

Updates through 2019 prepared by  
Auglaize County GIS

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## **SECTION 1**

### **TITLE, INTERPRETATION, AND ENACTMENT**

#### **1.01 Title**

---

This Resolution shall be known and may be cited and referred to as the "Moulton Township Zoning Resolution." The map that accompanies this Resolution and is hereby incorporated herein and made possible hereof, shall be referred to as the "Official Zoning Map of Moulton Township."

#### **1.02 Purpose**

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This Resolution is enacted for the purpose of promoting public health, safety, convenience, comfort, prosperity, or general welfare; for the limitations and regulation of the height, bulk, and location including percentage of lot occupancy, setback building lines, area and dimension of yards, courts, and other open spaces, the uses of buildings and other structures, and of the premises in such zones or districts pursuant to **Section 519.01** of the Ohio Revised Code.

#### **1.03 Interpretation and Relationship to Other Regulations**

---

The interpretation and application of the provisions of this Resolution shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and general welfare. When the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or those imposing the higher standards shall govern.

#### **1.04 Separability**

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Should any section of this Resolution be declared by a court to be unconstitutional or invalid, such a decision shall not affect the validity of this Resolution as a whole, or any other parts thereof, other than the part declared unconstitutional or invalid.

#### **1.05 Repeal of Conflicting Resolutions**

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All resolutions in conflict with this Resolution or inconsistent with the provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

#### **1.06 Effective Date**

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This Resolution shall become effective from and after the date of its approval and adoption by the Board of Township Trustees, as provided in **ORC 519.12**.

#### **1.07 Area of Jurisdiction**

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The provisions of this Resolution apply to all unincorporated areas of Moulton Township.

## **SECTION 2 APPLICABILITY**

### **2.01 General Applicability of Zoning Resolution**

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No structure or part thereof shall be placed upon or moved onto land, erected, constructed, reconstructed, enlarged, or structurally altered, nor shall any building or land be used or occupied which does not comply with the district regulations established by this Resolution for the district in which the building, structure, and/or land is located.

#### **A. Lot Size Requirements and the Subdivision of Land**

No parcel of land held under one (1) ownership, with or without a building, at the time this Resolution became effective, shall be reduced, nor shall any such parcel be subdivided in any manner below the minimum lot width and lot area required by this Resolution.

#### **B. Reductions in Yard Requirements**

No building may be enlarged which would result in decreasing a minimum yard requirement below the requirements of the applicable zoning district.

#### **C. Location of Uses on a Single Lot**

Unless otherwise specifically allowed, every principal building hereafter erected, relocated, or structurally altered shall be located on a single lot as herein defined.

#### **D. Unsafe Buildings**

Nothing in this Resolution shall prevent the strengthening or restoring to a safe condition any structure, or part thereof, declared unsafe by a proper authority.

#### **E. Conversion of Dwellings**

The conversion of any building into a dwelling, or the conversion of any dwellings to accommodate an increased number of dwelling units or families, is permitted only in accordance with all requirements of this Resolution including those that require minimum lot sizes. (Refer to **Section 7.03**, Conversion of Dwellings to More Units.)

#### **F. Parking/Loading Requirements**

No land use may change from one (1) use to another without meeting the parking/loading requirements for the new use (Refer to **Section 12**).

### **2.02 Agriculture**

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Pursuant to the Ohio Revised Code, the use of land for agricultural purposes, or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings

or structures are located, shall be permitted in all districts established by this Resolution. No Zoning Certificate shall be required for any such building or structure, except where regulated within platted areas on lots of less than five (5) acres, farm markets, or as specifically listed below.

#### **A. Dwellings in an Agriculture District**

Dwellings on the same property as agricultural operations are not herein defined as agricultural structures and are subject to all requirements contained in this Resolution.

#### **B. Raising/Maintaining Livestock (Farm Animals)**

In a platted subdivision approved under **ORC 711.05, 711.09, or 711.10**, or in any area consisting of fifteen (15) or more lots approved under **ORC 711.131** that are contiguous to one another, a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, the following regulations shall apply:

- 1) On lots of one (1) acre or less, the breeding, raising, or maintaining of farm animals such as horses, pigs, cows, sheep, goats, chickens, and similar livestock is prohibited.
- 2) On lots greater than one (1) acre but not greater than five (5) acres, a lot owner may stable or keep livestock provided buildings or stables incidental to the housing of livestock shall not be permitted within fifty (50) feet of a dwelling or an adjacent property line.
- 3) No farm animals shall be pastured within five (5) feet of any lot line.
- 4) There shall be at least one (1) acre per horse or pony on a single property on which the horses or ponies are stabled.

No lot owner shall permit the use of any lot for the keeping of farm animals or livestock that produces, directly or indirectly, the noxious odor of the animals and livestock, insects, flies, or other carriers of waste material, including, but not limited to, the transmission of flow of animal waste through the ground or by air from the lot to any adjoining lot or public right-of-way, or any other result of an animal or an animal husbandry ownership or use which endangers the public's health, safety, and general welfare on the lot or the owners or occupier of any adjoining lot. The Board of Township Trustees may determine and find any such use to be a nuisance, and that such nuisance causes injury to the property of another, endangers life and health, is offensive to the senses, violates laws of decency, or obstructs the reasonable and comfortable use of one's property.

### **2.03 Public Utilities**

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Pursuant to **ORC 519.21**, this Resolution does not regulate the location, construction, reconstruction, removal, use, or enlargement of any buildings or structure. Any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business. Telecommunications towers shall be regulated pursuant to **ORC 519.211**.



## **2.04 Exceptions**

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Exceptions to these regulations in specific cases may be authorized by the Board of Zoning Appeals where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this Resolution, providing such exception is in harmony with the general purpose and intent of the Resolution, and in accordance with the procedures specified in **Section 8**.

## **SECTION 3 ADMINISTRATION**

### **3.01 Purpose**

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This section sets forth the powers and duties of the Zoning Inspector, Zoning Commission, the Board of Zoning Appeals, and the Board of Township Trustees with respect to the administration of the provisions of this Resolution.

### **3.02 General Provisions**

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The formulation, administration, and enforcement of this Zoning Resolution is hereby vested in the following offices and bodies within the Moulton Township government:

- A. Zoning Inspector
- B. Zoning Commission
- C. Board of Zoning Appeals
- D. Board of Township Trustees

### **3.03 Township Zoning Inspector**

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A Township Zoning Inspector appointed by the Board of Township Trustees shall administer and enforce this Resolution. He or she may be provided with the assistance of such other persons as the Board of Township Trustees may direct.

#### **A. Duties of the Zoning Inspector**

For the purpose of this Resolution, the Zoning Inspector shall have the following duties:

- 1) Enforce the provisions of this Resolution and interpret the meaning and application of its provisions, as well as take all necessary steps to remedy any condition found in violation by ordering in writing the discontinuance of illegal uses or illegal work in progress. Request the County Prosecutor to commence appropriate legal action when necessary.
- 2) Respond to questions concerning applications for amendments to the Zoning Resolution text and the Official Township Zoning Map.
- 3) Issue Zoning Certificates as provided by this Resolution, and keep a record of same with a notation of any special conditions involved.
- 4) Collect the designated fees for Zoning Certificates, amendments, variances, appeals, conditional uses, and exceptions.
- 5) Act on all applications upon which he or she is authorized to act by the provisions of this Resolution within fifteen (15) days, or notify the applicant in writing of refusal or disapproval of

such application and the reasons. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit his or her request to the Board of Zoning Appeals.

- 6) Conduct inspections of buildings and uses of land to determine compliance with this Resolution. In the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation, and ordering corrective action.
- 7) Maintain in current status the Official Township Zoning Map which shall be kept on permanent display in the Township Offices.
- 8) Maintain permanent and current records required by this Resolution, including, but not limited to, Zoning Certificates, inspection documents, and records of all variances, amendments, and conditional uses.
- 9) Make such records available for the use of the Board of Township Trustees, the Zoning Commission, the Board of Zoning Appeals, and the public.
- 10) Determine the existence of any violations of this Resolution and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed to address such violations.
- 11) Prepare and submit an annual report to the Board of Township Trustees and Zoning Commission on the administration of this Resolution, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Resolution. Such report shall include recommendations concerning the schedule of fees.

### **3.04 Zoning Commission**

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#### **A. Appointment and Organization**

The Zoning Commission (Commission) shall be composed of five (5) members who reside in the unincorporated area of the Township, appointed by the Board of Township Trustees (**ORC 519.04**).

The term of office shall be five (5) years, and the terms of the members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his or her successor is appointed and qualified. Vacancy shall be filled by the Board and shall be for the unexpired term.

#### **B. Proceedings of the Zoning Commission**

- 1) The Commission shall elect a Chairperson and Vice-Chairperson from its membership, and shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution.
- 2) Commission meetings shall be held at the call of the Chairperson and at such other times as the Commission may determine.

- 3) All meetings shall be open to the public.
- 4) A secretary, who may or may not be a member of the Commission, shall be appointed and keep minutes of its proceedings showing the vote for 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 minutes shall be public record and immediately filed in the office of the Commission.
- 5) The presence of a majority of members shall constitute a quorum.

#### **C. Duties of the Zoning Commission**

For the purpose of this Resolution, the Commission shall have the following duties:

- 1) Initiate proposed amendments to this Resolution and/or the Official Township Zoning Map.
- 2) Recommend the proposed Zoning Resolution, including text and the Official Township Zoning Map, to the Board of Township Trustees for formal adoption.
- 3) Review all proposed amendments to the text of this Resolution and the Official Township Zoning Map and make recommendations to the Board of Township Trustees.
- 4) Review all Planned Unit Development Applications and make recommendations to the Board of Township Trustees as provided in this Resolution.
- 5) Carry on a continuous review of the effectiveness and appropriateness of this Resolution, and recommend such changes or amendments as it feels would be appropriate.
- 6) The Commission may, for their purpose, within the limits of the monies appropriated by the Board of Township Trustees, employ or contract with such planning consultants and executive and clerical assistants as it deems necessary.
- 7) The Commission shall make use of such information and counsel as is available from appropriate public officials, departments, and agencies, as well as the Auglaize County Regional Planning Commission.

#### **D. Interpretation of Uses Not Found in the Zoning Districts**

In the case of a use that is not specifically mentioned in this Resolution, the Zoning Commission shall classify the use of a similar nature to a use that is already listed in this Resolution. The use that is approved as a similar use shall be recommended by the Zoning Commission for addition to the permitted uses in the zoning districts previously described in this Resolution.

### **3.05 Board of Zoning Appeals**

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The Board of Zoning Appeals (Board), designated by the Board of Township Trustees as described in **Section 3.05 A.**, is described as a quasi-judicial body that shall hear requests for variances and appeals, and shall decide whether or not to grant the request.

#### **A. Appointment of the Board of Zoning Appeals**

- 1) The Township Board of Zoning Appeals shall consist of five (5) qualified electors of the Township.
- 2) The term of each member shall be five (5) years, and their terms shall be so arranged that the term of one (1) member shall expire each year.
- 3) Vacancies shall be filled by the Board of Township Trustees and shall be for the respective unexpired term. Each member shall serve until his or her successor is appointed and qualified.

#### **B. Proceedings of the Board of Zoning Appeals**

- 1) The Board shall elect a Chairperson and Vice-Chairperson, shall adopt rules for the conduct of its affairs in keeping with the provisions of this Resolution, and appoint a secretary who may or may not be a member of the Board.
- 2) The Secretary shall record Board action and 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 minutes shall be public record and immediately filed in the Office of the Board of Township Trustees.
- 3) Meetings shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson, or in his or her absence, the Vice-Chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- 4) A majority of the Board members present shall constitute a quorum. The Board shall act by Resolution, and the concurring vote of a majority of the Board members shall be necessary to reverse an order of determination of the Zoning Inspector, to decide in favor of an applicant in any matter over which the Board has original jurisdiction under this Resolution, or to grant any variance from the requirements stipulated in this Resolution.

#### **C. Duties of the Board of Zoning Appeals**

For the purpose of this Resolution, the Board has the following specific responsibilities:

- 1) Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector.
- 2) Authorize such variances from the terms of this Zoning Resolution as will not be contrary to the public interest, where owing to the special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done.
- 3) Grant conditional use permits as specified in Section 8, and under the conditions as specified under **Section 8.04**, and such additional safeguards as will uphold the intent of this Resolution.

- 4) Perform such other functions and have such other powers as the Board of Township Trustees may provide.

### **3.06 Board of Township Trustees**

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The powers and duties of the Board of Township Trustees pertaining to the Zoning Resolution are as follows:

- A. Approve the appointments of members to the Zoning Commission.
- B. Approve the appointments of members to the Board of Zoning Appeals.
- C. Approve Planned Unit Developments.
- D. Initiate or act upon suggested amendments to the Zoning Resolution text or Official Township Zoning Map. Final action upon a suggested zoning amendment shall be undertaken at a public hearing.
- E. Deny or modify a written recommendation of the Zoning Commission on a text or map amendment provided that such legislative action is passed by a unanimous vote of the Board of Township Trustees.

### **3.07 Removal for Misconduct and Vacancy Appointments**

---

- A. Each member of the Board of Zoning Appeals and the Zoning Commission shall serve until his or her successor is appointed and qualified. Members shall be removable for non-performance of duty, misconduct in office, or other reasonable cause deemed by the Board of Township Trustees, and shall be notified by written charges.
- B. A public hearing will be held and a copy of the written charges must be served upon the member so charged at least ten (10) days prior to the hearing either personally, by registered mail, or by leaving at his or her place of residence. At the public hearing, the member shall be given an opportunity to be heard and answer such charges.
- C. Any and all vacancies shall be filled by appointment by the Board of Township Trustees and shall be for the unexpired term.

### **3.08 Duties of the Zoning Inspector, Board of Zoning Appeals, Board of Township Trustees, and Courts on Matters of Appeal**

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- A. It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector. Recourse from the decisions of the Board shall be to the courts as provided by law.
- B. It is further the intent of this Resolution that the duties of the Board of Township Trustees, in connection with this Resolution, shall not include hearing and deciding questions of

interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Section and this Resolution.

- C. Under this Resolution, the Board of Township Trustees shall only have the duties of considering and adopting or rejecting proposed amendments, or the repeal of this Resolution as provided by law, and of establishing a schedule of fees and charges as stated in **Section 3.09** of this Resolution.
- D. Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board to the courts as provided in **Chapters 2505** and **2506** of the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the Board's written decision.

### **3.09 Schedule of Fees**

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After considering the recommendations of the Zoning Inspector with respect to actual administrative costs, both direct and indirect, the Board of Township Trustees shall, by resolution, establish a schedule of fees for Zoning Certificates, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Resolution. The schedule of fees shall be posted in the office of the Zoning Inspector and may be altered or amended only by the Board of Township Trustees. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

## **SECTION 4 ENFORCEMENT**

### **4.01 General**

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This section states the general applicability of this Resolution, and stipulates the procedures to be followed in obtaining certificates and other legal or administrative approvals under this Resolution.

### **4.02 Zoning Certificate Required**

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- A.** Before constructing, changing the use of, or altering any building or structure, including accessory buildings, or changing the use of any premises, except for those matters specifically excluded in this Resolution or any amendment thereto, application shall be made to the Township Zoning Inspector and a zoning certificate secured.
- B.** No such zoning certificate shall be issued unless the plans for the proposed building or structure fully complies with the provisions of this Resolution, unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal or variance, or from the Board of Township Trustees approving a Planned Unit Development upon recommendation from the Zoning Commission as provided by this Resolution.

### **4.03 Contents of Application for Zoning Certificate**

---

The application for Zoning Certificate shall be made in writing and signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the Certificate shall expire and may be revoked if work has not begun within two (2) years. At a minimum, the application shall contain the following information and be accompanied by all required fees:

- A.** Name, address, and phone number of applicant.
- B.** Legal description of property.
- C.** Existing use.
- D.** Proposed use.
- E.** Zoning district.
- F.** Plans in triplicate, drawn to scale showing actual dimensions and the shape of the lot to be built upon; exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alterations.
- G.** Building height.
- H.** Number of off-street parking spaces and loading berths and their layout.
- I.** Location and design of access drives.



- J. Number of dwelling units.
- K. If applicable, application for a Sign Certificate or a Conditional Use Permit unless previously submitted.
- L. A Zoning Certificate shall be secured before construction or alteration of any sign or outdoor advertising device requiring such Certificate.
- M. Such other documentation, as may be necessary to determine conformance with, to provide for the enforcement of this Resolution.

#### **4.04 Approval of Zoning Certificate**

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Within ten (10) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. One (1) copy of the plans shall be returned to the applicant as either approved or disapproved and attested to same by his or her signature on such copy. One (1) copy of the plans similarly marked shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Resolution.

#### **4.05 Expiration of Zoning Certificate**

---

If the work described in any Zoning Certificate is not completed within two (2) years from the date of issuance thereof, said Certificate shall expire. It shall be revoked by the Zoning Inspector and written notice shall be given to the persons affected.

#### **4.06 Record of Zoning Certificates**

---

The Zoning Inspector shall maintain a record of all zoning certificates, and copies shall be kept on file in the office of the Zoning Inspector or his or her agent. Copies shall be furnished to any person upon request and payment of the established fee.

#### **4.07 Failure to Obtain a Zoning Certificate**

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Failure to obtain a Zoning Certificate shall be a punishable violation of this Resolution under **Section 4.12**.

#### **4.08 Construction and Use as Provided in Applications and Plans**

---

Zoning Certificates issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement set forth in such approved plans and applications or amendments thereof, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Resolution.

#### **4.09 Entry and Inspection of Property**

---

The Zoning Inspector is authorized to make inspections of properties and structures, in order to examine and survey the same at any reasonable hour, for the purpose of enforcing the provisions of this Resolution. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Inspector shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the County Prosecutor in securing a valid search warrant prior to entry.

#### **4.10 Stop Work Order**

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Subsequent to his or her determination that work is being done contrary to this Resolution, the Zoning Inspector shall write a stop-work order and post it on the premises involved. Removal of a stop-work order, except by order of the Zoning Inspector, shall constitute a punishable violation of this Resolution.

#### **4.11 Zoning Certificate Revocation**

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The Zoning Inspector may issue a revocation notice to revoke a Certificate or administrative approval which was issued contrary to this Resolution, or based upon false information or misrepresentation in the application.

#### **4.12 Notice of Violation**

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Whenever the Zoning Inspector determines that there is a violation of any provision of this Resolution, a warning shall be issued and shall serve as notice of violation. Such order shall:

- A. Be in writing.
- B. Identify the violation.
- C. Include a statement of the reason or reasons why it is being issued and refer to the sections in this Resolution being violated.
- D. State the time by which the violation shall be corrected.
- E. Service of notice of violation shall be by one of the following:
  - 1) By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion.
  - 2) By certified mail deposited in the U.S. Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery.

- 3) By posting a copy of the notice form in a conspicuous place on the premises found in violation.

#### **4.13 Penalties for Violation**

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Penalties shall be in accordance with the Ohio Revised Code.

#### **4.14 Additional Remedies**

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Nothing in this Resolution shall be deemed to abolish, impair, or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Resolution, or in the case of an imminent threat of such a violation, the Zoning Inspector, the Prosecuting Attorney, or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourse provided by law, institute mandamus, injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violation.

## **SECTION 5 ESTABLISHMENT OF ZONING DISTRICTS AND PROVISIONS FOR OFFICIAL ZONING MAP**

### **5.01 Establishment of Zoning Districts**

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For the purpose of regulating and restricting the location of buildings, structures, and land use, the following zoning districts are hereby established for the unincorporated area of Moulton Township, Auglaize County, Ohio:

<b>FP</b>	Floodplain Overlay District
<b>BRA</b>	Rural Residential and Agricultural District
<b>R-2</b>	Single- and Two-Family Residential District
<b>R-3</b>	Multiple-Family Residential District
<b>MHP</b>	Manufactured Home Park District
<b>PUD</b>	Planned Unit Development District
<b>GC</b>	General Commercial District
<b>M1</b>	Light Industrial District

### **5.02 Official Zoning Map**

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The districts established in **Section 5** of this Resolution as shown on the Official Zoning Map which, together with all explanatory matter thereon, are hereby adopted as part of this Resolution.

### **5.03 Identification of the Official Zoning Map**

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The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Township Trustees, attested by the Township Clerk, and bear the seal of the Township.

### **5.04 Interpretation of District Boundaries**

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The Board of Zoning Appeals has the authority to interpret the zoning map and shall follow these rules:

- a) Where district boundaries are indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- b) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- c) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines of right-of-way lines of highways, such district

boundaries shall be construed as being parallel thereto and such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.

- d)** Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
- e)** Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Township unless otherwise indicated.

## **SECTION 6 DISTRICT REGULATIONS**

### **6.01 Intent of District Regulations**

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It is the intent of this section to set forth regulations within each district concerning permitted uses, conditionally permitted uses, and the general requirements of the district. No structure or premises shall be used and no structure shall be located, erected, or altered except in conformity with the regulations prescribed herein. Uses not specifically defined or stated which cannot reasonably be interpreted by the Zoning Inspector or the Zoning Commission as permitted or conditionally permitted in any district, shall be referred to the Board of Zoning Appeals for an order in the determination of such use, and the district to which and under what circumstances will prevail, as specified in **Section 3**.

An area adjacent to the Auglaize River is hereby designated as "Flood Plain," as the same is designated on the zoning map of the Township. Within said "Flood Plain," all buildings and structures shall be so placed and erected so as to preserve and maintain an open and unobstructed width for flow and drainage of flood waters; and all materials openly stored or placed within the limits of the "Flood Plain" shall be secured, anchored, or enclosed to restrain such materials from floating downstream or becoming a hazard during times of high water.

### **6.02 Floodplain Overlay District**

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#### **A. Purpose**

This district is established to help control development in areas that have been found to be subject to flooding. The boundaries of the Floodplain District have been placed on the Official Zoning Map to most accurately reflect the most current available information on floodplain boundaries. Where questions arise concerning the specific boundaries of this Floodplain District, the Auglaize County Floodplain Administrator shall make a determination of the boundaries of the Floodplain District using the best and most current information available, including the most recent maps produced by the National Flood Insurance Program (see FEMA panels #39011C085 C, 39011C0105 C, and 39011C6020 C).

#### **B. Permitted Uses**

Except for those prohibited uses described in Item D herein, any use that is allowed within the underlying zoning district is permitted provided evidence is shown that the proposed new structure or land use is in compliance with the Auglaize County Floodplain Regulations.

#### **C. Conditional Permitted Uses**

Except for those prohibited uses described in Item D herein, any use that is conditionally permitted within the underlying zoning district is conditionally permitted provided evidence is shown that the proposed new structure or land use is in compliance with the Auglaize County Floodplain regulations.

#### **D. Prohibited Uses**

Regardless of whether a use is permitted or conditionally permitted in any underlying zoning district, no land use which involves the storage of materials that are flammable, explosive, or involve the storage of regulated or hazardous materials as defined and listed in the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), Title III of the Superfund Amendments and Reauthorization Act (SARA), and the Emergency Planning and Community Right to Know Act of 1986.

#### **E. Minimum Yard Setbacks for Principal Structures**

All principal structures shall meet the yard requirements defined in the underlying zoning district.

#### **F. Minimum Setbacks for Accessory Structures**

All accessory structures shall meet the yard requirements defined in the underlying zoning district.

#### **G. Minimum Lot Dimensions**

All lots shall meet the yard requirements defined in the underlying zoning district.

#### **H. Other Development Standards**

All other requirements established in the underlying zoning district apply within the floodplain overlay district.

### **6.03 RRA : Rural Residential and Agricultural District**

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#### **A. Purpose**

The purpose of the Rural Residential and Agricultural District is to control the indiscriminate infiltration of urban development into rural areas that are not equipped to provide necessary public services or do not have sufficient roadways to carry increased traffic loads. Lot sizes shall be sufficient for individual water and sewer facilities, but not to exceed one dwelling unit per one (1) gross acre.

A zoning certificate shall not be required for the construction of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings or structures shall be located, but such exemption shall be extended to buildings or structures used as dwellings. For the purpose of the Resolution, "agriculture" shall include agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, and animal and poultry husbandry.

#### **B. Permitted Uses**

A structure or lot within an agricultural district may be used only for the following purposes:

- 1) Agriculture.
- 2) Farmsteads.

- 3) Single-family dwellings in accordance with other pertinent provisions of this Resolution.
- 4) Commercial greenhouses and horticulture.
- 5) Non-commercial parks and playgrounds.
- 6) Golf courses (public or private); country clubs.
- 7) Child day care facility (one [1] to six [6] children) (Refer to **Section 7.14**).
- 8) Bed and breakfast operation.
- 9) Home occupation (Refer to **Section 7.15**).
- 10) Accessory structures and uses customarily incidental to the above uses as deemed by the Zoning Commission (Refer to **Section 7.06**).
- 11) Permanently sited manufactured homes (**ORC Section 3781.06 C-6**).

### **C. Conditionally Permitted Uses**

The following uses are permitted as a conditional use and require a Conditional Use Permit in accordance with **Section 8**:

- 1) Wireless telecommunication tower.
- 2) Veterinary clinic and kennel.
- 3) Stables, public or private.
- 4) Mineral extraction in accordance with **Section 7.25**.
- 5) Outdoor commercial and non-commercial recreational facilities.
- 6) Public and semi-public uses including churches and other places of religious worship, cemeteries, schools, libraries, museums, and government offices.
- 7) Recreational vehicle park.
  - a) Recreational vehicle parks for temporary location of recreational vehicles shall consist of not less than five (5) acres of land.
  - b) Individual sites shall have a minimum lot size of one thousand square feet (1,000 sq. ft.) and shall be equipped with at least one (1) electrical connection located either on the site or adjacent to the site.
  - c) Each recreational vehicle park shall have:



1. Management and maintenance offices including storage facilities for grounds-keeping equipment.
2. Coin-operated laundry and drying facilities in a permanent structure which shall be commonly accessible and provide, in addition, laundry trays and slop sinks.
3. A safe usable recreation area or areas conveniently located in each park which shall not be less in area or areas than eight percent (8%) of the gross area of the trailer park, or one (1) acre, whichever is greater.
4. Water system, inspected and approved by the Ohio Department of Health, providing adequate pressure with appropriate water connections for domestic usage.
5. Toilet facilities and sewer system approved by the appropriate state and local health boards.
6. Fire extinguishers shall be provided as specified in the regulations of the Ohio Department of Health.
7. The storage and collection of garbage and refuse within each park shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, fire hazards, or air pollution. All garbage shall be stored in fly- tight, rodent-proof containers. These containers shall be located no more than two hundred (200) feet from each site as approved by the Auglaize County Health Department.
8. Other retail stores, personal, professional, service and convenience business establishment uses and business establishments for the temporary inside storage of motor vehicles and water crafts.
9. Custom welding, machining, fabrication, engine building and repair.
10. Small Wind Turbines (see **Section 7.26**).
11. Structures to house cable television, multi-channel video programming, high speed data, high speed internet access, voice over internet protocol, internet, telephony, and other entertainment, data and telecommunications services of accommodating voice, data and video transmissions and/or telecommunication service and related buildings and equipment.

#### **D. Development Standards**

- 1) Lot requirements for each dwelling: (Minimum yard requirements are measured from the closest point of any part of any building to the rear, side, and front lot lines.)
  - a) Minimum lot area: Forty-three thousand five hundred square feet (43,500 sq. ft.).
  - b) Minimum lot width: One hundred (100) feet.

c) Minimum front yard: Forty (40) feet to the road right of way.

d) Minimum side yard: Ten (10) feet.

1. These provisions shall not apply to the location or placement of portable utility sheds of less than two hundred square feet (200 sq. ft.) in area.

e) Minimum rear yard: Ten (10) feet.

2) Building Requirements for each Dwelling

a) No dwelling shall be erected and no building shall be altered or used as a residence which contains less than nine hundred square feet (900 sq. ft.) per family unit, exclusive of all basement, garages, porches, terraces, and breezeways.

b) No part of any building or structure, except church spires, towers, antennas and except those buildings normally higher for business purposes shall exceed three (3) stories or forty (40) feet in height.

c) All wiring in dwellings hereafter erected or altered within the Township shall comply with the specifications of the National Electric Code.

d) All sewage or waste disposal units shall be subject to approval by the Auglaize County Board of Health, and no building permit for residence dwelling shall be granted until the proposed certificate is granted by the Auglaize County Department of Health approving the proposed sewage system. Additionally, it is suggested that any applicant for a Zoning Certificate contact and consult with their own engineer or the Auglaize County Soil and Water Conservation District concerning applicable drainage issues prior to building on the proposed site.

e) Mobile homes of less than nine hundred square feet (900 sq. ft.) and basement residences shall be used only temporarily during such time as a residence is being constructed on the premises, said use not to exceed twelve (12) months in duration. These temporary residences shall be subject to all prohibitions contained elsewhere in this Resolution, and then only upon the proper application and issuance of a zoning certificate. For the purpose of this section, a "basement" is defined as that portion of a residence constructed below ground and designed for the purpose of further construction for living quarters area above the top of the basement walls. Residences specifically designed for below ground construction shall not be considered as "basements."

f) All dwellings hereafter erected shall have a continuous foundation of concrete or building block and be constructed of materials common to the building trades.

g) All dwellings hereafter erected within the Township shall have a chimney approved by the insurance underwriters as fireproof, except those residences heated electrically.

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**6.04 R2 : Single- and Two-Family Residential District**

## **A. Purpose**

The purpose of the R2 District is to provide for the establishment of areas for higher density single- and two-family dwellings with lot sizes sufficient for the economical provision of individual water and sewer facilities. Generally, R2 areas should be adjacent to existing residentially developed areas of the Township which can feasibly be provided with public wastewater services through extension of existing facilities at some later date or construction of new central sewage facilities.

## **B. Permitted Uses**

- 1) Single-family dwellings.
- 2) Two-family dwellings.
- 3) Home occupations.
- 4) Child day care facility (one [1] to six [6] children) (Refer to **Section 7.14**).
- 5) Accessory structures to single-family dwellings such as a garage, storage barn, playhouse, and swimming pool.
- 6) Permanently sited manufactured homes (**ORC Sec. 3781.06C-6**).

## **C. Conditionally Permitted Uses**

The following uses are permitted as a conditional use, and require a Conditional Use Permit in accordance with **Section 8**.

- 1) Child day care facilities (seven [7] or more children) (Refer to **Section 7.14**).
- 2) Bed and breakfast operation.
- 3) Community or club swimming pool (Refer to **Section 7.23**).
- 4) Adult care facilities (Refer to **Section 7.13**).
- 5) Golf courses (public or private); country clubs.
- 6) Restaurants without drive-in or drive-through facilities.
- 7) Condominiums.
- 8) Public and semi-public uses including churches and other places of religious worship, schools, libraries, museums, playgrounds.

## **D. Development Standards**

- 1) Lot requirements for each dwelling:

- a) Minimum lot area:
    - 1. Forty-three thousand five hundred square feet (43,500 sq. ft.) for each single-family dwelling which is not served by a central sewer system.
    - 2. Fifteen thousand square feet (15,000 sq. ft.) for each single- family dwelling which is served by a central sewer system.
    - 3. Ten thousand square feet (10,000 sq. ft.) for each unit in a two-family dwelling or condominium development which is served by a central sewer system.
  - b) Minimum lot width: Seventy (70) feet.
  - c) Minimum front yard: Thirty (30) feet.
  - d) Minimum side yard: Ten (10) feet.
    - 1. This provision shall not apply to the location or placement of portable utility sheds of less than two hundred square feet (200 sq. ft.) in area.
  - e) Minimum rear yard: Ten (10) feet.
- 2) Building Requirements for each dwelling:
- a) No dwelling shall be erected and no building shall be altered or used as a residence which contains less than nine hundred square feet (900 sq. ft.) per family unit, exclusive of all basement, garages, porches, terraces, and breezeways.
  - b) No part of any building or structure, except church spires and except
  - c) those buildings normally higher for business purposes, shall exceed three (3) stories or forty (40) feet in height.
  - d) All wiring in dwellings hereafter erected or altered within the Township shall comply with the specifications of the National Electric Code.
  - e) All sewage or waste disposal units shall be subject to approval by the Auglaize County Board of Health, and no building permit for residence dwelling shall be granted until the proposed certificate is granted by the Auglaize County Department of Health approving the proposed sewage system. Additionally, it is suggested that any applicant for a Zoning Certificate contact and consult with their own engineer or the Auglaize County Soil and Water Conservation District concerning applicable drainage issues prior to building on the proposed site.
  - f) Mobile homes of less than nine hundred square feet (900 sq. ft.) and basement residences shall be used only temporarily during such time as a residence is being constructed on the premises, said use not to exceed twelve (12) months in duration. These temporary residences shall be subject to all prohibitions contained elsewhere in this Resolution, and

then only upon the proper application and issuance of a zoning certificate. For the purpose of this section, a "basement" is defined as that portion of a residence constructed below ground and designed for the purpose of further construction for living quarters area above the top of the basement walls. Residences specifically designed for below ground construction shall not be considered as "basements."

- g) All dwellings hereafter erected shall have a continuous foundation of concrete or building block, and be constructed of materials common to the building trades.
- h) All dwellings hereafter erected within the township shall have a chimney approved by the insurance underwriters as fireproof, except those residences heated electrically.

## **6.05 R3 : Multiple-Family Residential District**

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### **A. Purpose**

The purpose of the R3 District is to permit the establishment of medium density two-family and multiple-family dwellings not to exceed twelve (12) dwelling units per gross acre. Centralized sewer facilities are required.

### **B. Permitted Uses**

Permitted uses in the R3 Multiple-Family District include the following:

- 1) Multiple-family units and accessory uses incidental to these uses including the following:
  - a) An office to handle rentals and maintenance of dwelling units within the multiple-family development in which the office is located, as an accessory use.
  - b) Private swimming pools for the exclusive use of residents of a multiple-family development.
- 2) Two-family dwellings.

### **C. Conditionally Permitted Uses**

The following uses are permitted as a conditional use and require a Conditional Use Permit in accordance with Section 8.

- 1) Child day care facilities (with seven [7] to twelve [12] children) (Refer to **Section 7.14**).

### **D. Development Standards**

- 1) Lot requirements for each dwelling:
  - a) Minimum lot area:
    - 1. Multiple-family dwelling: Three thousand six hundred thirty square feet (3,630 sq. ft.) for each family unit.

- b) Minimum lot width: Fifty (50) feet.
  - c) Minimum front yard: Forty (40) feet.
  - d) Minimum side yard: Twenty-five (25) feet.
  - e) Minimum rear yard: Fifty (50) feet.
- 2) Building requirements:
- a) No dwelling house shall be erected, and no building shall be altered or used as a residence which contains less than six hundred square feet (600 sq. ft.) per family unit, exclusive of all basement, garages, porches, terraces, and breezeways.
  - b) No part of any building or structure, except church spires and except those buildings normally higher for business purposes, shall exceed three (3) stories or forty (40) feet in height.

## **6.06 MHP : Manufactured Home Park District**

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### **A. Purpose**

The purpose of the MHP Manufactured Home Park District is to provide for the location and regulation of manufactured home parks in order to foster their development and maintenance as an integral and stable part of the community.

### **B. Approval Procedure**

Manufactured home parks shall be located only in the MHP district and shall be developed according to the standards and regulations referenced in this section. The procedure to amend the Township Zoning Map to establish the MHP District shall be that procedure for amendments specified in **Section 9**.

### **C. General Standards for Manufactured Home Parks**

The Zoning Commission shall review the particular facts and circumstances of each proposed manufactured home park development in terms of the following standards, and shall find adequate evidence that such development meets these standards before amending the Township Zoning Map and establishing an MHP District:

- 1) The proposed park will be served adequately by essential public facilities and services such as highways; streets with a paved area of not less than forty (40) feet in width; drainage; street lighting; water, sewer, and electrical service; refuse disposal; schools; police and fire protection; or persons or agencies involved in the establishment of the proposed park will provide such services adequately.
- 2) The vehicular approaches to the proposed park property will be so designed as not to create traffic interference or congestion on the surrounding public streets or roads.

- 3) The establishment of the proposed park will not result in the damage, destruction, or loss of any natural, scenic, or historic features of major importance.
- 4) The establishment of the proposed park will not be demonstrably detrimental to the value of the surrounding properties or the character of the adjacent neighborhood.
- 5) The establishment of the proposed park will not be hazardous or detrimental to existing or future neighboring uses.
- 6) The establishment of the proposed park will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.
- 7) The establishment of the proposed park is in general conformance with the Zoning Resolution and the Auglaize County Comprehensive Plan.
- 8) Each proposed park shall consist of not less than five (5) acres of land.
- 9) Each manufactured or mobile home hereafter placed in a proposed park shall be on a lot having an area of not less than six thousand square feet (6,000 sq. ft.) exclusive of roadways.
- 10) Each lot shall have a front yard of not less than fifteen (15) feet; a side yard on each side of not less than fifteen (15) feet, or for corner lots, not less than twenty (20) feet; a rear yard of not less than twenty (20) feet; and shall provide for off-street parking.
- 11) Every mobile home hereafter placed upon a lot in a proposed park shall consist of an inside living area of not less than seven hundred fifty square feet (750 sq. ft.) and shall be skirted entirely enclosing the bottom section.
- 12) Each lot shall contain a concrete pad no smaller than the mobile home to be located thereon. Each concrete pad for a mobile home shall contain a minimum of four (4) anchors for tie downs to secure the stability of the mobile home.
- 13) A safe, usable recreation area or areas conveniently located in each proposed park shall not be less in area or areas than eight percent (8%) of the gross area of the proposed park, or one (1) acre, whichever is greater.

#### **D. Application**

A written application shall be filed with the Chairman of the Zoning Commission. At a minimum, the application shall contain the following information:

- 1) Name, address, and phone number of applicant.
- 2) Legal description of property.
- 3) Present use.

- 4) Present zoning district.
- 5) Proposed zoning district.
- 6) A vicinity map, at a scale approved by the Commission, showing property lines, streets, existing and proposed zoning, and such other items as the Commission may require to show the relationship of the development to the Comprehensive Plan.
- 7) A plan, at a scale approved by the Commission, showing the location and dimension of streets and other roadways; lots, typical for improvements; areas for recreation, storage, and off- or on-street parking; buffering, screening or fencing; provisions for garbage and trash removal; location of utilities including street lighting; pedestrian walkways, and such other things the Commission deems necessary.

#### **E. Manufactured Home Park Requirements**

All manufactured home parks shall comply with the requirements of Ohio Administrative Code Chapter 3701 promulgated by the Ohio Public Health Council in accordance with **ORC Chapter 3733**.

- 1) Permitted Uses
  - a) Manufactured home parks.
  - b) Sale of manufactured homes or retail sales related to manufactured home parks.
- 2) Conditional Uses
  - a) Mini-warehouses, public and private.

### **6.07 GB : General Business District**

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#### **A. Purpose**

The purpose of the GB District is to provide for the establishment of general areas of commercial activity to meet the daily needs of the residents of the Township. Such districts shall be strategically located with access to a major thoroughfare.

#### **B. Permitted Uses**

- 1) Retail stores primarily engaged in selling merchandise for personal or household consumption, and in rendering services incidental to the sale of merchandise including convenience businesses.
- 2) Public and semi-public uses including churches and other places of religious worship, schools, libraries, museums, parks, and playgrounds.
- 3) Offices of professionals or businesses.



- 4) Financial institutions.
- 5) Restaurants.
- 6) Self-service storage facilities.
- 7) Other retail stores, personal, professional, service and convenience business establishment uses which conform to the purpose of this district subject to approval by the Board of Zoning Appeals.
- 8) Meeting and banquet facilities.
- 9) Automotive repair and gas stations.

#### **C. Conditionally Permitted Uses**

The following uses are permitted as a conditional use and require a Conditional Use Permit in accordance with **Section 8**:

- 1) Wholesale establishments.
- 2) Outdoor advertising (Refer to **Section 11**).
- 3) Amusement Arcade.
- 4) Restaurants with drive-in or drive-through facilities.
- 5) Small Wind Turbines (see **Section 7.26**).

#### **D. Development Standards**

- 1) Lot requirements:
  - a) Minimum lot area: Sufficient to meet setback and lot coverage requirements.
  - b) Minimum lot width: Sufficient to meet setback and lot coverage requirement.
  - c) Minimum front yard: Thirty (30) feet.
  - d) Minimum side yard: Fifteen (15) feet.
  - e) Minimum rear yard: Twenty (20) feet.
  - f) Maximum lot coverage: Fifty percent (50%).

### **6.08 M1 : Light Industrial District**

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## **A. Purpose**

This district is established to provide appropriate location for primarily light industrial uses which include the manufacture, assembly, storage, or transfer activities whose nature of operation produces a minimum of noise, odor, dust, and smoke, and are associated with little outside storage or assembly.

## **B. Permitted Uses**

- 1) Industrial manufacturing or processes which, by the nature of the materials, equipment, and process used are to a considerable measure clean, quiet, and free of objectionable or hazardous elements. Manufacturing activities shall consist of the following activities and those of similar nature:
  - a) Jewelry.
  - b) Pharmaceuticals.
  - c) Musical instruments.
  - d) Sporting goods.
  - e) Small household appliances.
  - f) Processing household goods.
  - g) Electronic components or equipment,
  - h) Research and testing laboratories.
  - i) Lumber storage and dealers.
  - j) Contractor's yards and offices.
  - k) Warehouses, including wholesale warehouses.
  - l) Printing and publishing plants,.
  - m) Carting or hauling.
  - n) Grain and feed dealers.
  - o) Bottling or canning plants.
  - p) Automotive and other repair and temporary storage.
  - q) Railroad yards and terminal facilities.
  - r) Stone monument works and sales.

- s) Manufacture of pottery or ceramic products.
  - t) Laundry, cleaning, and dyeing works; carpet and rug cleaning.
- 2) Use not requiring a building: agriculture.
  - 3) Accessory structures and uses customarily incidental to the above uses as deemed by Zoning Code.
  - 4) Retail stores primarily engaged in selling merchandise for personal or household consumption, and in rendering services incidental to the sale of merchandise including convenience businesses, farmers markets, consignment sales, agriculture and utility equipment sales, storage space rentals, and rental of space to for Commercial Drivers License (CDL) testing center.

### C. Conditionally Permitted Uses

The following uses are permitted as a conditional use and require a Conditional Use Permit in accordance with procedures in **Section 8**:

- 1) Landfills.
- 2) Production or storage of petroleum products.
- 3) Production of cement or manufacturing of cement products.
- 4) Manufacture or storage of; explosives, gunpowder, or fireworks except upon application to and special permission by the Board of Zoning Appeals.
- 5) Dumping, storing, burying, reducing, disposing of, or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, or other poisons or toxic materials, except such as result from normal use of premises, unless such dumping is done at a place provided by the Township Trustees for such specific purposes, and said Township Trustees have been given the privilege to inspect and make the necessary regulations for the operation thereof.
- 6) Hospitals and sanitariums for drug or liquor addicts, insane, or mental cases.
- 7) Acid manufacture.
- 8) Junkyards, automobile graveyards and salvage yards; outside collection of scrap metal, paper, rags, glass, or junk for salvage or storage purposes (Refer to **Section 7.16**).
- 9) Mineral extraction in accordance with **Section 7.25**.
- 10) Wireless telecommunication towers.
- 11) Adult motion picture theater, cabaret, bookstore, massage parlor, or similar establishment.
- 12) Small Wind Turbines (see **Section 7.26**).

## **D. Development Standards**

- 1) Lot requirements.
  - a) Minimum lot area: Shall be sixty thousand square feet (60,000 sq. ft.).
  - b) Minimum lot width: Shall be two hundred fifty (250) feet wide.
  - c) Minimum front yard: Fifty (50) feet. Parking within the front yard setback is prohibited without approval from the Board of Zoning Appeals.
  - d) Minimum side yard: Fifteen (15) feet.
  - e) Minimum rear yard: Thirty (30) feet.
  - f) Maximum lot coverage: Fifty percent (50%).

## **6.09 PUD : Planned Unit Development District**

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### **1) Purpose**

The purpose of the Planned Unit Development District (PUD) is to achieve, to the greatest possible degree, land development that is responsive to the natural and environmental assets and liabilities of a given site. The PUD provides an alternative zoning category that is intended to encourage imaginative design of development. The PUD should be a well-integrated development in terms of major design elements such as roads, drainage systems, utilities, and open space. The PUD allows greater design flexibility so that natural features may be protected and development concentrated in an innovative and efficient manner.

### **1) General Requirements and PUD District Designation**

Subsequent to the approval of the Board of Township Trustees, the designation of PUD may be applied to any existing zoning district, with the limitations described herein. There are two (2) types of PUDs:

- a) A PUD may be a predominantly residential development referred to as a PUD-RS. A PUD-RS may only be applied to an existing residential district. The tract of land proposed to be developed as a PUD-RS must be owned, leased, or controlled by one (1) person or single entity, and must be at least five (5) contiguous acres in size.
- b) A PUD may also be a mixed use development referred to as a PUD-MX. A PUD-MX may be applied to any existing non-residential zoning district. The tract of land proposed to be developed as a PUD-MX must be owned, leased, or controlled by one (1) person or single entity, and must be at least five (5) contiguous acres in size.
- c) Upon the approval of the final development plan, according to this section, the Official Township Zoning Map shall be amended to designate the property "PUD-RS" or "PUD-MX."

## **2) Permitted Uses**

The permitted uses in both the PUD-RS and PUD-MX district are as set forth below:

### **a) Permitted Uses - PUD-RS**

An applicant may propose to include any mixture of permitted or conditional uses in any existing residential use district as well as land uses which are allowed as a permitted use in the GB district, provided that not more than twenty-five percent (25%) of the net acres in the development is devoted to non-residential uses.

### **b) Permitted Uses - PUD-MX**

An applicant may propose to include any mixture of non-residential land uses in a proposed PUD-MX development, provided that at least sixty percent (60%) of the net acres in the development are devoted to uses permitted in the district(s) applying to the property at the time of application.

## **3) General Development Standards**

The following standards represent broad parameters under which all PUD developments must be designed:

### **a) Central Water and Sewer Facilities**

All structures in developments approved as a PUD must be served by central or public water and sewer facilities.

### **b) Development Layout and Design**

The design and layout of all PUDs shall display excellence in design by properly considering significant site features such as topography, natural drainage patterns, roadway access and circulation, surrounding land uses, and general public welfare to result in desirable land development. Attractive landscaped buffers shall be provided between incompatible land uses and activities.

### **c) Front, Side, and Rear Setback Standards for Perimeter Lots**

All lots that are located along the perimeter of the PUD shall have minimum front, side, and rear setbacks equal to those that would normally be specified in the zoning district prevailing at the time of application for PUD approval or twenty-five (25) feet, whichever is greater.

### **d) Off-Street Parking and Loading Facilities**

For all land uses located within the PUD, the parking and loading standards contained in **Section 12** shall be applied.

#### **4) Residential (PUD-RS) Development Standards**

In addition to the general development standards described in **Section 6.08 A.3.** above, residential PUDs shall meet the following development standards:

##### **a) Clustering Residential Development and Required Open Space**

Clustering residential density is encouraged to provide required common open space. A minimum of twenty percent (20%) of the land developed for residential purposes in a PUD-RS project shall be reserved for common open space. This required amount of common space shall be established as common open space, under one ownership, and provision shall be established for maintenance and care. The legal articles relating to any organization of property, owners in the development charged with such open space maintenance shall be submitted to the Township. The Board of Township Trustees may require, as a condition of final approval, any evidence deemed necessary to document that the required common space will remain in its stated condition as long as the development exists (including legal documents, deed restrictions, conservation easements, etc.).

##### **b) Clustering Residential Density**

To achieve a clustering of residential density and to provide for the required common open space, the lot area requirements for residential land uses may be reduced from the densities required under the district(s) applying to the property at the time of application by up to twenty percent (20%). The lot width and yard requirements for residential lots may also be reduced as needed to accommodate a variety of structural patterns, clustering designs, and housing types.

##### **c) Residential Dwelling Types**

Along with clustering residential density, a PUD-RS may include a mixture of dwelling types including single-family detached dwellings, two-family units, zero lot-line units, and multi-family units provided the maximum densities defined in each existing zoning classification are not exceeded.

#### **5) General PUD Approval Procedure**

The applicant for a PUD is encouraged to informally present conceptual or preliminary plans to both the Zoning Commission and Board of Township Trustees for review prior to extensive engineering and formal submission of a final development plan. Property proposed to be developed as a PUD must be rezoned to PUD; and the decision to approve a final development plan and to rezone a property to PUD are done concurrently.

#### **6) Final Plan**

The applicant for a PUD shall submit ten (10) copies of the proposed final plan to the Zoning Inspector along with the required application fee. The final plan shall include the following:

- a) The specific description of permitted, conditionally permitted, and accessory uses to be allowed in each area of the development.
- b) A copy of proposed deed restrictions.
- c) The final plan shall be drawn to illustrate:
  - 1. A survey and legal description of the proposed development site showing dimensions and bearings of the property lines; area in acres, topography (at two (2) foot contour intervals); and existing features of the development site including major wooded areas, streets, easements, utility lines, and existing land uses.
  - 2. The location and dimensions of all lots, setbacks, and building envelopes.
  - 3. Conceptual drawings of sewer and water facilities as well as street and drainage systems.
  - 4. A table indicating acreage devoted to various development types.
- d) Landscaping plan for all buffers and other common areas.
- e) Architectural guidelines to apply throughout the development.
- f) The proposed names of all interior streets proposed for the development.
- g) Layout and dimensions of all parking and loading areas along with an indication of what they are to be built to serve.
- h) A description of the expected timing of the development.

In addition to the above, the Board of Township Trustees may require additional information including environmental impact studies and archaeological surveys prepared by appropriate professionals to document the impacts of the development, and to address potential mitigation measures. The applicant shall be responsible for reasonable expenses incurred by the Township in reviewing final development plans. Such expenses are beyond application fees established by the Township and may include professional service fees such as legal expenses or fees from other professionals; engineers, landscape architects, planners, or environmental scientists incurred in connection with reviewing the plans submitted.

## **7) Final Plan and Rezoning Approval Procedure Process**

The decision to rezone land to PUD and to approve the final plan are accomplished concurrently. All PUD final plan submissions are deemed to be an application for amendment to the Zoning Code according to **Section 9**. All procedures (Zoning Commission review, public hearings, and action by the Board of Township Trustees) therein shall be followed in considering an application for a rezoning of the land in question to PUD. Upon approval of such plan and rezoning, the Township Zoning map shall be amended to designate the project area as "PUD-RS" or "PUD-MX." Thereafter, with the concurrent approval of the rezoning and final plan pursuant to the criteria stated in **Section 6.08.A.8**, all

development restrictions and conditions described in the final plan shall become official requirements of the PUD.

#### **8) Criteria of Approval - Final Plan**

The Zoning Commission and Board of Township Trustees shall review the proposed final plan according to the following criteria:

- a) That the proposed document is in conformity with the goals and objectives of the Auglaize County Comprehensive Plan;
- b) That the proposed development advances the general health, safety, and morals of the township;
- c) That the interior road system, proposed parking, and any off-site improvements are suitable and adequate to carry anticipated traffic generated by and within the proposed development;
- d) That any exception from standard district requirements can be warranted by design and other amenities incorporated in the final development plan according to these PUD requirements;
- e) That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
- f) That the existing and proposed utilities, including water and sewer service, and drainage plan will be adequate for the population densities and non-residential uses proposed in the PUD.

#### **9) Amendment (Changes)**

After the final development plan has been approved by the Board of Township Trustees, adjustments or rearrangements of buildings, parking areas, entrances, heights, or yards may be requested by the proponents. Minor changes, as defined herein, are allowed provided such requests conform to the standards established by the final development plan and this Resolution. A minor change shall require approval by the Zoning Commission and shall include the following:

- a) Adjustments to the size and location of buildings, swimming pools, and other on-site structures provided:
  - 1. They do not result in an increase in the number of housing units approved in the final plan.
  - 2. They do not encroach materially into the established setback areas.
  - 3. They do not create a larger building mass either through an increase in their height or length that would magnify their effect on the adjoining areas.
- b) Alterations to the proposed drives and/or parking areas, if they do not encroach into building areas or specified recreation areas.
- c) Adjustments in the size and location of development identification signs.



A major change is any change that does not meet the criteria above and, in addition, is one which would constitute a significant alteration in the basic plan design, or result in a use different from those originally intended. A major change shall require submittal of a final plan as defined in **Section 6.08.A.6.**, of that portion of the development proposed to undergo a major change.

## **SECTION 7**

### **SUPPLEMENTAL DISTRICT REGULATIONS**

#### **7.01 General**

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The purpose of supplementary district regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur in order to alleviate or preclude such problems, and to promote the harmonious exercise of property rights without conflict.

#### **7.02 Principal Building Per Lot**

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Unless specifically provided for, no more than two (2) principal buildings or structures may be constructed upon any one (1) lot for the purposes of this Resolution.

#### **7.03 Conversion of Dwelling to More Units**

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A residence may not be converted to accommodate an increased number of dwelling units unless:

- A.** The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district.
- B.** The lot area per family equals the lot area requirements for new structures in that district.
- C.** The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district.
- D.** The conversion is in compliance with all other relevant codes and ordinances.
- E.** The district within which the residence is located is so regulated as to allow such increase in dwelling units.

#### **7.04 Existing Lots of Record**

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Any lot of record existing at the effective date of this Resolution in any residential district with buildings existing on the two (2) lots adjoining at the side which are in different ownership may be used for the erection or reconstruction of a single-family dwelling, even though its area and width are less than the minimum requirements set forth herein. Where two (2) adjoining lots of record with less than the required area and width are held by one (1) owner, lots shall be combined and used for one (1) main building or use. In either case, the required setbacks shall be met, unless a variance is granted.

#### **7.05 Temporary Buildings and Uses**

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The following regulations are necessary to govern certain uses which are of a non-permanent nature. For such uses requiring a temporary Zoning Certificate, an application for a Zoning Certificate shall be made to the Zoning Inspector at least seven (7) days before the instigation of such use. This application shall contain a graphic description of the property to be used, a description of the proposed use, and a drawing with sufficient information to determine the yard setback, parking, and sanitary facility requirements for the proposed temporary use.

- A. The following uses are deemed to be temporary uses and shall be subject to the specified regulations and time limits which follow as well as the regulations of any district in which they are located:
- 1) Real estate sales offices which contain no living accommodations shall be permitted within any district for any new subdivision for a period of one (1) year, except that two (2), six-month (6) extensions may be granted if conditions warrant. Such offices shall be removed upon the completion of the sales of the lots therein or upon the expiration of the Zoning Certificate, whichever occurs first.
  - 2) Temporary buildings, construction trailers, offices, equipment, materials, and storage facilities required in conjunction with construction activity may be permitted in any district for a period of one (1) year, except that six-month (6) extensions may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction or upon expiration of the zoning permit, whichever occurs first.
  - 3) Temporary sales and services may be permitted within parking areas within any commercial district. A Zoning Certificate valid for a period not to exceed seven (7) consecutive days shall only be issued three (3) times within any twelve-month (12) period to any individual or organization. The application for the temporary Zoning Certificate shall be accompanied by written permission of the property owners and shall be prominently displayed at the site. The Zoning Inspector shall not issue a permit for such temporary use if he or she determines that it encroaches upon more than twenty-five (25) percent of the required parking area.
  - 4) Temporary retail sales and services, such as the sales of plants, flowers, arts and crafts, farm produce, or similar items on lots other than parking lots, including any lot on which an existing business is operating or on which a business is vacated, may be permitted for any for-profit individuals or organizations in any commercial district. A Zoning Certificate valid for a period not to exceed two (2) consecutive days shall only be issued three (3) separate times for any particular lot within any twelve-month (12) period, and not more than one (1) permit may be issued at the same time for any lot. The applicant must submit a current vendor's license or transient vendor's license, and a written statement from the property owner giving his or her permission for such use. This section shall not be interpreted to prohibit any such use in any case where a valid covenant or deed restriction specifically authorizes such use. In any event, the Zoning Certificate shall be prominently displayed at the site.
  - 5) Except as authorized in **Section 7.05**, inclusive, temporary buildings or other temporary facilities are strictly prohibited. This prohibition includes, but is not limited to, the use of trailers of any description as a building or storage facility.
- B. Written application for a temporary permit shall be made to the Zoning Inspector. The application shall include:
- 1) The address of the property and the name, address, and telephone number of the owner and occupant of the property.

- 2) A description of the temporary use sought to be carried on.
- 3) The number and names of persons to be involved in the temporary use.
- 4) Any additional information required by the Zoning Inspector to establish the advisability of granting the permit.

## **7.06 Regulation of Accessory Uses and Buildings**

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It is the intent of this section to permit accessory uses and buildings to be established and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties.

### **A. General Requirements**

Except as otherwise provided in this Resolution, an accessory use or structure shall be permitted in association with a principal use or structure provided that:

- 1) It shall not contain or be used as a dwelling unit.
- 2) It shall be setback from any property line a distance of ten (10) feet or the height of the wall most nearly parallel to the lot line, whichever is greater.

### **B. Dwellings as Accessory Uses**

Dwellings may be accessory uses in residential districts if located inside the principal home or, if detached as a garage apartment, only if used as a residence by relatives or household servants and no rent is charged. Manufactured homes shall not be permitted as accessory uses in any district.

### **C. Accessory Elderly Dwelling Unit**

Notwithstanding the provisions of Section 7.03.E. of this Resolution, an owner-occupied single-family dwelling unit may be converted to allow the incorporation of one (1) additional dwelling unit for the exclusive occupancy of an elderly household, a member of which shall be an elderly person related to the owner of the single-family dwelling unit. Such accessory elderly dwelling unit shall be wholly contained within the existing principal building or shall be attached to it by a common wall, floor, or ceiling. The application for the Zoning Certificate for such conversion shall be accompanied by an affidavit attesting to the owner's present occupancy of the dwelling unit and to the age and relationship of the elderly person.

### **D. Retail Sales and Services as an Accessory Use**

Retail sales and services are permitted as accessory uses when clearly incidental to the principal use. With the exception of restaurants in conjunction with a motel, such uses shall be conducted wholly within the principal building and without exterior advertising or display. In hospitals and clinics, these accessory uses may include drug stores, florists, gift and book shops, and cafeteria institutional settings; and in office buildings, hotels, country club houses, and airports, such activities may include gift and book shops, restaurants, cafeterias and coffee shops, lounges, pro shops, and beauty and barber shops.

## E. Accessory Buildings Used for Storage

Accessory buildings used for storage shall not include the use of tents, trailers, manufactured homes, auto or truck bodies, beds, boxes, trailers, truck caps and campers, or railroad cars whether affixed to a permanent foundation or not.

## 7.07 Reduction of Area or Space

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No lot, yard, parking area, or other space shall be reduced in area or dimension if such reduction has the effect of making the lot, yard, parking area, or other space less than the minimum required by this Resolution. Furthermore, any lot, yard, parking area, or other space which is already less than the required minimum shall not be reduced further. However, nothing in this section shall be interpreted to limit the power of the Board of Zoning Appeals in the granting of variances under this Resolution.

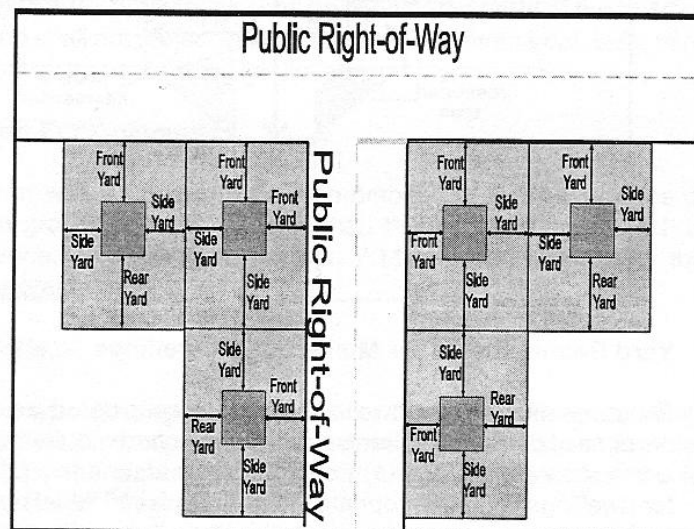
## 7.08 Supplemental Yard and Height Regulations

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In addition to all yard regulations specified in **Section 6** District Regulations and in other sections of this Resolution, the provisions of **Section 7.08**, inclusive, shall be used for interpretation and clarification.

### A. Setback Requirements for Corner Buildings

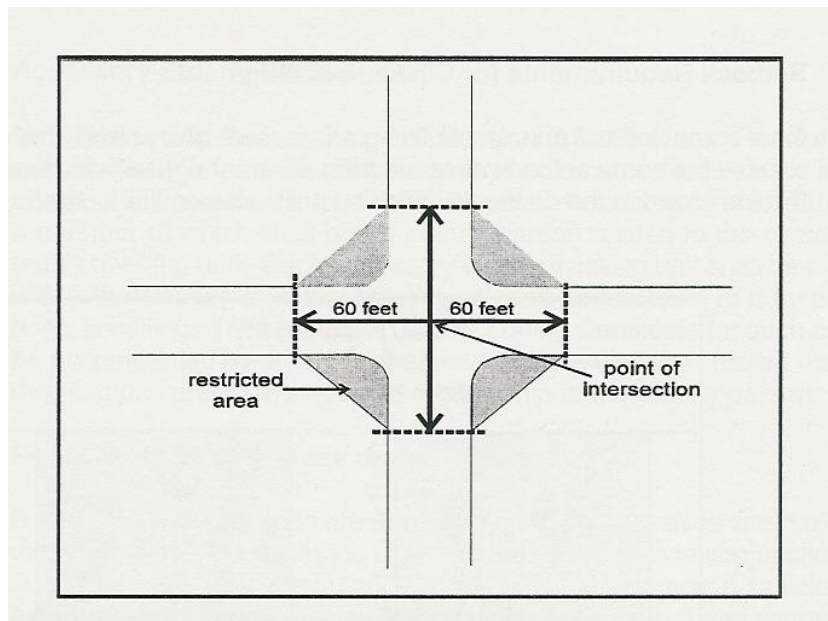
On a corner lot, the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.



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### **A. Visibility at Intersections**

On a corner lot at the intersection of two (2) alleys and two public streets, or at the intersection of an alley and a public street within any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such manner as to impede vision materially between a height of two and one-half (2-V<sub>2</sub>) feet and ten (10) feet above the center line grades of the intersecting alleys, public streets, or of the intersecting alley and street in the area bounded by the right-of-way lines of such corner lots and a line joining points along said alley lines, or alley and street lines sixty (60) feet from the point of intersection.



### **C. Yard Requirements for Multi-Family Dwellings**

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

### **D. Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts**

Non-residential buildings or uses shall not be located nor conducted closer than forty (40) feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty percent (50%) of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry or solid fence between four (4) feet and eight (8) feet in height, maintained in good condition, and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting. Either type of screening shall not obstruct traffic visibility within sixty (60) feet of an intersection.

## **E. Exceptions to Height Regulations**

- 1) The height limitations contained in Section 6 do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- 2) No structure shall be constructed in excess of the height that can be safely protected by all available fire fighting equipment except where in-structure fire protection is provided.

## **7.09 Architectural Projections**

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Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which they are attached, and shall not project into the required minimum front, side, or rear yard unless otherwise permitted in the Zoning Resolution.

## **7.10 Construction on Embankments**

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Where a fence or wall is constructed on an embankment, or where the ground under a fence has been graded to a higher level than the surrounding ground, the permissible height of the fence, as set forth in **Section 7.11**, shall be reduced by the height of the embankment or grading. Dirt mounds for pond banks or landscaping shall not exceed four (4) feet above the surrounding ground.

## **7.11 Fences and Walls**

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- A. Enclosed-type fencing (non-see through material) of residential or business properties shall be permitted, provided that the fence extends no nearer to the front street than the front setback required for the district involved, and further provided that the fence does not exceed a height of six (6) feet. No height restrictions apply to fences made of materials (wire or cyclone-type) that do not obstruct sight.
- B. Permits: No fence or wall shall be erected or constructed until a fence permit has been issued by the Zoning Inspector who shall review each request to determine its compliance with this section. Each property owner shall determine property lines and ascertain that the fence or wall does not encroach upon another lot or parcel of land.

## **7.12 Adult Businesses**

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In addition to complying with all regulations within the district where they are located, all adult entertainment business shall comply with the following criteria:

- A. No adult entertainment business shall be permitted in a location which is within one thousand five hundred (1,500) feet of another adult entertainment business.
- B. No adult entertainment business shall be permitted in a location which is within one thousand(1,000) feet of any church, any public or private school, any park, any playground, or any social services facility or neighborhood center.

- C. No adult entertainment business shall be permitted in a location which is within five hundred (500) feet of any boundary of any residential district in a local unit of government abutting the Township.

### **7.13 Adult Care Facilities**

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In addition to all other applicable provisions of this Resolution, adult care facilities shall comply with the following criteria.

- A. Evidence is presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency.
- B. Evidence is presented that the proposed facility meets local fire safety requirements for the proposed use and level of occupancy.
- C. No such facility may be located within six hundred (600) feet of another such facility.
- D. The exterior of all such facilities shall not be altered in character, but shall be compatible with other residential dwellings. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible.
- E. Such facility shall be reasonably accessible by virtue of its location or transportation provided by the applicant to medical, recreational, and retail services required by its residents, and to employment opportunities, if applicable, and shall be in a relatively safe and stable neighborhood.
- F. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents including a structured procedure whereby their grievances may be filed and resolved.
- G. The applicant shall provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.

### **7.14 Child Care or Day Care Facilities**

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Child care or day care facilities with an average daily attendance of six (6) children or less are allowed in any residential district. No Zoning Certificate is required for this type of child care.

- A. Child care or day care facilities with between seven (7) and twelve (12) children in average daily attendance may also be allowed in any residential district. The petitioner shall be required to obtain a Zoning Certificate by proving that he or she has complied with all applicable state laws, and copies of the state permits shall be filed with the Zoning Inspector. The Zoning Certificate will expire on a yearly basis. The Zoning Certificate shall be renewed by the Zoning Inspector with proof that the petitioner has complied with all applicable state laws governing child care facilities.
- B. A child care or day care facilities with an average daily attendance of more than twelve (12) children may be permitted in a zoning district subject to the following conditions:
  - 1) The petitioner obtains all necessary state licenses or certifications required for providing day care for infants, pre-school, and/or school age children.



- 2) Provisions are made for off-street parking and loading facilities, and such fencing, screening, and landscaping as required to prevent undue detriment to the area.

### **7.15 Home Occupations**

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Home occupations shall require a permit and shall comply with all of the following regulations:

- A. In any agricultural district, there shall be no more than two (2) non-residential employees or volunteers to be engaged in the proposed use. In any non-agricultural district, a single-family dwelling may have one (1) resident employee.
- B. Sales of commodities not produced on the premises may be permitted, provided that the commodities are specified in the application and are reasonably related to the home occupation.
- C. The home occupation may be permitted to be conducted in a structure accessory to the residence.
- D. Outside storage related to the home occupation may be permitted if totally screened from adjacent residential lots.
- E. Not more than thirty percent (30%) of the gross floor area of any residence shall be devoted to the proposed home occupation.
- F. The external appearance of the structure in which the use is to be conducted shall not be altered, and not more than one (1) sign no larger than two square feet (2 sq. ft.) shall be mounted flush to the wall of the structure. In any agricultural zoning district, the sign may be free-standing and not larger than twelve square feet (12 sq. ft.).
- G. Minor or moderate alterations (non-structural) may be permitted to accommodate the proposed use, any new structures must not exceed 1000 square feet.
- H. No equipment, process, materials, or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.
- I. No more than two (2) additional parking places may be proposed in conjunction with the home occupation, which shall not be located in a required front yard.
- J. The home occupation permit shall expire in the event of change of ownership of the property at the location for which it was issued, or any change in location of the original home occupation.

### **7.16 Junk**

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- A. The accumulation or storage of junk, junk motor vehicles (as defined under **ORC 4513.65**), disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or any other discarded objects or debris defined as junk in this Resolution shall be prohibited, outside of an approved junk yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents.

- B. No person shall permit litter or junk to accumulate on land owned or occupied to the extent that it blows or spills over onto the property of another.
- C. Uncontrolled accumulation of litter is a nuisance and is subject to abatement by the Township or owners of surrounding land.

## 7.17 Noise

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No person shall operate or use any machine, equipment, or mechanical device on a lot except for agricultural purposes so as to create any noise which would cause the noise level, measured at the lot line of the lot affected by the noise emission, to exceed the applicable fixed noise level set forth in this section. If the measurement location is on a boundary between two zoning districts, the lower noise level shall apply. Noise limits shall not exceed the following:

A.

Zoning District	Time Period	Sound Level
C, R-1, R-2, R-3, MHP	10:00am – 7:00am	55 dbA
	7:00am – 10:00pm	60 dbA
GB, CB	10:00am – 7:00am	65 dbA
	7:00am – 10:00pm	70 dbA
M-1	Any time	70 dbA

- B. Provisions of **Section 7.18** shall not be applicable to any emergency signaling devices required by law nor to any standby equipment operated only in emergency situations, provided that such standby equipment shall not emit noise at a level in excess of 75 dbA when measured at the lot line of the lot on which it is located.

## 7.18 Objectionable, Noxious, or Dangerous Uses, Practices, or Conditions

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- A. 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 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. Specifically, the occupation or use of land or building in any district shall be in violation of this Resolution if one (1) or more of the following conditions are found to exist at any time:

- 1) The use or storage of flammable or explosive materials if not adequately protected by firefighting and fire-protection equipment or by such safety devices as are normally required for such activities.
- 2) Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved.
- 3) Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency.
- 4) Hazardous wastes are present in violation of the regulations of the Ohio Environmental Protection Agency.
- 5) Vibration discernible by the Zoning Inspector without instruments is present on adjoining lot or property.
- 6) Direct or reflected glare is present which is visible from any street or from any property not within a manufacturing district.
- 7) Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot or property. Dust and odor problems should be verified as a health or safety concern by the County Health Department.
- 8) Water pollution or contamination is present in violation of the regulation of the Ohio Environmental Protection Agency.

Such conditions shall be brought to the attention of the Zoning Inspector. If necessary, he or she shall call upon the proper County, State, and Federal regulatory agency for assessment of the problem situation. Proper legal action shall then be installed on request from Township Officials.

#### **7.19 Assurance Requirements and Plans**

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Prior to the issuance of a Zoning Certificate, the Zoning Inspector may require the submission of written assurances and plans indicating the manner in which dangerous and objectionable aspects or elements of processes and operations entailed in certain uses or occupations are to be eliminated or reduced to acceptable limits and tolerances.

#### **7.20 Ponds**

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Ponds may be located on a parcel of at least two and one-half (2.5) acres. All excavated material must be removed, unless used for landscaping, within sixty (60) days of the initial excavation and all excavation shall be carried out in conformance with Ohio Department of Natural Resources regulations. All ponds shall conform with applicable U.S. Soil Conservation Service specifications and may not be located within any required front yard or forty (40) feet from any lot line. The forty (40) foot setback is measured from the high water mark of the pond. If there are landscape mounds, the toe of the slope must be a minimum of twenty (20) feet from the property line. Ponds shall be a minimum of 1,000 S.F. and a permit is required.

## **7.21 Required Refuse Collection Areas**

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The refuse collection areas provided by all commercial, industrial, and multi-family residential uses for the collection of trash, garbage, and other refuse shall be enclosed on three (3) sides by a solid wall or fence of at least four (4) feet in height, unless within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes as determined necessary by the Zoning Inspector. In addition, the following requirements shall be met:

- A. The storage of hazardous or toxic materials or wastes shall not be permitted without documented approval of the Ohio Environmental Protection Agency.
- B. Materials or wastes which might cause fumes or dust or otherwise constitute a fire hazard or which may attract rodents or insects shall be stored only in closed containers constructed of impervious materials.
- C. Storage areas in residential districts shall utilize such additional screening as required in this Resolution.

## **7.22 Satellite Dish Antennas**

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### **A. Roof-Mounted Satellite Dish Antennas**

- 1) A roof-mounted satellite dish antenna is considered as accessory structures and is permitted as an accessory use in all districts. In addition to the provisions of this Resolution pertaining to accessory structures, the following provisions shall apply to roof-mounted satellite dishes:
- 2) The maximum diameter of any roof-mounted satellite dish shall not exceed three (3) feet.
- 3) The height of any roof-mounted satellite dish shall not exceed the roof height of the building upon which it is mounted by more than four (4) feet.
- 4) All wiring and grounding of the apparatus shall be in accordance with the National Electrical Code.
- 5) The apparatus, its mounting, and all supporting devices shall be constructed and erected in accordance with Sections 614.0 and 615.0 of the OBOA Basic Building Code, directly upon the roof of the principal building, and shall not be mounted upon a spire, tower, turret, chimney, pole, or any appurtenances thereto attached.
- 6) The satellite dish apparatus shall be so designed and installed as to withstand wind forces up to seventy-five (75) miles per hour.

### **B. Ground-Mounted Satellite Dish Antennas**

- 1) A ground-mounted satellite dish antenna is considered as accessory structure and is permitted as an accessory use in all districts. In addition to the provisions of this Resolution pertaining to accessory structures, the following provisions shall apply to ground-mounted satellite dishes:

- 2) The maximum diameter of any ground-mounted satellite dish shall not exceed three (12) feet.
- 3) The maximum height of any ground-mounted satellite dish shall not exceed fifteen (15 ft.) above the finished grade.
- 4) The apparatus shall not be located in a side yard or front yard.
- 5) Any driving motor shall be limited to one hundred and ten (110) volt maximum power and shall be encased in a protective guard.
- 6) All wiring between the apparatus and any other structure shall be placed underground in approved conduit.
- 7) All wiring and grounding of the apparatus shall be in accordance with the National Electrical Code.
- 8) The apparatus shall be bonded to an approved eight foot (8 ft.) Grounding rod.

## **7.23 Swimming Pools**

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### **A. Private Swimming Pools**

Private swimming pools ("pool") shall be allowed in any commercial or residential district, as an accessory use and with the following conditions and requirements:

- 1) A pool may not be located closer than ten (10) feet to any property line, except in an RRA District where that minimum distance shall be six (6) feet. That distance shall be measured from the water's edge and shall not restrict fences, ground level patios, pumps, and similar pool accessories not requiring separate permits.
- 2) Elevated decks for above-ground pools shall not be located closer than ten (10) feet to the property line.
- 3) Before construction commences, the petitioner shall obtain a Zoning, Certificate under **Section 4**, and all permit fees shall be paid.
- 4) Pools, including above-ground pools, may not be located between the principal building and the right-of-way.
- 5) Portable swimming pools with a diameter of less than twenty (20) feet shall not be required to comply with the above conditions and requirements.

### **B. Community and Club Swimming Pools**

Community and club swimming pools are permitted in any district that allows for outdoor recreation or club facilities and shall comply with the following conditions and requirements.

- 1) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
- 2) The pool and accessory structure thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line.
- 3) The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. The fence or wall shall not be less than six (6) feet in height and shall be maintained in good condition.
- 4) Before construction commences, the petitioner shall obtain a Zoning Certificate under **Section 4**, a fence permit (where required), a swimming pool permit, and all permit fees shall be paid.

## **7.24 Wireless Telecommunication Tower**

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In accordance with **ORC 519.211**, when a tower is planned to be constructed for the provision of cellular telephone communication service, the procedures indicated therein shall be followed. All zoning districts where dwellings of any kind are permitted shall be construed to be an area for residential use. All telecommunication towers shall meet the following standards when located within a residential district:

- A. The applicant shall provide proof that the proposal to construct a tower or attach equipment to an existing structure has been approved by all other agencies and governmental entities with jurisdiction (i.e. Federal Communication Commission, Federal Aviation Administration, Ohio Department of Transportation).
- B. The applicant shall demonstrate that no suitable site is available in a non-residential district and shall be located on its own lot which meets the area and setback requirements as approved by the Zoning Commission.
- C. All accessory buildings shall be screened with fencing, masonry, shrubbery, or other screening as approved by the Zoning Commission.
- D. The applicant shall notify the Zoning Inspector within thirty (30) days of ceasing operations at the site. The removal of the structures and buildings is required within ninety (90) days of ceasing operations.
- E. No advertising or illumination other than that required by law may be located on the structure.

## **7.25 Mineral Extraction**

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In addition to any State requirements, mineral extraction operations shall meet the following requirements and is applicable in the M-1 District (**Refer to Section 6.02.C.**).

- A. Any area presently used for mineral extractions or gravel pit operations, or in the future, used for the same purpose and not mined for a period of one (1) year shall be leveled off to conform to the general contour of the surrounding land.

- B. Any person neglecting or refusing to level off the overburden of said land in compliance with this section shall be subject to a fine of one hundred dollars (\$100) per day for each day exceeding one (1) year period, as set forth above, said violation shall continue. The amounts paid and collected from said fine shall be paid to and diverted to a separate fund under the control of the Moulton Township Zoning Commission to be used by said Moulton Township Zoning Commission for the purpose of leveling the premises to conform with this regulation.
- C. Prior to the granting of a Zoning Certificate for said use, the applicant must obtain and deposit with the Township Zoning Inspector, a contour map of the area to be mined. In the event it becomes desirable and beneficial not to level to that same contour upon termination of mineral extraction or gravel pit operations as set forth herein, the Board of Zoning Appeals, upon application made, may authorize such variance from this requirement as will not be contrary to the public interest and will observe the spirit of this section.

## **7.26 (A) Small Wind Turbines**

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General requirements for small wind turbines are as follows:

- 1) Small wind turbines and other wind powered generators, as defined in Section 7.26(b), are limited to a rated capacity of not more than 50kw.
- 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 powering an electric generator 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 the 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 the **Ohio Revised Code Section 519.211** (telecommunications towers) and shall conform to **Ohio Revised Code Section 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 lower 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 any 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 larger 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 generator:

A. Parcels in "RRA" district shall be subject to the following conditions:

Parcel Size	Maximum Tower Height	Maximum Generator Size
5 to 9.9 acres	80 feet	20kw
10 to 14.9 acres	100 feet	25kw
15 acres or more	125 feet	50kw

B. Parcels in the "GB" or "M1" districts shall be subject to the following conditions:

Parcel Size	Maximum Tower Height	Maximum Generator Size
5 acres or more	125 feet	50kw

- 11) Residential, Commercial or Industrial roof top and or combination units (utility lights with generators etc.) are prohibited.
- 12) All wind turbine towers shall be enclosed with a 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.
- 13) 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 modifications that adhere to the provisions contained herein shall be allowed.



- 14) No other use of the tower shall be permitted. This includes but is 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.
- 15) 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.
- 16) 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.

## **7.26 (B) Definitions for Small Wind Turbines**

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**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 converts 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 Teight:** the highest point, above ground level, reached by a rotor tip.

**Wind Turbine Tower:** the vertical structures that support an electrical generator, rotor blades, or meteorological equipment.

**Wind Turbine Tower height:** the total height of the tower, from the base, exclusive of rotor blades.

## **SECTION 8**

### **PROCEDURES AND REQUIREMENTS FOR APPEALS, VARIANCES, AND CONDITIONAL USE PERMITS**

#### **8.01 Appeals**

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Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved, or by any Township officer affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector and with the Board of Zoning Appeals a notice of appeal specifying the grounds upon which the appeal is being taken. After the fee as established by the Board of Township Trustees according to **Section 3.09** has been paid, the Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

##### **A. Stay of Proceedings**

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector, by reason of facts stated in the application, finds that a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record.

#### **8.02 Variances**

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The Board of Zoning Appeals may authorize a variance from the terms of this Resolution which shall not be contrary to the public interest and, where owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship.

##### **A. Application and Standards for Variances**

Except as otherwise permitted in this Resolution, a variance from the terms of this Zoning Resolution shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals. At a minimum, the application shall include:

- 1) Name, address, and phone number of applicant(s).
- 2) Legal description of property.
- 3) Description of nature of variance requested.
- 4) A list of all property owners and their addresses who are within, contiguous to, or directly across the street, and may have interest in the variance.
- 5) A narrative statement demonstrating that the requested variance conforms to the following standards:

- a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- b) That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Resolution.
- c) That special conditions and circumstances do not result from the actions of the applicant.
- d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district.
- e) A fee as established by the Board of Township Trustees according to **Section 3.09**.

### **8.03 Public Hearing by the Board of Zoning Appeals**

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

#### **A. Notice of Public Hearing in Newspaper**

Before holding the public hearing required in Section 8.03, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Township, at least ten (10) days prior to the date of said hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed appeal or variance.

#### **B. Notice to Parties of Interest**

Prior to conducting the public hearing required in **Section 8.03**, written notice of such hearing shall be mailed by the Chairperson of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing, to property owners of adjoining parcels or parcels within two hundred (200) feet affected property. The notice shall contain the same information as required of notices published in newspapers as specified in Section 8.03.a.

#### **C. Action by the Board of Zoning Appeals**

- 1) Within thirty (30) days after the public hearing required in **Section 8.03**, the Board of Zoning Appeals shall either approve, approve with supplementary conditions, or disapprove the request for appeal or variance.
- 2) The Board of Zoning Appeals shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. A copy of this decision shall be transmitted to the applicant and the Zoning Inspector.
- 3) Appeals from Board decisions shall be made in the manner specified in **Section 8.01**.

#### **D. Supplementary Conditions and Safeguards**

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Resolution in the district involved, or any use expressly or by implication prohibited by the terms of this Resolution in said district. In granting any appeal or variance, the Board of Zoning Appeal may prescribe any appropriate conditions and safeguards in conformity with this Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the appeal or variance has been granted, shall be deemed a violation and punishable under **Section 4.13** of this Resolution.

#### **8.04 Procedures and Requirements for Approval of Conditional Use Permits**

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Approval of a conditional use permit shall conform to the procedures and requirements of this section, inclusive of this Resolution.

##### **A. General**

It is recognized that an increasing number of new kinds of uses are appearing daily and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation ,and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of **Section 6**, inclusive, shall follow the procedures and requirements set forth in **Section 8.04**, inclusive.

##### **B. Contents of Application for Conditional Use Permit**

An application for conditional use permit shall be filed with the Zoning Inspector by at least one (1) owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

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

the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan.

### **C. General Standards Applicable to All Conditional Uses**

In addition to the specific requirements for conditionally permitted uses as specified in this Resolution, the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proper location:

- 1) Is in fact, a conditional use established under the provision of **Section 6**, inclusive.
- 2) Will be harmonious and in accordance with the general objectives, or with any specific objective of a Comprehensive Plan and/or the Township Zoning Resolution.
- 3) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- 4) Will not be hazardous or disturbing to existing or future neighboring uses.
- 5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services. The roadway(s) should be able to accommodate the existing capacity as well as traffic generation from the proposed use.
- 6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- 7) Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, vibration, smoke, fumes, glare, or odors.
- 8) Will have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public thoroughfares.
- 9) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

### **D. Specific Criteria for Conditional Uses**

In granting any conditional use, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution and punishable under Sections 4.13.

## **E. Public Hearing by the Board of Zoning Appeals**

The Board of Zoning Appeals shall hold a public hearing within twenty (20) days after the receipt of an application for a conditional use from the Zoning Inspector or an applicant.

### **1) Notice of Public Hearing in Newspaper**

Prior to holding the public hearing required in **Section 8.04.E.**, notice of such hearing shall be given in one or more newspapers of general circulation of the Township, at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and the specific item to be considered.

### **2) Notice to Parties of Interest**

Prior to holding the public hearing, required written notice of such hearing shall be mailed by first class mail to all to property owners of adjoining parcels or parcels within two hundred (200) feet of affected property by the Chairperson of the Board of Zoning Appeals, at least ten (10) days before the day of the hearing. The notice shall contain the same information as required of notices published in newspapers, as specified in **Section 8.04.E.1.**

## **F. Action by the Board of Zoning Appeals**

- 1) Within twenty (20) days after the public hearing required in **Section 8.04.E.**, the Commission shall either approve, approve with supplementary conditions as specified in **Section 8.04.1.**, or disapprove the application as presented.
- 2) If the application is approved or approved with modification, the Commission shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the commission for approval. If the application is disapproved by the Commission, the applicant may seek relief through the Auglaize County Court of Common Pleas.
- 3) Appeals from decisions shall be made in the manner specified in **Section 8.01.**

## **G. Expiration of Conditional Use Permit**

A conditional use permit shall be deemed to authorize only one (1) particular conditional use. Such permit shall automatically expire if, for any reason, the conditional use has not been implemented within one (1) year of issuance of the permit or if such use ceases for more than two (2) years.

## **H. Revocation of a Conditional Use Permit**

Violation of the conditional use as approved shall be grounds for revocation of the conditional use permit. For proof that the conditional use does not comply with **Section 8.04.C.2-3.**, written complaints filed with the Zoning Inspector of more than fifty percent (50%) of the property owners or authorized tenants within a three hundred (300) foot radius shall be required. For other violations, the Zoning Inspector shall be required to furnish appropriate proof of non-compliance. The Board of Zoning Appeals

may revoke a conditional use permit, but only after a public hearing is conducted according to procedures outlined in **Section 8.04.E**.

#### **I. Supplementary Conditions and Safeguards**

In granting any conditional use, the Commission may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution and punishable under **Section 4.13** of this Resolution.

### **8.05 Interpretation of District Map**

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- A. Where the street or lot layout, actually on the ground or as recorded, differs from the street line and lot lines as shown on the Official Township Zoning Map, the Board of Zoning Appeals shall interpret the map in such a way as to carry out the intent and purpose of the Zoning Resolution.
- B. When ten (10) or less adjacent property owners are affected, notification shall be by U.S. mail; when more than ten (10) adjacent property owners are affected, notification shall be by a local newspaper of general circulation.
- C. In case of any questions as to the location of any boundary line between zoning districts, a request for interpretation of the Official Township Zoning Map may be made to the Board of Zoning Appeals and a determination shall be made by the Board of Zoning Appeals.

### **8.06 Board May Reverse or Affirm Orders**

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In exercising its power, the Board of Zoning Appeals may, in conformity with the provisions of statute and the Zoning Resolution, reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination as ought to be made; and to that end shall have all powers of the officer from whom the appeal is taken.



## **SECTION 9 AMENDMENTS**

### **9.01 Procedure for Zoning Amendments**

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This Zoning Resolution may be amended by utilizing the procedures specified in **Section 9**, inclusive.

### **9.02 General**

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No change in, or departure from, the text or maps of the amendment as certified by the Township Zoning Commission shall be made unless the same is first submitted to the Township Zoning Commission for its approval, disapproval, or suggestions. If such amendment or changes are disapproved by the Township Zoning Commission, provisions so disapproved must receive the favorable vote of the entire membership of the Board of Township Trustees in order to be adopted.

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

### **9.03 Initiation of Zoning Amendments**

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Amendments to this Zoning Resolution may involve an amendment to the text of this Resolution or the Township Zoning Map, and may be initiated in one of the following ways:

- A. By adoption of a motion by the Zoning Commission.
- B. By adoption of a Resolution by the Board of Township Trustees.
- C. By filing with the Zoning Commission, an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by the proposed amendment.

### **9.04 Contents of Application**

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Applications for amendments to the Official Zoning Map adopted as part of this Zoning Resolution in **Chapter 5** shall contain at least the following information:

- A. Name, address, and phone number of applicant.
- B. Present use.
- C. Present zoning district.
- D. Proposed use.
- E. Proposed zoning district.
- F. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require.

- G. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned.
- H. A statement on how the proposed amendment relates to the Comprehensive Plan. I. A fee as established by the Board of Township Trustees according to **Section 3.09**.

Applications for amendments proposing to amend, supplement, change, or repeal portions of this Zoning Resolution other than the Official Zoning Map shall include items A., B., and I. listed above.

#### **9.05 Action by the Zoning Commission**

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Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application, the Township Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto to the County or Regional Planning Commission. The County or Regional Planning Commission shall either:

- A. Recommend the approval of the proposed amendment.
- B. Recommend the approval of the proposed amendment with some modification thereof.
- C. Recommend denial of the proposed amendment.

This recommendation shall be submitted to the Township Zoning Commission to be considered at a public hearing.

#### **9.06 Public Hearing by the Zoning Commission**

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The Zoning Commission shall hold a public hearing for not less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application.

##### **A. Notice of Public Hearing**

Prior to holding the public hearing required in Section 9.06, notice of such hearing shall be given by the Township Zoning Commission by one publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing.

- 1) If the proposed amendment alters the text of the Zoning Resolution or rezones or redistricts more than ten (10) parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include those requirements listed in **ORC 519.12(D)**.
- 2) If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land listed on the County Auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing, and shall include those requirements listed in **ORC 519.12(C)**, inclusive.

## **B. Notice to Parties of Interest**

- 1) If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, written notice of the hearing shall be mailed by first class mail by the Zoning Commission, 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. Published and mailed notices shall set forth the time, date, and place of the public hearing and shall include those requirements of **ORC 519.12(C)**.

## **9.07 Action by the Zoning Commission**

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The Township Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment, 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 County or Regional Planning Commission thereon to the Board of Township Trustees.

## **9.08 Public Hearing by Board of Township Trustees**

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The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Zoning Commission.

### **A. Notice of Public Hearing**

Notice of such public hearing shall be given by the Trustees 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.

- 1) If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, the published and mailed notice shall set forth the time, date, and place of the public hearing and shall include those requirements set forth in **ORC 519.12(F)**.
- 2) If the proposed amendment alters the text of the Zoning Resolution or rezones or redistricts more than ten (10) parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of public hearing and shall include those requirements set forth in **ORC 519.12(G)**.

### **B. Action by the Board of Township Trustees**

Within twenty (20) days after such public hearing, the Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the Trustees deny or modify the recommendation of the Zoning Commission, the unanimous vote of the Trustees shall be required.

### **C. Effective Date**

If the amendment to the Zoning Resolution is adopted by the Board of Township Trustees, such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of such adoption, unless within thirty (30) days after the adoption of the amendment, there is presented to the Board of Township Trustees a petition signed by a number of registered electors residing in the unincorporated area of the Township affected by the amendment or part thereof included in the zoning plan. The number of registered electors must be equal to, but not less than, eight percent (8%) 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 to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election, in which event the amendment shall not take effect unless a majority of the electors voting on said issue shall approve the same.

Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this section (**ORC 519.12(H)** inclusive), each petition shall be governed by the rules specified in **Section 3501.38** of the Revised Code.

## SECTION 10 NON-CONFORMING USES

### 10.01 Non-Conforming Use

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- A. The lawful use of any dwelling, building, or structure on any lot or premises existing and lawful at the time of enactment of this Zoning Resolution, supplement, or amendment:
  - 1) May continue even though such use does not conform with the provisions of this Zoning Resolution or any supplement or amendment made after the enactment of this Resolution provided that no such non-conforming use of land shall in any way be expanded or extended either on the same or adjoining property, except when authorized by the Board of Zoning Appeals in accordance with the provisions of **Section 10.02**.
- B. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not be changed thereafter to a less restricted use.
- C. In the event that a non-conforming use of any dwelling, building, or structure, and of any lot or premises is voluntarily discontinued for a period of twelve (12) months or more, any future use of the dwelling, building, or structure shall be in conformity with the provisions of this Resolution.
- D. Any building arranged, intended, or designated for a non-conforming use, but at the time of the passage of the Zoning Resolution is not being so used and continues to be unused for a period of twelve (12) months from the time of the passage of the Zoning Resolution, shall not, after such twelve (12) months, be used except in conformity with the regulations of the district in which such building is located.
- E. Any person or corporation claiming right of operation or use as a pre-existing non-conforming use as described in this section shall make and preserve reasonable records and other proofs of the existence and extent of such use at the time it becomes non-conforming due to this Zoning Resolution or amendments thereto.
- F. Without prior approval, a non-conforming use may be extended throughout that portion of a structure that was obviously designed and intended for such use.
- G. Any building arranged, intended, or designated for a non-conforming use, the construction of which has been started but not completed at the time of the passage of this Zoning Resolution, may be completed and put into such non-conforming use, providing it is completed within one (1) year after this Zoning Resolution takes effect.
- H. When a non-conforming building or structure has been damaged by fire, explosion, act of God, or the public enemy to the extent of more than seventy-five percent (75%) of its fair market value, it shall not be restored or reconstructed except in conformity with regulations of the zoned district in which the building or structure is located.

- I. When a non-conforming use qualifies for reconstruction through damage, a building permit shall be secured for that purpose and reconstruction shall be diligently completed without delay. Failure to reconstruct within a year of damage revokes the right to non-conforming use, and the premises shall conform thereafter to the established district regulations.
- J. When non-conforming trailers or mobile homes are located on a lot in any district other than a mobile home park and are once removed, they shall not be relocated on such lot and shall not be replaced with another trailer or mobile home.
- K. A use in violation of the provisions of the Zoning Resolution which this resolution amends or of a Zoning Resolution covering an area of a township subsequently annexed to a Village shall not be validated by the adoption of this Resolution.
- L. The Board of Zoning Appeals in an appropriate case and under its power to permit variance from the terms of this Zoning Resolution may, upon appeal, permit the substitution of a specific non-conforming use in place of a different non-conforming use, upon such conditions and with such limitation as the board shall deem in the public interest. A non-conforming use of buildings, land, or structures shall not entitle such user to change a lawful pre-existing use to a specific different non-conforming use without proceeding as above provided, but upon the abandonment of a non-conforming use shall be deemed to have been abandoned.

## **10.02 Non-Conforming Structures**

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Any structure was built prior to the adoption of this Zoning Resolution and is considered to have non-conforming setbacks, additions to, or enlargement of an existing structure which presently encroaches upon required side or rear yards, may be permitted if the proposed addition or enlargement follows the existing structure setbacks, and the addition or enlargement will not exceed any other lot lines.

## **10.03 Abandoned Automobile Service Stations, Gas Stations, or Filling Stations**

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- A. For the purpose of this Zoning Resolution, an abandoned automobile service station, gas station, or filling station shall be defined as one in which the petitioner or lessee has failed to operate for at least six (6) consecutive months in any eighteen (18) month period.
- B. All automobile service stations, gas stations, or filling stations where use is discontinued after the enactment of this Zoning Resolution shall be presumed to be a nuisance affecting or endangering surrounding property values and to be detrimental to the public health, safety, convenience, comfort, property, or general welfare of the community and shall be abated (**ORC 3791.11-13 and 3791.99**).

## **SECTION 11 SIGNS**

### **11.01 Intent**

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The purpose of this section is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development.

For the purpose of this Zoning Resolution and the providing of regulations for outdoor advertising, an outdoor advertising sign or billboard shall be deemed a structure and classified as a business use, subject to the requirements set forth in Section 6 and this section, inclusive.

### **11.02 Governmental Signs Excluded**

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

### **11.03 General Requirements for All Signs and Districts**

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The regulations contained in this section shall apply to all signs and all use districts.

- A. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- B. No sign shall employ any parts or elements which revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention. Sections 11.03.A. and B. shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations, or similar services.
- C. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the National Electric Code.
- D. No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.
- E. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in **Section 11.07** (Temporary Sign), herein.

- F. No sign or part thereof shall contain or consist of banners, flags, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign.
- G. No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than twenty percent (20%) of the window surface.
- H. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign.
- I. No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter, shall be permitted on any property.
- J. No signs or billboards shall be so located as to constitute a traffic safety hazard. Any sign illuminated with electric lights, including neon or other gaseous tubes or incandescent lamps, shall not be used which contain any colors appearing in a traffic control system where such illuminated sign interferes with safety and general welfare. No zoning certificate shall be required, and there shall be no restriction in regard to height and size of signs when the same are located at a distance greater than one hundred and fifty (150) feet from the right-of-way line of any public road or highway.
- K. Signs not located on the business premises shall not be within five hundred (500) feet of the road right of way.

#### **11.04 Measurement of Sign Area**

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The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area. In matters of height and size, no sign or billboard shall extend more than thirty (30) feet above the natural ground level and shall not exceed sixty-four (64) square feet on either side with a maximum of two sides.

#### **11.05 Signs Permitted in Residential Districts**

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Signs no larger than thirty-two square feet (32 sq. ft.) in area are permitted to be located at any place on the premises if (a) the sign is no closer than ten (10) feet from the right-of-way line of a road, and (b) the use of the sign is in direct relation to the use of the premises.

#### **11.06 Signs Permitted in Business and Industrial Districts**

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The regulations set forth in this section shall apply to signs in all business and industrial districts, and such signs shall require a permit.



- A. In a business or industrial district, each business shall be permitted one (1) flat or wall on-premises sign.
- B. Projection of wall signs shall not exceed two (2) feet measured from the face of the main building.
- C. The area of all permanent, on-premises signs for any single business enterprise may have an area equivalent to one and one-half square feet (1-1/2 sq. ft.) of sign area for each linear foot of building width or part of a building occupied by such enterprise, but shall not exceed a maximum area of sixty four square feet (64 sq. ft.).

#### **11.07 Temporary Signs**

---

Temporary and special event signs not exceeding fifty square feet (50 sq. ft.) in area announcing special public or institutional events, the erection of a building, the architect, or the builders or contractors shall be considered by the Zoning Inspector. If, in his or her opinion, such signs conform to the regulations found elsewhere in this section, he or she may issue a special or temporary permit for a period of sixty (60) days prior to an event and conditioned further that such sign shall be removed within thirty (30) days after the event. In no case shall a special or temporary sign permit be issued for a period to exceed one (1) year. Trucks and/or trailers with signs are classified as temporary signs. If such sign does not conform wholly with the regulations contained herein, the application shall be referred to the Board of Zoning Appeals.

#### **11.08 Free-Standing Signs on Business Premises**

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Total sign and supports shall not to be over twenty (20) feet in height. The sign, which shall have a maximum total sign area of one hundred square feet (100 sq. ft.), (fifty square feet [50 sq. ft.] on each side) and located not closer than ten (10) feet to any street right-of-way line or to any adjoining lot line, may be erected to serve a group of business establishments. There shall be only one (1) free-standing sign for each building, regardless of the number of businesses conducted in said building.

#### **11.09 Political Signs**

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No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way nor shall any such sign be posted on a utility pole. No political sign shall be posted more than sixty (60) days before an election. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two (2) weeks following election day.

#### **11.10 Reserved**

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#### **11.11 Limitation**

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For the purposes of this Zoning Resolution, outdoor advertising off-premises signs shall be classified as a business use and be permitted in all districts zoned for industrial or business or lands used for agricultural purposes. No outdoor advertising sign more than three square feet (3 sq. ft.) in size shall be located within

one hundred fifty (150) feet of any intersection unless affixed to a building, and not extend beyond or above the same more than six (6) feet. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of **ORC Chapter 5516** and the regulations adopted pursuant thereto.

### **11.12 Certificate Required**

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All permanent signs to be erected within Moulton Township shall require a certificate before being erected.

### **11.13 Administration**

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A. Application and permit procedures are as follows:

- 1) Applications for sign permits shall contain the following information:
  - a) Two (2) copies of plans and/or blueprints to scale of signage, including details of fastenings, lighting, and any lettering, symbols, or other identification.
  - b) Any information peculiar to a particular sign application which is necessary to uphold the provisions of this section.
- 2) Except as otherwise provided above, all applications for sign permits shall be submitted to the Zoning Inspector who shall act on the application as provided under Section 3, inclusive.
- 3) Abandoned Signs.

Except as otherwise provided, the Board of Zoning Appeals shall determine at a public hearing when a sign is abandoned, as is provided for in **Section 11.17.A.**, inclusive.

### **11.14 Variances and Appeals**

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Variances and appeals to this section may be granted pursuant to the procedure and criteria set forth in **Section 8**, inclusive.

### **11.15 Non-Conforming Signs**

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- A. An existing sign which does not meet the requirements of this section shall be deemed a non-conforming sign which shall terminate by abandonment. A sign shall be considered abandoned:
- 1) When the sign is associated with an abandoned use.
  - 2) When the sign remains after the termination of a business. A business has ceased operations if it is closed to the public for at least ninety (90) consecutive days. Seasonal businesses are exempt from this determination.
  - 3) When the sign is not maintained or does not conform to the following:

- a) All signs, together with all supports, braces, guys, and anchors shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be subject to periodic inspection.
  - b) Every sign and the immediately surrounding premises shall be maintained by the owner or person in charge thereof in a clean, sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, and weeds.
- 4) Abandonment shall be determined based upon the above definitions at a public hearing. Upon a finding that the signage is abandoned, the right to maintain and use such sign shall terminate immediately.
- B. A non-conforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this section. Should a replacement or relocation take place without being brought into compliance, the sign shall be existing illegally.
- C. A non-conforming sign shall be maintained or repaired in accordance with the following provisions:
- 1) The size and structural shape shall not be changed or altered. The copy may be changed provided that the change applies to the original non- conforming use associated with the sign and that the change is made by the owner of the sign at the time the sign became non-conforming; the copy area shall not be enlarged. Any subsequent owner or user shall bring the sign into compliance within thirty (30) days.
  - 2) In case damage occurs to the sign to the extent of fifty percent (50%) or more of either the structure or the replacement value of the sign, the sign shall be brought into compliance. Where damage to the sign is less than fifty percent (50%) of the structure or its replacement value, the sign shall be repaired within sixty (60) days.

## **11.16 Violations**

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In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this section, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Zoning Resolution. Failure to comply with any of the provisions of this section shall be deemed a violation and shall be punishable under **Section 4.13** of this Resolution. Political signs posted in violation of **Section 11.11** of this section are subject to removal by the Zoning Inspector five (5) days after written notice of violation of **Section 11.11** has been given.

## **SECTION 12 OFF-STREET PARKING AND LOADING**

### **12.01 General Requirements**

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No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this Zoning Resolution.

- A. The provisions of this section, except where there is a change of use, shall not apply to any existing building or structure.
- B. Whenever a building or structure constructed after the effective date of this Zoning Resolution is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this Zoning Resolution is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

### **12.02 Parking Space Dimensions**

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A parking space shall have minimum rectangular dimensions of not less than the following:

PARKING SPACE			
	Width	Length	Width of Driveway Aisle
90 degree parking	9 feet	19 feet	25 feet
60 degree parking	10 feet	19 feet	17 ½ feet
45 degree parking	12 feet	19 feet	13 feet
Parallel parking	9 feet	23 feet	12 feet

### **12.03 Loading Space Requirements and Dimensions**

---

One (1) off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a modified gross floor area of up to five thousand square

feet (5,000 sq. ft.). One (1) loading space shall be provided for each additional ten thousand square feet (10,000 sq. ft.) or fraction thereof of gross floor.

#### **12.04 Drainage**

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All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

#### **12.05 Maintenance**

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The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris.

#### **12.06 Lighting**

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If a parking area is illuminated a cutoff-type luminaire shall be used to illuminate the parking lot and shall be so arranged as to reflect the light away from the adjoining property.

#### **12.07 Location of Parking Spaces**

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The following regulations shall govern the location of off-street parking spaces and areas:

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

#### **12.08 Screening and/or Landscaping**

---

Whenever a parking area is located within twenty (20) feet of a residential district, it shall be effectively screened on all sides which adjoin or face any property used for residential purposes by an acceptably designed wall, fence, or planting screen. Such fence, wall, or planting screen shall be not less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition. The space between such fence, wall, or planting screen and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs, or evergreen ground cover, and maintained in good condition. In the event that terrain or other natural resources are such that erection of such fence, wall, or planting screen will not serve the intended purpose, then no such fence, wall, or planting screen and landscaping shall be required.

#### **12.09 Disabled/Unlicensed Vehicles**

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The parking of a disabled or unlicensed vehicle within a residential or commercial district for a period of more than two (2) months shall be prohibited unless such vehicle is stored in an enclosed garage or other accessory building.

### **12.10 Minimum Distance and Setbacks**

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

### **12.11 Joint Use**

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

### **12.12 Wheel Blocks**

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

### **12.13 Width of Driveway Aisle**

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Driveways serving individual parking spaces shall be not less than those standards set forth in **Section 120.02**.

### **12.14 Access**

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Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street.

### **12.15 Width of Access Driveway**

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The entrances and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access roads shall maintain the following minimum standards:

- A. For one-way traffic, the minimum width of fourteen (14) feet except for forty-five (45) degree parking, in which case the minimum width of the access road shall be seventeen (17) feet.
- B. Access roads for two-way traffic shall have a minimum width of twenty-four (24) feet.

Further, all drive-ways and entry ways which are improved, enlarged, or constructed adjoining a township road shall require a side ditch culvert of a minimum eight (8) inches in diameter and a minimum twenty (20) feet in length, with prior approval of the Township Trustees to insure proper installation.

## **12.16 Parking Space Requirements**

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In all districts, in connection with every use, there shall be provided at any time when any building, structure, or use is erected, developed, or enlarged or increased in capacity, the following parking space requirements shall apply:

### **A. Residential**

- 1) For a single-family or two-family dwelling; two (2) spaces for each unit.
- 2) For apartments, condominiums, and multi-family dwellings; two (2) spaces for each unit.
- 3) For manufactured home parks; two (2) parking spaces for each manufactured home, plus one (1) per five (5) homes for guest parking.
- 4) For a bed and breakfast; one (1) space per sleeping room, plus two (2) per permanent resident.

### **B. Commercial**

- 1) For automobile service stations and garages which also provide repair; one (1) space for each two (2) gas pumps, or two (2) for each service bay.
- 2) For hotels or motels; one (1) space for each sleeping room, plus one (1) space for every two (2) employees.
- 3) For funeral parlors/homes, mortuaries, and similar uses; one (1) space for each thirty square feet (30 sq. ft.) of floor area in slumber rooms, parlors, or service rooms.
- 4) For home occupations; two (2) spaces in addition to requirement for dwelling.
- 5) For general retail establishments; two (2) plus one (1) additional for each two hundred square feet (200 sq. ft.) of floor area over one thousand square feet (1,000 sq. ft.).
- 6) For printing or plumbing shop or similar service establishment; one (1) for each two (2) employees on the maximum working shift, plus space to accommodate all trucks and other vehicles used in connection therewith.
- 7) For retail stores or personal service establishment, except as otherwise specified herein; one (1) space for each one hundred square feet (100 sq. ft.) of floor area.
- 8) For banks, financial institutions, and similar use; one (1) space for each two hundred square feet (200 sq. ft.) of floor area.
- 9) For offices (public or professional administration), or service buildings; one (1) space for each four hundred square feet (400 sq. ft.) of floor area.

- 10) For all other types of business or commercial uses permitted in any commercial district; one (1) space for each three hundred square feet (300 sq. ft.) of floor area.

### **C. Recreational or Entertainment**

- 1) For dining rooms, restaurants, taverns, night clubs, cafes or similar eating or recreation or amusement establishments; one (1) space for each fifty square feet (50 sq. ft.) of floor area.
- 2) For a private club or lodge; one (1) for each five (5) members.
- 3) For a country club or golf club; one (1) for each five (5) members.
- 4) For bowling alleys; five (5) spaces for each alley or lane, plus one (1) additional space for each one hundred square feet (100 sq. ft.) of the area used for restaurant, cocktail lounge, or similar use.
- 5) For dance floors or skating rinks; one (1) space for each one hundred square feet (100 sq. ft.) of floor area used for the activity.
- 6) For outdoor swimming pools (public or community or club); one (1) space for each five (5) person capacity, plus one (1) for each four (4) seats or one (1) for each thirty square feet (30 sq. ft.) of floor area used for seating purposes, whichever is greater.
- 7) For auditoriums (except school auditorium), sports arenas, theaters, stadiums or gymnasiums; one (1) space for each five (5) seats or bench seating spaces.
- 8) For assembly or exhibition halls without fixed seats; one (1) space for each one hundred square feet (100 sq. ft.) of gross floor area.
- 9) For recreational vehicle parks; 1.5 spaces per each recreational vehicle site.

### **D. Institutional**

- 1) For churches and other places of religious assembly; one (1) space for each five (5) seats.
- 2) For cemeteries; one (1) space per full-time employee.
- 3) For hospitals and sanitariums; one (1) space for each three (3) beds, plus one (1) for each employee on the maximum working shift.
- 4) For medical and dental clinics; one (1) space for every two hundred square feet (200 sq. ft.) of floor space in area of examination, treating room(s), and waiting room.
- 5) For community center, libraries, museums, and art galleries; ten (10) spaces plus one (1) additional for each three hundred square feet (300 sq. ft.) of floor area in excess of two thousand square feet (2,000 sq. ft.).



**E. Schools (Public, Parochial, or Private)**

- 1) For elementary and junior high schools; one (1) space for each ten (10) seats in auditorium or main assembly room, or one (1) for each classroom, whichever is greater.
- 2) For high schools; one (1) space for each eight (8) seats in main auditorium or three (3) for each classroom, whichever is greater.
- 3) For kindergartens, child care centers, nursery schools, and similar uses; two (2) spaces for each classroom, but not less than six (6) for the building.

**F. Industrial**

- 1) For all types of industrial or manufacturing processes, warehouses, publishing plants, lumber storage and dealers, contractor yards, or similar establishments and uses permitted; one (1) space for every employee (on the largest shift for which the building is designed), plus space to accommodate all trucks and other vehicles used in connection therewith.
- 2) For cartage, express, parcel delivery, and freight terminals; one (1) space for every two (2) employees (on the largest shift for which the building is designed) and one (1) for each motor vehicle maintained on the premises.

**12.17 General Interpretations**

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In the interpretation of this section, the following rules shall govern:

- A. Floor area means the gross floor area of the specified use.
- B. Parking spaces for other permitted or conditional uses not listed in this section shall be determined by the Board of Zoning Appeals upon an appeal from a decision by the Zoning Inspector.
- C. The parking space requirement for a use not specifically mentioned herein shall be the same as that required for a use of similar nature.
- D. Fractional numbers shall be increased to the next whole number.
- E. There shall be adequate provision for ingress and egress to all parking spaces.
- F. However, such ingress and egress points shall be located so as to minimize traffic congestion and avoid undue interference with pedestrian access at street intersections.
  - 1) There shall not be more than two (2) vehicular accessways to a single use from any street. In the case of a corner lot which has less than one hundred (100) feet of frontage on either or both streets, only one (1) access point shall be permitted from each street; however, uses on corner lots having more than one hundred (100) feet of frontage may be permitted to construct not more than two (2) accessways from each street; but in no case where two (2) accessways are permitted, shall they be closer than thirty (30) feet to the intersection of the right-of-way of the two (2) streets.

- 2) Such accessways or driveways shall not be less than eight (8) feet nor more than twelve (12) feet in width at the sidewalk line for single- or two-family residences nor not less than twelve (12) feet nor more than twenty (20) feet in width at the sidewalk line for multi-family or non-residential uses. In no case shall the curb cut at the street be less than fifteen (15) feet or in excess of thirty (30) feet in width.
- G. The off-street parking spaces required by this section may be located in any yard in GB or M1 District, but shall not be permitted in the front yard of any Residential District. However, where parking spaces are developed in the front yard of any lot in a GB or M1 District, the provisions of Subsection (G) hereof shall be met.
- H. No wall, fence, or hedge as required by this section shall be located in a required front yard closer to the street line than the building or setback line required in the district in which it is located. Where parking areas are developed in the front yard, even though the property is located in a GB or M1 District, and the abutting or opposite properties are also in the same district, a fifteen (15) foot strip of land, landscaped with grass or evergreen ground cover and planted with shrubs or trees or both, shall be provided between the street line and the parking area.

#### **12.18 Off-Street Storage Areas for Drive-In Services**

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Establishments, which by their nature create lines of customers waiting to be served within automobiles, shall provide off-street storage areas in accordance with the following requirements:

- A. Photo pickups, restaurants, drive-through beverage docks, and other similar commercial establishments that can normally serve customers in three (3) minutes or less shall provide no less than five (5) storage spaces per window. Drive-in restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of three (3) additional storage spaces for each such stopping point.
- B. Other commercial establishments such as banks, savings and loan offices, or other similar facilities with service or money windows shall provide no less than four (4) storage spaces per window.
- C. Self-serve automobile washing facilities shall provide no fewer than three (3) storage spaces per stall. All other automobile washing facilities shall provide a minimum of six (6) storage spaces per entrance.
- D. Motor vehicle service stations shall provide no fewer than two (2) storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be closer than fifteen (15) feet to any street right-of-way.

#### **12.19 Handicapped Parking**

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Parking facilities serving buildings and facilities required to be accessible to the physically handicapped shall have conveniently located designated spaces provided in accordance with the Americans with Disability Act, Fair Housing Amendments Act, Uniform Federal Access Standards, the Minimum Guidelines and Regulations for Access Design, and as follows:

- A. For a lot/structure having up to one hundred (100) spaces, the number of spaces designated handicapped accessible shall be one (1) per twenty-five (25).
- B. For a lot/structure having one hundred and one (101) to two hundred (200) parking spaces, the number of spaces designated handicapped accessible shall be four (4), plus one (1) per fifty (50) spaces over one hundred (100).
- C. For a lot/structure having two hundred and one (201) to five hundred (500) parking spaces, the number of spaces designated for handicapped accessible shall be six (6), plus one (1) per seventy-five (75) spaces over two hundred (200).
- D. For a lot/structure having over five hundred (500) parking spaces, the number of spaces designated for handicapped accessible shall be ten (10), plus one (1) per one hundred (100) spaces over five hundred (500).

## **12.20 Elderly Housing Parking**

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Each parking space provided for in an elderly housing facility shall at a minimum measure nine (9) feet in width and twenty (20) feet in length with aisles measuring twenty-one (21) feet in width. There shall be provided one (1) such parking space per dwelling unit and per regular shift employee. Should additional parking spaces be deemed necessary, the Board of Zoning Appeals subsequently may approve a parking plan for an elderly housing facility which provides three (3) such parking spaces for every four (4) dwelling units, and one (1) per regular shift employee if the site plan includes a set-aside of landscaped area which is not part of any open-space requirement and which is accessible to egress/ingress for parking purposes.

## **SECTION 13 LANDSCAPING**

### **13.01 Landscaping Requirements**

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Consistent with the objectives established in this section, landscaping shall be provided according to the following standards for the following districts, with the new construction of any principal building.

**PUD**          Planned Unit Development District

**GB**            General Business District

**M1**            Light Industrial District

### **13.02 Special Exceptions**

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The Township shall recognize that, in some cases, the landscaping requirements may be difficult or impractical to meet due to specific site characteristics. In these cases, an alternate landscaping plan may be approved by the Zoning Commission as part of the site plan review process.

### **13.03 Screening of Service Courts, Storage Areas, and Loading Docks**

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For all uses that include areas used for service, loading, and unloading activities, such areas shall be screened along the entire rear lot line and side lot lines, from the rear lot line to the rear building line to the following minimum standards:

- A. The width of the screening area shall be a minimum of five (5) feet. Screening shall consist of walls, hedges, fences, vegetation, or an acceptable combination of these elements, provided that screening must be at least seven (7) feet in height.
- B. Vegetation used for screening shall have a minimum opaqueness of seventy-five percent (75%) at all times within two (2) years of planting.

### **13.04 Screening of Trash Container Receptacles**

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Trash containers shall be screened according to the following minimum standards:

- A. Trash containers designed to service more than one (1) residential unit or to service a non-residential structure shall be screened on three (3) sides by walls, fences or natural vegetation, or an acceptable combination of these elements.
- B. The height of such screening shall be at least six (6) feet. The maximum height of walls and fences shall not exceed ten (10) feet. Vegetation shall have a minimum opaqueness of seventy-five percent (75%) at all times within two (2) years of planting. The use of evergreen vegetation is encouraged. Vegetation shall be a variety that will attain six (6) feet in height within two (2) years of planting.

### **13.05 Plant Material Specifications**

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The following sections include specifications for plant materials. Alternatives to these materials that can be shown to meet both the intent and requirements of this Zoning Resolution may be approved as part of a site plan:

- A. Shrubs: Shrubs shall be at least twenty-four (24) inches in average height and spread at the time of planting and, where required for screening, shall form a continuous, year-round, solid visual screen within five (5) years after planting.
- B. Ground Cover and Grass: Ground cover shall be planted a minimum of eight (8) inches on center, and shall be planted in such a manner to present a finished appearance and seventy-five percent (75%) coverage after one (1) complete growing season. If approved as part of a Site Plan, ground cover may also consist of rocks, pebbles, wood chips, and other material. Grass shall be planted in species normally grown as permanent lawns.
- C. Prohibited Tree Species: Within any required landscaping, the following tree species may not be used:

Box Elder	Tree of Heaven	Catalpa
Black Walnut	Poplar	Willow
Mountain Ash	Siberian Elm	Black Locust
Hickory	Mulberry	

In addition to the specific species listed above, trees which produce nuts, seeds, or fruit that can create a hazard to pedestrians or vehicles, shall not be planted in such a manner that the natural dripline of an average adult tree of the species planted will be any closer than three (3) feet of a pedestrian walkway or parking lot.

### **13.06 Screening of Exterior Mechanical Equipment**

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Exterior components of plumbing, processing, heating, cooling, and ventilating systems (including, but not limited to piping, tanks, stacks, collectors, heating, cooling, and ventilating-equipment fans, blowers, ductwork, vents, louvers, meters, compressors, motors, incinerators, ovens, etc.) shall not be directly visible at ground level. Any landscaping or structural means employed to screen exterior components of plumbing, processing, heating, cooling, and ventilating systems from direct view shall appear as integrated parts of the buildings; shall be constructed of complementary and durable materials; and finished in a texture and color scheme complementary to the overall architectural design. Any exterior components of plumbing, processing, heating, cooling, and ventilating systems and their screening devices which will be visible from upper floors of adjacent buildings, shall be kept to a visible minimum; shall be installed in a neat and compact fashion; and shall be painted such a color as to allow their blending with their visual backgrounds.

### **13.07 Maintenance and Replacement Requirements**

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The owner shall be responsible for maintaining all landscaping in good condition to present a healthy, neat, and orderly appearance. This should be accomplished by the following standards:

- A. All plant growth in landscaped areas shall be controlled by pruning, trimming, or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a traffic hazard.
- B. All planted areas shall be maintained in a relatively weed-free condition, clear of undesirable undergrowth, and free from refuse and debris.
- C. Replacement plants shall conform to the standards that govern original installation. Dead or unhealthy plants shall be replaced within the next planting season.
- D. Representatives of the Township shall have the authority to inspect landscaping and check it against the approved plan on file.

## SECTION 14 DEFINITIONS

### 14.01 Interpretation of Terms or Words

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For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

- A. The word "person" or "applicant" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense; the singular number includes the plural; and the plural includes the singular.
- C. The word "shall" is a mandatory requirement; the word "may" is a permissive requirement; and the word "should" is a preferred requirement.
- D. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
- E. The word "lot" includes the words "plot" or "parcel."

**Accessory Building:** Any improvement to the property other than the main building(s) with the exception of landscaping, is an accessory structure. If a temporary building is placed on a property to provide extra space for expansion of a use, the temporary building shall also be an accessory structure.

**Accessory Use:** A use on the same lot or parcel with and customarily incidental or subordinate to the principal use on the lot.

**Adult Entertainment Business:** An adult bookstore, adult motion picture theater, adult drive-in motion picture theater, or any adult only entertainment establishment as defined by this Ordinance.

**Adult Book Store:** An establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of retail sale or rental; or for the purpose of display by coin or slug-operated; or electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices; or both, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on adult materials as defined in this Ordinance.

**Adult Motion Picture Theater:** An enclosed motion picture theater which is regularly used or utilizes fifteen percent (15%) or more of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined by this Ordinance.

**Adult Motion Picture Drive-In:** An open air drive-in theater which is regularly used or utilizes fifteen percent (15%) or more of its total viewing time for presenting material distinguished or

characterized by an emphasis on matter depicting, describing, or related to adult material as defined in this Ordinance.

**Adult Only Entertainment Establishment:** An establishment where the patron directly or indirectly is charged a fee; where the establishment features entertainment or services which constitute adult material as defined in this Chapter; or which features exhibitions, dance routines, or gyrational choreography or persons totally nude, topless, bottomless, or strippers (male or female); female impersonators; or similar entertainment or services which constitute adult material.

**Adult Material:** Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service capable of arousing interest through sight, sound, or touch, and:

Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or

Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.

**Agriculture:** The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce, provided however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities

**Alley:** See thoroughfare.

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

**Amusement Arcade:** A place of business within a building or outdoor structure or any part of a building having more than five (5) mechanical or electronically operated amusement devices which are used for the purpose of public entertainment through the operation, use, or play of any table game or device commonly used as an electronic game which is operated by placing therein any coin, plate, disc, slug, key, or token of value by payment of a fee.

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



**Automotive, Mobile Home, Travel Trailer, and Farm Implement Sales:** The sale or rental of new and used motor vehicles, mobile homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

**Automotive Wrecking:** The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

**Base Flood:** The flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one hundred- (100) year flood.

**Basement:** A story all or partly underground but having at least one-half (1/2) of its height below the average level of the adjoining ground.

**Bed and Breakfast Operation:** An owner-occupied dwelling unit that contains no more than three (3) guest rooms where lodging, with or without meals, is provided for compensation.

**Buffer Area** (See also Screening): A landscaped area intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another.

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

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

**Building, Height:** The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the height between eaves and ridge for gable, hip, and gambrel roofs.

**Building Line:** See Setback Line.

**Building, Principal:** For any given lot or property, the building in which the principal use of the lot is conducted.

**Business, Convenience:** Commercial establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and grocery stores, if less than ten thousand square feet (10,000 sq. ft.) in floor area. Uses in this classification tend to serve a day-to-day need in the neighborhood.

**Business, General:** Commercial uses which generally require locations on or near major thoroughfares and/or their intersection and which tend, in addition to serving day-to-day needs of the community, to also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as supermarkets, stores that sell hardware, apparel, footwear, appliances and furniture; department stores, and discount stores.

**Business, Highway:** Commercial uses which generally require locations on or near major thoroughfares and/or their intersections and which tend to serve the motoring public. Highway business uses include, but need not be limited to such activities as filling stations; truck and auto sales and service; restaurants and motels; and commercial recreation.

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

**Business, Service:** Any profit-making activity which renders services primarily to other commercial or industrial enterprises or which services and repairs appliances and machines used in homes and businesses.

**Business, Wholesale:** Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale for use in the fabrication of a product or for use by a business service.

**Cemetery:** Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

**Center Line of Street:** A line midway between the parallel to the two (2) street rights-of-way or property lines.

**Child Care Center:** An establishment that administers to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians or relatives by blood, marriage or adoption for any part of the twenty-four (24) hour day if over twelve (12) children are regularly cared for in a place or residence other than the child's own home. The term child care center includes nursery schools where children under the age of five (5) are receiving schooling.

**Child Care, Home Operated:** A private residence where care, supervision, and protection are provided on a regular basis to one (1) to twelve (12) infants, toddlers, pre-school children, and school children outside of school hours by a person who is not the parent, but is a resident of the home. For the purposes of this definition, the resident children who are under sixteen (16) shall be included with the non-resident children when counting the number of children. A dwelling with a family with more than six (6) children who are all living in the dwelling unit and are related shall not be considered a home-operated child care

**Church or place of religious worship:** An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

**Clinic:** A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured persons and those who are in need of medical and surgical attention but does not include overnight care facilities.

**Club:** A building or portion thereof or premises which is not open to the general public; used for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of its members and their guests.

**Commercial Entertainment Facilities:** Any profit-making activity which is generally related to the entertainment field such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

**Comprehensive Development Plan** (also called Comprehensive Plan): A plan, or any portion thereof, adopted by the Planning Commission and the legislative authority of Auglaize County, showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

**Conditional Use:** A use permitted within a district other than a principally permitted use requiring a conditional use permit and approval of the Board of Zoning Appeals.

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

**Corner lot:** See Lot Types.

**Cul-de-Sac:** See Thoroughfare.

**Dead-end Street:** See Thoroughfare.

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

**Gross Density:** The number of dwelling units per acre of the total land to be developed (including public right-of-way).

**Net Density:** The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses (excluding public right-of-way).

**Disabled Vehicle:** An automotive vehicle (car, truck, recreational vehicle, travel trailer) that is unable to transport one or more persons for the use in which it was manufactured.

**Dish:** That part of a satellite signal-receiving antenna which is shaped like a saucer or dish, whether it is spherical, parabolical, or similar in shape.

**Dish-type satellite signal-receiving antennas:** Including roof-mounted stations, whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system, shall mean one (1) or a combination of two (2) or more of the following:

A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources.

A low-noise amplifier (LIMA) whose purpose is to boost, magnify, store, transfer, or transmit signals.

A coaxial cable whose purpose is to convey or transmit signals to a receiver.

**Drive-up or Drive-Through:** An establishment that, by design of physical facilities or by services or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises or be entertained while remaining in an automobile.

**Dwelling:** Any building or structure which contains one or more dwelling units.

**Dwelling Unit:** Space within a dwelling comprised of living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities; all used by only one (1) family and its household employees, and having its own means of entrance which can be distinguished from other dwellings.

**Dwelling, Single-Family:** A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

**Dwelling, Two-Family:** A dwelling consisting of two dwelling units which may be either attached side-by-side or one above the other and each unit having a separate entrance.

**Dwelling, Multiple-Family:** A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls.

**Dwelling, Industrialized Unit:** An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit except for necessary preparations for its placement; and including a modular or sectional unit but not a mobile home.

**Dwelling, Rooming House** (Boarding House, Lodging House, Dormitory): A dwelling or part thereof, other than a hotel, motel, or restaurant where meals and/or lodging are provided for compensation for three (3) or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

**Easement:** Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

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

**Existing Use:** The use of a lot or structure at the time of enactment of a Zoning Ordinance.

**Family:** One (1) or more persons living together as a single housekeeping unit in a dwelling unit as distinguished from a group occupying a rooming house, motel or hotel, dormitory, fraternity or sorority house, provided that "family" shall not include more than four (4) persons unrelated to each other by blood, marriage, or legal adoption.

**Fence:** Any structure composed of wood, metal, stone, brick, or other material erected in such a manner and position as to enclose, partially enclose, or divide any premises or any part of any premises. Trellises or other structures supporting or for the purpose of supporting vines, flowers, or other vegetation when erected in such a position as to enclose, partially enclose, or divide any premises or any part of any premises, shall also be considered a fence. Also may be called a wall.

**Floor Area, Usable:** The areas of all floors of a building, including basement, penthouse, enclosed porches, atriums, mezzanines, or attic story that are used for human occupancy. The usable floor area will be measured from the exterior surfaces of the walls. Usable floor area also includes the elevator shafts

and spaces used for mechanical equipment with headroom of six feet, six inches (6'6") or more. Usable floor area does not include cellars, unenclosed porches unless access is limited and an outdoor use is planned, attics not used for human occupancy, or any floor space in an accessory building or the main building designed for the parking of motor vehicles.

**Funeral Home:** A building or part thereof used for human funeral service. Such building may contain space and facilities for a) embalming and the performance of other services used in preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns, and other related funeral supplies; and d) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

**Garages, Private:** An accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers, and/or boats of the occupants of the premises.

**Garage, Public:** A principal or accessory building other than a private garage used for parking or temporary storage of passenger automobiles and in which no service shall be provided for remuneration.

**Garage, Repair:** See Service Station.

**Grade:** The average level of the finished surface of the ground adjacent to the exterior walls of a building.

**Height of Building:** The vertical distance measured from the average ground level at the sides of the building to the extreme highpoint of the building, exclusive of chimneys and similar fixtures.

**Home Occupation or Home Profession:** A gainful occupation or profession accepted as incidental and secondary to the use of the dwelling for residential purposes, conducted within a dwelling or accessory structure by members of the resident family or two (2) non-resident employees or volunteers in an agricultural district or one (1) resident employee in a non-agricultural district. Not more than thirty (30%) of the gross floor area of any residence shall be devoted to the proposed home occupation. Outside storage related to the home occupation may be permitted if totally screened from adjacent residential lots. The external appearance of the structure in which the use is conducted, shall not be altered and not more than one (1) sign no larger than two square feet (2 sq. ft.) shall be mounted flush to the wall of the structure. In any agricultural zoning district, the sign may be free-standing and not longer than twelve square feet (12 sq. ft.).

**Hotel or Motel and Apartment Hotel:** A building in which lodging, or boarding and lodging, are provided and offered to the public for compensation as a short-term arrangement and is separately defined from a boarding house, rooming house, lodging house, or dormitory.

**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.

**Junk Buildings, Junk Shops, Junk Yards:** Any land, property, structure, building, or combination of the same on which junk is stored or processed.

**Kenel:** Any lot or premises on which four (4) or more domesticated animals more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold.

**Livestock:** Animals kept or raised for use or pleasure. Livestock may include cattle, sheep, poultry, horses and other animals including llama, ostrich, and buffalo.

**Loading Space, Off-Street:** Space logically and conveniently located for bulk pickups and deliveries and accessible to such vehicles when required off-street parking spaces are filled.

**Location Map:** See Vicinity Map.

**Lot:** A parcel of land occupied or intended to be occupied by one (1) or more dwellings in a residential district or a permitted building or use in a commercial or industrial district; intended as a unit for transfer of ownership, together with accessory buildings and uses customarily incident thereto. A lot includes open spaces and minimum area provisions as are required by this Ordinance for the district in which the lot is situated.

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

**Lot Frontage:** The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated under "Yards" in this section.

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

**Lot Measurements:** Lot measurements are defined as follows:

**Depth:** The average horizontal distance between the front and rear lot lines.

**Width:** The distance between the lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

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

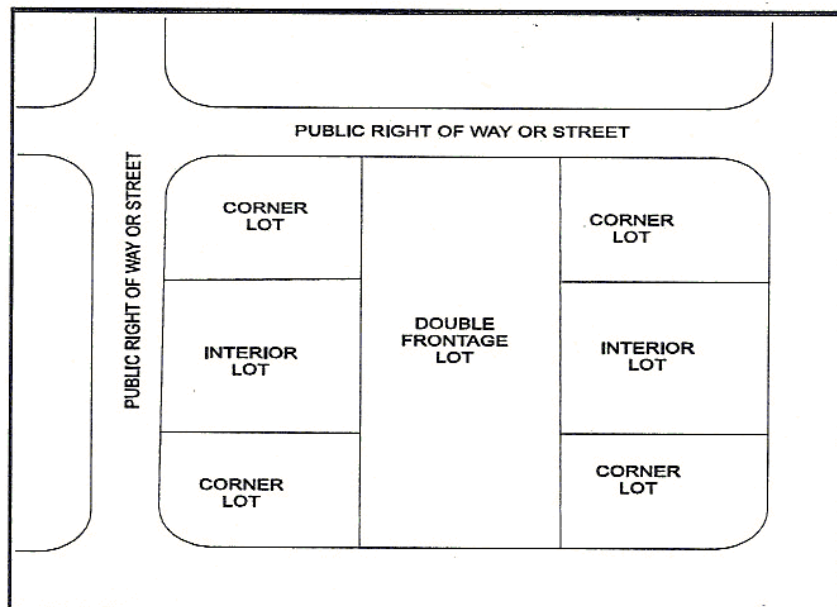
**Lot Types:** Terminology used in this Ordinance with reference to corner lots, interior lots, and through lots is as follows:

**Corner Lot:** A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

**Interior Lot:** A lot with only one (1) frontage on a street.

**Through Lot:** A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.

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



**Maintenance and Storage Facilities:** Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

**Manufactured Home Park:** Any tract of land upon which two (2) or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and include any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. A tract of land which is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots is not a manufactured home park even though three (3) or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. "Manufactured Home Park" does not include any tract of land used solely for the storage or display for sale of manufactured homes.



**Manufactured Housing:** A building unit or assembly of closed construction fabricated in an off-site facility, that conforms 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," and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.

**Manufactured Home (Permanently sited):** A manufactured home that meets all of the following criteria:

The structure is affixed to a permanent foundation and is connected to appropriate facilities;

- 1) The structure, excluding an 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;
- 2) The structure has a minimum 3:12 residential roof pitch, conventional residential siding and a six-inch minimum eave overhand, including appropriate guttering;
- 3) The structure was manufactured after January 1, 1995;
- 4) The structure is not located in a manufactured home park as defined by Section 3733.01 of the ORC.

**Mobile Home:** A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length or when erected on site, is three hundred twenty or more square feet built on a permanent chassis and is transportable in one or more sections, and does not qualify as a manufactured home as defined by the Resolution.

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

**Nursing Home:** A home or facility for the care and treatment of three (3) or more persons who are living on the premises, that are infirmed and not normally capable of leaving the premises without assistance from caregivers who are in attendance at the nursing home at all times.

**Open Space:** An area substantially open to the sky which may be on the same lot with a building. The area may include along with the natural environmental features, water areas, swimming pools, and tennis courts, and other recreational facilities that the Planning Commission deems permissive. Streets, parking areas, and buildings are not included as open space.

**Parking Space, Off-Street:** For the purpose of this Ordinance, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with

properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

**Performance Bond or Surety Bond:** An agreement by a subdivider or developer with the County for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

**Planned Unit Development (PUD):** A PUD is a type of development in which an area of land, usually under the control of a single landowner, is to be developed for different types of dwelling units (single-family detached residences, duplexes, townhouses, garden apartments) and commercial, industrial, and other uses, such as schools and churches. In a PUD, lot size, setback, bulk, lot coverage, parking, and other development standards are relaxed in order to achieve better site design, use relationships, and preservation of open spaces and natural topography.

**Plant Nursery:** Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

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

**Public Way:** An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway right-of-way, road, sidewalk, street, subway, tunnel viaduct, walk, bicycle path; or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

**Semi-Public Use:** Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

**Professional Office Uses:** These uses deliver professional tangible and intangible services to the general public and are associated with normally recognized professions most of which are regulated, licensed, or certified by the State of Ohio.

**Receiver:** The apparatus whose purpose is to obtain a signal from a cable or other like source and transform it to a television signal.

**Recreation Camp:** An area of land on which two (2) or more recreational vehicles, tents, or other similar temporary recreational structures are regularly accommodated with or without charge, including any

building, structure, or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

**Recreational Facilities:** Commercial or non-commercial facilities that offer non-passive recreational services to a group of people or the general public. Included in this definition are outdoor recreational facilities such as golf courses, driving ranges, gaming clubs, riding clubs, tennis courts, and swimming pools, and indoor recreational facilities in which all activities are conducted indoors. This definition could also include a combination of indoor and outdoor recreational services.

**Recreational Vehicle:** A vehicular-type portable structure without permanent foundation which can be towed, hauled, or driven and designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.

**Research Activities:** Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering where all research, testing, and development is carried on within entirely enclosed buildings and no noise, smoke, glare, vibration, or odor is detected outside the building.

**Restaurant:** A retail establishment that serves food and beverages primarily to persons seated within the building, this includes cafes, tea rooms, and outdoor cafes.

**Restaurant, drive-in/drive-through:** A retail establishment that delivers prepared food and/or beverages to customers in motor vehicles or at a drive-through window; regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles; for consumption either on or off the premises.

**Restaurant, fast food:** An establishment that offers quick food service which is accomplished through a limited menu of items already prepared and held for service or prepared, fried, or griddled quickly or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table and food is generally served in disposable wrapping or containers.

**Retail Stores Uses:** A business use primarily engaged in selling merchandise for personal and household consumption and rendering services clearly incidental to the sale of such goods.

**Right-of-Way:** A strip of land dedicated for use as a public way and may include but is not limited to curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

**Satellite dish:** See Dish.

**School:** A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

**Screening:** The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

**Service Station:** Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed. Also called Gas Station.

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

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

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

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

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

**Sign, Off-Premises:** Any sign unrelated to a business or profession conducted or to a commodity or service sold or offered upon the premises where such sign is located.

**Sign, Illuminated:** Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.

**Sign, Lighting Device:** Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.

**Sign, Projecting:** Any sign which projects from the exterior of a building.

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

**Street:** See Thoroughfare.

**Street Line:** A street line is the right-of-way line or the established property line of a street as indicated by dedication or by deed of record.

**Structure:** Anything constructed or erected, either permanent or portable, the use of which requires location on the ground, or attachment of something having a fixed location on the ground. Structures include but are not limited to buildings, manufactured homes, walls, fences, parking lots, and billboards.

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

**Swimming Pool:** A pool, pond, lake, or open tank having a span of at least six (6) feet and intended for human recreational use and maintained by the owner or manager. Farm ponds and pools, ponds, or lakes developed as landscape design features where swimming is not intended and does not occur, shall be excluded.

**Private Pool:** Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multiple-family development or a community, the members and guests of a club or the patrons of a motel or hotel; an accessory use.

**Community Pool:** Operated with or without a charge for admission and is open to the general public for recreational use.

**Thoroughfare, Street, or Road:** The full width between property lines and binding every public way with a part thereof to be used for vehicular traffic. All thoroughfares, streets, or roads are designated as follows:

**Alley:** A minor street used primarily for vehicular service with access to the back or side of properties abutting on another street.

**Arterial Street:** A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.

**Collector Street:** A thoroughfare, whether within a residential, industrial, commercial, or other type of development which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.

**Cul-de-Sac:** A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.

**Dead-end Street:** A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.

**Local Street:** A street primarily for providing access to residential or other abutting property.

**Loop Street:** A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred eighty (180) degree system of turns are not more than one thousand (1,000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.

**Marginal Access Street:** A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets (also called Frontage Street).

**Through Lot:** See Lot Types.

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

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

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

**Vicinity Map:** A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

**Walkway:** A public way for pedestrian use only, whether along the side of a road or not.

**Wall:** See Fence.

**Wholesaling and storage uses:** Uses associated with transporting, storing, handling, or selling merchandise primarily to retailers, industrial, institutional, or professional uses, or to other wholesalers or acting as agents in buying merchandise for such persons to organizations.

**Wireless Telecommunications Equipment Shelter:** A structure in which electronic receiving and relay equipment for a wireless telecommunications facility is housed.

**Wireless Telecommunications Facility:** A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communication source and

transmitting those signals to a central switching computer which connects the mobile unit with land-based telephone lines.

**Wireless Telecommunications Tower:** A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed, and lattice construction steel structures.

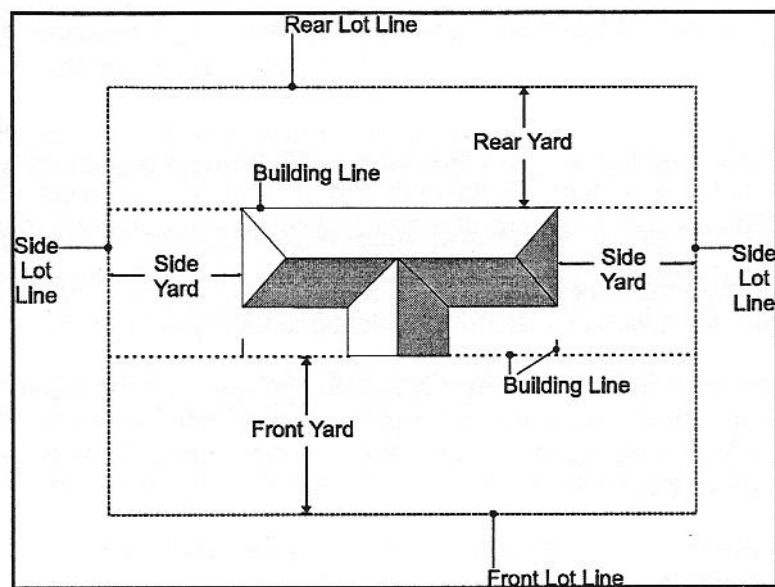
**Yard:** Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted in these regulations. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the nearest point of the foundation wall of the main building.

**Yard, Front:** A yard extending between side lot lines across the front of a lot and from the front lot line to the setback line.

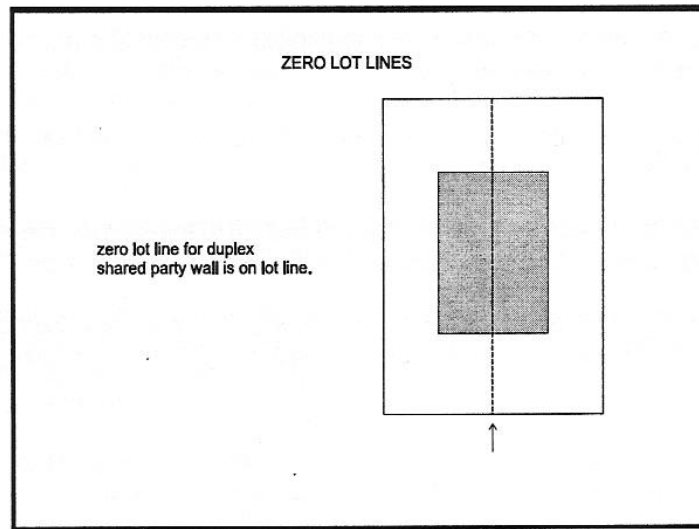
**Yard, Rear:** A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the main building.

**Yard, Side:** A yard extending from the main building to the side lot line on both sides of the main building between the lines establishing the front and rear yards.

**Yard Requirement:** The open space between a lot line and the building area within which no structure shall be located except as provided in the Zoning Ordinance.



**Zero Lot-Line Development:** An arrangement of housing on adjoining lots in which one (1) required side yard is reduced to zero.



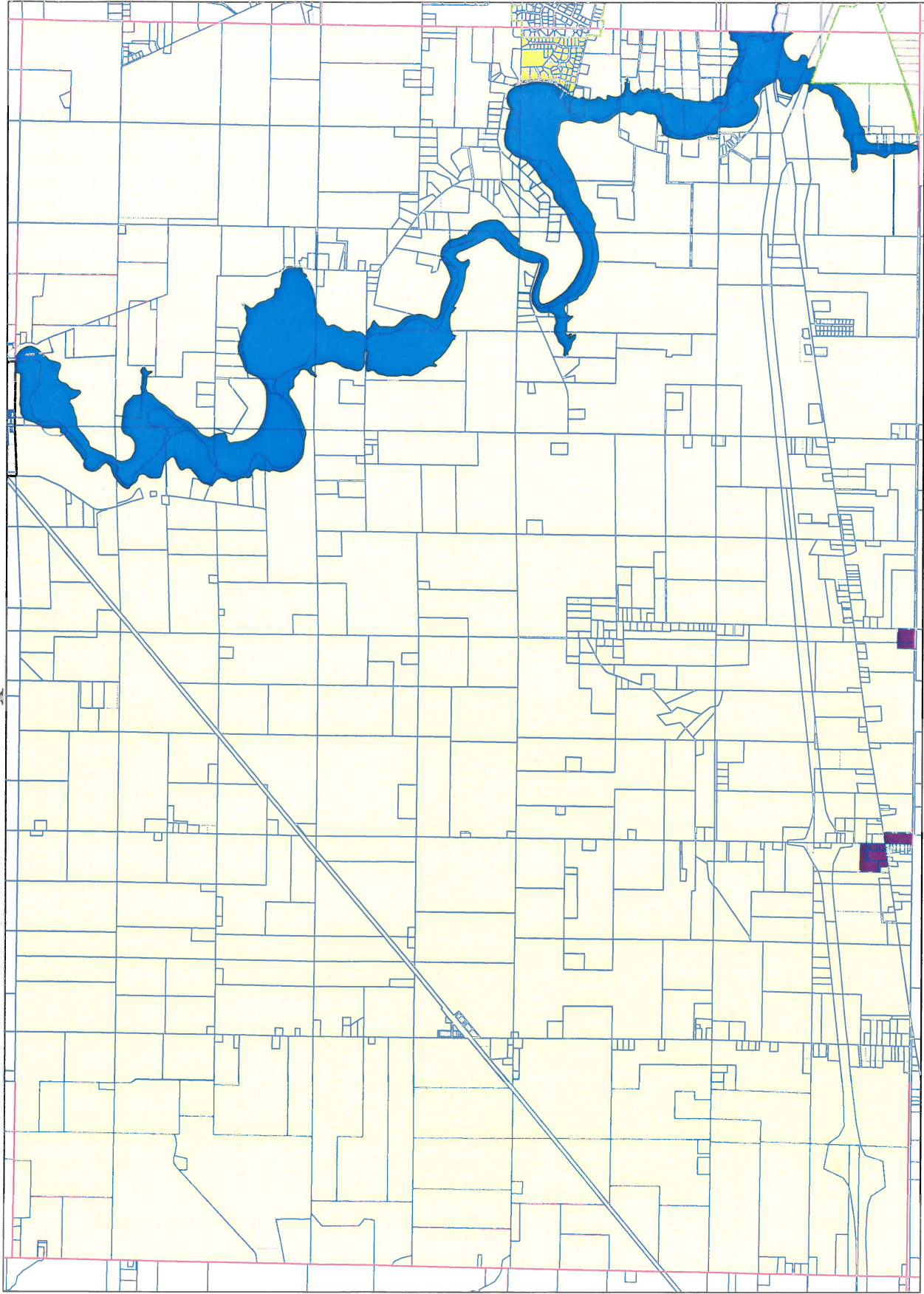
**Zoning Map:** The Official Zoning Map of the Moulton Township which is part of this Zoning Ordinance and delineate the boundaries of zoned districts.

**Zoning Inspector:** The person appointed by the Township Trustees to administer the Zoning Ordinance and issue Zoning Permits.

**Zoning Permit:** A document signed by the Zoning Inspector, as required in the Zoning Ordinance, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure or building complies with the provisions of the Township Zoning Ordinance.

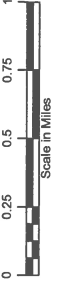


# Township of Moulton



Official Moulton Township Zoning Map

- |     |                                   |        |  |        |                                  |
|-----|-----------------------------------|--------|--|--------|----------------------------------|
| FP  | Flood Plain District              | R-3    | Multiple-Family Residential            | PUD-MX | Planned Unit Development - Mixed |
| RRA | Rural Residential/Agricultural    | MHP    | Manufactured Home Park                 | GC     | General Commercial               |
| R-2 | Single and Two-Family Residential | PUD-RS | Planned Unit Development - Residential | M1     | Light Industrial                 |



## RESOLUTION

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

WHEREAS the Zoning Commission of Moulton Township has recommended the approval of amendment to the Moulton Township Zoning Resolution; by 1) providing for small solar energy systems as a Conditionally Permitted Use in the RRA - Rural Residential and Agricultural District, the R-2 Single and Two Family Residential District, and the GB General Business District; 2) enacting in Chapter 7 - Supplementary District Regulation, Section 7.27 Solar Energy Systems regulations; and 3) enacting in Section 14, Definitions relative to Solar Energy Systems; and

WHEREAS, the Moulton Township Trustees set April 9, 2024 at 6:30 p.m. as a time for Public Hearing on the same, publication of which was made in the Wapakoneta Daily News on March 22, 2024; 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 amendment, a copy of which is attached hereto, be, and hereby is, adopted and that said amendment shall become effective 30 days after the date of this Resolution.

BE IT FURTHER RESOLVED that the Moulton Township Fiscal Officer mail or deliver a copy of this Resolution, with attached amendments, 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.

\*\*\*\*\*

The foregoing Resolution was duly adopted at a duly called meeting of the Moulton Township Board of Trustees held on April 9, 2024.



Barb Webb, Fiscal Officer  
Moulton Township

## RESOLUTION

RESOLVED, that whereas amendments have been recommended by the Moulton Township Zoning Commission to amend/revise the Moulton Township Zoning Resolution by providing for 1.) Conditionally Permitted uses of small “solar energy systems” in specified zoning districts within the township, 2.) Definitions related to “solar energy systems” and 3.) Supplemental District Regulations for “Solar Energy Systems” as set forth in proposed Section 7.27 of the Resolution, and

WHEREAS, a Public Hearing was held on Monday, March 4, 2024 at 6:30 p.m. in the Moulton Township House, 08980 Glynwood Road, Wapakoneta, Ohio 45895 after publication in the Wapakoneta Daily News on February 16, 2024.

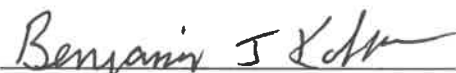
WHEREAS, all the members of the Zoning Commission present took the matter under advisement and gave consideration.

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

\*\*\*\*\*

### ***CERTIFICATION***

The foregoing is a true copy of the Resolution made by motion, seconded, and duly passed by the Moulton Township Zoning Commission on March 4, 2024, following Public Hearing pertaining to the same.

  
Chairman, Zoning Commission

***PROPOSED AMENDMENTS TO THE  
MOULTON TOWNSHIP ZONING RESOLUTION  
ADOPTED MARCH 4, 2024  
BY THE MOULTON TOWNSHIP ZONING COMMISSION***

Section 6

6.03 RRA Rural Residential and Agricultural District

C. Conditionally Permitted Uses

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**12) SMALL SOLAR ENERGY SYSTEMS AS PROVIDED FOR IN  
SECTION 7.27 OF THIS ZONING RESOLUTION.**

6.04 R2 Single- and Two-Family Residential District

C. Conditionally Permitted Uses

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**9) SMALL SOLAR ENERGY SYSTEM, ROOF MOUNTED  
ONLY, AS PROVIDED FOR IN SECTION 7.27 OF THIS ZONING  
RESOLUTION.**

6.07 GB: General Business District

C. Conditionally Permitted Uses

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**6) SMALL SOLAR ENERGY SYSTEM AS PROVIDED FOR IN  
SECTION 7.27 OF THIS ZONING RESOLUTION.**

Section 7

SUPPLEMENTARY DISTRICT REGULATIONS

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**7.27 SOLAR ENERGY SYSTEMS**

**SOLAR FACILITIES OF FIFTY (50) MEGAWATTS OR MORE SHALL BE REQUIRED TO SUBMIT AN APPLICATION WITH THE OHIO POWER SITING BOARD (OPSB) AT THE PUBLIC UTILITIES COMMISSION OF OHIO (PUCO) AND ARE REQUIRED TO MEET OPSB REGULATIONS. NO SOLAR ENERGY SYSTEM OR FACILITY OF GREATER THAN FIFTY (50) KILOWATTS AND LESS THAN FIFTY (50) MEGAWATTS SHALL BE PERMITTED WITHIN ANY DISTRICT OF THE TOWNSHIP**

**A. SOLAR ENERGY SYSTEM - GENERAL REQUIREMENTS AND REQUIREMENTS IN ADDITION TO OTHER PROVISIONS SET FORTH IN THIS RESOLUTION, FOR SOLAR PANEL SYSTEMS ARE AS FOLLOWS:**

- 1) SOLAR ENERGY SYSTEMS SHALL COMPLY WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS, RULES, AND REGULATIONS.**
- 2) SOLAR ENERGY SYSTEMS AND PARTS THEREOF SHALL OBTAIN ALL APPLICABLE REQUIRED BUILDING PERMITS FROM THE STATE OF OHIO AND COUNTY OR OTHER LOCAL BUILDING JURISDICTION.**
- 3) SOLAR ENERGY SYSTEMS AND THE PROPERTY WHERE LOCATED SHALL NOT BE USED FOR THE DISPLAY OF ADVERTISING. FOR THE PURPOSES OF THIS SECTION, REASONABLE AND CUSTOMARY IDENTIFICATION (NAME, INSIGNIA, LOGO, AND/OR SIMILAR) OF THE MANUFACTURER OR OPERATOR OF THE SYSTEM THAT IS INCORPORATED INTO OR MANUFACTURED ON THE EQUIPMENT ITSELF SHALL NOT BE CONSIDERED ADVERTISING.**
- 4) IN ADDITION TO THE REQUIREMENTS SET FORTH HEREIN SOLAR ENERGY SYSTEMS MUST COMPLY WITH THE SETBACK REQUIREMENTS APPLICABLE TO THE ZONING DISTRICT WHERE LOCATED.**

- 5) SOLAR ENERGY SYSTEMS LOCATED ON CORNER LOTS SHALL COMPLY WITH THE APPLICABLE REQUIREMENTS INCLUDING, BUT NOT LIMITED TO, THOSE FOR YARDS, BUFFERING, AND SCREENING FOR LOTS IN THE ZONING DISTRICT WHERE LOCATED**
- 6) SMALL SOLAR ENERGY SYSTEM INSTALLATIONS MAY BE CONDITIONALLY PERMITTED WHEN LIMITED TO A RATED CAPACITY OF NOT MORE THAN 50KW FOR RESIDENCES IN THE A-1, AND R-1 DISTRICTS. ADDITIONALLY SMALL SOLAR ENERGY SYSTEMS MAY BE CONDITIONALLY PERMITTED IN THE C-1 DISTRICT FOR BUILDINGS ON PARCELS OF FIVE (5) ACRES OR LESS**
- 7) GROUND MOUNTED SMALL SOLAR ENERGY SYSTEMS MAY BE CONDITIONALLY PERMITTED IN THE RRA, AND GB DISTRICTS ON PARCELS WITH A MINIMUM OF TEN 10 FEET FROM THE PROPERTY LINE OR ROAD RIGHT-OF-WAY, WHERE APPLICABLE; AND SHALL HAVE A MAXIMUM HEIGHT OF FIFTEEN (15) FEET. OTHERWISE, IN THE RRA AND GB DISTRICTS SMALL SOLAR ENERGY SYSTEMS MUST BE ROOF MOUNTED. SMALL SOLAR ENERGY SYSTEMS IN THE R-2 DISTRICTS MAY ONLY BE ROOF MOUNTED SOLAR ENERGY SYSTEMS.**
- 8) A SMALL SOLAR ENERGY SYSTEM SHALL SERVICE ONLY ONE RESIDENTIAL STRUCTURE PER PARCEL. AN ADDITIONAL NONRESIDENTIAL STRUCTURE SERVICE ON THE SAME PARCEL MAY BE PERMITTED BUT SHALL REQUIRE AN ADDITIONAL PERMIT.**
- 9) SOLAR ENERGY SYSTEMS, INCLUDING ALL MOUNTING HARDWARE, SHALL COMPLY WITH ALL APPLICABLE STATE CONSTRUCTION AND ELECTRICAL CODES, AND THE NATIONAL ELECTRIC CODE.**
- 10) THE OWNER OF A SOLAR ENERGY SYSTEM MUST TAKE REASONABLE STEPS TO PREVENT AND ELIMINATE, DURING BOTH INSTALLATION AND OPERATION, ANY INTERFERENCE WITH THE TRANSMISSION AND RECEPTION OF ELECTROMAGNETIC COMMUNICATIONS, SUCH AS MICROWAVE, RADIO, TELEPHONE, OR TELEVISION SIGNALS.**
- 11) A GROUND MOUNTED SOLAR ENERGY SYSTEM MUST BE ON A FREESTANDING STRUCTURE OR OTHER APPROVED REINFORCED STRUCTURE. THE USE OF ADDITIONAL SUPPORTS, INCLUDING GUY WIRES, ARE SUBJECT TO ALL**

**OTHER REGULATIONS PROVIDED WITHIN THIS RESOLUTION. ALL GROUND MOUNTED SOLAR ENERGY SYSTEMS SHALL BE IN THE SIDE OR REAR YARDS ONLY AND MUST ADHERE TO ACCESSORY USE SET BACKS IN ADDITION TO THE REQUIREMENTS SET FORTH IN THIS SECTION.**

- 12) ON GROUND MOUNTED SOLAR ENERGY SYSTEMS, A MINIMUM DISTANCE BETWEEN THE GROUND AND ANY PART OF A SOLAR PANEL SHALL BE NO LESS THAN 24 INCHES AS MEASURED AT THE LOWEST POINT OF THE SOLAR PANEL TO A POINT NO LOWER THAN THE AVERAGE GRADE IN AND AROUND THE IMMEDIATE SOLAR PANEL AREA.**
- 13) A GROUND MOUNTED SOLAR ENERGY SYSTEM SHALL MAINTAIN A CLEAR FALL ZONE OF NO LESS THAN 110% OF TOTAL HEIGHT OF THE STRUCTURE FROM ANY PROPERTY LINE AND PUBLIC OR PRIVATE ROAD RIGHT-OF-WAY.**
- 14) SUBJECT TO THE CLEAR FALL ZONE REQUIREMENTS ABOVE, NO PART OF A GROUND MOUNTED SOLAR ENERGY SYSTEM, INCLUDING GUY WIRE ANCHORS, IF APPLICABLE, SHALL BE CLOSER THAN TEN (10) FEET TO THE PROPERTY BOUNDARIES OF SUBJECT PARCEL.**
- 15) ALL SOLAR ENERGY SYSTEM INSTALLATIONS ON RESIDENTIAL OR NON-RESIDENTIAL PARCELS MAY COMBINE GROUND AND ROOFTOP INSTALLATIONS SO LONG AS THE FOLLOWING REQUIREMENTS ARE MET.**
  - THERE MUST BE A MINIMUM OF TEN (10) FEET FROM ANY PROPERTY LINE AND PUBLIC OR PRIVATE ROAD RIGHT-OF-WAY.**
  - MUST MAINTAIN A CLEAR FALL ZONE OF 110%**
- 16) ALL ROOF MOUNTED SOLAR SYSTEMS SHALL NOT EXTEND ABOVE THE PEAK OF THE ROOF UPON WHICH THEY ARE ATTACHED, SHALL BE FLUSH MOUNTED, AND NO MORE THAN TWELVE (12) INCHES ABOVE THE PLANE OF THE ROOF, OR FIVE (5) FEET ABOVE A FLAT ROOF.**
- 17) SMALL SOLAR ENERGY SYSTEMS SHALL NOT BE ARTIFICIALLY LIT UNLESS SUCH LIGHTING IS REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION OR ANY GOVERNMENT AGENCY. IF LIGHTING IS REQUIRED, THE APPLICANT SHALL PROVIDE A COPY OF THE APPROPRIATE GOVERNMENT AGENCY DETERMINATION TO ESTABLISH THE REQUIRED MARKINGS AND/OR LIGHTS FOR STRUCTURE.**

- 18) ALL SOLAR ENERGY SYSTEMS SUPPORT BASES SHALL FOLLOW THE GUIDELINES SET FORTH BY THE MANUFACTURER. ANY OTHER PROPOSED CONSTRUCTION METHOD SHALL MEET ALL FEDERAL OR STATE REQUIREMENTS FOR SOLAR PANEL BASE CONSTRUCTION.**
- 19) SOLAR ENERGY SYSTEMS MUST BE MAINTAINED IN GOOD WORKING ORDER AT ALL TIMES. THE OWNER OF THE PROPERTY AND OWNER OF THE SOLAR ENERGY SYSTEMS SHALL, WITHIN THIRTY (30) DAYS OF PERMANENTLY CEASING OPERATION OF A SOLAR ENERGY SYSTEM, PROVIDE WRITTEN NOTICE OF ABANDONMENT TO THE ZONING INSPECTOR. AN UNUSED SOLAR ENERGY SYSTEM MAY STAND NO LONGER THAN THREE (3) MONTHS FOLLOWING ABANDONMENT. ALL COSTS ASSOCIATED WITH THE DISMANTLING/DEMOLITION OF THE SOLAR ENERGY SYSTEM AND ASSOCIATED EQUIPMENT SHALL BE BORNE BY THE PROPERTY OWNER. A SOLAR ENERGY SYSTEM IS CONSIDERED ABANDONED WHEN IT CEASES TRANSMISSION OF ELECTRICITY FOR THIRTY (30) CONSECUTIVE DAYS. REMOVAL INCLUDES REMOVAL OF ALL APPARATUSES, SUPPORTS, AND OR OTHER HARDWARE ASSOCIATED WITH THE EXISTING SOLAR ENERGY SYSTEM AND, IN THE CASE OF GROUND MOUNTED SOLAR ENERGY SYSTEMS INSTALLED RETURNING THE PROPERTY TO A GRADED, SEEDED AND/OR LANDSCAPED STATE SIMILAR TO ITS CONDITION PRIOR TO THE CONSRUCTION AND INSTALLATION CONSTRUCTION.**
- 20) SOLAR ENERGY SYSTEMS TAKEN OUT OF SERVICE FOR INDEFINITE, BUT TEMPORARY REASONS, SHALL PROVIDE THE TOWNSHIP WITH PROOF OF PROPER AND EFFECTIVE MAINTENANCE. UNITS WITHOUT PROPER MAINTENANCE SHALL BE CONSIDERED ABANDONED BY THE TOWNSHIP AND SHALL BE REMOVED BY OWNER**
- 21) THE COMPONENTS OF A SOLAR ENERGY SYSTEM SHALL EITHER BE THE STOCK COLOR FROM THE MANUFACTURE OR PAINTED WITH AN APPROVED NON-REFLECTIVE, UNOBTRUSIVE COLOR THAT BLENDS IN WITH THE SURROUNDING ENVIRONMENT.**
- 22) PRIOR TO THE INSTALLATION OF A SOLAR ENERGY SYSTEM, A CONDITIONAL USE PERMIT AND ZONING PERMIT MUST BE OBTAINED. THE APPLICANT SHALL PROVIDE A DETAILED**



**ELECTRICAL AND SITE DRAWINGS ALONG WITH MANUFACTURER INFORMATION STATING THE SIZE, SHAPE AND CHARACTER OF THE PROPOSED SOLAR ENERGY SYSTEM. INFORMATION SHALL INCLUDE GENERATION KILOWATT INFORMATION, UNIT DECIBEL CRITERIA, HEIGHT AND CONSTRUCTION SPECIFICATIONS, LIGHT REFLECTION POTENTIAL, FENCING INFORMATION, CLEAR FALL ZONE, LIGHTING PLANS AND LANDSCAPING/BUFFERING PLANS, BATTERY BANK PLACEMENT WITH VENTILATION SPECIFICATIONS AND LABELED MEANS OF DISCONNECT, PLUS ANY OTHER INFORMATION DEEMED NECESSARY BY THE TOWNSHIP.**

- 23) LANDSCAPING SHALL BE DESIGNED TO COUNTER THE EFFECTS OF LIGHT REFLECTION ON ANY NEIGHBORING RESIDENCES OR ROADWAYS. THE FACILITY OWNER AND OPERATOR SHALL MAKE EVERY REASONABLE EFFORT TO MINIMIZE LIGHT REFLECTION TO ANY OCCUPIED BUILDING ON A NONPARTICIPATING LANDOWNER'S PROPERTY.**

**24) CRITERIA FOR CONDITIONAL USES:**

**A. A SOLAR ENERGY SYSTEM TO BE LOCATED IN A ZONING DISTRICT IN WHICH IT IS IDENTIFIED AS A CONDITIONAL USE IS SUBJECT TO AND SHALL FOLLOW THE APPLICATION PROCESS FOR A CONDITIONAL USE PERMIT PROVIDED UNDER THIS ZONING RESOLUTION.**

**B. WHERE IDENTIFIED AS A CONDITIONALLY PERMITTED USE, ANY-SOLAR ENERGY SYSTEM SHALL COMPLY WITH THE FOLLOWING SPECIFIC REQUIREMENTS:**

**I. THE PROPERTY OWNER SHALL PROVIDE FOR THE ADEQUATE MAINTENANCE AND PROTECTION OF COUNTY/TOWNSHIP MAINTAINED, PROTECTED, OR MANAGED INFRASTRUCTURE (INCLUDING, BUT NOT LIMITED TO ROADWAYS, RIGHTS-OF-WAY, AND EASEMENTS) TO BE USED IN CONNECTION WITH THE SOLAR ENERGY SYSTEM. ANY DAMAGED PUBLIC ROADS, CULVERTS, DRAINAGE TILES AND BRIDGES SHALL BE REPAIRED PROMPTLY TO THEIR PREVIOUS OR BETTER CONDITION BY THE PROPERTY OWNER OR THEIR DESIGNEE UNDER THE GUIDANCE OF THE APPROPRIATE REGULATORY AUTHORITY.**

**II. BUFFERS AND SETBACKS:**

- 1. WHERE A SOLAR ENERGY SYSTEM IS LOCATED ON PROPERTY ADJACENT TO OR IN CLOSE PROXIMITY TO PROPERTY ZONED FOR RESIDENTIAL USE (AS DETERMINED BY THE ZONING INSPECTOR), NO PART OF THE SOLAR ENERGY SYSTEM (OTHER THAN COMPONENTS LOCATED ENTIRELY UNDERGROUND) SHALL BE LOCATED WITHIN TEN (10) FEET OF AN EXISTING RESIDENTIAL DWELLING.**
- 2. NO SOLAR ENERGY SYSTEM (OTHER THAN COMPONENTS LOCATED ENTIRELY UNDERGROUND) SHALL BE LOCATED WITHIN TEN (10) FEET OF ANOTHER PROPERTY LINE.**
- 3. NO SOLAR FACILITY (OTHER THAN COMPONENTS LOCATED ENTIRELY UNDERGROUND) SHALL BE LOCATED WITHIN FIFTY (50) FEET OF A PUBLIC RIGHT-OF-WAY OR SHARED-USE DRIVEWAY AND NOT IN THE FRONT YARD.**

**III. GLARE: SOLAR PANELS SHALL BE PLACED OR ARRANGED IN A MANNER SO AS NOT TO REFLECT UNREASONABLE GLARE ONTO ADJACENT BUILDINGS, PROPERTIES, OR ROADWAYS.**

**IV. FENCING: ANY FENCING AND/OR SCREENING INSTALLED IN CONNECTION WITH THE SOLAR ENERGY SYSTEMS SHALL BE HARMONIOUS AND COMPATIBLE WITH THE SURROUNDING PROPERTIES AND USES. FENCING SHALL BE MAINTAINED IN GOOD REPAIR AND IN AN AESTHETIC MANNER AT ALL TIMES.**

**V. CONDITIONS: ANY CONDITIONS OR OTHER REQUIREMENTS AS DETERMINED BY THE BOARD OF ZONING APPEALS MAY BE REQUIRED IN CONNECTION WITH THE ISSUANCE OF A CONDITIONAL USE PERMIT.**

(continued on next page)

SECTION 14  
DEFINITIONS

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**GROUND MOUNTED SOLAR ENERGY SYSTEMS: MEANS A SOLAR ENERGY SYSTEM THAT MOUNTS A SOLAR PANEL OR PANELS AND FACILITIES ON OR ABOVE THE GROUND.**

**INTEGRATED SOLAR ENERGY SYSTEMS: MEANS A SOLAR ENERGY SYSTEM THAT IS INCORPORATED INTO OR REPLACES STANDARD BUILDING MATERIALS AND DOES NOT HAVE MOUNTING EQUIPMENT. FOR EXAMPLE, THESE SYSTEMS MAY INCLUDE MATERIALS THAT REPLACE TRADITIONAL ROOFING, SHINGLE, OR SIDING MATERIALS, AWNINGS, CANOPIES, SKYLIGHTS, OR WINDOWS.**

**ROOFTOP SOLAR ENERGY SYSTEMS: MEANS A SOLAR ENERGY SYSTEM THAT IS MOUNTED TO A STRUCTURE OR BUILDING'S ROOF ON RACKS.**

**SMALL SOLAR ENERGY SYSTEM: MEANS A SOLAR ENERGY SYSTEM AND ASSOCIATED FACILITIES WITH A SINGLE INTERCONNECTION AND DESIGNED FOR, OR CAPABLE OF, OPERATION AT AN AGGREGATE CAPACITY OF LESS THAN FIFTY (50) KILOWATTS.**

**SOLAR ENERGY: MEANS RADIANT ENERGY (DIRECT, DIFFUSED, OR REFLECTED) RECEIVED FROM THE SUN THAT CAN BE COLLECTED AND CONVERTED INTO THERMAL OR ELECTRICAL ENERGY.**

**SOLAR ENERGY SYSTEM: MEANS A SYSTEM AND ASSOCIATED FACILITIES THAT COLLECT SOLAR ENERGY, WHICH MAY INCLUDE, BUT IS NOT LIMITED TO, AN INTEGRATED SOLAR ENERGY SYSTEM, ROOFTOP SOLAR**

**ENERGY SYSTEM, OR GROUND MOUNTED SOLAR ENERGY SYSTEM.**

**SOLAR PANEL: A PHOTOVOLTAIC PANEL OR COLLECTOR DEVICE, INCLUDING ANY ACCESSORY EQUIPMENT AND MOUNTING STRUCTURES OR HARDWARE, WHICH RELIES UPON SOLAR RADIATION AS AN ENERGY SOURCE FOR THE GENERATION OF ELECTRICITY OR HEATING.**

New language proposed is indicated by all **CAPITALS** and **BOLD** print.  
Deleted language is indicated by -----No other provisions or language  
of the Moulton Township Zoning Resolution is hereby proposed to be amended.