	--	--	--	--	--	#7
(4) Churches and Similar Places of Worship		1 Acre	150	50	30	60	50	35	2	#8
(5) Cemeteries		--	--	--	--	--	--	--	--	#10
(6) Earth Sheltered Homes		--	--	--	--	--	--	--	--	#3, #11

NOTE: Off-street parking requirements are specified in Chapter 6 (Off-Street Parking and Loading / Unloading Regulations).

## Footnote References:

# 1. Related buildings and related uses may include private garages and permanent dwellings for full-time domestic help employed on the premises or full-time farm labor. The minimum lot size, yard and height requirements of single-family dwellings in the R District shall apply to the principal residence of the farm and any permitted related dwellings.

# 2. Subject to the requirements specified in Chapter 5, Section L (Home Occupations).



# 3. No parcel of land in this district which has an area of less than one (1) acre shall be used for residential purposes. A greater lot size may be required pursuant to County Health Department regulations. All lots or parcels within this district shall have the following minimum lot frontage on a public road:<sup>11</sup>

Less than 2 acres	150 feet
2 acres but less than 3 acres	175 feet
3 acres but less than 4 acres	200 feet
4 acres but less than 5 acres	250 feet
5 acres or larger	300 feet

# 4. On no lot or parcel in this zoning district shall buildings be constructed which cover more than twenty-five (25) percent of the lot area.

# 5. Subject to the requirements specified in Chapter 5, Section R (Resource and Mineral Extraction).

# 6. Subject to the requirements specified in Chapter 5, Section Q (Private Outdoor Recreation Areas).

# 7. Subject to the requirements specified in Chapter 5, Section F (Churches and Similar Places of Worship).

# 8. Roadside sales of agricultural products shall be permitted in this district provided that such products are produced on lands in the Township farmed by the proprietor of said sales stand and further that said stand is in operation for not more than one hundred fifty (150) days in any year and adequate area exists adjacent thereto for parking so as not to interfere with traffic on adjacent thoroughfares.

# 9. Subject to the requirements specified in Chapter 5, Section D (Cemeteries).

# 10. Subject to the requirements specified in Chapter 5, Section I (Earth-Sheltered Dwellings).

# 11. No dwelling shall be erected and no building shall be altered or used as a single family residence which contains less than one thousand two hundred (1,200) square feet, exclusive of all basements, garages, porches, terraces, and breezeways.<sup>12</sup>

<sup>11</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>12</sup> Amended by Resolution No. 120504 (Effective 1-04-1996)

Section C: R – SINGLE FAMILY RESIDENTIAL DISTRICT	MINIMUM ZONING LOT REQUIREMENTS										Footnotes
	Lot Size (s.f.)	Frontage (ft.)	Front Yard Setback (ft.)	Side Yard (ft.)		Rear Yard (ft.)	Maximum Height				
				Least Width	Sum of Both		(ft.)	Stories			
(a) PRINCIPAL PERMITTED USES											
(1) Agriculture and Related Uses	--	--	--	--	--	--	--	--	--	#1	
(2) Public Parkland and Open Space	--	--	--	--	--	--	--	--	--	--	
(3) Single-Family Dwellings	15,000	100	50	20	40	50	40	3		#2	
(b) CONDITIONALLY PERMITTED USES (Requires approval of the BZA)											
(1) Private Outdoor Recreation Areas	--	--	--	--	--	--	--	--	--	#3	
(2) Churches and Similar Places of Worship	43,560 (1 Acre)	100	50	30	60	50	35	2		#4	
(3) Home Occupations	--	--	--	--	--	--	--	--	--	#5	
(4) Cemeteries	130,680 (3 Acres)	--	--	--	--	--	--	--	--	#6	
(5) Earth Sheltered Homes	15,000	100	--	--	--	--	--	--	--	#7	

NOTE: Off-street parking requirements are specified in Chapter 6 (Off-Street Parking and Loading / Unloading Regulations).

#### Footnote References

- # 1. Subject to the requirements specified in Section B(a)(1) of this Chapter.
- # 2. A greater lot size may be required pursuant to County Health Department regulations. No dwelling shall be erected and no building shall be altered or used as a single family residence which contains less than one thousand two hundred (1,200) square feet, exclusive of all basements, garages, porches, terraces, and breezeways. <sup>13 14</sup>
- # 3. Subject to the requirements specified in Chapter 5, Section Q (Private Outdoor Recreation Areas).
- # 4. Subject to the requirements specified in Chapter 5, Section F (Churches and Similar Places of Worship).
- # 5. Subject to the requirements specified in Chapter 5, Section L (Home Occupations).
- # 6. Subject to the requirements specified in Chapter 5, Section D (Cemeteries).
- # 7. Subject to the requirements specified in Chapter 5, Section I (Earth-Sheltered Dwellings).

<sup>13</sup> Amended by Resolution No. 120504 (Effective January 4, 1996)

<sup>14</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

Section D: R-MHP MANUFACTURED HOUSING PARK DISTRICT	MINIMUM ZONING LOT REQUIREMENTS								
	Lot Size (s.f.)	Frontage (ft.)	Front Yard Setback (ft.)	Side Yard (ft.)		Rear Yard (ft.)	Maximum Height		Footnotes
				Least Width	Sum of Both		(ft.)	Stories	
(a) PRINCIPAL PERMITTED USES	--	--	--	--	--	--	--	--	#1
(1) Agriculture and Related Uses									
(b) CONDITIONALLY PERMITTED USES (Requires approval of the BZA)									
(1) Manufactured Homes in a Manufactured Home Park <sup>15</sup>	5,000	50	15	15	30	20	15	1	#2
(2) Related facilities	--	50	15	15	30	20	35	2	#2

NOTE: Off-street parking and loading requirements are specified in Chapter 6 (Off-Street Parking and Loading / Unloading Regulations).

#### Footnote References

# 1. Subject to the requirements specified in Section B(a)(1) of this Chapter.

# 2. Subject also to the additional regulations for Manufactured Home Parks specified in Chapter 4, Section B (M-MHP – Manufactured Home Park Developments).

Section E:	PRD – PLANNED RESIDENTIAL DEVELOPMENT DISTRICT	MINIMUM ZONING LOT REQUIREMENTS								
		Lot Size (s.f.)	Frontage (ft.)	Front Yard Setback (ft.)	Side Yard (ft.)		Rear Yard (ft.)	Maximum Height		Footnotes
					Least Width	Sum of Both		(ft.)	Stories	
(a)	PRINCIPAL PERMITTED USES									
	(1) Agriculture and Related Uses	- -	--	--	--	--	--	--	--	#1
	(2) Public Parkland and Open Space	- -	--	--	--	--	--	--	--	--
(b)	CONDITIONALLY PERMITTED USES (Requires approval by the Zoning Commission and the Board of Trustees as specified in Chapter 4, Section C.)									
	(1) Single-family, two-family, and multi-family residences	--	--	--	--	--	--	--	--	#2
	(2) Nonresidential uses of a religious, cultural, educational, or recreational nature or character	--	--	--	--	--	--	--	--	#3
	(3) Commercial uses intended to serve adjoining residential structures	--	--	--	--	--	--	--	--	#4
	(4) Home Occupations	- -	--	--	--	--	--	--	--	#5
	(5) Child Day Care Centers and Child Day Care Homes - Type A.	--	--	--	--	--	--	--	--	#6

NOTE: Off-street parking requirements are specified in Chapter 6 (Off-Street Parking and Loading / Unloading Regulations).

#### Footnote References

- # 1. Subject to the requirements specified in Section B(a)(1) of this Chapter.
- # 2. Residential structures may include the following types: detached, semi-detached, attached, earth sheltered, modular, cluster or any reasonable variation on the same themes.
- # 3. Permitted nonresidential facilities shall be designed and intended to serve the residents of the Planned Residential Development District, except that such facilities may serve adjoining residents if they are located in such proximity to major thoroughfares as to permit access without burdening residential streets.
- # 4. No commercial use shall occupy more than ten (10) percent of the floor area of the developed portion of the District, and no commercial use shall be established prior to occupancy by a sufficient number of residents within the development to substantially support the commercial uses.
- # 5. Home occupations shall be subject to the additional requirements specified in Chapter 5, Section L (Home Occupations).
- # 6. Child Day Care Centers and Child Day Care Homes - Type A shall be subject to Chapter 5, Section E (Child Day Care Facilities).

MINIMUM ZONING LOT REQUIREMENTS									
Section F: C – COMMERCIAL DISTRICT	Lot Size (s.f.)	Frontage (ft.)	Front Yard Setback (ft.)	Side Yard (ft.)		Rear Yard (ft.)	Maximum Height		Footnotes
				Least Width	Sum of Both		(ft.)	Stories	
(a) PRINCIPAL PERMITTED USES									
(1) Agriculture and Related Uses	--	--	--	--	--	--	--	--	#1
(b) CONDITIONALLY PERMITTED USES (Requiring approval of the BZA)									
(1) Commercial and Office Establishments of all types developed in accordance with an approved site plan.	--	100	50	--	--	15	35	2	--
(2) Community Facilities such as libraries, offices, or educational facilities operated by a public agency or government.	--	100	50	--	--	15	35	2	--
(3) Commercial Establishments normally associated with and intended to serve the traveling public with motels, service stations, restaurants, or any other allied activities.	1 Acre	150	50	--	--	15	35	2	--

NOTE: Off-street parking and loading/unloading requirements are specified in Chapter 6 (Off-Street Parking and Loading / Unloading Regulations).

#### Footnote Reference

# 1. Subject to the requirements specified in Section B(a)(1) of this Chapter.

Section G: I - INDUSTRIAL DISTRICT	MINIMUM ZONING LOT REQUIREMENTS							Footnotes	
	Lot Size (s.f.)	Frontage (ft.)	Front Yard Setback (ft.)	Side Yard (ft.)		Rear Yard (ft.)	Maximum Height		
				Least Width	Sum of Both		(ft.)		Stories
(a) PRINCIPAL PERMITTED USES									
(1) Agriculture and Related Uses	--	--	--	--	--	--	--	#1	
(2) Light Industrial and Manufacturing Establishments <sup>16</sup>	1 Acre	150	50	25	50	30	35	#2, #3	
(3) Sexually-oriented Businesses	1 Acre	150	50	25	50	50	35	#4	
(4) Warehouses	1 Acre	150	50	25	50	30	35	#2, #3	
(5) Wholesale Establishments	½ Acre	100	50	25	50	30	35	#2, #3	
(b) CONDITIONALLY PERMITTED USES (Requiring approval of the BZA)									
(1) Heavy Industrial and Manufacturing Establishments <sup>17</sup>	1 Acre	150	50	25	50	30	35	#2, #3	
(2) Manufacturing Retail Outlets	--	--	--	--	--	--	--	#5	
(3) Resource and Mineral Extraction	--	--	--	--	--	--	--	#6	

NOTE: Off-street parking and loading requirements are specified in Chapter 6 (Off-Street Parking and Loading / Unloading Regulations).

#### Footnote References

- # 1. Subject to the requirements specified in Section B(a)(1) of this Chapter.
- # 2. All uses subject to Performance Standards specified in Chapter 5, Section O (Performance Standards).
- # 3. All industrial areas adjacent to residential areas shall provide a screening of shrubbery or artificial fencing so as to hide trash collection areas and service areas form the view of adjacent residential areas. All such shrubbery shall be properly trimmed and all screening shall be maintained in a neat and tidy manner.
- # 4. Subject to the requirements specified in Chapter 5, Section S (Sexually-oriented Businesses).
- # 5. Subject to the requirements specified in Chapter 5, Section M (Manufacturing Retail Outlets).
- # 6. Subject to the requirements specified in Chapter 5, Section R (Resource and Mineral Extraction).

<sup>16</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>17</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

## CHAPTER 4

### OVERLAY AND SPECIAL ZONING DISTRICT REGULATIONS

#### Section A: FP – Floodplain and Drainageway Overlay District

1. Applicability. Those areas of Jackson Township which lay within the One Hundred Year Floodplain, as defined by the United States Army Corps of Engineers, or which lay within areas designated as County drainageways by the County Engineer, shall be designated on the Official Zoning Map as Floodplain and Drainageway Overlay District(s). The provisions of the underlying base district shall apply in full except that the provisions of this Overlay District shall supersede conflicting provisions of the base district.
2. Principal Permitted Uses. The following open space uses shall be permitted within a Floodplain and Drainageway Overlay District to the extent that they are not prohibited by any other code or ordinance and provided that they do not require structures, fill, or storage of materials or equipment.
  - (a) Agriculture and related uses.
  - (b) Industrial or commercial accessory uses such as loading areas, parking areas, and rail sidings.
  - (c) Public, quasi-public and private recreational and open spaces, such as golf courses, driving ranges, tennis courts, archery ranges, picnic grounds, parks, wildlife and nature preserves, and walking trails.
  - (d) Residential uses such as lawns, gardens, parking areas and play areas.
3. Conditionally Permitted Uses. Any use listed as a principal permitted use or conditionally permitted use in the underlying zoning district shall be a conditionally permitted use in a Floodplain and Drainageway Overlay District.
4. Performance Standards. The following performance standards shall apply to all applicable principal permitted and conditional permitted uses in a Floodplain and Drainageway Overlay District.
  - (a) No land use, structure or activity within a Floodplain and Drainageway Overlay District shall adversely affect the capacity of any channel or floodway or any tributary to main stream or of any ditch or other drainage facility or system, and no use shall be permitted which is likely to cause pollution of waters unless adequate safeguards approved by the Ohio Environmental Protection Agency are provided.

Any action proposed which, upon completion, will cause the regulatory flood stage to increase by more than one (1) foot shall be deemed to pose an adverse impact upon hydraulic capacity.

- (b) New residential construction or substantial improvement shall have the lowest floor (basement included) elevated to or above the floodplain elevation. If placed on fill, such fill shall extend at such elevation at least fifteen (15) feet beyond the limits of any structure or building erected thereon.
- (c) New Commercial construction or substantial improvement have the lowest floor (basement included) elevated to or above the floodplain elevation. Accessory uses may be located on lower elevations.
- (d) Manufacturing, Industrial, Wholesale, and Warehouse buildings, structures, and appurtenant works shall be raised or flood-proofed to the floodplain elevation. Measures should be taken to minimize interference with normal plant operations, especially for streams having protracted flood durations. Certain accessory land uses such as yards, parking lots, and railroad tracks may be at lower elevations.
- (e) Nonconformities may be contained; any addition or modification, however, to an existing and legal nonconforming use shall be in conformance with the requirements of this Overlay District.
- (f) Any fill installed shall be protected against erosion by rip-rap, hardy vegetative cover, or bulkheading.
- (g) Whenever possible structures (if permitted) shall be constructed with the longest axis parallel to the direction of flood flow; and
- (h) The storage or processing of materials that in time of flooding are buoyant, flammable, poisonous, explosive, or could be injurious to human, animal, or plant life shall be prohibited. The storage of other types of material or equipment, not previously prohibited, may be allowed if it is not subject to damage by floods and is either firmly anchored to prevent flotation or easily removable from the designated area within the time available after an official flood warning has been issued.



**Section B: M-MHP – Manufactured Home Park Developments** <sup>18</sup>

Manufactured Home Parks are conditionally permitted in the R-MHP Manufactured Home Park District subject to the following conditions:

1. General Provisions

- (a) No one may apply for a Zoning Certificate for a Manufactured Home Park without first obtaining approval from the Ohio Environmental Agency.
- (b) Any existing mobile or manufactured home not located within a Manufactured Home Park is privileged to remain at its present location, but may not be moved to another location within the Township except by meeting the requirements stated herein.
- (c) An existing mobile home located on a lot in an established Manufactured Home Park District, once removed, shall not be relocated to any other lot in the Township. Such unit may be replaced with a manufactured home as defined herein.
- (d) Any mobile or manufactured home in a Manufactured Home Park must be permanently affixed to the ground. It shall be unlawful to occupy or sleep in any mobile or manufactured home unless it meets the requirements of this Section.
- (e) No existing Manufactured Home Park may be expanded without making application for a Zoning Certificate and meeting the requirements of this Section.

2. Requirements and Filing Procedure for Manufactured Home Parks. The owner/developer(s) shall file a Development Plan for the proposed Manufactured Home Park with the Board of Zoning Appeals. The Development Plan shall include the following information:

- (a) The proposed location, site size, total number of manufactured home sites to be developed, and the production schedule for the development.
- (b) Proposed location, size and use of the non-residential portions of the tract, including usable open space, parklands, playgrounds and other areas and spaces, including their suggested ownership.
- (c) Proposed provisions for water, sanitary sewer, surface drainage and fire protection facilities, including engineering feasibility studies or other pertinent information.
- (d) Proposed traffic circulation pattern, including location of public and private streets, walks, and other accessways showing their relationship to existing streets and topographic features.

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<sup>18</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

- (e) Names and addresses of the owners of all properties which are contiguous with any part of the boundary of the tract proposed for development approval or which lay directly across any public street or road from the tract proposed for development approval.
- (f) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development, and/or maintenance of the zoning tract.

### 3. Design Standards

- (a) The tract of land to be developed as a Manufactured Home Park shall contain a minimum of three (3) acres; said tract being served by public water and sanitary sewers.
- (b) Before a Manufactured Home Park may be occupied, it shall be a condition that at least thirty (30) percent of the manufactured home lots be completed and ready for occupancy, which completion shall include, but not be limited to, the installation of all roadways and drives, sidewalks, lighting, public utilities, service and management buildings serving the sites to be occupied. Before any site may be occupied, all facilities required for serving the site with emergency vehicles shall be completed.
- (c) Each manufactured home dwelling, including accessory buildings, garages and porches, shall not cover more than forty (40) percent of the area of the manufactured home space or lot on which it is placed.
- (d) Every manufactured home placed on a manufactured home space or lot shall front upon an interior drive within the Manufactured Home Park.

### 4. Streets, Sidewalks and Parking

- (a) Every Manufactured Home Park shall provide a main entrance drive not less than thirty-six (36) feet wide. All other drives shall be of a width and design necessary for the use required as determined by the Auglaize County Engineer except that no drive shall have a usable travel width less than twenty-four (24) feet.
- (b) All drives shall be protected at the edges by curbs, gutters, or other suitable edging as necessary to provide for the stabilization of the pavement, and adequate drainage.
- (c) All manufactured home spaces or lots shall abut a driveway.
- (d) Every Manufactured Home Park shall contain common walkways not less than three (3) feet wide where pedestrian traffic is concentrated, for the safety and convenience of the pedestrian. Driveways not including walks shall be graded in such manner that walks can be added later. Individual paved walks from each manufactured home stand to its paved parking shall also be provided.

- (e) Within the boundary of each manufactured home space or lot there shall be two (2) paved parking spaces not closer than three (3) feet to the manufactured home dwelling, nor closer than ten (10) feet from any manufactured home dwelling on an adjoining space or lot.

5. Utility Requirements

- (a) *Water.* Every Manufactured Home Park shall be served by public water.
- (b) *Fire Protection.* For fire protection purposes, there shall be domestic water under adequate pressure in standard fire hydrants approved by the Auglaize County Engineer, which hydrants shall be located within five hundred (500) feet of every manufactured home space or lot within the Manufactured Home Park.
- (c) *Sanitary Sewers.* Every Manufactured Home Park shall be connected to a public off-site sanitary sewage disposal system.
- (d) *Storm Drainage.* Adequate storm drainage for each manufactured home lot shall be provided.
- (e) *Heating Fuel Supply.* Fuel systems shall be installed and maintained in accordance with applicable state and local codes and regulations. All fuel storage containers, barrels, tanks or cylinders and piping to the manufactured homes shall be securely fastened in place and protected against physical damage.
- (f) *Natural Gas System.* When natural gas piping systems are used, they shall be installed underground in accordance with applicable codes and regulations and public utility standards. Each manufactured home lot provided with piped natural gas shall have an approved manual shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved method to prevent accidental discharge of gas when the outlet is not in use.

6. Manufactured Home Stand and Skirts. Each manufactured home dwelling shall be placed on and have its four corners supported by and anchored to a concrete foundation designed to carry the load placed thereon. Rigid skirts designed to screen and seal the space between the manufactured home and its concrete foundation shall be installed within sixty (60) days from the time that the manufactured home is placed on the space or lot.

7. Communal Facilities. In all Manufactured Home Parks, the following facilities shall be provided and available to residents:

- (a) Management and maintenance offices including storage facilities for grounds-keeping equipment.

- (b) Laundry and drying facilities in a permanent structure which shall be in a convenient, accessible location; and which shall also provide laundry trays and sinks.
- (c) Safe, usable, conveniently located recreation area or areas shall be located in each Manufactured Home Park, and shall comprise an area equal to one fifteen-thousandth (.015) of an acre for each manufactured home proposed to be located within such development.

8. Peripheral Buffer

- (a) All Manufactured Home Park tracts which are adjacent to a Residential Zoning District shall provide a twenty (20) foot wide planting strip which extends along all outside boundaries contiguous to the residential Zoning District. The strips shall be planted, prior to occupancy, with trees and shrubs that will provide a dense screen at all times, and shall be maintained in good condition by the owner.

9. Conditions of Approval

- (a) The basis for the approval of a manufactured Home Park Development application shall be:
  - (1) That the proposed development is consistent in all respects with the purpose, intent, and applicable standards of these Regulations.
  - (2) That the proposed development is in conformity with existing county and township development plans.
  - (3) That the proposed development advances the general welfare of the Township and the immediate vicinity.
  - (4) That the design character and improved site arrangement justify the location and size proposed in the development.
  - (5) That the utilities to serve the proposed development have been approved by the Auglaize County Engineer and the Auglaize County Health Department.
  - (6) That a performance bond is posted with the Township before the project is begun.
- (b) The approval shall be for a period of one (1) year to allow construction to be substantially started in accordance with the Manufactured Home Park Development Plan, with evidence that construction will be completed within a reasonable length of time. Unless construction, as described, is initiated within the one (1) year time limit the approval shall be voided and all the land shall revert to the last previous zoning district, except when an application for a time extension has been submitted and approved by the Board of Zoning Appeals.

- (c) The Board of Zoning Appeals may impose any additional development standards and/or controls deemed necessary to ensure development in conformance with the intent and requirements of this Section.
- (d) The Board of Zoning Appeals, upon making an affirmative finding with regard to the above criteria, may authorize the Zoning Inspector to issue a Zoning Certificate to the owner/developer(s). The Zoning Inspector must subsequently determine that all the required improvements have been installed prior to permitting the Manufactured Home Park to be occupied.

### **Section C: PRD – Planned Residential Developments**

Planned Residential Developments are permitted in PRD Districts in accordance with the procedures and specifications listed in Chapter 3, and in this Section, as follows:

1. Applicability. The provisions of this Chapter of the Zoning Resolution shall apply to all lands of the Township which are to be developed at a greater density of use than permitted by the provisions of Chapter 3 of this Resolution.
2. Procedure. In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lands to this District shall follow the procedures set forth below:
  - (a) Application. The owner or owners of lots within the Township may request that the Zoning Map be amended to include such tracts in the Planned Residential Development District in accordance with the provisions of this Resolution.
    - (1) The applicant is encouraged to engage in informal consultations with the Township Zoning Commission and the Auglaize County Planning Commission prior to formal submission of a development plan and request for an amendment to the zoning map; it being understood that no statement by Officials of the Township or County shall be binding upon either.
    - (2) Application to amend the Zoning Map pursuant to a request to develop within a Planned Residential Development District shall occur in accordance with the procedures set forth in Chapter 8 (Administration and Enforcement).
  - (b) Development Plan. A sufficient number of copies of the Development Plan shall be submitted to the Township Zoning Commission with the application, which plan shall include in the text and map form:
    - (1) The proposed size and location of the Planned Residential Development.
    - (2) The general development character of the tract including property boundaries, the limitations or controls to be placed on residential and related uses,

probable lot sizes, density levels, and other development features including landscaping.

- (3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
  - (4) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
  - (5) The proposed pedestrian and vehicular traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
  - (6) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
  - (7) The location of school, park, and other community facility sites, if any.
  - (8) The proposed time schedule for development and probable uses of surrounding areas.
  - (9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than two acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give Township Officials definitive guidelines for approval of future phases.
  - (10) The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan.
  - (11) Specific statements of divergence from the development standards in Chapter 3 (General Zoning District Regulations) and Chapter 5 (Supplementary Regulations) and justification thereof.
  - (12) Evidence of the applicant's ability to post a bond if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.
- (c) Criteria for Approval. In approving an application for a Planned Residential Development the reviewing authorities shall determine:
- (1) That proposed development is consistent in all respects with the purpose, intent and applicable standards of this Zoning Regulation.
  - (2) That the proposed development is in conformity with existing comprehensive and/or land use and development plans, or portions thereof as they may apply.

- (3) That the proposed development advances the general welfare of the Township and the immediate vicinity.
  - (4) That each individual section of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained ability desirability and stability or that adequate assurance will be provided that such objective will be attained.
  - (5) That 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 zoning districts in these Regulations.
  - (6) That the internal streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic.
  - (7) That the property is easily accessible to publicly controlled and maintained community recreational facilities or that such facilities have been provided for within the development.
  - (8) That any part of the development not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved.
- (d) Effect of Approval. The Development Plan as approved by the Township Trustees shall constitute an amendment to the Zoning Resolution as it applies to the lands included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Auglaize County, Ohio. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved Development Plan. Unless the required plats are properly recorded and work on said development commenced within three (3) years, the approval shall be voided and the land shall automatically revert to the former underlying zoning district unless an application for a time extension is submitted and approved.
- (e) Extension of Time or Modification. An extension of the time limit as a modification of the approved Development Plan may be approved by the Township Trustees. Such approval shall be given only upon a finding of the purpose and necessity for such change or extension and evidence of reasonable effort toward the accomplishment of the original Development Plan, and that such extension or modification is not in conflict with the general health, welfare and safety of the public or development standards of the district. No extension of time shall be granted except on application filed with the Township Zoning Inspector not later than ninety (90) days before the expiration of the three (3) year period prescribed above.

- (f) **Plat Required.** In the Planned Residential Development District (PRD), no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with Subdivision Regulations for Auglaize County, Ohio, and these Regulations. The subdivision plat shall be in accord with the approved development plan and shall include:
- (1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public rights-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
  - (2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for nonresidential uses.
  - (3) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recordation of the plat, the owner of the project shall post a performance bond in favor of the Township Trustees and the Auglaize County Engineer in a satisfactory amount assuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no event, however, shall any Zoning Certificate be issued for any building until such time as the facilities for the phase in which the building is located are completed.
3. **Development Standards.** In addition to any other provisions of this Resolution the following standards for arrangement and development of lands and buildings are required in the Planned Residential Development District.
- (a) **Intensity of Use.** The maximum residential density shall be six (6) dwelling units per gross acre of area within the area to be developed. Densities up to this maximum may be allowed upon the recommendation of the Jackson Township Zoning Commission and approval by the Jackson Township Trustees if it is determined that any of the following conditions exist:
- (1) If the property is directly adjacent and easily accessible to major thoroughfares.
  - (2) If the development contains a minimum of one fifteen thousandth (.015) of an acre per dwelling unit provided as designated common open space. This common open space shall not consist of isolated or fragmented pieces of land which would serve no useful purpose. Included in this common open space may be such uses as pedestrian walkways, parkland, open areas, drainageways, swimming pools, clubhouses, tennis courts, and other lands



of essentially open character, exclusive of off-street parking areas and minimum required yard space. Ownership of this common open space either shall be transferred to a legally established Homeowner's Association or be dedicated to Jackson Township, and proper legal documents necessary for such transfer or dedication shall be prepared by the owner/developer(s) of the tract of land, and approved by the Board of Township Trustees.

- (3) If the property is developed in a high quality of building design and site design.
- (4) If the property is developed to include major community services such as churches and schools.
- (5) For purposes of development within the Planned Residential Development District the maximum density for development shall be as follows:

<u>Type Dwelling</u>	<u>Maximum Units on Any Single Acre</u>
Single-family Detached	6
Two-family and Townhouses	12
Two story Apartments	18

- (b) Arrangement of Structures. The physical relationships of dwelling units and their minimum yard space shall be determined in accordance with the following:

- (1) Set Back. Single-family dwellings shall have a set back from the right-of-way as approved in the plan of development or the existing streets and roads. All other structures within the Planned Residential Development District shall have a set back from the right-of-way equal to the right-of-way of roads within the development or the right-of-way of existing roads.
- (2) Side Yards <sup>19</sup>
  - (i) A single-family dwelling shall have a side yard of not less than fifteen (15) feet on each side of the structure.
  - (ii) For all other structures within the Planned Residential Development District the side yard shall be not less than one-sixth (1/6) of the sum of the height of the structure and length of the wall most nearly parallel to the side lot line but in no case shall said structure be closer than fifteen (15) feet to the lot line within the development or twenty-five (25) feet to

<sup>19</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

an adjoining structure. In no case shall any building be located closer than fifteen (15) feet to the outside perimeter line of the planned area.

- (iii) The requirements for side yards shall apply to the principal structures but shall not be interpreted as prohibiting designs of single-family structures normally referred to as common wall, cluster, patio or other variations on the same theme.
- (3) Rear Yards. A rear yard of not less than twenty-five (25) feet shall be maintained on all parcels within this district.
- (4) Building Height Limits. No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, grain handling conveyors, church spires, domes, flag poles, microwave antennae, elevator shafts, and windmills are exempted from any height regulation and may be erected to any safe height.
- (c) Landscaping. All yards, front, side and rear, shall be landscaped and all organized open spaces or nonresidential uses areas shall be landscaped. Such landscape plans shall be submitted with the subdivision plat and shall be subject to approval in the same manner required of the subdivision plat.
- (d) Site Development. To the maximum extent possible, all natural drainage courses, vegetation and contours in excess of six (6) percent shall be maintained in their natural condition.
- (e) Parking. Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in Chapter 6 (Off-Street Parking and Loading / Unloading Regulations).
- (f) The Township Zoning Commission and/or the Board of Township Trustees may impose special additional conditions relating the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement and maintenance of common open space; and any other pertinent development characteristics.

## CHAPTER 5

### SUPPLEMENTARY REGULATIONS

#### Section A: Accessory Buildings

1. An accessory building may be erected as an integral part of a principal building and shall be so placed as to meet yard requirements for a principal building of the same height and other dimensions as said principal building.<sup>20</sup>
2. An accessory building may be erected detached from the principal building, or it may be connected thereto by a breezeway or other similar structure.
  - (a) A detached accessory building may be located on the side of a dwelling, but not within the required side yard setback.
  - (b) No detached accessory building shall be erected in any required yard except a rear yard. Such building shall be located a minimum of ten (10) feet from lot lines in an "R" District.
  - (c) No detached accessory building shall occupy more than twenty-five (25) percent of the area of the required rear yard. For computing the percentage of occupancy of a rear yard, if a detached accessory building is connected to the principal building by a breezeway, the ground area of such a breezeway shall be considered as a part of the accessory building and be included in the computation.
  - (d) Any accessory building will be subject to all regulations in Chapter 3 with the exception of a "private garage."<sup>21</sup>

#### Section B: Animal Husbandry<sup>22</sup>

No animals, except household pets, shall be kept on any parcel of less than five (5) acres unless the building housing said animals is at least fifty (50) feet from any lot line. This subsection shall apply only to those parcels where the total land holdings of the using party is less than five (5) acres and shall not be construed to apply to individual pens, pastures or fields of less than five (5) acres if part of a larger tract of land devoted to agricultural uses.

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<sup>20</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>21</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>22</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

**Section C: Antenna Standards** <sup>23</sup>

1. Amateur Radio Operator Antennas. Antennas used by amateur radio operators holding a valid amateur radio (HAM) license issued by the Federal Communications Commission shall meet the requirements for antennas for television broadcast signals, below, unless the Zoning Inspector determines the requirements of this Resolution:
  - (a) Unreasonably delays or prevents installation, maintenance or use;
  - (b) Unreasonably increases the cost of installation, maintenance or use; or
  - (c) Precludes reception of an acceptable quality signal.
2. Satellite Dish Antenna. In accordance with Telecommunications Act of 1996, satellite dish antennas one meter (39.37 inches) or less in diameter in *residential* districts or two meters (78.74 inches) or less in commercial and industrial districts shall be exempt from the provisions of this Resolution. When satellite dish antennas exceed the above dimensions and where reception is possible, it shall meet the following requirements:
  - (a) Front Setback. The dish antenna shall not be located forward of the principle building in any front yard on a lot.
  - (b) Side and Rear Yard Setback. A dish antenna shall be setback a minimum of ten (10) feet from side and rear property lines.
  - (c) Separation from Principle Building. A satellite dish antenna shall be located at least ten (10) feet from the principle building.
  - (d) Height. Where a dish antennae is proposed to be independently supported, it shall not exceed fifteen (15) feet above surrounding grade in height. Where a dish antenna is proposed to be mounted on the roof of a building, it shall not extend more than five (5) feet above the highest point of the roof of the building which it serves.
3. Television Broadcast Signal (TVBS) Antennas. The following safety requirements shall be followed in the installation of a TVBS antenna:
  - (a) An antenna for a telecommunication tower must be attached to the principal building on a lot.
  - (b) The antenna shall have a setback requirement of half the height of the antenna, or where this is not possible, half the smallest dimension of the lot at the placement point.

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<sup>23</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

- (c) The maximum height of the antenna shall not exceed fifteen (15) feet above the existing structure or the highest point of attachment to the existing structure, whichever is lower.

#### **Section D: Cemeteries**

1. Zoning Districts Where Conditionally Permitted:
  - (a) A - Agricultural District
  - (b) R - Single Family Residential District
2. Minimum Site Size: Three (3) acres.
3. Access to a major thoroughfare shall be required.

#### **Section E: Child Day Care Facilities** <sup>24</sup>

Child Day Care may occur in three types of facilities: Child Day Care Homes - Type B; Child Day Care Homes - Type A; and Child Day Care Centers.

1. Child Day Care Homes - Type B
  - (a) *Districts Where Allowed.* Child Day Care Homes - Type B shall be an accessory use of property to a residential use and shall be permitted by right in any district which permits residential uses. An application for such home in any district where residential uses are not permitted shall be a conditional use subject to review of the Board of Zoning Appeals.
  - (b) *Regulation as a Home Occupation.* Such homes shall meet the requirements of Chapter 5, Section L (Home Occupations), except the child day care area shall not be limited to twenty-five (25) percent of the home.
  - (c) *Standards for Operation.* A provider of a Child Day Home - Type B, whether certified or not certified, shall abide by ORC 5104 and all rules adopted by the Director of Job and Family Services pertaining to the operation of the child day care home.
2. Child Day Care Homes - Type A and Child Day Care Centers
  - (a) *Districts Where Allowed.* All such facilities shall be a conditional use in the PRD and Commercial District subject to review of the Board of Zoning Appeals.

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<sup>24</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

- (b) *Certification and License Required.* All such facilities shall be certified and licensed pursuant to ORC 5104 and shall meet all rules adopted by the Director of Job and Family Services pertaining to the size and operation of the child day care facility.
- (c) *Minimum Lot Size.* One-half (½) acre up to ten (10) children plus an additional two hundred (200) square feet for each additional child for which the facility is licensed.
- (d) *Fencing and Screening.* Outdoor play areas shall be screened by walls, fences, or shrubbery at least six (6) feet but not more than twelve (12) feet in height. These walls, fences or shrubbery shall be of a design so as to effectively reduce the potential noise impact of such areas on adjacent property owners. All shrubbery shall be properly trimmed and all screening shall be maintained in a neat manner.
- (e) *Access.* Driveways shall be designed for the safe and convenient loading and unloading of persons and be located so that vehicles can safely enter and leave the facility traveling in a forward motion from or into a public right-of-way with no need to park, stand, or maneuver back and forth upon the public right-of-way.
- (f) *Off-street Parking and Loading Facilities.* Parking space requirements shall meet standards established in Chapter 6 Section C (Specific Parking Space Requirements).
- (g) A development plan of the site shall be submitted at the time of application for a conditional use permit.

#### **Section F: Churches and Similar Places of Worship**

1. Zoning Districts Where Conditionally Permitted:
  - (a) A -Agricultural District
  - (b) R -Single Family Residential District
2. All structures, including accessory buildings, shall be set back a minimum distance of at least fifty (50) feet from the front lot line.
3. Access to a major thoroughfare shall be provided by at least two (2) entrance / exits.
4. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent major thoroughfare.

**Section G: Commercial Developments**

1. The applicant shall prepare and submit to the Board of Zoning Appeals a Site Development Plan which shall include the following information:
  - (a) The proposed size and location of the proposed Commercial Development.
  - (b) The general development character of the tract including property boundaries, the limitations or controls to be placed on commercial and related uses, probable lot size, and other development features including landscaping.
  - (c) Architectural design criteria for structures and criteria for proposed signs with proposed control procedures.
  - (d) The proposed provisions, if not presently existing, for water, fire hydrants, sanitary sewer, and surface drainage.
  - (e) The proposed circulation pattern within the development, including access into and from the site and parking circulation and layout.
  - (f) The relationship of the proposed development to existing and probable uses of surrounding areas.
  - (g) The proposed time schedule for development.
  - (h) The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan.
2. In approving an application, the Board of Zoning Appeals shall determine:
  - (a) That the proposed development is consistent in all respects with the purpose, intent and applicable standards of this Zoning Resolution.
  - (b) The uses proposed will not be detrimental to present and potential surrounding uses.
  - (c) That the circulation pattern proposed is suitable and adequate to carry anticipated traffic, and that sufficient parking shall be provided.
  - (d) That any part of the development not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved.
  - (e) A use allowed in this district shall entirely enclose its operation within a structure or behind screening. Open storage, service areas and loading docks shall be screened by walls, fences, or shrubbery at least six (6) feet but not more than twelve (12) feet in height. These walls, fences or shrubbery shall be of a design so as to effectively screen such storage, production or service areas and loading

facilities from adjoining streets or other zoning districts. All shrubbery shall be properly trimmed and all screening shall be maintained in a neat manner.

- (f) *Lighting*. No area lighting or lighting of building or storage areas shall be permitted which causes unreasonable illumination of adjacent properties.
- (g) *Freight Loading Areas*. No on-street loading or unloading shall be permitted within a Commercial District. All off-street loading and unloading shall be provided for and developed according to the standards set forth in Chapter 6 (Off-Street Parking and Loading/Unloading Regulations) of this Resolution.

#### **Section H: Conversion of a Residential Building to a Commercial Use**

1. The conversion of any residential building to a commercial use shall be conditionally permitted only within the zoning district(s) in which the new use is permitted.
2. Such conversion shall be permitted only after complying with all applicable provisions of these Regulations and only when the resulting occupancy will comply with the requirements governing new commercial construction in such district with respect to minimum lot area, dimensions of required yards, and the provision of off-street parking areas.
3. Each conversion shall be subject also to such further requirements as specified by the Board of Zoning Appeals.
4. All commercial uses shall also comply with any and all applicable provisions of any building, fire, safety, or other codes in effect.

#### **Section I: Earth Sheltered Dwellings**

1. The applicant shall prepare and submit to the Board of Zoning Appeals a Site Development Plan which shall include the following information:
  - (a) The proposed front, side, and rear yard setbacks.
  - (b) The topography of the site before and after development.
  - (c) A plan for landscaping the site after development has been completed, including the location of any off-street parking.
  - (d) Drawings of front, side, or rear elevations and/or ways; or any other structural/architectural feature proposed to be constructed above grade.



2. In approving an application for a Conditional Use Permit for an Earth Sheltered Dwelling, the Board of Zoning Appeals shall determine:
  - (a) That optimum siting, landscaping, and adequate yards and setbacks, have been provided for;
  - (b) That sufficient natural light and adequate ventilation have been provided for;
  - (c) That sufficient exits exist to allow escape in case of fire;
  - (d) That no fire, explosion, or other health or safety hazard will exist by virtue of proximity of the dwelling to underground utilities or storage tanks.

#### **Section J: Mounding, Fencing, Hedges, and Walls** <sup>25</sup>

1. Earthen Mounding. Landscaped earthen mounding is preferable to walls or fencing as a physical barrier to buffer or screen views and noise. Differing elevations between areas requiring screening or buffering shall not constitute an earth mound. Earth mounds shall be constructed of earthen materials and shall conform to the following standards:
  - (a) A landscaped earth berm shall be mounded at a slope of three to one (3:1) horizontal to vertical.
  - (b) The maximum height of earthen mounding shall not exceed eight (8) feet above grade.
  - (c) Berms and earth mounds shall be designed with physical variations in height and alignment in length.
  - (d) Adequate ground cover shall be used and maintained to prevent erosion of the earth mound. Landscaped plant materials shall be arranged in irregular patterns to accentuate the physical variations in height and alignment and to achieve a more natural appearance;
  - (e) Berms and earth mounds shall be located and designed to minimize the disturbance to existing trees located on the site or adjacent thereto;
  - (f) No part of any berm or earthen mound which is elevated more than eighteen (18) inches above the natural grade shall be located within ten (10) feet of any street line or property line.
  - (g) No berms or earthen mounds shall be constructed to disrupt natural drainage of surface water from adjoining property.

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<sup>25</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

## 2. Fences, Hedges and Walls

### (a) *General Requirements*

- (1) Fences, hedges, and walls shall be permitted in any required yard, or along the edge of any yard. All hedges and walls shall be set back a minimum of five (5) feet from all lot lines.
- (2) The height of a fence, hedge, or wall shall be measured from the established grade line to the highest point of the fence including posts and finials. The height of a fence in a side or rear yard may not be artificially increased by the use of mounding unless otherwise required by this Section or specifically approved by the Zoning Inspector. Except as otherwise specifically permitted herein, the height of a fence, hedge, or wall shall not exceed:
  - (i) Front Yard. Four (4) feet above the established grade in any required yard abutting a street. Brick or stone walls shall not exceed three (3) feet in height.
  - (ii) Side Yard. Six (6) feet above the established grade in the required side yard adjacent to the principal structure. Brick or stone walls shall not exceed four (4) feet in height.
  - (iii) Rear Yard. Eight (8) feet in height in the required rear yard projected forward to a line parallel to the rear side of the principal structure. Brick or stone walls shall not exceed six (6) feet in height.
- (3) Construction of a new fence parallel and within five (5) feet of an existing fence on the same premises shall first require removal of the parallel portion of the existing fence and any posts that will not be used to support the new fence. This provision does not apply to any other fence required by this Zoning Code (e.g., required swimming pool fence).
- (4) A fence, hedge, or wall shall not be located so as to adversely affect the vision of drivers in the public right-of-way or from driveways intersecting the public right-of-way.
- (5) Supporting members for fences and walls shall be located so as not to be visible from the adjoining property unless the fence is designed such that the supporting members are identical in appearance on both sides of the fence or wall. Two property owners jointly installing a fence along their common property line may choose to place the posts and other supporting portions of the fence on either side of the fence.
- (6) All portions of the property shall remain accessible from outside the fence area by means of a gate or other opening.

(7) Every fence shall be kept in a good state of maintenance and repair.

(b) *Specific Wall and Fencing Requirements*

(1) Prohibited Fencing. The following fences shall be prohibited:

- (i) Chicken wire fences;
- (ii) Fences constructed of pallets;
- (iii) Electrified, barbed wire, razor wire and other fences with spikes, sharp points, or which could otherwise cause harm to children are hereby prohibited in all zoning districts. This prohibition shall not be construed to prohibit electrified or barbed-wire when used in conjunction with a purely agricultural use as defined by the Ohio Revised Code or as barbed-wire is specified below for security or industrial fences.

(2) Brick or Stone Walls. Brick or stone walls are permitted in all yards. Wall constructed of masonry block shall not be permitted. All walls shall require intermittent vegetative landscaping which within two years shall provide a fifty (50) percent visual obstruction of the wall as viewed from adjacent property on a year-round basis.

(3) Chain Link Fences. Chain link fences shall be permitted in all yards in all zoning districts. All such fences shall be: constructed of heavy gauge metal; include a top rail for support; and all wire ends along the top edge of the fence shall be bent back upon itself to eliminate potential spikes or sharp points.

(4) Security or Industrial Fences. Security or industrial fences shall only be permitted in agricultural or industrial zoning districts. Such fences may not be placed forward of the primary structure and are restricted to side and rear yards. Such fences may be erected parallel to and on, or approximately on, the common property line to a height not exceeding eight (8) feet above the established grade. Security or industrial fences may be topped with not more than three (3) strands of barbed wire stretched taut between fence posts within a one (1) foot area above the top of the fence.

(5) Solid Fences. Solid fences of an approved type shall be permitted in all zoning districts only in side or rear yards or to enclose a deck, patio, or pool. Solid fences shall not be used to enclose the entire perimeter of the property. Permitted solid fences are board on board or alternating board on board fences, solid picket fences, or stockade or palisade fences.

(6) Vinyl Fences. A vinyl clad, plastic or PVC (poly vinyl chloride) fence is recommended to meet the following standards:

- (i) The fencing shall meet the ASTM F964-94 standard for manufacturers of vinyl fencing;
- (ii) The fencing shall carry a non-prorated warranty by the manufacturer for a minimum period of fifteen (15) years against surface cracking, peeling, chipping or rot;
- (iii) The fencing shall be protected from ultra violet light with a sunblock equivalent to #38 to prevent the vinyl from yellowing, becoming brittle, and breaking down over time;
- (iv) The vinyl shall contain acrylic impact modifying compounds that keep the fencing strong and flexible even in very cold weather and less likely to sustain a dent, crack or even break upon normal impact. Vinyl fences shall be designed to withstand normal wind load.
- (v) Planks, pickets and rails shall be easily replaced if damaged.

**Section K: Group Homes** <sup>26</sup>

It is the purpose of this regulation to provide for the location, operation, and maintenance of group homes, as defined herein, for the assimilation of these homes in stable and suitable neighborhoods and to ensure that the living environments of their residents are conducive to their rehabilitation and care. Group homes shall comply with the following criteria:

1. Permitted Group Homes. The following group homes may be established as single-family dwellings in any district which allows residential uses within the Township:
  - (a) Group Adult Care Facilities for three (3) to five (5) unrelated adults pursuant to ORC 3722.03;
  - (b) Group Foster Homes, as defined herein, pursuant to ORC 5103;
  - (c) Group MR/DD Residential Facilities for one (1) to eight (8) persons pursuant to ORC 5123.19(N).
2. Conditional Group Homes. The following group homes may be established as multi-family dwellings in any district which permits multi-family residential uses within the Township subject to conditional use review by the Board of Zoning Appeals:
  - (a) Group Adult Care Facility for six (6) to sixteen (16) unrelated adults pursuant to ORC 3722.03;
  - (b) Group MR/DD Residential Facility for nine (9) to sixteen (16) persons pursuant to ORC 5123.19(O).

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<sup>26</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

3. Licensing. No group home shall be established, operated or maintained on any premises unless authorized by the issuance of a zoning certificate in accordance with the provisions of the Zoning Resolution. In addition, a group home shall not be permitted to be constructed or operated until the agency, or institution operating such a home meets the certification, licensing, or approval requirements of the appropriate State or County and local certifying agencies.
4. Building, Fire, Health and Safety Standards. A group home shall meet all building, fire, health and safety standards as set by State and local laws and regulations applicable to such a facility.
5. Separation. In order to limit the excessive concentration and to reduce any negative impact on neighborhoods within the Township, no group home shall be permitted within eight hundred (800) feet of the boundary lines of the property on which another group home in the Township is located.
6. Residential Character. All group home structures in residential districts shall maintain a residential character and remain unaltered from its residential character. The design of a proposed new structure and any proposed remodeling of existing structures shall be feasible for permitted uses in the district in the event that the group home is discontinued, and shall not be detrimental to the area because of substantial differences in exterior design or site development.
7. Off-Street Parking. Group homes shall comply with the parking requirements for a single-family or multi-family dwelling as provided for in Chapter 6, Section C (Specific Off-Street Parking Space Requirements) and shall ensure that adequate additional off-street parking is provided for hired or volunteer staff.
8. Signage. No signs shall be erected by single-family group homes for the purposes of identification except a name and address sign pursuant to Chapter 7, Section E (Permitted Signs For Which No Certificate Is Required). Multi-family group homes shall comply with the applicable requirements for multi-family dwellings in Chapter 7 (Sign Regulations).
9. Screening from Adjacent Land Uses. All multi-family group homes shall be screened from adjacent single-family dwellings with walls, fencing, or vegetative landscaping that provides seventy-five (75) percent opacity throughout the year. The height of such walls or fencing shall be compatible with adjoining land uses and the residential character of the neighborhood.
10. Accessibility. Group homes shall be reasonably accessible, by virtue of their location or transportation provided by the licensee, to medical, recreational, retail services, and to employment opportunities required by its residents, if applicable.

**Section L: Home Occupations**

Customary home occupations shall be permitted within any residential district. Customary home occupations shall consist of gainful activity occurring within a home, either full or part-time, for the benefit of the residents of the dwelling. Permitted home occupations shall observe the following performance requirements:

1. No person other than members of the family residing on the premises shall be engaged in such occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
3. There shall be no change in the outside appearance of the building other than a non-illuminated sign, two (2) square feet or smaller, and flush-mounted against the building.
4. All parking demand created by the conduct of the home occupation shall be met off the street, and other than in a front yard.
5. No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.
6. The surrounding area neighborhood shall not be adversely affected.

**Section M: Manufacturing Retail Outlets**

1. Zoning Districts Where Conditionally Permitted: I - Industrial District
2. Outlets must be clearly an accessory use to the principal permitted manufacturing use and shall not occupy greater than twenty-five (25) percent of the total floor area of the manufacturing establishments.
3. Required access to a major thoroughfare shall be required.

**Section N: Manufactured Homes as Emergency Housing**<sup>27</sup>

1. The Zoning Inspector may, in times of emergency, permit the placement of not more than one (1) manufactured home on a lot for use as temporary housing by any family or resident whose dwelling has been rendered uninhabitable by flooding, fire, wind, or other catastrophe. Such manufactured home may remain on the lot for a period not to exceed eighteen (18) months and may be occupied only as long as reconstruction of the original dwelling or construction of a new, permanent dwelling is underway.
2. Each manufactured home shall be anchored to the ground by means of a minimum of four (4), thirty (30) inch heavy duty steel auger anchors, aircraft strength cable tie-downs, and cable clamps able to sustain winds of at least one hundred (100) mph.
3. Each manufactured home shall be skirted entirely enclosing the bottom section within sixty (60) days after it is placed on the site.

**Section O: Performance Standards to Regulate Potential Hazards and Nuisances**<sup>28 29</sup>

1. Prohibited Uses. The following uses shall be deemed to constitute a nuisance and shall not be permitted within all zoning districts:
  - (a) *Junk*. The accumulation or storage of junk or junk motor vehicles shall be prohibited, except in an approved junk yard.
  - (b) *Dumping*. No dumping, storing, burying, reducing, disposing of, or burning garbage, refuse, scrap metal, rubbish, offal, or poisons or toxic materials or industrial waste, except such as result from the incidental normal and proper agricultural or residential use of the premises.
  - (c) *Hospitals*. No hospitals and sanitariums for drug or liquor addicts, insane, or mental cases.
  - (d) *Acid Manufacture*. No acid manufacture.
  - (e) *Acetylene Gas Manufacture*. No acetylene gas manufacture or industrial storage of acetylene in excess of fifteen (15) pounds pressure per square inch.
  - (f) *Turpentine*. No turpentine, varnish, or paint manufacturing or refining.
  - (g) *Objectionable, Noxious, or Dangerous Uses, Practices, or Conditions*. No land or building in any district shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which may otherwise adversely affect surrounding

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<sup>27</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>28</sup> Amended by Resolution No. 120504 (Effective January 4, 1996)

<sup>29</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

areas or adjoining premises, except that any use permitted by this resolution may be undertaken or maintained if acceptable measures and safeguards to reduce any dangerous or objectionable conditions to acceptable limits as established in this section are properly exercised.

2. Minimum Standards. The occupation or use of any land or building in all districts shall be in violation if one or more of the following conditions is found to exist at any time:
  - (a) *Fire and Explosion Hazards.* All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, in accordance with state law.
  - (b) *Radioactivity, Air, and Water Pollution.* No emissions of radioactivity, air, and water pollution or hazardous waste shall exist, in violation of applicable state law.
  - (c) *Glare, Heat and Exterior Light.* Any operation producing intense light or heat, such as high temperature processes like combustion, welding, or otherwise, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted. No exterior lighting shall be positioned so as to extend light or glare onto adjacent properties or rights-of-way.
  - (d) *Dust and Erosion.* Dust and silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
  - (e) *Liquid or Solid Wastes.* No discharge at any point into any public sewer, private sewage disposal system, stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted.
  - (f) *Vibrations and Noise.* No use shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernable without instruments at or beyond the property line of the subject premises. Noise which creates a nuisance shall be prohibited, except such as the result from incidental normal and proper agricultural or residential use of the premises.
  - (g) *Odors.* No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located, except such as the result from incidental normal and proper agricultural or residential use of the premises.



**Section P: Pond Standards** <sup>30</sup>

1. Permits Required. Construction or installation of a pond or alteration to a pond shall require conditional use approval by the Board of Zoning Appeals.
  - (a) All proposed pond construction shall meet the regulations of the Auglaize County Soil and Water District, as amended herein.
  - (b) Any pond designed or used as a source of potable drinking water shall be approved by the County Health Department.
2. Minimum Lot Size. A lot proposed for a pond shall contain a minimum of two (2) acres of land.
3. Minimum Pond Surface Area. A pond shall contain a minimum of one-half (½) acre of water surface area. The BZA may allow a water surface area reduction to no less than one-third (1/3) acre.
4. Setback. A setback for a pond shall be measured from the point where the grade approaching the pond changes either higher or lower than the original elevation for the pond before construction began. If no grade change occurs, then the pond setback is determined at the edge of the pond when filled to the high water mark. Ponds are to be setback the greater of the following:
  - (a) *From a Property Line.* The minimum required yard setback for the district in which it is located;
  - (b) *From a Public Improvement.* Fifty (50) feet from any public road right-of-way or public drainage ditch; however:
    - (1) Ponds that are landscaped with earthen mounds and flowering trees and bushes to the extent pond visibility is at least fifty (50) percent screened at all times from the public right-of-way may be setback from the public right-of-way no less than twenty-five (25) feet;
    - (2) Where embankments are utilized to maintain the high water mark of a pond above the natural grade, the toe of the slope for said embankment is to be located no less than sixty (60) feet from any public road right-of-way or public drainage ditch;
    - (3) The public road right-of-way is to be determined as the greater of the existing right-of-way line or a right-of-way line proposed for future roadway widening in Township, County, or State Transportation Plans;

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<sup>30</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

- (c) *From a Structure Foundation.* Ten (10) feet from any structure foundation on a lot; however, where embankments are utilized to maintain the high water mark of a pond above the natural grade, the toe of the slope for said embankment is to be located at least twenty-five (25) feet from any building foundation on any lot.
  - (d) One hundred (100) feet from a septic tank or a leach field.
5. Maintenance. Upon completion, a pond shall be properly maintained and supervised by the property owner so that it will not become a danger or nuisance to area residents.

### **Section Q: Private Outdoor Recreation Areas**

1. Zoning Districts Where Conditionally Permitted:
  - (a) A - Agricultural District
  - (b) R - Single Family Residential District
2. Minimum Site Size: Three (3) acres.<sup>31</sup>
3. Minimum Yard Requirements:
  - (a) *Front Yard:* Fifty feet, except one hundred (100) feet when fronting on a state highway.
  - (b) *Side Yard:* Forty (40) feet.
  - (c) *Rear Yard:* Fifty (50) feet.
4. The site shall have adequate access onto a hard surface state highway or county road that is regularly maintained and adequate to handle the additional traffic generated by the use.
5. A Development Plan shall be submitted with the application.
6. A Landscape Plan, including quantities, sizes, and varieties of landscaping shall be submitted with the application.
7. Parking areas shall be a minimum distance of fifty (50) feet from residential uses.
8. Outdoor artificial lighting shall be approved by the Board of Zoning Appeals.

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<sup>31</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

**Section R: Resource and Mineral Extraction**

1. Zoning Districts Where Conditionally Permitted:
  - (a) A - Agricultural District
  - (b) I - Industrial District
2. The applicant must demonstrate that such operations will not be detrimental to the vicinity or surrounding properties.
3. All equipment used in these operations shall be constructed, maintained and operated in such a manner as to eliminate so far as practical, noise, vibration, or dust which would injure or annoy persons living in the vicinity.
4. No mining, quarrying or gravel or sand extraction shall be permitted nearer than fifty (50) feet to the boundary of the property utilized for such use.
5. In order to insure adequate lateral support, all sand and gravel excavations shall be located at least one hundred (100) feet from the right-of-way line of any existing or platted street, road, highway, or railway, except that such excavation or quarrying may be permitted within these limits to the point of reducing the ground elevation to the grade of the existing or platted street, road, or highway.
6. All excavations of gravel or sand shall either be made to a water-producing depth plus five (5) feet, or graded and/or backfilled with non-noxious and non-flammable solids to assure:
  - (a) That the excavated area will not collect and retain stagnant water; and
  - (b) That the graded or backfilled surface will create a gently rolling topography to minimize erosion by wind and rain and substantially conform with the contours of the surrounding area.
7. The banks of all excavations not backfilled shall be sloped to the water line at a grade of not less than two (2) feet horizontal to one (1) foot vertical and such banks shall be sodded or surfaced with at least six (6) inches of suitable soil and seeded with grass. Spoil banks shall be graded to a level suiting the existing terrain and planted with trees, shrubs, legumes, or grasses where revegetation is possible. Where flood waters exist, spoil banks shall be high enough to prevent overflow of water in the gravel pits and shall be sloped, graded, and seeded as prescribed herein.
8. Whenever the floor of a quarry is more than five (5) feet below the average grade of the highway, road, street, or land adjacent thereto, the property containing such quarry shall be completely enclosed by a barrier consisting of not less than a six (6) foot mound of earth planted with suitable dense planting sufficient to prevent persons from trespassing

thereon or passing through. Such mound shall be located at least twenty-five (25) feet from any street, road, highway, or boundary of the quarry property.

9. All quarrying, blasting, drilling or mining shall be carried out in a manner and on such scale as to minimize dust, noise, and vibrations and to prevent adversely affecting the surrounding properties.
10. When any quarrying has been completed, such excavated areas shall either be left as a permanent spring-fed lake if such lake has an average depth of twenty (20) feet or more, or the bottom floor thereof shall be leveled to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion, and said floor shall be covered with soil of adequate thickness for the growing of turf or other ground cover. The edge of such excavation shall be further protected by construction of a barrier sufficient to prevent persons from trespassing thereon or passing through.
11. The Board of Zoning Appeals may require a performance bond in an appropriate amount to ensure that adequate restoration measures be undertaken and completed by the applicant.

## **Section S: Sexually-oriented Businesses** <sup>32</sup>

1. Purpose. Sexually-oriented business uses have additional regulations imposed to protect children from accidental or other exposure to sexually-oriented materials and activities and because of the likelihood to produce harmful secondary health, safety, and aesthetic effects on residential neighborhoods and other specified land uses. These regulations are not adopted for the purpose of restricting or prohibiting any protected speech associated with sexually-oriented business land uses. The Supreme Court and lower federal courts have recognized a number of possible secondary effects of sexually oriented businesses. Given the documented harmful secondary effects of sexually-oriented businesses on adjacent neighborhoods and specific land uses, the following specific, reasonable and uniform regulations have been developed to protect the township from:
  - (a) Decline of character of a community's neighborhoods and quality of life;
  - (b) Increase of crime (e.g., prostitution, drug sales);
  - (c) Spread of disease, particularly sexually transmitted diseases;
  - (d) Degeneration of the social and moral order;
  - (e) Harm to children.

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<sup>32</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

2. Permitted and Prohibited Land Uses. Land uses permitted or prohibited as sexually oriented businesses are defined in Chapter 9, Section B. (Definitions) under the definition of "sexually-oriented business. Any other sexually-oriented business not specifically addressed in this Zoning Ordinance or which offers media, matter, visual representations, live performances, or services of an obscene nature shall be prohibited.
3. Principal and Accessory Uses
  - (a) *Principal Use.* A sexually-oriented business shall be the principal land use of a premises or lot. No two sexually-oriented business uses separately-defined herein may be located in the same premises or on the same lot.
  - (b) *Accessory Use.* A sexually-oriented business use may not be an accessory use. Any accessory use to a sexually-oriented use shall be one that is customarily incidental to a typical commercial principal permitted use on a property and which pertains to or depends on the principal use for its existence.
  - (c) *Gambling.* No sexually-oriented business establishment games, machines, tables, or implements shall be used for gambling.
4. Separation Requirements. For the purpose of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the structure used as the part of the premises where a sexually-oriented business is conducted, to the nearest property line of the premises of a use listed above in this section. Presence of a municipal, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.
  - (a) No sexually-oriented business shall be established within one thousand (1,000) feet of any:
    - (1) Residential Zoning District or residential land use;
    - (2) Planned Unit Development areas or subareas dedicated to residential land uses, outdoor recreational areas, or open spaces; or
    - (3) Libraries, educational institutions, parks, recreational facilities, religious places of worship, child day care facilities, playgrounds, or swimming pools.
  - (b) No sexually-oriented business shall be established within five hundred (500) feet of any:
    - (1) Other sexually-oriented business;
    - (2) Bar, tavern, or other establishment offering live entertainment in combination with the sale of beer or intoxicating liquor regulated by the Ohio Division of Liquor Control (ORC Title 43) for consumption on the premises.

## 5. Prohibited Public Display

- (a) No displays, promotions, or advertisement which depict or describe specified sexual activities or specified anatomical areas shall be shown, distributed or exhibited so as to be visible to the public from any other privately owned property, pedestrian sidewalks or walkways, or from other public or semi-public areas.
- (b) All building openings, entries, windows, and doors of sexually-oriented businesses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any other privately owned property, pedestrian sidewalks or walkways, or from other public or semi-public areas. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from any other privately owned property, pedestrian sidewalks or walkways, or from other public or semi-public areas.
- (c) No screens, loudspeakers, or sound equipment used for sexually-oriented motion picture theaters (enclosed or drive-in) or any other sexually-oriented businesses shall be operated in such a manner as to be seen or discerned by the general public from any other privately owned property, pedestrian sidewalks or walkways, or from other public or semi-public areas.
- (d) Exterior identification signage is permitted subject to other applicable provisions of these regulations. However, to limit exposure of sexual images to minors, no exterior signage shall include sexually-explicit messages, graphics, drawings, or other illustrations of specified sexual anatomical areas or specified sexual activities.

## 6. Design Standards. The following design standards shall apply to all sexually-oriented businesses except for the sleeping quarters of sexually-oriented motel rooms:

- (a) *Public Areas.* Each application for a sexually oriented business shall contain a diagram of the premises, drawn to scale, showing the location of all manager's stations, viewing rooms, public restrooms, and shall designate all portions of the premises in which patrons will not be permitted.
- (b) All flooring, wall surfaces, and seating surfaces shall be constructed of, or permanently covered by, nonporous, easily disinfected material.
- (c) No walls in public areas of the establishment may have any holes or other openings of any kind. It shall be duty of the operator to regularly inspect the walls and prevent entry of any patrons into any room found to contain such holes or other openings until such time as the wall has been repaired to remove the opening.
- (d) A sign shall be clearly posted in well-lighted entry areas of the establishment stating all of the following:

- (1) That no loitering is permitted in viewing rooms.
  - (2) That occupancy of viewing rooms is limited to one person at a time.
  - (3) That sexual activity on the premises is prohibited.
  - (4) That the making of openings between viewing rooms is prohibited.
  - (5) That animals, except seeing eye dogs required to assist the blind, are prohibited.
  - (6) That violators will be required to leave the premises.
  - (7) That violations of these requirements are unlawful.
- (e) *Manager's Stations.* A manager's station shall not exceed thirty-two (32) square feet of floor area and shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose, except public restrooms, from at least one of the manager's stations. The view required from a manager's station must be by direct line of sight and shall remain unobstructed by any doors, curtains, walls, merchandise, display racks, or other materials or enclosures. It shall be the duty of the establishment to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is on the premises.
- (f) *Viewing Rooms.* All rooms or areas where a patron would be positioned while reviewing sexually-oriented type of material or performances shall not be less than one hundred fifty (150) square feet, shall be open to public view at all times from the interior of the building, and shall be configured in such a manner that there is an unobstructed view of the viewing room from a manager's station.
- (g) *Restrooms.* Separate male and female restrooms shall be provided for and used by sexually-oriented business establishment employees and patrons. All restrooms in a sexually-oriented business establishment shall be equipped with standard toilets, sinks, and other traditional lavatory facilities. Restrooms shall not contain video reproduction equipment. No sexually-oriented materials or live performances shall be provided or allowed at any time in the restrooms of a sexually-oriented business establishment.
- (h) *Non-Public Interior Areas.* Areas where patrons will not be admitted are to be locked and posted with signage clearly indicating that patrons may not enter or be admitted.
- (i) *Overhead Lighting.* The interior of the premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1) foot candle as measured at the floor level. Except in a sexually-oriented theater during a movie, such lighting shall be maintained at all times the establishment is open to the public.

(j) *Theaters*

- (1) Seating. Each sexually-oriented theater shall provide seating only in individual chairs with arms or in seats separated from each other by immoveable arms and not on couches, benches, or any other multiple person seating structures. The number of seats shall equal the maximum number of persons who may occupy the sexually-oriented theater.
- (2) Aisle. Each sexually-oriented theater shall have a continuous main aisle alongside the seating area in order that each person seated in the sexually-oriented theater shall be visible from the aisle at all times.
- (3) Sign. Each sexually-oriented theater shall have a sign posted in a conspicuous place at or near each entranceway to the auditorium or similar area that lists the maximum number of persons who may occupy the auditorium area, which number shall not exceed the number of seats in the auditorium area.

(k) Sexually-Oriented Cabarets

- (1) A sign shall be posted and clearly visible to patrons upon entry to the sexually oriented cabaret stating:
  - (i) An employee may not touch the breast, buttocks, or genitals of a patron, nor may a patron touch the breast, buttocks, or genitals of an employee; and
  - (ii) A patron may not place any tips or gratuities on the person or in or on the costume of an employee.
- (2) Sexually-oriented live performances shall be restricted to a stage elevated at least eighteen (18) inches above floor level.
  - (i) Such stage shall be a distance of at least three (3) feet from all parts of a clearly designated area in which patrons may be present, separated by a barrier or railing the top of which is at least three (3) feet above floor level.
  - (ii) A sign shall be clearly posted on the railing that no person may extend any part of his or her body over or beyond the barrier or railing.
  - (iii) A receptacle shall be provided by management for receipt of tips and gratuities from patrons placed on or near the stage.



**Section T: Swimming Pools** <sup>33</sup>

1. A permit is required prior to installation of a swimming pool.
2. All installed swimming pools, or the entire property upon which it is located, shall be walled or fenced to prevent uncontrolled access by individuals from the street or from adjacent properties. Said fence or wall shall be not less than five (5) feet in height and shall be designed with a gate and lock.
3. Swimming pools may not be located in the required front yard or closer than ten (10) feet to any property line or easement.
4. All pools, walls, and fencing shall be maintained in good condition.

**Section U: Telecommunication Towers** <sup>34</sup>

Conditional Use Review Required. Pursuant to the Telecommunications Act of 1996 and the ORC 519.211, this section sets forth standards for the Board of Zoning Appeals to consider when reviewing an application for a telecommunication tower.

1. Purpose. The regulation of the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of telecommunication towers which exceed the maximum height of structures in any district within the Township has a purpose of minimizing adverse affects to the public health, safety, and general welfare of Township residents due to the location, height, lot size, and uses of a structure.
2. Public Utility Exemption from Regulations
  - (a) When a telecommunication tower owned or principally used by a public utility engaged in the provision of telecommunication service is proposed for location in an unincorporated area of the Township not zoned primarily for residential use or not within one hundred (100) feet of a residential dwelling, such tower shall be exempt from the requirements of this Chapter.
  - (b) When a telecommunication tower owned or principally used by a public utility engaged in the provision of telecommunication service is proposed for location in an unincorporated area of the Township zoned primarily for residential use or an area within one hundred (100) feet of a residential dwelling, such tower shall be exempt from the requirements of this Chapter only if the following occurs:
    - (1) Written notice is provided by the public utility to the Board of Township Trustees, each owner of property contiguous or directly across a street or roadway from the property on which the tower is proposed to be constructed, and owners and occupants of any residential building within one hundred

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<sup>33</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

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(100) feet of the proposed tower. The notice shall state in clear and concise language the intent to construct a tower and shall provide a description of the property sufficient to identify the proposed location; and

- (2) The Board of Township Trustees receives no request for these regulations to apply to the proposed telecommunication tower from any property owner provided written notice by the public utility within fifteen (15) days of the date of mailing of the notice; or
  - (3) No member of the Board of Township Trustees expresses an objection to the proposed location of the telecommunication tower within fifteen (15) days of the date of mailing of the notice; or
  - (4) The Board of Township Trustees does not send the public utility timely written notice that the telecommunication tower is subject to this Zoning Code. In order for the notice to be timely, the Board must instruct the Township Clerk to send the notice within five (5) days after the earlier of the date the board first receives notice from a property owner or the date upon which a board member makes an objection.
  - (5) Any enterprise seeking exemption from these standards and regulations under public utility status shall provide the Zoning Inspector with sufficient evidence that it provides a public service and that its operations are a matter of public concern. The exemption described herein shall apply to public utilities only and shall not in any case be extended to those enterprises in privity of contract with such public utility.
3. Proof of Compliance. The applicant must provide proof that the proposal, to construct a tower or to 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).
4. Collocation. In order to minimize tower proliferation, collocation on existing telecommunication towers shall be required wherever feasible. As part of an application for a new telecommunications tower:
  - (a) An applicant shall provide documentation regarding efforts to exhaust all possible avenues to share space on existing towers. This shall include, but not be limited to, a certified mail announcement to all other tower users in the vicinity stating siting needs and/or sharing capabilities. Applicants shall not be denied, nor shall they deny space on a tower unless available space on existing towers, a tower owner's ability to lease space, structural capacity, radio frequency interference, geographic service area requirements, mechanical or electrical incompatibilities, comparative costs of collocation versus new construction, and any Federal Communications Commission limitations on tower sharing preclude collocation.

- (b) The applicant shall submit an inventory of existing telecommunication towers within a one (1) mile radius of the proposed site outlining opportunities for shared use as an alternative to the construction of a new tower, and shall demonstrate to the satisfaction of the Board of Zoning Appeals that the proposed antenna cannot be accommodated on an existing or approved tower due to one or more of the following reasons:
    - (1) The unwillingness of the owner of the existing or approved tower to co-locate an additional antenna;
    - (2) The planned antenna would exceed the structural capacity of existing or approved tower;
    - (3) The planned antenna would cause radio frequency interference with other existing or planned equipment, which cannot reasonably be prevented;
    - (4) Other reasons affecting technical performance, system coverage and system capacity make it impractical to place the proposed equipment on existing or approved towers;
  - (c) New towers shall be designed to structurally accommodate at least three telecommunication towers. The applicant shall submit a letter indicating the proposed tower is available for collocation with a phone number for interested parties to call.
- 5. Appropriateness of Site. The applicant must demonstrate at the time of application that no technically suitable and feasible site is available in a nonresidential district and that the site is located in the least restrictive district that includes a technically suitable and feasible site.
- 6. Lot Size. A telecommunication tower shall be located on a lot which meets the minimum lot size requirements of the district as well as the area needed to accommodate the tower (and guy wires, if used), the equipment building, security fence and buffer plantings. A residential lot shall not have more than one (1) telecommunication tower per lot.
- 7. Height. The total height of the tower, including any attached equipment or accessories such as antennas, etc., shall not exceed the minimum height necessary to provide service or to meet the requirements for potential collocater opportunities, up to a maximum height of seventy-five(75) feet. The Board of Zoning Appeals may allow an increase in the height of freestanding towers and antennas not to exceed two hundred (200) feet upon a finding the surrounding topography, structures, vegetation, or other factors make the height requirement impractical and where safety or historic preservation goals of the Township are met.

8. Setback. Telecommunication tower setbacks shall establish a clear zone for falling tower debris, ice and/or the collapse of the tower.
  - (a) The tower and all accessory structures shall be located on a lot so that the distance is a minimum of one hundred (100) percent of the proposed tower height from the base of the tower to any property line, supporting structure of another tower, or any historically or architecturally significant building.
  - (b) Towers less than seventy-five feet (75') in height that cannot satisfy the one hundred (100) percent setback requirement may be approved by the Board , provided that the applicant presents a certification from a qualified engineer licensed by the State of Ohio that the tower will withstand winds of one hundred (100) miles per hour and that the tower meets requirements of the American National Standards Institute (ANSI), the Electronic Industry Association (EIA), the Telecommunication Industry Association (TIA) 222-F.
  - (c) Equipment buildings, while accessory to a particular telecommunication tower(s), shall be set back from adjoining streets and/or property lines, per the minimum requirements for principal structures in the zoning district in which they are proposed.
  - (d) Additionally, no associated cables, braces, or similar support features may be located within any required front yard setback, or closer than ten (10) feet to any side or rear lot line.
9. Landscaping. Existing on-site vegetation shall be maintained to the greatest extent possible. 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. At a minimum, the perimeter of the site shall be planted with at least one (1) row of evergreen shrubs capable of forming a continuous hedge at least five (5) feet in height within two (2) years of planting, spaced not more than five (5) feet on center.
10. Off-street Parking and Site Access. Off-street parking shall be required only in cases where equipment buildings are staffed. In such cases at least two (2) off-street parking spaces and one (1) additional space for every two (2) on-site personnel shall be provided. Where the site abuts or has access to both a collector street and a local street, access for vehicles shall be exclusively by means of the collector street.
11. Signage. No advertising other than that required by law may be located on the structure or on the required screening.
12. Illumination. Telecommunication towers shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other applicable Federal or State Authority. When so required, it shall be oriented downward so as not to project onto the public right-of-way or surrounding residential properties. In any case, overall site

illumination shall be such that measurements along the perimeter of the site shall not exceed 0.20 foot-candles.

13. Visibility. A telecommunication tower shall be a non-contrasting gray or similar color minimizing its visibility, unless an alternate color is required by the FCC or FAA. All appurtenances shall be aesthetically and architecturally compatible with the surrounding environment by the means of camouflage.
14. Inspections. A periodic inspection report prepared by a qualified engineer licensed by the State of Ohio shall be submitted to the Zoning Inspector and the Auglaize County Engineer. Reports shall be submitted for: Mono-pole towers at least every ten (10) years; self-support towers at least every five (5) years; and guyed towers at least every three (3) years. The report shall detail the structural integrity of all towers and support structures on the property. 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 structures shall be made within a seven (7) day period or the tower and/or support structures shall be removed. The tower owner (applicant) is responsible to cover the cost of all inspections, repair and/or removal.
15. Accessory Uses. Any 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. Underground equipment shelters are required in residential districts unless the design is deemed compatible to adjacent uses and design standards for the district. The use of residentially compatible paint colors and materials such as wood, brick or stucco is required for designed to architecturally match the exterior of residential structures in the vicinity.
16. Security and Safety Measures. All elements of a telecommunication tower, either completely or individually, shall be secured against unauthorized access by the public. Safety forces of the Township and co-locators shall have reasonable access.
  - (a) A six-foot (6') safety fence with a locked gate surrounding the tower is required.
  - (b) "No Trespassing" signs shall be prominently posted.
  - (c) If high voltage is necessary, signs must be posted every twenty feet (20') along the fence stating, "Danger-High Voltage."
17. Termination of Operations
  - (a) The applicant or its successors shall notify the Zoning Inspector within thirty (30) days of ceasing operations. The operator shall provide the Township with a copy of the Federal Communications Commission notice of intent to cease operations at the same time it submits such notice to the Federal Communications

Commission. In the case of multiple operators sharing the use of a single tower, this provision shall not become effective until all operators cease operations, provided each operator shall provide the Township with notice of intent to cease operations.

- (b) A telecommunication tower shall be dismantled within sixty (60) days of the notice to cease operations. After the telecommunication tower and related facilities are removed, the owner or operator of the site shall restore the site to its original, or to an improved, condition.
- (c) If at any time the use of the tower is discontinued for twenty-four (24) months, the Zoning Inspector may declare the tower abandoned upon which the tower's owner/operator shall be provided written notice and be instructed to either reactivate the tower's use within thirty (30) days, or dismantle and remove the tower. If reactivation or dismantling does not occur, the Township will remove or will contract to have removed the tower as a public nuisance and assess the owner/operator the costs.
  - (1) The Township shall provide the tower owner with the right to a hearing before the Board of Zoning Appeals as with any appeal of an administrative zoning order. All interested parties shall be allowed an opportunity to be heard at the public hearing.
  - (2) After a public hearing is held, the Board of Zoning Appeals may order the acquisition or demolition of the tower.
- (d) All costs associated with demolition of the tower and associated equipment buildings shall be borne by, or assessed to, the most recent tower operator(s) of record.

## CHAPTER 6

### OFF-STREET PARKING AND LOADING/UNLOADING REGULATIONS

#### Section A: Parking and Storage of Vehicles, Recreation Vehicles, and Trailers<sup>35</sup>

In all districts there shall be provided at the time any building or structure is erected or structurally altered off-street parking spaces in accordance with the following requirements.

1. Licensed and Operative Vehicles. The design standards and specific parking space provisions which follow in this chapter provide standards for the parking of currently licensed and regularly used, operative road vehicles.
  - (a) Whether a vehicle, recreational vehicle, or trailer is operative shall be determined by whether it meets minimum requirements to operate on public roadways. A vehicle or recreational vehicle must also be capable of starting and moving under its own power.
  - (b) A smaller van-type recreational vehicle that is regularly used as a second personal vehicle shall be regulated as a vehicle rather than a recreational vehicle.
2. Recreational Vehicles and Trailers. The outdoor storage of not more than two (2) of the following – recreational vehicle which is self-propelled or trailered, small utility trailer, boat trailer, or horse van – shall be permitted on a residential lot, subject to the following:
  - (a) All recreational vehicles or trailers must be kept in good repair and carry a current year's license or registration in the name of the occupant of the residence.
  - (b) No recreational vehicle or trailer may exceed thirty (30) feet in length.
  - (c) No living quarters, business, or other activity shall be carried on or maintained in such recreational vehicle or trailer. The Zoning Inspector may extend a temporary permit allowing the occupancy of a recreational vehicle or trailer as a temporary living quarter for a period not to exceed two (2) weeks per year in a rear yard on private property. Such use shall be subject to noise, light, and other performance standards. The Zoning Inspector may extend this two (2) week period when necessary due to a hardship or an emergency.
  - (d) A recreational vehicle or trailer shall be stored to the rear or the side of the principal building not closer than fifteen (15) feet to any lot line, except that recreational

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<sup>35</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

vehicles may be parked in the front yard on a paved driveway during the normal recreational season (April 1 to November 1).

- (e) The recreational vehicle or trailer shall be stored on a surface paved with asphaltic material, cement, or other durable and dust free surface which prevents growth of any vegetation that may harbor vermin and which is maintained free of debris;
  - (f) Notwithstanding the provisions above, recreational vehicles or trailers may be parked anywhere on the premises for loading or unloading purposes for a period of not more than four (4) hours.
3. Manufactured Homes and Mobile Homes. The parking of a manufactured or mobile home for periods exceeding twenty-four (24) hours on lands not approved for manufactured or mobile homes shall be expressly prohibited. The Zoning Inspector may extend a temporary permit allowing the occupancy of a manufactured or mobile home as a temporary living quarter for a period not to exceed two (2) weeks per year in a rear yard on private property. Such use shall be subject to noise, light, and other performance standards. The Zoning Inspector may extend this two (2) week period when necessary due to a hardship or an emergency.
4. Truck, Tractor, or Semi-Tractor Parking
- (a) In any district which allows residential uses, all outside truck, tractor, or semi-tractor parking shall be limited to twenty-four (24) hours per month. This regulation shall apply to:
    - (1) Agricultural operations.
    - (2) Straight trucks with over one and one-half (1-1/2) ton capacity.
    - (3) Semi-tractors or motor vehicles with a driver cab and no body, designed for hauling semi-trailers.
    - (4) Semi-trailers or detachable trailers designed to be attached to a coupling at the rear of a tractor.
  - (b) Trucks, tractors, or semi-tractors regulated in this section shall not leave the engine idling on private property for longer than thirty (30) minutes per day.
  - (c) The outdoor parking of a semi-trailer or detachable trailer for the purpose of storage of materials shall not be permitted in any district where not specifically permitted or when not in association with a construction site.
5. Unlicensed or Inoperative Vehicles, Recreational Vehicles, or Trailers. Temporary or daily parking of unlicensed and/or inoperative vehicles, recreational vehicles, or trailers outside of a fully-enclosed building within any district shall be permitted as a principal or accessory use on a parcel for a period of no more than two (2) weeks per year.



- (a) Such outside parking shall only be permitted in a rear yard.
- (b) Such outside storage parking shall be in addition to the number of required spaces required for the land use pursuant to Section 6.C. (Specific Off-Street Parking Space Requirements).
- (c) Outside storage of such an unlicensed or inoperable motor vehicle shall be limited to one (1) vehicle per dwelling unit in any residential district.
- (d) Automotive service stations shall not provide for any outdoor storage of damaged vehicles unless fully screened by fencing and landscaping and upon a paved or gravel parking space. Such storage shall not be conducted within a required yard.
- (e) No dismantled or junked vehicles, recreation vehicles, or trailers shall be stored outside on any premises unless the use is a permitted junk yard, recycling center, or salvage yard.

## **Section B: Design Standards for Off-Street Parking** <sup>36</sup>

In all districts, off-street parking spaces shall be designed in accordance with the following standards:

1. Dimensions. All parking spaces shall be not less than nine (9) feet wide and twenty (20) feet long. Such spaces shall be measured rectangularly and shall be served by aiseways of sufficient width to permit easy and smooth access to all parking spaces and maintained in good condition.
2. Paving. Except in the Agricultural District and Single Family Residential District all parking areas and adjacent aisles or driveways shall be paved with asphaltic material, cement, or other durable and dust free surface pre-approved by the Zoning Inspector.
3. Driveways. All accessways to parking lots for five (5) or more vehicles shall be served by a driveway not less than twenty (20) feet in width to permit easy access to parking spaces. No driveway shall be located so that it enters a public road within one hundred (100) feet of the intersection of any two (2) public roads unless there are two (2) driveways serving the lot, one of which is in excess of one hundred (100) feet and the other not less than forty (40) feet from said intersection. All driveways shall be located and the adjoining lots graded so that vehicular traffic entering a public road has an unobstructed sight distance of at least three hundred (300) feet.
4. Parking Area Location
  - (a) Except in the Agricultural District and Single Family Residential District, no parking lot or parking area shall be located nearer than ten (10) feet to the side or rear line

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<sup>36</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

of the tract on which the structure is located. Parking in front of the main structure may be permitted if approved as part of a plan of development.

- (b) All parking spaces required herein shall be located on the same lot with the building or use served, except as provided for below:
    - (1) Two or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap.
    - (2) In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring the retention for such purposes shall be properly drawn and executed by the parties concerned and approved as to form by a proper legal authority and shall be filed with the application for a building permit.
5. Lighting. Any lighting used to illuminate any off-street parking shall be so arranged as to deflect the light away from adjoining properties and/or public thoroughfares.

### **Section C: Specific Off-Street Parking Space Requirements**

- 1. In computing the number of required spaces, the following rules shall govern:
  - (a) A floor area shall mean the gross floor area of the specified use.
  - (b) Where fractional spaces result, the parking spaces required shall be construed to the nearest whole number.
- 2. Whenever a building or use constructed or established after the enactment date of these Regulations is changed or enlarged in floor area, the number of employees, number of dwelling units, seating capacity or otherwise to create a need for an increase of ten (10) percent or more of the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. When a building or use existing prior to the enactment date is enlarged to the extent of fifty (50) percent or more in the floor area, or in the area used, said building or use shall then and thereafter comply with the entire parking requirements.
- 3. Off-street parking requirements for any use not specified in these Regulations shall be the same as that specified for a similar permitted use.

4. Off-street parking shall be provided in accordance with the schedule outlined below.

<u>Land Use</u>	<u>Off-Street Parking Requirement</u>
(a) Assembly halls with temporary seats, restaurants, taverns and night clubs	200% of floor area or 1 for each 4 seats plus 1 for each employee on the largest shift, whichever is greater.
(b) Automotive establishments, retail stores, service establishments or businesses	100% of floor area or 5 plus 1 for every 400 square feet of floor space, whichever is greater.
(c) Bowling alleys	2.5 spaces per bowling lane.
(d) Churches and other similar places of worship, or public assembly	1 space for every 3 seats in or a main auditorium, or 1 space for each 45 square feet of area, whichever is greater.
(e) Child Day Care Centers and Child Day Care Homes - Type A	4 spaces, <u>plus</u> 1 space for every employee on the maximum work shift, <u>plus</u> 1 space for every 10 persons within the regulated capacity of the facility <sup>37</sup>
(f) Dwelling Units, except as specified below:	3 spaces per dwelling unit.
(1) Housing for the elderly	0.5 spaces per dwelling unit.
(2) Multi-family residences	1.5 spaces for each 0-BR or 1-BR unit, or 2 spaces for each unit with 2-BR or more plus 1 space for each bedroom over the third bedroom, plus 1 guest parking space for every two apartments, plus 1 space for each employee on the maximum work shift. <sup>38</sup>
(3) Single-family residences	1.5 spaces per dwelling unit.

<sup>37</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>38</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

(g) Funeral Homes	4 spaces for each parlor, or 1 space for every 50 square feet of floor area, whichever is greater, or 1 for each 25 square feet of public area.
(h) Home Occupations	2 spaces in addition to the requirement for the dwelling unit. <sup>39</sup>
(i) Hotels, Motels	1 space for each bedroom plus 1 per employee on largest shift.
(j) Industrial Establishments	1 space for every 400 square feet of floor area or 20 plus 1 spaces for each two employees plus 1 for each vehicle maintained on the premises, whichever is greatest.
(k) Museums, libraries, etc.	1 space for each 400 square feet of area open to public plus 1 space for each employee on the largest shift.
(l) Offices	1 space for each 400 square feet of floor area plus 1 space for each employee.
(m) Schools - Elementary	1 space for every 25 classroom seats plus 1 space for each administrative office.
(n) Schools - Secondary schools, colleges, trade schools	1 space for each classroom plus 1 space for each four students.
(o) Theaters	1 space for every 4 seats.
(p) Wholesale establishments; warehouses	10% of floor area, or 20 plus 1 spaces for each 2 employees plus 1 space for each vehicle maintained on the premises, whichever is greatest.

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<sup>39</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

**Section D: Design Standards for Off-Street Loading and Unloading**

1. Off-street loading/unloading spaces or berths shall be provided in connection with every building or part of a building which has a floor area greater than ten thousand (10,000) square feet, and normally receives or distributes material by vehicle.
2. Off-street loading requirements for any use not specified in these Regulations shall be the same as that specified for a similar permitted use.
3. No such loading/unloading shall be located closer than fifty (50) feet to any lot in a Residential District unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted board fence not less than six (6) feet in height. An evergreen hedge or planting no less than six (6) feet in height may be substituted for a fence if maintained in good condition.
4. Each loading space shall not be less than fifteen (15) feet in width, thirty-five (35) feet in length, and fourteen (14) feet in height.
5. Whenever a building or use constructed or established after the enactment date of these Regulations is changed or enlarged in the floor area, the number of employees, number of dwelling units, seating capacity or otherwise to create a need for an increase of ten (10) percent or more of the number of existing loading and unloading spaces, such spaces shall be provided on the basis of the enlargement or change. When a building or use existing prior to the enactment date is enlarged to the extent of fifty (50) percent or more in floor area, or in the area used, said building or use shall then comply with the entire loading/unloading requirements.
6. All loading/unloading areas and adjacent aisles and driveways shall be paved with asphaltic material or concrete.

**Section E: Specific Off-Street Loading and Unloading Requirements**

Off-street loading and unloading shall be provided in accordance with the schedule outlined below:

- |  |  |
|--|--|
| 1. Retail/Service/Office                                 | 1 space for the first 10,000 square feet of floor area plus 1 space thereafter for each additional 20,000 square feet. |
| 2. Truck Terminal / Warehouse / Wholesale Establishments | 1 space for each 7,500 square feet of floor area.  |
| 3. Industrial Plants                                     | 1 space for the first 10,000 square feet of floor area plus 1 space for each 20,000 square feet thereafter.            |

*[This page intentionally inserted for two-sided printing]*

## CHAPTER 7

### SIGN AND BILLBOARD REGULATIONS

#### Section A: Purpose <sup>40</sup>

The purpose of this Chapter is to establish reasonable, consistent, content-neutral, and non-discriminatory regulations governing the size, character and location of signs within the Township and to regulate the erection, remodeling, enlarging, moving, operation, use and maintenance of such signs in the interest of protecting the health, safety and general welfare of those citizens and the property within its boundaries by the:

1. Provision of size, height, placement and lighting standards necessary to promote safe travel viewing and reaction times and reduce traffic hazards caused by such unregulated signs which may distract, confuse and impair the visibility of motorists and pedestrians or reduce the effectiveness of public traffic signs and signals;
2. Regulation of signs in a manner consistent with the planned character and development of different zoning districts;
3. Promotion of the efficient use of the site and surrounding environment;
4. Development and promotion of business and industrial growth by providing for the effective use of signs as a means of wayfinding communication to attract tourists and economic activity;
5. Encouragement of creativity and flexibility in the design and use of signs without creating a detriment to the general public;
6. Preservation and enhancement of the scenic and natural beauty and general physical appearance of the streetscape, and protection of private property values and the public investment in streets, highways, and other public improvements from the adverse effect of sign blight and clutter;
7. Provision of design standards for continuity of graphic style, material, and color considered in relationship to legibility, sign proportions, and the impact upon community aesthetics and traffic safety.
8. Prohibition of all signs not expressly permitted by this resolution;

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<sup>40</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

9. Enabling for the fair and consistent enforcement of these sign restrictions.

### **Section B: SIGNS EXEMPT FROM REGULATION** <sup>41</sup>

The following signs are not subject to the provisions of this Chapter:

1. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
2. Traffic control signs located to control vehicular or pedestrian traffic on private property, such as Stop, Yield, and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message of any sort;
3. Building markers, memorial commemorative plaques, and symbols or emblems of religious orders or recognized historical agencies which are cut into a masonry surface or fastened or inlaid so as to be flat against or part of a building;
4. Cemetery monuments;
5. Interior building signs, not attached to a window or door, that are not legible from a distance of more than three (3) feet beyond the lot line of the parcel on which such sign is located;
6. Works of art that do not include a commercial message;
7. Signs that are part of the original construction of a vending machine, fuel pump, automatic teller machine, or similar device which provides information necessary for use of the device;
8. Holiday strings of lights, symbols, and decorations that do not include a commercial message, but only for a two month period which includes a recognized holiday.

### **Section C: Prohibited Signs** <sup>42</sup>

All signs not specifically permitted by this Resolution or exempt from regulation hereunder in accordance with the previous section are prohibited in the Township. Such signs include, but are not limited to:

1. Abandoned signs.
2. Canopy or balcony signs.
3. Flashing lights, beacons, and strings of lights not permanently mounted to a rigid background attraction devices.

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<sup>41</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>42</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)



4. Inflatable signs or tethered balloon attraction devices.
5. Motor vehicle or trailer signs. This prohibition is not intended to prohibit any form of vehicular signage lettered on a motor vehicle or trailer, such as a sign attached to a bus, unless the primary purpose of such vehicle or trailer is for the basic purpose of advertisement of products or directing people to a business or activity located on the same or nearby property or on any other premises.
6. Off-premises Signs. This prohibition is not intended to prohibit signs which do not contain commercial speech.
7. Pennants, streamers, and air-activated attraction devices.
8. Portable signs including portable "A" frame signs.
9. Roof signs affixed or painted directly upon the wall or roof of any structure, except for identification signs on agricultural buildings or the use of supergraphics or similar cosmetic devices.
10. Signs encroaching upon a public right-of-way. No sign, marquee or awning, or any part thereof, or any part of the foundation or support thereof, may be erected if displayed on, over or across any street, road, highway, alley, sidewalk, public parking lot, or other public right-of-way unless authorized by the Board of Township Trustees or other governmental body.
11. Signs which interfere with, imitate, or resemble an official sign, signal or device.
12. Snipe signs attached, painted, drawn, or otherwise located upon any fence post, utility pole, trees, rocks, or similar structures or natural features.

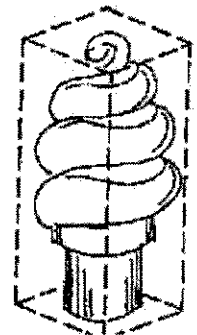
#### **Section D: Computations** <sup>43</sup>

1. Computation of Sign Area. The aggregate surface area of a sign or of all the signs on a property shall be calculated as follows:
  - (a) The area of a sign (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the copy, representation, emblem, and/or other display. When separate elements are organized to form a single sign, but the elements are separated by open space, the area shall be calculated by determining the geometric form, or combination of forms, which comprise all the display areas, including the space between the elements.

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<sup>43</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

- (b) If any portion of the words, symbols or pictorial elements of a sign extends beyond a border or background, the area of that portion of the sign shall be the area of a rectangle inscribed around it;
- (c) The area of a sign, or any portion thereof, shall exclude any decorative embellishments and any supporting framework, bracing, or decorative fence or wall when such structures:
  - (1) Do not have letters, parts of letters, words, figures, numerals, emblems, devices, designs, trademarks, posters, handbills or other objects affixed thereon;
  - (2) Are clearly incidental to the display itself;
  - (3) Freestanding sign structure enhancement or embellishment may not exceed a maximum of twelve (12) inches on any side above the allowable height and/or permitted horizontal dimension;
- (d) Wall signs, or any portion thereof, having a distinctive or ornamental background which sets the background apart from the larger wall surface so that it forms an integral part or element of the sign, including any frame, outline, or color that forms an integral part of the display or is used to differentiate the sign from the backdrop or structure against which it is placed, shall include the area of the background;
- (e) Any number of signs that are attached to a common supporting structure shall be considered one sign for the purpose of number of signs allowed and area requirements.
  - (1) The total area of a double-face sign shall be considered to be the area of the largest face;
  - (2) The total area of a sign having more than two faces shall be the sum of the area of all the faces of the sign, less the area of the smallest face;
  - (3) The total area of spherical, free-form, sculptural, or other non-planar signs shall be seventy-five (75) percent of the sum of the areas of each of the four vertical sides of the smallest cube that will encompass the sign.



Non-planar  
sign

## 2. Computation of Sign Height

- (a) The height of a building sign shall be distance between the highest and lowest points of a sign, excluding any supporting framework, bracing, decorative embellishments, fence, or wall.

- (b) The height of a freestanding sign shall be computed as the distance from the base of the sign at a normal grade to the top of the highest component of the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest drive, parking area, or point of the crown of a public street, whichever is lower.
3. Determining Clearance of a Sign. The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

### **Section E: Permitted Signs for Which No Certificate Is Required <sup>44</sup>**

No Zoning Certificate shall be required for any of the following signs constructed or erected under the terms of this Section.

1. Signs for Future Development, Construction, Sale, Lease or Rent of the premises on which the sign is located. Not more than two (2) signs shall be displayed on any lot or parcel. Such signs shall not be illuminated and shall not exceed six (6) square feet of area per side. Not more than two (2) sides, or signs of the same size, shall identify the builder or contractor. All such signs shall be removed within thirty (30) days after sale, lease, or rental.
2. Signs for Home Occupations. In any residential district, one sign per lot shall be permitted for the purpose of announcing a home occupation on the premises on which the home occupation is located. Such signs shall not be illuminated and shall not exceed two (2) square feet of area.
3. Vehicular Signs. Directional or other incidental signs pertaining to vehicular or pedestrian control on private property shall be permitted provided the said signs are located outside the right-of-way of any public street or road, do not exceed two (2) square feet of area per side, and do not interfere or obstruct visibility when entering or leaving said property.
4. Occupancy Signs. The name and address of occupants of residential property shall not be more than two (2) square feet in area per side and shall be located outside the right-of-way of any public road. If freestanding, such signs shall not be higher than three (3) feet above the ground and not more than one (1) sign shall be permitted.
5. Farm Signs denoting the name and address of the occupants, advertising produce or products produced or sold on the premises and denoting membership in organizations. No more than one (1) sign of any type may be permitted and it shall be located outside the road right-of-way. Advertising signs may not exceed thirty-two (32) square feet of area per sign and all other signs shall be limited to four (4) square feet per side.

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<sup>44</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

## **Section F: Permitted Signs for Which a Certificate Is Required** <sup>45</sup>

Freestanding, building-mounted or ground signs identifying or advertising commercial or industrial uses on the premises shall be permitted in areas clearly delineated herein and subject to the reasonable regulations set forth below:

1. No sign shall have a surface area which exceeds ten (10) percent of the square foot frontage area of the principal building up to thirty two (32) square feet per side, or unless otherwise permitted herein. <sup>46</sup>
2. No freestanding sign shall exceed twelve (12) feet in height or have a length in excess of four (4) times the height of the sign face. <sup>47</sup>
3. No business, industry or use shall maintain a gross sign area on the premises in excess of one hundred twenty eight (128) square feet. This area shall be computed by adding the gross sign area of all signs on the premises advertising the business or use. <sup>48</sup>
4. No building-mounted sign shall be located closer than five (25) feet, and no freestanding or ground sign shall be located closer than one hundred (100) feet to any property line.

## **Section G: Design Standards for Signs** <sup>49</sup>

The following design standards shall apply to all signs located and erected within the Township, regardless of type, style, location, design or other classification.

1. Sign Content. Signs containing commercial speech shall relate exclusively to the premises on which they are located, or to products, accommodations, or activities on those premises.
2. Location. Signs shall be located in strict compliance with this Resolution, in strict compliance with the approved development plan, or restrictions imposed by the Board of Zoning Appeals.
3. Lighting. All signs may be illuminated internally or by reflected light provided the illumination:
  - (a) Shall not produce more than one (1) foot candle of illumination 4 feet from the sign.
  - (b) Is a continuous source of light which does not involve a flashing, rotating or moving light source;

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<sup>45</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>46</sup> Amended by Resolution No. 120504 (Effective January 4, 1996)

<sup>47</sup> Amended by Resolution No. 120504 (Effective January 4, 1996)

<sup>48</sup> Amended by Resolution No. 120504 (Effective January 4, 1996)

<sup>49</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

- (c) Has a lighting source that is not visible from adjacent residential lots;
  - (d) Is so arranged to reflect away from the adjoining premises and does not permit the direct beaming of any light onto adjacent thoroughfares thereby creating a hazard to vehicular traffic; and
  - (e) Shall not be placed as to conflict or cause confusion with traffic control signs or lights.
4. Lettering Size
- (a) Building signs shall not employ letters exceeding eight (8) inches in height in Residential Districts as defined in this Resolution or eighteen (18) inches in height elsewhere.
  - (b) Occupancy signs shall not employ letters exceeding six (6) inches in height.
  - (c) Pedestrian-oriented signs shall not employ letters exceeding three (3) inches in height.
5. Height. No signs shall be erected to a height greater than twelve (12) feet.<sup>50</sup>
6. Signs Adjacent to a Highway. Notwithstanding any other provisions of this Resolution, signs within six hundred and sixty (660) feet of the Interstate Highway System and Federal Aid Primary Roads shall be erected and maintained in general accord with Federal and Ohio laws in regard to advertising devices along the Interstate System, if such laws are more restrictive than the provisions of this Resolution, they shall apply.
7. Sight Interference. No sign shall be permitted which interferes with the visibility of pedestrian or vehicular traffic entering, leaving or operating on thoroughfares.

## Section H: Maintenance

All signs or billboards constructed or erected within Jackson Township shall be maintained so that all sign surfaces, supports, braces, guys and anchors shall be kept in repair and in a proper state of preservation by painting or otherwise.

## Section I: Abandoned Signs

1. If any sign or billboard shall become abandoned in the manner defined herein, such a sign or billboard is declared to be a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and blighting influence on nearby properties.

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<sup>50</sup> Amended by Resolution No. 120504; Effective January 4, 1996

2. A sign or billboard is abandoned if it meets anyone of the following criteria:
  - (a) Any sign or billboard associated with an abandoned nonconforming use.
  - (b) Any sign or billboard that remains after the termination of a business. A business has ceased operations if it is voluntarily discontinued for at least two consecutive years. Seasonal businesses are exempted from this determination.
  - (c) Any sign or billboard that is not maintained in accordance with this Resolution.
3. When the Zoning Inspector finds, upon investigation, that a sign or billboard has been abandoned, as defined herein, he shall notify the owner of said sign, together with the owner of the land on which the sign is located by ordinary mail, of his findings.
  - (a) Such notice shall advise the owner that the sign has been declared abandoned and must be removed within thirty (30) days from the date of mailing of said notice.
  - (b) The owner may appeal such decision to the Board of Zoning Appeals as provided in Chapter 8 (Administration and Enforcement) of these Regulations.
  - (c) It shall be the duty of the Zoning Inspector to maintain a photograph and file on said sign together with a written report of his findings for submission to the Board of Zoning Appeals upon request.
  - (d) If the sign is not removed, or ordered, the same may be removed by the Township at the expense of the lessee or owner. If the Township is not immediately reimbursed for such costs, the amount thereof shall be certified to the Auglaize County Auditor for collection as a special assessment against the property on which the sign is located.

#### **Section J: Nonconforming Signs and Billboards**

1. Any sign or billboard in existence within the Township prior to the effective date of this chapter that does not conform with the provisions of this chapter is considered to be nonconforming.
2. Any sign or billboard that does not conform to the provisions of this chapter shall be allowed to continue in its nonconforming status provided the sign or billboard was erected in compliance in all respects with applicable laws in existence on the date of its erection.
3. A nonconforming sign or billboard shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this chapter. Should any replacement or relocation take place without being brought into compliance, the sign or billboard shall be existing illegally.

4. A nonconforming sign or billboard shall be maintained or repaired in accordance with the following provisions:
  - (a) The sign and structural shape shall not be changed or altered.
  - (b) The copy may be changed provided that the change applies to the original nonconforming use associated with the sign or billboard and that the change is made by the owner of the sign or billboard at the time the sign or billboard became nonconforming; the copy area shall not be enlarged. Any subsequent owner or user shall bring the sign or billboard into compliance.
  - (c) In the case where damage occurs to the sign or billboard to the extent of fifty (50) percent or more of either the structure or the replacement value of the sign or billboard, the sign or billboard shall be brought into compliance. Where the damage to the sign or billboard is less than fifty (50) percent of the structure or its replacement value, the sign or billboard shall be repaired within sixty (60) days.

#### **Section K: Certificate Required**

No signs, except as provided for in this Chapter, shall be erected prior to the issuance of a Certificate by the Township Zoning Inspector.

1. The applicant for a Certificate herein shall pay such fee as is prescribed by the Township Trustees. Such fees shall be prescribed annually, or more often, by the Trustees.
2. The Zoning Certificate issued pursuant hereto shall be valid so long as the owner complies with the terms and conditions of this Zoning Resolution or any amendment thereto.
3. All signs and billboards erected within the Township are subject to inspection, whether a Certificate is required or not prior to erection. The Township Zoning Inspector or any other Official of the Township, is hereby authorized to enter upon any property or premises to ascertain whether the provisions of this article are being complied with. Such inspection may be at any reasonable time and the Township Zoning Inspector may order the removal of any sign or billboard that is not maintained in accordance with the provisions of this Resolution.
4. Conditional Use Signs. Signs which have been approved as an accessory use for a conditional land use shall be constructed and maintained as approved at the time the conditional use is approved. Signs for conditional uses in any business, commercial, or industrial district shall be as specified or conform to the requirement for the most similar use in the district in which it is located subject to approval of the Board of Zoning Appeals.<sup>51</sup>

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<sup>51</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

5. Planned Unit Development Sign Programs. Signs which have been approved as part of a planned unit development sign program may vary from the requirements stated within this Chapter.<sup>52</sup>
6. In the event that the owner of any sign or property fails to comply with the terms of this Zoning Resolution, the Township Zoning Inspector shall notify the owner of any deficiency or violation of this Resolution.
  - (a) Notice shall be served personally or by ordinary mail at the last known address of the permit holder. The permit holder may seek a hearing on said notice by complying with the provisions of Chapter 8 (Administration and Enforcement) of this Resolution.
  - (b) Failure to correct deficiencies or to appeal the decision of the Zoning Inspector within thirty (30) days will result in cancellation of the permit for such sign and said sign shall then be removed as provided by this Resolution.
7. The Township Zoning Inspector may effect removal of any sign illegally placed within the right-of-way of any road within this Township. The Zoning Inspector shall maintain said sign and shall notify the owner thereof of its location, by ordinary mail. If the owner of any sign fails to claim the same within one hundred eighty (180) days after mailing of the notice by the Zoning Inspector, said sign may be destroyed.

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<sup>52</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)



## CHAPTER 8

### ADMINISTRATION AND ENFORCEMENT

#### Section A: General Provisions

The formulation, administration and enforcement of this Zoning Resolution is hereby vested in the following offices of Jackson Township:

1. Township Zoning Commission;
2. Zoning Inspector; and
3. Board of Township Trustees

#### Section B: Township Zoning Commission

1. Membership. The Zoning Commission shall be appointed by the Board of Township Trustees and shall consist of five (5) members (none of whom shall be concurrently appointed as members of the Board of Zoning Appeals) who are residents of the unincorporated area of the Township.
  - (a) The terms of the members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified.
  - (b) Members of the Zoning Commission shall be removable for nonperformance of duty, misconduct in office, or other cause by the Board, upon written charges being filed with the Board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board and shall be for the unexpired term.
2. Powers and Duties. The powers and duties of the Zoning Commission shall be the following:
  - (a) Prepare the Zoning Resolution recommended for the unincorporated area of Jackson Township.

- (b) Hold required Public Hearings, notice of which shall be given in accordance with the Ohio Revised Code.
  - (c) Submit the proposed Zoning Resolution, including text and Official Zoning District Map, and all proposed zone changes, to the Auglaize County Regional Planning Commission, and then certify the proposed zoning or rezoning along with their recommendation and the Regional Planning Commission's recommendation, to the Board of Township Trustees.
  - (d) Initiate Official Zoning District Map changes, or changes in the text of the Zoning Resolution where same will promote the best interest of the public in general.
  - (e) Review requests for development within the Planned Residential Development District and make recommendation regarding such plans to the Board of Township Trustees.
  - (f) Organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations.
  - (g) Make use of such information and counsel as is available from appropriate public officials, departments, and agencies and such officials, departments, and agencies having information, maps, and data pertinent to Township zoning shall make them available for the use of the Zoning Commission.
3. Meetings and Agenda of Township Zoning Commission. The Township Zoning Commission shall meet at least quarterly and shall adopt rules of procedure governing the establishment of dates and times for its meetings and the conduct of each meeting. All meetings of the Township Zoning Commission shall be open to the public.
4. Minutes. The minutes of each meeting of the Zoning Commission shall be kept on file in the Township Hall with the other zoning records. Said minutes shall be open for public inspection during commission meetings and normal business hours.

### **Section C: Zoning Inspector**

The Board of Township Trustees shall appoint a Township Zoning Inspector and affix his compensation, if any. It shall be the duty of the Township Zoning Inspector to:

- 1. Enforce the provisions of this Resolution;
- 2. Interpret the Resolution text and Official Zoning District Map;
- 3. Issue Zoning Certificates in accordance with this Resolution, and maintain a complete record of all Zoning Certificates issued;
- 4. Act upon all applications within thirty (30) days of their date of filing. A Zoning Certificate or written notification and explanation of refusal shall be issued to the applicant within

said thirty (30) days. Failure to notify the applicant of such refusal within this period shall entitle the applicant to submit his request to the Township Board of Zoning Appeals.

5. Determine whether various uses of land within the Township are in compliance with this Resolution. Where violations exist, the Enforcement Officer shall notify in writing the person(s) responsible, specifying the exact nature of the violation and directing the necessary corrective action.
6. Maintain and keep the permanent records required by this Resolution, including but not limited to the Official Zoning District Map, Zoning Certificates, inspections, and all official zoning actions of the Board of Township Trustees.
7. Prepare and submit an Annual Report concerning the administration and enforcement of this Resolution to the Board of Township Trustees.

#### **Section D: Board of Zoning Appeals**

1. Membership. The Board of Zoning Appeals shall be appointed by the Board of Township Trustees and shall consist of five (5) members who are residents of the unincorporated area of the Township. The terms of all members shall be of such length and so arranged that the term of one member will expire each year. Each member of the Board of Zoning Appeals shall serve until his successor is appointed and qualified. Members of the Board of Zoning Appeals shall be removable for the reason specified and in compliance with the procedure established in the Revised Code of Ohio. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term.
2. Organization. The Board of Zoning Appeals shall organize, electing a chairman and acting chairman, and adopt rules of procedure governing the establishment of dates and times for its meetings and the conduct of each meeting. All meetings of the Board of Zoning Appeals 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 immediately filed in the office of the Board of Township Trustees and shall be a public record.
3. Jurisdiction. The Board of Zoning Appeals shall have the following powers:
  - (a) *Administrative Appeals*. To hear and decide appeals where it is alleged there is error in any interpretation, judgement, decision or determination made by the Zoning Inspector in the administration and enforcement of the provisions of this Resolution.
    - (1) Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer 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 from whom the appeal is taken

and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof.

- (2) The Zoning Inspector from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.
- (3) The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give ten (10) days written notice by ordinary mail to the parties in interest, give notice of such public hearing by one publication in a newspaper of general circulation within the Township at least ten (10) days before the date of such hearing, and decide the same within a reasonable time after it is submitted. At the hearing, any party may appear in person or be represented by an attorney.

(b) *Variances*

- (1) To authorize upon appeal by reasons of exceptional narrowness, shallowness, shape, topographic conditions, or other extraordinary situation or condition of a lot a variance from strict application of the provisions of this Resolution to relieve exceptional difficulties or undue hardship, provided said relief can be granted without substantial detriment to the public good and does not substantially impair the intent of this Resolution. No variance shall be granted unless the Board finds that all of the following conditions exist:
  - (i) The special circumstances or conditions applying to the building or land in question are peculiar to such lot or property, and do not result from the actions of the applicant and do not apply generally to other land or buildings in the vicinity.
  - (ii) The granting of the application is necessary for the preservation and enjoyment of the substantial property right and not merely to serve as a convenience to the applicant.
  - (iii) The proposed variance will not constitute a change, including a variation in use, on the Official Zoning District Map. In no case shall the Board of Zoning Appeals approve a variance for a use which is not a permitted use in the district in which the property, building, or structure is located.
- (2) Written application for a variance shall be made to the Township Zoning Inspector who shall transmit said application to the Board of Zoning Appeals. The Board of Zoning Appeals shall cause a public hearing to be held. The Board of Zoning Appeals shall give written notice by ordinary mail to all owners of land within five hundred (500) feet of the exterior boundaries of the land for which a variance is requested. An application for a variance shall be advertised at least once, ten (10) days in advance of the time set for the public hearing, in a newspaper of general circulation within the Township.

- (3) In granting any variance under the provisions of this section, the Board of Zoning Appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions in the application on which the variance is granted.

(c) *Conditional Uses*

- (1) The Board of Zoning Appeals may hear and decide upon, in accordance with the provisions of this Resolution, applications for a Conditional Use Permit. The purpose of a Conditional Use Permit is to allow a proper integration into the Township of uses which may only be suitable in specific locations within certain zoning district(s) or only if such uses are designed or laid out in a particular manner on the site. A Conditional Use Permit shall be required for all uses listed as conditionally permitted uses in this Resolution.
- (2) In considering an application for a Conditional Use Permit, the Board of Zoning Appeals must make an affirmative finding that the proposed Conditional Use is to be located in a district wherein such use may be conditionally permitted, and that all conditions for approval of Conditional Uses have been met. The Board of Zoning Appeals shall give due regard to the nature and condition of all adjacent uses and structures and the consistency therewith of the proposed Conditional Use and any potential nuisances.
  - (i) An application for Conditional Use Permit shall be submitted on such forms as designated and/or approved by the Township Trustees. No application shall be considered unless the same is fully completed and accompanied by required information on said application.
  - (ii) The application shall be transmitted to the Board of Zoning Appeals who shall cause a public hearing to be held.
  - (iii) Notice of the application for Conditional Use Permit and the hearing thereon shall be given to all owners of properties which are contiguous with any part of the tract for which a Conditional Use Permit is requested, or which lay directly across any public thoroughfare from the subject tract. Notice shall be given by ordinary mail. In addition thereto one notice of said meeting shall be published in a newspaper of general circulation within the Township not less than ten (10) days prior to the scheduled hearing.
- (3) The Board shall make its decision within a reasonable time after the hearing. In the event the Board approves the Conditional Use Permit, it may impose such reasonable conditions as it deems necessary to insure that the use will be conducted in the best interest of the zoning district.

- (4) The Board of Zoning Appeals may revoke a Conditional Use Permit for failure to comply with the conditions of that permit. The Board shall notify the holder of the permit by certified mail of its intent to revoke the permit and of the holder's right to a hearing before the Board, within thirty (30) days of the receipt of said notice, if he so requests. In lieu of said certified mail service, service may be made personally by the Township Zoning Inspector, in which case the hearing shall be requested within thirty (30) days after such service. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and may examine witnesses appearing for or against him. If no hearing is requested the Board may revoke the permit without a hearing. The authority to revoke a permit is in addition to any other means of zoning enforcement provided by law.
4. Decision of Board. The Board of Zoning Appeals shall act by resolution in which three (3) members concur, and every action shall be accompanied by a written finding of fact based on testimony and evidence and specifying the reason by granting or denying the request. A copy of the resolution, accompanied by the Board's finding of fact, shall be mailed to the applicant by ordinary mail.
5. Public Information. All communications to members of the Board of Zoning Appeals, written or oral which shall be reduced to writing, pertaining to any matter before the Board shall be made a part of the record. The record of the Board's proceeding in any matter shall be kept on file in the Township Hall, subject to the order of the Auglaize County Common Pleas Court, and available for inspection by the public.
6. Record. For any hearing at which the applicant desires a record to be made, the applicant shall give notice not less than ten (10) days prior to the date scheduled for said hearing to the Zoning Inspector requesting that a court reporter be retained to make such record and the applicant shall deposit with his request cash in the amount established by the Trustees to be used to defray the expenses of making a record. In all hearings wherein no request has been made for a record, the notes of the Board of Zoning Appeals shall serve as the sole transcript of such hearing.
7. Fees to Accompany Notice of Appeal or Application for Variance or Conditional Use. For all actions of the Board of Zoning Appeals, the Board of Township Trustees shall establish fees to be deposited with each application. Such fees shall be set annually and shall be required generally for each application to defray the costs of advertising, mailing, and other expenses.

## **Section E: Board of Township Trustees**

The powers and duties of the Board of Township Trustees are the following:

1. Appoint five (5) members to a Township Zoning Commission whose function it is to formulate a Zoning Resolution text and Official Zoning District Map and to initiate or

- review proposed text amendments or changes of zoning district on the Official Zoning District Map, as specified in Section 8.B. (Township Zoning Commission).
2. Appoint a Zoning Inspector to administer and enforce the provisions of this Zoning Resolution, in accordance with the functions enumerated in Section 8.C. (Zoning Inspector).
  3. Appoint a five-member Board of Zoning Appeals in accordance with the Ohio Revised Code to hear Administrative Appeals, requests for Variances and Conditional Use Permits, as specified in Section 8.D. (Board of Zoning Appeals).
  4. Initiate or act upon suggested amendments to the Zoning Resolution text or Official Zoning District Map following recommendations of the Township Zoning Commission and review by the Auglaize County Regional Planning Commission.
  5. Each written application for a Zoning Certificate, Zoning Amendment, Administrative Appeal, Conditional Use Permit, or Variance shall be accompanied by filing fees which are to be determined by Resolution of the Board of Township Trustees. These filing fees shall be forwarded to the Township, and shall be utilized to help cover the expenses of the Zoning Inspector, the Zoning Commission, and the Board of Zoning Appeals.

## **Section F: Administrative Procedures**

### **1. Zoning Certificates**

- (a) *Requirements.* No person shall locate, erect, construct, reconstruct, enlarge or structurally alter any non-farm building or structure within Jackson Township without obtaining a Zoning Certificate. No Zoning Certificate shall be issued unless the plans for the proposed building or structure fully comply with all the provisions of this Resolution.
- (b) *Provision of Utility Services.* No public utility company or supplier of electrical service shall supply initial utility services (gas, electricity, water, sewer) to any building or manufactured home located within the confines of Jackson Township until such time as a Zoning Certificate is presented to such public utility or electrical service company which indicates that the building to be serviced has been officially approved by the Zoning Inspector.<sup>53</sup>
- (c) *Application.* Application for a Zoning Certificate shall be made in writing to the Township Zoning Inspector. Each written application shall include the following:
  - (1) Two (2) copies of a scale drawing showing the actual shape and dimensions of the lot to be built up on, or to be changed in its use, in whole or in part;

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<sup>53</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

- (2) The location of the lot, existing zoning and land use, including the immediately surrounding area;
  - (3) The location, size and height of any building or structure to be erected or altered;
  - (4) The existing or intended use of each building, structure or use of land where no buildings are included;
  - (5) The number of families or dwelling units each building is designed to accommodate, if applicable; and
  - (6) In every case where the lot is not provided and is not proposed to be provided with public water supply and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Health Officer of Auglaize County of the proposed method of water supply and/or disposal of sanitary wastes.
- (d) *Agricultural Buildings.* Zoning Certificates shall not be required for agricultural buildings, such as barns, silos, and outbuildings.
  - (e) *Time Limit.* If a Zoning Certificate is issued for the purpose of constructing a new building or structure and such construction is not begun within a (6) month time period, or such construction does not appear to have been substantially completed within a twelve (12) month time period, then said Zoning Certificate shall be null and void.
  - (f) *Change of Use.* No change of use shall be made in any building or part thereof now or hereafter located, constructed, reconstructed, enlarged, or structurally altered, except for agricultural purposes, without a Zoning Certificate being issued by the Township Zoning Inspector. No Zoning Certificate shall be issued to make a change in use unless the changes have been made in conformity with the provisions of this Zoning Resolution, or unless a Variance or Conditional Use Permit has been granted by the Board of Zoning Appeals.
  - (g) *Records.* A record of all Zoning Certificates shall be kept on file in the office of the Township Zoning Inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.
2. Text Amendments and Changes of Zoning District
- (a) Amendments or supplements to the Zoning Resolution may be initiated by motion of the Township Zoning Commission, by the passage of a resolution by the Board of Township Trustees subsequently certified to the Zoning Commission, or by the filing, with the Zoning Commission, of an application by one or more of the owners



or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Township Zoning Commission.<sup>54</sup>

- (1) The Township Zoning Commission and Board of Township Trustees shall favorably consider an application for a text amendment, whether to the Zoning Resolution text or to the Official Zoning District Map, only if the request for a change of zoning meets the following conditions:
    - (i) Manifest error in the original Zoning Resolution text and/or designations on the Official Zoning District Map;
    - (ii) Accordance with, or more appropriate conformance to, any existing Official Land Use Plans for the area under consideration;
    - (iii) Substantial change in area conditions;
    - (iv) Legitimate requirement for additional area for the particular zoning district.
  - (2) Where the Zoning District Map is proposed to be amended, the Township Zoning Commission and the Board of Township Trustees shall not approve any petition which results in a total landholding (excluding the area in roads and highways) containing less acreage than the minimum specified for each zoning district in Chapter 2, Section C (Minimum Size Requirements for New Zoning Districts).
  - (3) The Board of Township Trustees may require that the owner or lessee of property filing an application to amend or supplement the Zoning Resolution to pay a fee to defray the cost of advertising, mailing, and other expenses. If the Township Trustees require such a fee, it shall be required generally, for each application. The Board of Township Trustees shall upon the passage of such resolution certify it to the Township Zoning Commission.
- (b) Upon the initiation of an amendment or supplement to the Zoning Resolution, the Township Zoning Commission shall set a date for a public hearing, which date shall not be less than twenty (20) nor more than forty (40) days from the date of certification of such resolution by the Board of Trustees, the date of adoption of such motion by the Planning Commission, or the date of filing of such application.<sup>55</sup>
  - (c) Notice of such Public Hearing by the Zoning Commission shall be given by one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing.

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<sup>54</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>55</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

- (1) If the proposed amendment alters the text of the Zoning Resolution or rezones more than ten (10) parcels of land, the published notice shall set forth the following information: <sup>56</sup>
  - (i) The time, date, and place of the public hearing;
  - (ii) A statement that the hearing is for an amendment to the Zoning Resolution;
  - (iii) The time and place where the text and maps of the proposed amendment will be available for inspection for a period at least ten (10) days before the public hearing;
  - (iv) The name of the person responsible for giving notice of the hearing;
  - (v) A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action; and
  - (vi) Any other information requested by the Zoning Commission.
- (2) If the proposed amendment or supplement intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the tax duplicate, in addition to a published notice, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing, to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the county auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall set forth the following information: <sup>57</sup>
  - (i) The time, date, and place of the public hearing;
  - (ii) The name of the Zoning Commission;
  - (iii) A statement that the hearing is for an amendment to the Zoning Resolution;
  - (iv) The list of the properties proposed to be rezoned;
  - (v) The present and proposed zoning of the property;
  - (vi) The time and place where the motion, resolution, or application proposing the amendment will be available for inspection for a period at least ten (10) days before the public hearing;
  - (vii) The name of the person responsible for giving notice of the hearing;
  - (viii) Any other information requested by the Zoning Commission; and
  - (ix) A statement that after the conclusion of such hearing, the matter will be submitted to the Board of Township Trustees for its action.
- (d) Within five (5) days after the initiation of an amendment or supplement to the Zoning Resolution, the Township Zoning Commission shall transmit a copy thereof

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<sup>56</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>57</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

together with text and map pertaining thereto to the Regional Planning Commission.<sup>58</sup>

- (1) The Regional Planning Commission shall recommended the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendation to the Township Zoning Commission.
- (2) Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed amendment or supplement. If the recommendation of the Regional Planning Commission is not received by the initial date of the Public Hearing, such hearing shall be continued until such recommendation may be considered. No further notice shall be necessary if the time, date, and place of a future continued Public Hearing is scheduled at the previous Public Hearing.<sup>59</sup>
- (e) The Township Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendments or supplement, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto, and the recommendation of the Regional Planning Commission to the Board of Township Trustees.
- (f) The Board of Township Trustees shall, upon receipt of such recommendation, shall set a time for a public hearing on such proposed amendment or supplement, which date shall not be less than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission.
- (g) Notice of such Public Hearing by the Board of Trustees shall be given in the same manner and with substantially the same content requirements as that employed in the first hearing by the Zoning Commission. Substantial compliance with the requirement to properly publish the notice sufficiently in advance of the Public Hearing shall not invalidate the subsequent amendment of the Zoning Resolution by the Board of Trustees.<sup>60</sup>
- (1) Within twenty (20) days after such public hearing the Board shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the Board denies or modifies the recommendation of the Township Zoning Commission, the unanimous vote of the Board shall be required.
- (2) Such amendment or supplement adopted by the Board shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days

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<sup>58</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>59</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>60</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

after the adoption of the amendment or supplement there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated areas of the Township or part thereof included in the zoning plan equal to not less than eight (8) percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

- (3) No amendment or supplement 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 votes it shall take immediate effect.
- (4) All procedures thereafter shall be in strict compliance with the requirements of the Revised Code of Ohio.
- (h) On any application for an amendment or supplement to the Zoning Regulation at which the applicant desires a record to be made, the applicant shall give notice to the Zoning Commission or the Board of Township Trustees, as the case may be, requesting that a court reporter be retained to make such record. The applicant shall make such request not less than ten (10) days prior to the scheduled hearing and shall deposit with his request cash in the amount established by the Trustees to be used to defray the expenses incurred in making the record. In all hearings wherein no timely request has been made for a record, the notes of the Township Zoning Commission or of the Board of Township Trustees, as the case may be, shall serve as the sole transcript of such hearing.
- (i) The owner or lessee of property filing an application to amend or supplement this Zoning Resolution shall deposit with such application a fee, as prescribed by the Board of Township Trustees, to defray the cost of advertising, mailing and other expenses. This fee shall be required generally for each application and the amount of such fee shall be established annually by the Board of Township Trustees.

## **Section G: Enforcement Procedures**

1. Enforcement. This Resolution shall be enforced by the Board of Township Trustees, and such Zoning Inspector as may be designated by said Board.
2. Revocation of Zoning Certificate. Any Zoning Certificate issued upon a false statement shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Board of Township Trustees, the Zoning Certificate shall be revoked by notice in writing to be delivered to the holder of the void Certificate upon the premises concerned, or in some conspicuous place upon the said premises. Any person who shall proceed thereafter with such work or use without having obtained a new Zoning

Certificate, in accordance with this Resolution, shall be deemed guilty of violation thereof.<sup>61</sup>

3. Violation. In case any building is, or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is, or is proposed to be, used in violation of this Resolution, the Board of Township Trustees, the County Prosecuting Attorney, the Zoning Inspector, or any neighboring property owner who would be damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.
4. Penalty. Any person, firm or corporation violating any provision of this Resolution shall be fined not more than five hundred (\$500.00) dollars for each offense. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.<sup>62</sup>

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<sup>61</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>62</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

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## CHAPTER 9

### GLOSSARY OF DEFINITIONS

#### **Section A: Rules for Interpretation of the Zoning Regulations Text**

In the interpretation of the text, the rules of interpretation contained in this Section shall be observed and applied, except when the context clearly indicates otherwise. The following rules apply to the text:

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text and any table, the text shall control.
3. The word "shall" shall be mandatory and not discretionary. The words "may" or "should" shall be permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for."

#### **Section B: Definitions**

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this Resolution.

1. Accessory Building or Use: An accessory building or use is one which:
  - (a) is subordinate to and serves the principal building or principle use;
  - (b) is subordinate in area, extent, or purpose to the principal building or principal use served;
  - (c) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served;
  - (d) is located on the same zoning lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are

permitted to locate elsewhere than on the same zoning lot with the building or use served;

- (e) does not contain more than thirty-five (35) percent of the first floor area of the principal building, with the exception of required off-street parking.
- 2. Agriculture: The use of land for purposes including agriculture, dairying, farming, floriculture, horticulture, pasturage, viticulture, and animal and poultry husbandry.
- 3. 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.
- 4. Basement: That portion of a building which is partly underground and which has one-half ( $\frac{1}{2}$ ) or more of its ceiling height above the average finished grade of the ground adjoining the building in which it is located.
- 5. Board of Zoning Appeals: The Board of Zoning Appeals of Jackson Township.
- 6. Buildable Lot Area: That part of the lot not included within the open areas otherwise required by this Resolution.
- 7. Building: Any permanent or stationary structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or property. At no time shall this definition be construed to include mobile homes or manufactured homes not placed upon a permanent foundation.
- 8. Building, Alteration Of: Any change or rearrangement in the supporting members (such as bearing walls, beams, columns, or girders) of a building or any addition to a building, or movement of a building from one location to another.
- 9. Building, Enlargement Of: Any increase in the cubic content of a building.
- 10. Height Of: The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.
- 11. Building Line: A line defining the minimum front, side, and rear yard requirements.
- 12. Building, Principal: The building in which the main or chief use permitted on the zoning lot is conducted.
- 13. Building Setback Line: The line nearest the front and across a lot establishing the minimum open space to be provided between the front line of the building foundation and the front lot line; or the front line of the foundation of enclosed porches or vestibules if nearer the front line than the main foundation, not including steps.



14. Business: An occupation, enterprise, undertaking or employment which engages in the purchase, sale, barter or exchange of goods, wares, merchandise or services, or where there is the maintenance or operation of an office or offices for the exhibition, sale, or offering of merchandise or services.
15. Cellar: A story partly underground and having more than fifty (50) percent of its clear height below the average level of the adjoining ground. A cellar shall not be considered a story for purposes of height measurement, or in determining the permissible number of stories, or in computing floor area or living area.
16. Cemetery: Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes.
17. Child Day Care: A child day care center or family day care home, further defined herein, licensed by the Department of Job and Family Services pursuant to ORC 5104 in which persons other than the parents or guardians, custodians, or relatives by blood, marriage, or adoption of the children involved administer to the non-educational needs of infants, toddlers, preschool children, and school children outside of school hours for any part of the twenty-four-hour day in a place or residence other than a child's own home.<sup>63</sup>
18. Child Day Care Center: Pursuant to ORC 5104, any place where child day care, defined herein, is provided for thirteen (13) or more children at one time, or any place that is not the permanent residence of the licensee or administrator in which child day care is provided for seven (7) to twelve (12) children.<sup>64</sup>
19. Child Day Care Home, Type A: Pursuant to ORC 5104, a permanent residence of the administrator in which private or publically-funded child day care, defined herein, is provided for seven (7) to twelve (12) children at one time, or a permanent residence of the provider in which child day care is provided for four (4) to twelve (12) children at one time if four (4) or more are less than two (2) years of age.<sup>65</sup>
20. Child Day Care Home, Type B: Pursuant to ORC 5104, a permanent residence of the provider in which child day care is provided for one (1) to six (6) children at one time and in which not more than three (3) children are less than two (2) years old at one time. In counting children for the purposes of this Section, no children of the day care provider shall be counted.<sup>66</sup>
21. Churches and Similar Places of Worship: A building used principally for religious worship, but the word "church" shall not include or mean an undertaker's chapel or funeral building.

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<sup>63</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>64</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>65</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>66</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

22. Commercial Establishment: See "Business."
23. Comprehensive Plan: A plan, or any portion thereof, showing the general location and extent of present and proposed land use and transportation facilities, including housing, industrial and commercial uses, highways and roads, parks, schools, and other community activities.
24. 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 that all prior conditions for approval have been met.
25. Conditional Use Permit: A permit issued by the Zoning Enforcement Officer upon approval of the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the zoning district.
26. Court: An open, unoccupied, and unobstructed space, other than yard, on the same lot with a building or group of buildings.
27. Density (Gross): A ratio of the total area of a landholding or tract (usually expressed in acreage, and including public ways and open space) compared to the number of dwelling units to be placed thereon.
28. Depth of Lot, Piece or Parcel: Is the mean distance from the front lot line of the lot, piece or parcel to the rear line measured in the mean direction of the side lines of the lot, piece or parcel.
29. District: Same as Zoning District.
30. Drainageway: A water course, gully, dry stream, creek, or ditch which carries storm water runoff, which is subject to flooding or ponding, which is fed by street or building gutters or by storm water sewers, or which serves the purpose of draining water from the lands adjacent to such water course, gully, dry stream, creek, or ditch.
31. Dwelling: A building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, house trailer, mobile or manufactured home not placed upon a permanent foundation, boarding or rooming house, hotel or motel.<sup>67</sup>
32. Dwelling, Detached: A building having no party wall in common with another building.
33. Dwelling, Earth Sheltered: A residence constructed in such a way that at least some portion of its highest story is situated beneath a continuous exterior surface grade, having its floor at the approximate level of some other exterior grade on one or more sides.

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<sup>67</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

34. Dwelling, Industrialized Unit: A building unit or assembly of closed construction fabricated in an off-site facility that is substantially self-sufficient as a dwelling unit or as part of a greater structure, and that requires transportation to the site of intended use. An 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 on a permanent foundation. An industrialized unit does not include a "manufactured home" or "mobile home" as defined herein.
35. Dwelling, Manufactured Home: 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.
  - (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.
  - (c) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering.
  - (d) The manufactured home has conventional residential siding and a six (6) inch minimum eave overhang, including appropriate guttering.
  - (e) The structure was manufactured after January 1, 1995.
  - (f) The structure is not located in a manufactured home park as defined by ORC 3733.01.
36. Dwelling, Single-Family: A detached building designed for or occupied exclusively for residence purposes by one (1) family or housekeeping unit. In no case shall a manufactured home not placed upon a permanent foundation be considered a single-family dwelling.<sup>68</sup>
37. Dwelling, Two-Family: A building designed for or occupied exclusively by two (2) families or housekeeping units living independently of each other.
38. Dwelling, Multiple-Family: A building or portion thereof designed for or used by three (3) or more families of housekeeping units living independent of one another.
39. Dwelling, Mobile Home: Any vehicle or mobile structure more than forty (40) feet long, on wheels, skids, rollers, or blocks, designed to be pulled, pushed, or carried by a motor vehicle on a highway, and designed for living as a one-family dwelling, complete and ready for occupancy as such except for minor and incidental packing and assembly operations, location on permanent foundations, connections to utilities, and the like.

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<sup>68</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

40. Dwelling Unit: A one-family dwelling or a portion of a two-family, three-to-four multiple-family, or row dwelling used by one family for cooking, living, and sleeping purposes with only one (1) kitchen or kitchenette.
41. Eating and Drinking Places: (See Restaurant).
42. Establishment: A building or structure used for commercial or industrial purposes including stores, shops, plants, factories, warehouses, wholesale houses, and the like.
43. Family: A person living alone, or two (2) or more persons related by blood, marriage or adoption, or not more than five (5) unrelated persons living together as a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, motel or hotel, fraternity or sorority house.
44. Fence: An enclosure, barrier or screen whose purpose is to physically and/or visually contain certain uses and activities which are carried out on a particular zoning lot.
45. Finished Grade: The elevation of the surface of the ground adjoining the building after construction of required parking areas or driveways and after the planting of lawn and shrubbery, or other required improvements.
46. Flood Plain: The areas in Jackson Township which lay within the One Hundred Year Floodplain, as defined by the United States Army Corps of Engineers.
47. Floor Area: The total horizontal area of all floors finished as usable area including roofed porches and roofed terraces. Measurements of Floor Area shall be taken to the outside of the exterior walls. Floor Area shall not include: cellar or basement space; elevator and stair bulkheads; attic space; terraces, breezeways and open porches; uncovered steps; and garages.
48. Frontage: The distance between the side lot lines, measured along a line drawn at the point of required minimum setback and running parallel to the front lot line. In the case of a corner lot, the frontage requirement shall apply only to the portion of the lot toward which the front of the building or structure faces.
49. Garage, Private: A detached accessory building or a portion of the principal building used only for the storage of vehicles and incidental personal property by the occupants of the principal building.
50. Garden Apartments: A multi-story, walk-up apartment building, usually grouped around a common open space with off-street parking provided on the periphery of the site.
51. Gross Density: The population density of a particular area measured by the number of residents divided by the total number of acres, including street rights-of-way as well as residential land.

52. Group Adult Care Facility: A residence, facility, institution, hotel, or congregate housing project licensed by the Department of Health under ORC 3722, which provides accommodations and supervision to three (3) to sixteen(16) unrelated adults, at least three (3) of whom are provided personal care services as defined herein. An Adult Care Facility does not include: a hospice care facility licensed under ORC 3712.04; a nursing home or home for the aging; a community alternative home; an alcohol and drug addiction program; a habilitation center certified under ORC 5123.041; a licensed residential facility for the mentally ill; a licensed methadone treatment facility; a MR/DD residential facility regulated/licensed by the Department of Mental Retardation and Developmental Disabilities; a facility that provides personal care services to fewer than three residents or that provides, for any number of residents, only housing, housekeeping, laundry, meal preparation, social or recreational activities, maintenance, security, transportation, and similar services that are not personal care services or skilled nursing care; any facility that receives funding for operating costs from the Department of Development to provide emergency shelter housing or transitional housing for the homeless; or a terminal care facility for the homeless that has entered into agreement with a hospice care program; a facility approved by the Veterans' administration.<sup>69</sup>
53. Group Foster Home: A private residence certified by the Ohio Department of Job and Family Services pursuant to ORC 5103 in which no more than five (5) children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children care, supervision, or training twenty-four hours a day. More than five (5) children may occupy a group foster home only when necessary to accommodate a sibling group or the remaining members of a sibling group.<sup>70</sup>
54. Group Home: A building, or portion thereof, which are licensed for the care of unrelated persons in a single-family dwelling. See "Group Adult Care Facilities," "Group Foster Homes," and "Group MR/DD Residential Facilities."<sup>71</sup>
55. Group MR/DD Residential Facility: A residential home or facility inspected and licensed by the Department of Mental Retardation and Developmental Disabilities pursuant to ORC 5123.19 that provides room and board, personal care, habilitation services, and supervision in a family setting by a person not a relative or legal guardian for mentally retarded or developmentally disabled persons. A MR/DD Residential Facility may also include a respite care home certified under ORC 5126.05, a county home or district home operated pursuant to ORC 5155, or a dwelling in which the only mentally retarded or developmentally disabled residents are in an independent living arrangement or are being provided supported living. A MR/DD residential facility does not include residential facilities for one or more persons with mental illness or severe mental disabilities licensed under ORC 5119.22 by the Department of Mental Health.<sup>72</sup>

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<sup>69</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>70</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>71</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>72</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

56. Hedge: A dense growth of shrubbery, usually planted to function as a fence or boundary.
57. Height: For the purpose of determining the height limits in all zones set forth in these Regulations, the datum shall be mean sea level elevation unless otherwise specified.
58. Home Occupation: Any occupation conducted in its entirety within a dwelling unit, provided that no person other than members of the family residing on the premises shall be engaged in such occupation and the use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to use for residential purpose by its occupants.
59. Industrial and Manufacturing Establishments, Heavy: Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials with significant external effects, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. Heavy industry shall also mean those uses engaged in the operation, parking, and maintenance of vehicles, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, truck terminals, public works yards, and container storage.<sup>73</sup>
60. Industrial and Manufacturing Establishments, Light: A use engaged in research, scientific laboratories, or development activities, as well as the manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment, predominately from previously prepared materials, of finished or semifinished products or parts, for which these activities are conducted wholly within an enclosed building in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc. Incidental warehousing, wholesaling, and distribution of the finished products produced at the site is allowed as part of this use. Finished or semifinished products may be temporarily stored outdoors pending shipment. Included in light industrial are the manufacturing of apparel, electrical appliances, electronic equipment and instruments, camera and photographic equipment, ceramic products, cosmetics and toiletries, business machines, fish tanks and supplies, food products, paper products (but not the manufacture of paper from pulpwood), musical instruments, medical appliances, tools or hardware, plastic products (but not the processing of raw materials), pharmaceuticals or optical goods, bicycles, and any other product of a similar nature. A machine shop is included in this category. Light industrial shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal, or related industries.<sup>74</sup>
61. Industrial Building. Any building or structure used for the purpose of manufacturing, processing, testing, and similar industrial use, which may generate some objectionable

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<sup>73</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>74</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

- characteristics, such as noise, smoke, dust or pollution, requiring large sites, open storage and service areas, and ready access to regional transportation.
62. Institution: A building occupied by a non-profit corporation or establishment for a public use.
63. Junk: Old, dilapidated, scrap or abandoned metal, paper, building materials and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles, and parts thereof.<sup>75</sup>
64. Living Area: The total square footage of usable living floor space within the defined areas created by the walls for a dwelling. Such area does not include open patios, open terraces or courts, open breezeways, outside steps, garages, carports and/or basements.
65. Loading Space: An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.
66. Lot: A parcel of land defined by metes and bounds or boundary lines in a recorded deed or on a recorded plat, fronting on a legally dedicated public thoroughfare. In determining lot area, no part thereof within the limits of the proposed thoroughfare rights-of-way shall be included.
67. Lot Area: The computed area contained within the lot lines, excluding right-of-way.
68. Lot, Corner: A lot abutting upon two (2) or more roads or streets at their intersection or upon two parts of the same road or street and in either case forming an interior angle of less than one hundred thirty-five (135) degrees.
69. Lot, Depth: The mean horizontal distance between the front and the rear lot lines.
70. Lot, Interior: A lot other than a corner lot with only one frontage on a street.
71. Lot Lines: The property line bounding the lot.
72. Lot Line, Front: The line separating the lot from a street right-of-way.
73. Lot Line, Rear: The lot line opposite and most distant from the front lot line.
74. Lot Line, Side: Any lot line other than front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

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<sup>75</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

75. Lot Line, Street or Alley: A lot line separating the lot from a street or alley.
76. Lot of Record: Any lot which individually or as a part of a subdivision has been recorded in the County Recorder's Office or on which the recording has been delayed by mutual consent of the subdivider/developer and the Township.
77. Lot, Through: A lot, except a corner lot, having frontage on two approximately parallel streets.
78. Lot Width: The mean width of the lot measured at right angles to its depth.
79. 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. A manufactured home does not include an "industrialized unit" or a "mobile home" as defined herein.
80. Manufacturing: Production or industrial process, including food processing, which combines one or more raw materials or components into a product, or which changes the nature of the materials entering the process.
81. Massage: Touch, stroking, kneading, stretching, friction, percussion and vibration, and includes holding, positioning, causing movement of the soft tissues and applying manual touch and pressure to the body (excluding an osseous tissue manipulation or adjustment).<sup>76</sup>
82. Massage Services:<sup>77</sup> Any building, room, place, or establishment where massage, including non-medical or non-surgical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than:
- (a) Hospitals, nursing homes and public health centers; the offices of a person who is licensed or registered by the State of Ohio Medical Board which are used while performing the licensed or registered profession; a licensed barber shop, beauty salon, school of cosmetology, or barber school while used to perform the licensed vocation; a school of massage approved by the Ohio State Medical Board and the State Board of Proprietary Schools; the office of a licensed Chiropractor or physical therapist while used to perform the licensed profession; or
  - (b) A person licensed or registered by the State of Ohio Medical Board while performing the licensed or registered profession; a licensed cosmetologist, registered barber, registered barber apprentice, licensed chiropractor, licensed

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<sup>76</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

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practical nurse, registered nurse, licensed physical therapist, licensed physical therapist assistant while performing the said profession or vocation; or a person working under the direction or supervision of individuals mentioned above in this paragraph while performing the said profession or vocation.

83. Massage Studio: An establishment offering massage therapy and/or body work by a massage therapist licensed under ORC 4731.16 or under the direct supervision of a licensed physician. A massage studio shall not include a massage parlor. <sup>78</sup>
84. Massage Therapy: The profession in which a State of Ohio certified massage therapist applies massage techniques with the intent of positively affecting the health and well-being of the client, and may adjunctively (i) apply allied modalities, heat, cold, water and topical preparations not classified as prescription drugs, (ii) use hand held tools or devices designed as t-bars or knobbies, and (iii) instruct self care and stress management. 'Manual' means by use of hand or body. <sup>79</sup>
85. Mobile Home: Any vehicle or mobile structure more than forty (40) feet long, on wheels, skids, rollers, or blocks, designed to be pulled, pushed, or carried by a motor vehicle on a highway, and designed for living as a family dwelling, complete and ready for occupancy as such except for minor and incidental packing and assembly operations, location on permanent foundations, connections to utilities, and the like. A mobile home does not include an "industrialized unit" or a "manufactured home" as defined herein. <sup>80</sup>
86. Motel or Hotel: A series of attached, semi-attached, 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.
87. Noncommercial Recreational Facility: Any private and public or semi-public recreational facilities which are not operated for profit.
88. Nonconforming Use: A dwelling, building, or structure or any land or premises legally existing and/or used at the time of adoption of this Resolution, or any amendment thereto, which does not conform with the use regulations herein or of the district in which located.
89. Obscene / Obscenity: <sup>81</sup> Any material or performance that when considered as a whole and judged with reference to ordinary adults is "obscene" if it contains a series of displays or descriptions, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for

<sup>78</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>79</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>80</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>81</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

its own sake, or in a way that inspires disgust or revulsion in persons with ordinary sensibilities, or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose. Obscene material or performances shall include any of the following activities as part or in connection with any of the uses of an establishment set forth in this Zoning Code:

- (a) Human male genitals or the female breast areola in a discernibly turgid state of sexual stimulation or arousal;
  - (b) Fondling, rubbing, penetration, or other erotic touching or display of human genitals, pubic region, buttock, anus, female breasts, or open female labia;
  - (c) Actual sexual activity, normal or perverted, including: human masturbation; the penetration of any orifice with a male penis or sex toy; sexual intercourse; sodomy; cunnilingus; fellatio; bestiality; sadomasochistic activities; or extreme or bizarre violence, cruelty, or brutality used to arouse lust;
  - (d) Excretory functions, actual or simulated, including: urination; defecation; ejaculation; or the aftermath of excretory functions.
90. Personal Care Services: Procedures including, but not limited to: assisting residents with activities of daily living; assisting residents with self-administration of medication, in accordance with rules adopted under ORC 3721.04; and preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under ORC 3721.04.<sup>82</sup>
91. Public Parking Area: An open area other than a street or public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.
92. Parking Space: An off-street space, either within a structure or in the open, available for the parking of one motor vehicle, and having an area of not less than one hundred eighty (180) feet, exclusive of passageways and driveways appurtenant thereto and giving access thereto and having direct access to a street or alley.
93. Person: A corporation, firm, partnership, association, organization, or any other group acting as a unit, as well as a natural person.
94. Personal Services: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, barber shops, beauty parlors, and similar activities.
95. Private, Outdoor Recreation: Any privately owned and operated recreation facility or area such as a golf course, tennis courts, ball fields, or swimming pools.

<sup>82</sup>

Amended by Resolution No. 07063 (Effective April 6, 2007)

96. Private Street: A street that is not dedicated to the Township of Jackson.
97. Professional Office: Any building or structure, the use of which is limited to providing professional services such as doctors, lawyers, accountants, architects, engineers, photographers, city planners, and similar professions.
98. Public Facilities: Any building or structure used by government for administrative or service purposes, but not including buildings devoted to the storage and maintenance of equipment and materials.
99. Public Service Facilities: Any buildings or structures devoted to the storage and maintenance of equipment and materials, including street equipment and materials, relating to essential services and operating under authority granted by a government body.
100. Public Uses: 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.
101. Public Utility: Any building, power plant, substation, water treatment plant, pumping station, sewage treatment and disposal plant, or other similar public structure, including the furnishing of electrical , gas, telephone, water, and sewage services.
102. Regional Planning Commission: The Auglaize County Regional Planning Commission.
103. Resource and Mineral Extraction: Any mining, quarrying, excavating process, storing, separating, cleaning or marketing of any mineral natural resource.
104. Retail Establishment: Any business normally found in a business district, where goods or services are offered for sale in small quantities directly to consumers.
105. School (Primary or Secondary): An institution which offers instruction in the several branches of learning and study required to be taught in the public schools by the Ohio Common School Laws. (Secondary includes both junior and senior high).
106. Setback Line: The closest point at which a building may be constructed in relation to the lot line.
107. Sexually-oriented: Media, matter, visual representations, live performances, or services distinguished or characterized by the emphasis on "specified sexual anatomical areas" or "specified sexual activities" which are not of an "obscene" nature, as defined herein, or do not violate criminal statutes for obscenity or prostitution. Such media, matter, and visual representations include any one or more of the following: books, magazines, newspapers, periodicals, pamphlets, posters, prints, pictures, photographs, slides, transparencies, figures, images, descriptions, motion picture films, video cassettes, compact discs, laser discs, DVDs, computer files or software, phonographic records,

tapes, or other printed matter, visual representations, or tangible devices or paraphernalia.<sup>83</sup>

108. Sexually-oriented Arcade: An establishment where, for any form of consideration, coin operated, slug operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show sexually-oriented images to five or fewer persons per machine at any one time.<sup>84</sup>
109. Sexually-oriented Business: An establishment where a substantial portion of the use is distinguished or characterized by its emphasis on sexually oriented materials. Sexually-oriented businesses shall include: sexually-oriented arcades; sexually-oriented media stores; sexually-oriented cabarets; sexually-oriented motels; and sexually-oriented theaters, more specifically defined hereunder by this regulation. Other businesses which feature sexually-oriented materials as a substantial portion of the use are prohibited, including: sexually-oriented escort agencies; sexually-oriented studios; sexually-oriented encounter centers; and sexually-oriented spas, more specifically defined hereunder by this ordinance.<sup>85</sup>
110. Sexually-oriented Cabaret: An establishment where, for any form of consideration, a substantial portion of the use is related to sexually-oriented dancing or other sexually-oriented live entertainment, including: exhibitions, dance routines, gyrational choreography, lingerie modeling, lingerie dancers, strippers (male or female), female impersonators, or similar entertainment.<sup>86</sup>
111. Sexually-oriented Encounter Center: An establishment where, for any form of consideration, sexually-oriented physical touching, contact, or encounter occurs between two or more persons, including wrestling or tumbling. An establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapies and/or body work, including, but not limited to, massage therapy as regulated pursuant to section 4731.15 of the Revised Code, is not a sexually-oriented encounter center.<sup>87</sup>
112. Sexually-oriented Escort Agency: An establishment where, for any form of consideration, a companion, guide, or date is advertised, offered, or furnished to provide a sexually-oriented performance or service for another person, including the private modeling of lingerie, straddle dancing, or private striptease performances.<sup>88</sup>
113. Sexually-oriented Media Store: An establishment where, for any form of consideration, a substantial portion of the use is the offering of sexually-oriented goods for sale or rent,

<sup>83</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>84</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>85</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>86</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>87</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>88</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

including: printed matter; visual representations; instruments; devices; toys; novelties; paraphernalia; lingerie; or leather goods marketed or presented in a context to suggest their use for sadomasochistic practices.<sup>89</sup>

114. Sexually-oriented Motel:<sup>90</sup> A hotel, motel, or similar establishment where, for any form of consideration, patrons are provided with sexually-oriented closed-circuit television transmissions, films, motion pictures, laser discs, videocassettes, DVDs, slides, or other photographic reproductions and where the establishment:
- (a) Has a sign visible from the public right-of-way that advertises the availability of sexually-oriented materials along with room rentals; or
  - (b) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
115. Sexually-oriented Spa: An establishment, where for any form of consideration, non-medical or non-surgical manipulative exercises or devices, touch, stroking, kneading, stretching, friction, percussion and vibration are practiced upon the human body, manually or otherwise, with or without the use of therapeutic, electrical, mechanical, or bathing devices. A sexually-oriented spa shall not include a licensed and established hospital or dispensary offering massage therapy and/or body work by a licensed physician, surgeon, dentist, occupational or physical therapist, chiropractor, osteopath, or a massage therapist licensed under ORC 4731.16 or under the direct supervision of a licensed physician.<sup>91</sup>
116. Sexually-oriented Studio:<sup>92</sup> An establishment where, for any form of consideration, a person who exhibits "specified sexual anatomical areas" is to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. A Sexually-Oriented Studio shall not include a proprietary school licensed by the State of Ohio or a College, Junior College, or University supported entirely or in part by public taxation, a private college or university that maintains and operates educational programs in which credits are transferable to a College, Junior College, or University supported entirely or partly by taxation, or in a structure provided such institution meets all of the following criteria:
- (a) There is no sign visible from the exterior of the structure and no other advertising that indicates a person exhibiting specified sexual anatomical areas is available for viewing; and
  - (b) In order to participate in a class, a student must enroll at least three days in advance of the class; and

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<sup>89</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>90</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>91</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>92</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

- (c) No more than one person exhibiting "specified sexual anatomical areas" is on the premises at any one time.
117. Sexually-oriented Theater: A theater, concert hall, auditorium, or similar establishment where, for any form of consideration, a substantial portion of the use is the showing of sexually-oriented movies or sexually-oriented live performances for observation by patrons therein. <sup>93</sup>
118. Signs: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose, or identify the purpose of a person or entity, or to communicate information of any kind to the public. <sup>94</sup>
119. Sign, Banner: Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. <sup>95</sup>
120. Sign, Beacon: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also any light with one or more beams that rotate or move. <sup>96</sup>
121. Sign, Canopy: Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. <sup>97</sup>
122. Sign, Commemorative Building Marker: Any sign or tablet indicating the name of a building, date of erection, and incidental information about its construction, symbols or identification emblems of religious orders, or recognized historical agencies, which sign is cut into a masonry surface or made of bronze or other permanent material fastened or inlaid so as to be flat against or part of a building. <sup>98</sup>
123. Sign, Commercial Speech: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity. <sup>99</sup>
124. Sign, Construction: A temporary sign erected and maintained on a lot during the period of time that a building project is under construction which identifies parties involved in construction of the premises where the sign is located. <sup>100</sup>

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<sup>93</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>94</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

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<sup>100</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

125. Sign, Freestanding: Any sign supported by pole uprights or braces, placed on the ground, or attached to any building, as contrasted to a building sign.<sup>101</sup>
126. Sign, Future Development Sign: A temporary sign erected and maintained during the period of time preceding construction start of a building project on the parcel upon which the sign is located and which identifies the owner, the development team, the activity for which the building is intended, and describing the construction process, but not including the advertisement of any product.<sup>102</sup>
127. Sign, Illuminated: Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.<sup>103</sup>
128. Sign, Occupancy: A sign which only provides the house numbers identifying the address of a parcel and the nameplates of the occupants of a building.<sup>104</sup>
129. Sign, Off-Premises: A third-party sign which does not constitute advertisement for the primary function of the premises on which the sign is located. It is a sign that advertises goods, products, services, or facilities not necessarily sold on the premises on which the sign is installed or which directs persons to a different location from where the sign is installed.<sup>105</sup>
130. Sign, On-Premises: Any sign identifying or advertising a business, person, activity, goods, products or services located on the premises where the sign is installed and maintained.<sup>106</sup>
131. Sign, Portable: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported on wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs or inflatable devices used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal daily operations of the business.<sup>107</sup>
132. Sign, Projection: Any sign which projects from the exterior of a building or wall such that its leading edge extends more than six (6) inches beyond the surface of such building or wall.<sup>108</sup>

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<sup>101</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>102</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>103</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>104</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>105</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>106</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>107</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>108</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

133. Sign, Roof: Any sign erected, constructed and maintained wholly upon or over the roof or parapet wall of any building with principal support on the roof structure. <sup>109</sup>
134. Signs, Snipe: Any sign containing commercial speech painted, marked, written, posted or displayed on or otherwise affixed to any street sign or traffic sign, sidewalk, crosswalk, curb, curbstone, street lamp post, hydrant, railroad trestle, electric light or power pole or telephone pole or wire appurtenance thereof, fixture of the fire alarm system, public bridge, drinking fountain, natural features such as trees, shrubs, rocks or tree stakes or guards. A snipe sign shall not include identification signs on a utility structure for safety and maintenance or curb signs which identify the address of a property. <sup>110</sup>
135. Sign, Wall: Any sign attached parallel or nearly parallel to, but within six (6) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or buildings, and which displays only one (1) sign surface. <sup>111</sup>
136. Sign, Window: Any sign that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. <sup>112</sup>
137. Similar Use or Establishment: A use not specifically listed, but similar to any of the permitted building or use classifications of any district.
138. Skilled Nursing Care Services: Procedures that require technical skills and knowledge beyond those the untrained person possesses and that are commonly employed in providing for the physical, mental, and emotional needs of the ill or otherwise incapacitated. "Skilled nursing care" includes, but is not limited to: Irrigations, catheterizations, application of dressings, and supervision of special diets; objective observation of changes in the patient's condition as a means of analyzing and determining the nursing care required and the need for further medical diagnosis and treatment; special procedures contributing to rehabilitation; administration of medication by any method ordered by a physician, such as hypodermically, rectally, or orally, including observation of the patient after receipt of the medication; and carrying out other treatments prescribed by the physician that involve a similar level of complexity and skill in administration. <sup>113</sup>
139. Specified Sexual Activities: <sup>114</sup> The non-obscene display or depiction of any of the following activities as part or in connection with any of the uses of an establishment set forth in this Zoning Code:

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<sup>109</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>110</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>111</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>112</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>113</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>114</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)



- (a) Casual touching of human genitals, pubic region, buttocks, anus, or female breasts; and
  - (b) Simulated human masturbation, cunnilingus, fellatio, intercourse, or sodomy where the genitals cannot be seen.
140. Specified Sexual Anatomical Areas: The non-obscene showing of less than completely and opaquely covered human: genitals; pubic region; vulva; buttocks; anus; anal cleft; or the lower portion of the female breast below a horizontal line across the top of the areola at its highest point, but not including any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bath suit, or other wearing apparel provided the areola or nipple is not exposed in whole or in part. <sup>115</sup>
141. Stable: Any building located on a land use on which a residence is located, designed, arranged, used or intended to be used for housing horses for private use, benefit or pleasure of the occupants of the residence.
142. Standard (Performance): A criterion established herein in the interest of protecting the public health and safety for the control of noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, and other objectionable or dangerous elements generated by or inherent in uses of land or buildings.
143. Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or if there is no floor above, the portion between the floor and the ceiling above; also any portion of a building used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a story unless used for residential purposes.
144. Story (Half): A partial story under a gable, hip or gambrel roof, the wall plates of which, on at least two opposite exterior walls, are not more than four (4) feet above the floor of such story; provided, however, that any partial story used for residence purposes shall be deemed a full story.
145. Story (First): The lowest story or the ground story of any building, the floor of which is not more than one-half (½) of the story height below the average contact ground level at the exterior walls of the building; except that any basement or cellar used for residential purposes shall be deemed the first story.
146. Straddle Dancing. A rhythmic or dance performance or service, for any consideration, where any person uses any part of his or her body to purposely touch the genitals, pubic region, anus or female breast of any other person. Conduct shall be a straddle dance regardless of whether the "touch" or "touching" occurs while the person is displaying or exposing any specified sexual anatomical areas or whether the "touch" or "touching" is direct or through a medium. Conduct commonly referred to by the slang terms "lap dance" "table dance" and "face dance" shall be included within this definition.

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<sup>115</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

147. Street: A public right-of-way fifty (50) feet or more in width which provides a public means of access to abutting property, or any such right-of-way more than thirty (30) feet and less than fifty (50) feet in width provided it existed prior to the enactment of this Resolution. The street shall include avenue, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.
148. Structural Alteration: Any change other than incidental repairs, in the supporting members of a building, such as bearing walls, columns, beams or girders.
149. Structure: An assembly of materials which form a construction for occupancy or use, including, but not limited to: buildings, structures, antennas, overhead transmission lines, tents, platforms, stages, observation towers, radio, television and telephone towers, water storage tanks, trestles, piers, open sheds, smokestacks, steeples, shelters, fences, display signs, and the like, which shall be construed to mean the whole or parts thereof.
150. Substantial Improvement: Means any repair, reconstruction, or improvement of structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either 1) before the improvement or repair is started, or 2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either 1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
151. Substantial Portion: A measurement, count, or ratio used in the determination of a sexually oriented business, that applies as follows:
- (a) For sexually-oriented materials in displays visible or self-accessible to the public – more than ten (10) percent of the content, stock-in-trade, shelf-space, or inventory of the establishment;
  - (b) For sexually-oriented materials in separate rooms or areas with access control which isolates the room or area from other parts of the store and prevents patrons from viewing sexually-oriented material from the rest of the establishment – more than forty (40) percent of the gross floor area of the establishment;
  - (c) For live performance activities or the showing of films, motion pictures, video cassettes, slides, or similar visual or photographic reproductions – more than ten (10) percent of the presentations or performances within any ninety (90) day period in the establishment are:

- (1) Characterized by the depiction or description of specified sexual activities or specified sexual anatomical areas; or
  - (2) The showing of movies where the Motion Picture Association of America Movie Rating System or a rating system using similar constitutionally acceptable standards would apply an "adults only" rating, including, but not limited to "NC-17," "X," "XX," or "XXX;" or unrated films with comparable content.
152. Telecommunication Antenna, Amateur Radio: A free standing or building-mounted structure, including any base, tower or pole, antenna, and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio (HAM) license issued by the Federal Communications Commission. <sup>116</sup>
153. Telecommunication Antenna, Satellite Dish: A structure or combination of structures incorporating a reflective surface that is in the shape of a shallow dish, cone, horn or cornucopia specifically designed to transmit and/or receive radio electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, television reception only satellite dish antennas (TVROs), and satellite microwave antennas. Such structures shall be considered as accessory structures for the purpose of regulation in this ordinance and amendments hereto. <sup>117</sup>
154. Telecommunication, Collocation of: The use of a telecommunication and data transfer facility by more than one telecommunications provider. <sup>118</sup>
155. Telecommunication Equipment Shelter: The structure in which the electronic receiving and relay equipment for a telecommunication and data transfer facility is housed. <sup>119</sup>
156. Telecommunication Tower: Any pole, spire, structure or combination thereof, including supporting lines, cables, wires, braces and mast, designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. A telecommunication tower may include, but not be limited to, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and personal communication service towers. The term tower shall not include amateur radio operator's equipment, as licensed by the FCC. <sup>120</sup>
157. Telecommunication, Monopole: A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation. <sup>121</sup>

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<sup>116</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>117</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>118</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>119</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>120</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

<sup>121</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

158. Telecommunication Support Structure. Any building or other structure other than a tower which can be used for location of telecommunication facilities. <sup>122</sup>
159. Temporary Structure: Structures of a temporary nature erected for a period not to exceed twelve (12), months for such uses as construction offices or storage buildings at a construction site.
160. Trailer (Including Automobile Camp Trailer, House Trailer, or Mobile Home): Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping or living quarters or the conduct of any business, trade or occupation or use of a selling or advertising device, or use for storage or conveyance for tools, equipment, or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, drawn by other motor power.
161. Use: The employment or occupation of a building, structure or land for a service, benefit, or enjoyment.
162. Use-By-Right: A principal permitted use in a particular zoning district which is permitted in that district as a legal right (unless indicated explicitly otherwise) under the terms of these Regulations.
163. Utility Building: A detached accessory building used for the purpose of storing equipment and materials and/or housing parts of electrical, plumbing, and heating systems for the main building.
164. Wall: A boundary enclosure or separating barrier which is usually opaque.
165. Warehouse: A building or structure which use is limited to the storage of equipment or material.
166. Wholesale Establishment: An establishment that engages in the sale of goods, merchandise and commodities for resale by the purchaser.
167. Yard: A space on the same lot with a main building, open unoccupied and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in these Regulations.
168. Yard, Front: A yard extending across the full width of the lot, the depth of which shall be the least perpendicular distance between the front lot line and the front of the main building.
169. Yard, Rear: A yard extending the full width of the lot between the rearmost main building and the rear lot line, the depth of which shall be the least distance between the

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<sup>122</sup> Amended by Resolution No. 07063 (Effective April 6, 2007)

rear lot line and the rear of such main building. Where a rear lot line abuts an alley, half the alley width may be considered as part of the rear yard.

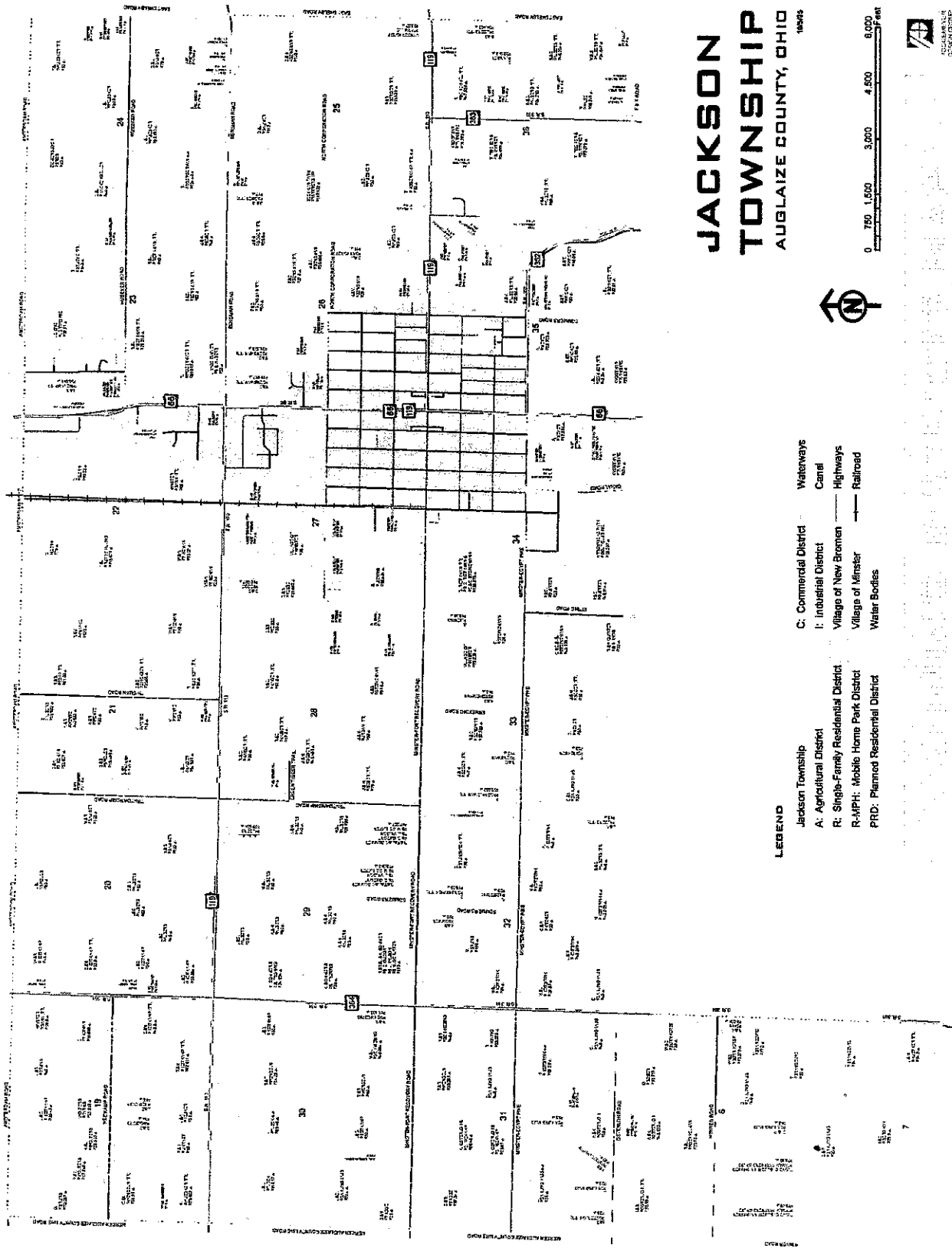
170. Yard, Side: A yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally and perpendicularly from the nearest point of the side lot line toward the nearest part of the main building. Where a side lot line abuts an alley, half the alley width may be counted toward the side yard requirement.
171. Zoning Certificate: The document issued by the Zoning Enforcement Officer authorizing buildings, structures or uses consistent with the terms of these Regulations and for the purpose of carrying out and enforcing its provisions.
172. Zoning District: A portion of the unincorporated area of the Township for which certain uniform regulations governing the uses, height, area, and intensity of use by buildings and land open spaces about buildings are herein established.
173. Zoning Inspector: The Zoning Inspector or his authorized representative, as appointed by the Board of Township Trustees.
174. Zoning Lot: A single tract of land which (at the time of the filing for a Zoning Certificate) is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. Therefore, a "Zoning Lot" may or may not coincide with a lot of record. The Zoning Lot shall have adequate frontage on an improved dedicated roadway of adequate width.
175. Zoning Map: The original Zoning Map of Jackson Township, Ohio together with all amendments subsequently adopted.













## RESOLUTION

(Adopting Amendments/Revisions to the Jackson Township Zoning Resolution)

WHEREAS the Zoning Commission of Jackson Township has recommended the approval of amendments and revisions to the Jackson Township Zoning Resolution; including, but not be limited to, adding Section V and W to Chapter 5 of the Resolution to incorporate regulations and definitions relating to the construction and placement of Small Wind Turbines within Jackson Township, Auglaize County, Ohio.; and,

WHEREAS, the Jackson Township Trustees set October 1, 2013, at 7:45 p.m. as a time for Public Hearing on the same, publication of which was made in the St. Marys Evening Leader on September 21, 2013; and

WHEREAS, a Public Hearing was held at the time and place described in said publication; and


WHEREAS, said recommendations were accepted by the Board of Township Trustees, by a unanimous vote of all members present;

THEREFORE BE IT RESOLVED that said amendments and revisions, a copy of which is attached hereto, be, and hereby are, adopted and that said amendments and revisions, shall become effective 30 days after the date of this Resolution.

BE IT FURTHER RESOLVED that the Fiscal Officer of Jackson Township mail or deliver a copy of this Resolution, with attached amendments and revisions, to the Secretary of the Zoning Commission, the Secretary of the Board of Zoning Appeals, the Township Zoning Inspector, the Secretary of the Regional Planning Commission and record a copy with the Auglaize County Recorder's Office.

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The foregoing Resolution was duly adopted at the regular meeting of the Jackson Township Board of Trustees held on October 1, 2013.

  
Dave Doenges, Fiscal Officer  
Jackson Township, Auglaize County Ohio

## RESOLUTION

RESOLVED, that whereas amendments have been proposed by the Jackson Township Zoning Commission to amend/revise the Jackson Township Zoning Resolution by amending/revising the text of the Jackson Township Zoning Resolution; including, but not limited to, providing for additional zoning regulations regarding small wind turbines and providing additional definitions of terms contained within the proposed amendment, and

WHEREAS, a Public Hearing was held on Thursday, September 12, 2013 at 7:30 p.m. in the Jackson Township House, Minster, Ohio after publication in the St. Marys Evening Leader on August 29, 2013, and

WHEREAS, all the members of the Zoning Commission present took the matter under advisement and gave consideration.


Upon motion made, duly seconded, and passed, the amendments/revisions, attached hereto are hereby **adopted** and the same are hereby ordered forwarded to the Jackson Township Board of Trustees for further action.

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## CERTIFICATION

The foregoing is a true copy of the Resolution made by motion, seconded, and duly passed by the Jackson Township Zoning Commission on September 12, 2013..

Dated this 12<sup>th</sup> day of September 2013.

  
Chairman, Zoning Commission

***PROPOSED AMENDMENTS TO THE  
JACKSON TOWNSHIP ZONING RESOLUTION***

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**CHAPTER 5  
SUPPLEMENTARY REGULATIONS**

**SECTION V            SMALL WIND TURBINES**

- 1. Small wind turbines and other wind powered generators, as defined in Section W, are limited to a rated capacity of not more than 50k W.**
- 2. Small wind turbines and other wind powered generators shall be allowed only on parcels of five (5) acre or greater in size.**

3. Small wind turbines and other wind powered generators powered by electric generators shall service only one residential structure per parcel.
4. A small wind energy project, including tower, shall comply with all applicable state construction and electrical codes, and National Electrical Code, and must be installed by personnel licensed by the State of Ohio to install small wind turbines.
5. The owner of a small wind turbine or other wind powered generator must take reasonable steps to prevent and eliminate any interference with the transmission and reception of electromagnetic communications, including but not limited to: microwave, radio, telephone, cellular, and television signals.
6. Small wind turbine or other wind powered generators must be on a freestanding tower or other approved reinforced structure. The use of additional supports including guy wires is prohibited.
7. The applicant shall provide proof of notification to adjacent property owners as required by Ohio Revised Code §519.211 (Telecommunication Towers) and shall conform to Ohio Revised Code §519.213.
8. A minimum distance between the ground and any protruding blades is 15 feet as measured at the lowest point of the arc of the blades to a point no longer than the average grade in and around the immediate tower area.
9. The proposed small wind turbine and other wind powered generator shall maintain a clear fall zone of no less than 125% of the total height of the structure from property line, current or future structure, and public or private road right-of-way.
10. On parcels zoned to permit residences, the size of a small wind turbine and other wind powered generator structures are subject to the following size limitations. Subject sites with contiguous parcels identical ownership may be considered as one large parcel. In determining the height, grade shall be determined by averaging the area around the proposed location of the small wind turbine and other wind powered generators.

a). Parcels in A district shall be subject to the following conditions:

<u>Parcel Size</u>	<u>Maximum Tower Height</u>	<u>Maximum Generator</u>
5 to 9.9 acres	80 feet	20k W
10 to 14.9 acres	100 feet	25k W
15 acres or more	125 feet	50k W

b). Parcels in C or I districts shall be subject to the following conditions:

<u>Parcel Size</u>	<u>Maximum Tower Height</u>	<u>Maximum Generator</u>
5 acres or more	125 feet	50k W

11. Small wind turbines are prohibited in R,R-MPH, and PRD districts.
12. Residential, commercial or industrial roof top and or combination units (utility lights with generators, etc.) are prohibited.
13. All wind turbine towers shall be enclosed with six (6) foot high non-climbable and locked fence, unless the base of the tower is not climbable for a distance of twelve (12) feet from the lowest point.
14. All upgrades, modifications, or improvements of any kind to an approved small wind turbine shall be reviewed by township zoning inspector for compliance with the provisions of this section. Only modification that adhere to the provisions contained herein shall be allowed.
15. No other use of the tower shall be permitted. This includes but not limited to placement of signage, radio or cellular antennas or any other use not provided for at the time of approval. All signs, other than manufacturer or installer identification and other legally required signage are hereby prohibited.
16. Small wind turbines shall either be the stock color from the manufacturer or painted with an approved non-reflective, unobtrusive color that blends with the surrounding environment.
17. Abandoned small wind turbines shall be completely dismantled and removed from the property within six (6) months of its last use in producing electricity. Wind turbines taken out of service for indefinite but temporary reasons shall provide the township with proof of proper maintenance. Wind turbines without proper maintenance shall be considered abandoned by the township.

## **SECTION W**

## **DEFINITION FOR SMALL WIND TURBINES**

**CLEAR FALL ZONE:** The area, defined as the furthest distance from the tower base, in which a tower will fall in the event of a structural failure. Said measurement is to be based on the total height of the wind turbine.

**DECIBEL (dBA):** A unit of relative loudness.

**ELECTRICAL GENERATOR:** A device that produces electrical energy from a mechanical energy source. The process is known as electricity generation.

**FEEDER LINE:** Any power line that carries electrical power from one or more wind turbines or individual transformers associated with an individual wind tower.

**KILOWATT (kW):** A measurement of electricity, equal to 1,000 watts.

**NET METERING:** The process by which surplus energy generated by a customer, as measured by the difference between the electricity supplied by an electric service provider and the electricity generated by a customer in an applicable billing period, is fed back to the electric service provider with customer compensation.

**ROTOR DIAMETER:** The diameter of the circle described by the moving rotor blades.

**SHADOW FLICKER:** Shadow flicker occurs when the blades of the turbine rotor cast shadows that move across the ground and nearby structures.

**SMALL WIND TURBINES AND OTHER WIND POWERED GENERATORS:** Is an electrical generating device which is installed on top of a tower or tall structure for the sole purpose of collecting kinetic (motion) energy from natural wind movement and convert the energy to electricity. Typical uses include a turbine rotary engine in which the kinetic energy is converted into mechanical energy by causing a bladed rotor to rotate.

**WIND TURBINE TOTAL HEIGHT:** The highest point, above ground level, reached by a rotor tip.

**WIND TURBINE TOWER:** The vertical structures that support an electrical generator, blades, or meteorological equipment.

All of the text in **bold** is new language to the Jackson Township Zoning Resolution. No other provisions or language of the Jackson Township Zoning Resolution is hereby proposed to be amended.