

# **ZONING RESOLUTION**

**FOR**

## **PUSHETA TOWNSHIP**

**Auglaize County, Ohio**

**December 1998**

**Prepared by**

**Poggemeyer Design Group**

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## **SECTION 1**

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

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#### **1.01 Title**

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

#### **1.02 Purpose**

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.

#### **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**

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**

All resolutions in conflict with this Resolution or inconsistent with the provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.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

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**

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

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## SECTION 2 APPLICABILITY

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### 2.01 General Applicability of Zoning Resolution

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 use to another without meeting the parking/loading requirements for the new use (**Refer to Section 12**).

## **2.02 Agriculture**

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 or some of which are contiguous to one another and adjacent to one (1) side of 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 feet (50 ft.) of a dwelling or an adjacent property line.
3. No farm animals shall be pastured within five feet (5 ft.) 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 or 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.

### **2.03 Public Utilities**

Pursuant to **ORC 519.21**, this Resolution does not regulate the location, construction, reconstruction, removal, use, or enlargement of any building 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.

### **2.04 Exceptions**

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**.





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## **SECTION 3 ADMINISTRATION**

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### **3.01 Purpose**

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**

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

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

### **3.03 Township Zoning Inspector**

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 and Certificates of Occupancy 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 therefor. 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**

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

1. 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)**.
2. 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. The concurring vote of a majority of members shall be necessary to reverse an order, requirement, decision, or determination of the Zoning Inspector or the Board of Zoning Appeals.

**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**

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 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. Three (3) members of the Board shall constitute a quorum. The Board shall act by Resolution, and the concurring vote of three (3) members of the Board 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 8.04** and under the conditions as specified under **Section 7**, 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**

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. Override 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**

- 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**

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.





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## **SECTION 4 ENFORCEMENT**

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### **4.01 General**

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**

- 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 one (1) year or substantially completed 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 or change of use, and shall include a plot plan showing the proposed construction, alteration, or change.

- 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 and to provide for the enforcement of this Resolution.

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

Within twenty (20) 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 and Certificates of Occupancy**

The Zoning Inspector shall maintain a record of all Zoning Certificates and Certificates of Occupancy, 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**

Failure to obtain a Zoning Certificate shall be a punishable violation of this Resolution under **Section 4.13.**

#### **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.

#### **4.010 Stop Work Order**

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.

#### **4.011 Zoning Certificate Revocation**

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.

#### **4.012 Notice of Violation**

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 as follows:

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.

#### **4.013 Penalties for Violation**

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain, or structurally alter any building, structure, or to use any land in violation of any regulation or any provision of this Resolution or any amendment thereto. Any person, firm, or corporation who violates this Resolution or any regulation, provision or amendment thereto, and/or fails to comply with any of its requirements, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than one hundred dollars (\$100). Each and every day during which said illegal erection, construction, reconstruction, enlargement, location, change, maintenance, or use continues may be deemed a separate offense and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation, may be found guilty of a separate offense and suffer the penalties herein provided. Each violation hereof shall constitute a minor misdemeanor for which the offender shall be liable for a fine of not more than one hundred dollars (\$100.00) for each day the offense or offensive condition continues.

#### **4.014 Additional Remedies**

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.



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## **SECTION 5**

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

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

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 Pusheta Township, Auglaize County, Ohio:

RRA	Rural Residential and Agricultural District
R-2	Single- and Two-Family Residential District
R-3	Multiple-Family Residential District
MHP	Manufactured Home Park District
PUD	Planned Unit Development District
GC	General Commercial District
M1	Light Industrial District

#### **5.02 Official Zoning Map**

The districts established in **Section 5.01** 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**

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**

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.



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## **SECTION 6 DISTRICT REGULATIONS**

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

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. 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**.

### **6.02 RRA RURAL RESIDENTIAL AND AGRICULTURAL DISTRICT**

#### **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 gross acre. No zoning certificate shall 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.

#### **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**).

#### **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. Recreational vehicle park.
6. Public and quasi-public uses including churches and other places of religious worship, cemeteries, schools, libraries, museums, and government offices.
7. Outdoor commercial and non-commercial recreational facilities.

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

1. Lot requirements for each dwelling:
  - a. Minimum lot area: Eighty-seven thousand one hundred and twenty square feet (87120 sq. ft.).
  - b. Minimum lot width: One hundred feet (100 ft.).
  - c. Minimum front yard: Forty feet (40 ft.).
    - 1) Corner lots: Fifty feet (50 ft.).
  - d. Minimum side yard: Twenty-five feet (25 ft.).
    - 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: Twenty-five feet (25 ft.).

2. Building Requirements for each dwelling:

- a. No dwelling house shall be erected and no building shall be altered or used as a residence which contains less than eight hundred square feet (800 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 feet (40 ft.) 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.

## **6.03 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 developed areas of Freyburg or other 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. Accessory structures to single-family dwellings, such as garage, storage barn, playhouse, and swimming pool.
3. Two-family dwellings.
4. Home occupations.
5. Child day care facility (one [1] to six [6] children) (**Refer to Section 7.14**).
6. Public and semi-public uses including churches and other places of religious worship, schools, libraries, museums, playgrounds.
7. Accessory structures and uses customarily incidental to the above uses as deemed by the Zoning Commission (**Refer to Section 7.06**).

### **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.B**).
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.

**D. Development Standards**

1. Lot requirements for each dwelling:

a. Minimum lot area:

- 1) Eighty-seven thousand one hundred and twenty square feet (87,120 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: One-hundred feet (100 ft.).

c. Minimum front yard: Forty feet (40 ft.).

- 1) Corner lots: Fifty feet (50 ft.).

d. Minimum side yard: Twenty-five feet (25 ft.).

- 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: Twenty-five feet (25 ft.).

2. Lot requirements for the outlots and inlots within Freyburg shall be:

a. Minimum front yard: Twenty feet (20 ft.).

b. Minimum side yard: Five feet (5 ft.).

c. Minimum rear yard: Five feet (5 ft.).

3. Building Requirements for each dwelling:

a. No dwelling house shall be erected and no building shall be altered or used as a residence which contains less than eight hundred square feet (800 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 feet (40 ft.) in height, except for the residential area of Freyburg.

4. Trailers containing less than seven hundred square feet (700 sq. ft.) and basement residences shall be used only during such time as a residence is being constructed on the premises, said use not to exceed twelve (12) months duration. Residences specifically designed for below-ground construction shall not be considered as "basements."
5. All wiring in dwellings hereafter erected or altered within the Township shall comply with the specifications of the National Electric Code.
6. 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.

## **6.04 R3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT**

### **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 feet (50 ft.).
  - c. Minimum front yard: Forty feet (40 ft.).
    - 1) Corner lot: Fifty feet (50 ft.).
  - d. Minimum side yard: Twenty-five feet (25 ft.).
  - e. Minimum rear yard: Fifty feet (50 ft.).

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 feet (40 ft.) in height.



## **6.05 MHP MANUFACTURED HOME PARK DISTRICT**

### **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, drainage, 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 Comprehensive Plan.

#### **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.

## **6.06 GB GENERAL BUSINESS DISTRICT**

### **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 quasi-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. Adult motion picture theater, cabaret, bookstore, massage parlor, or similar establishment.
3. Outdoor advertising (**Refer to Section 11**).
4. Amusement Arcade.

**D. Development Standards**

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

## **6.07 M1 LIGHT INDUSTRIAL DISTRICT**

### **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. Drugs.
  - 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. Accessory structures and uses incidental to the above uses.
- r. Use not requiring a building: agriculture.
- s. Railroad yards and terminal facilities.
- t. Stone monument works and sales.
- u. Manufacture of pottery or ceramic products.
- v. Laundry, cleaning, and dyeing works; carpet and rug cleaning.

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

The following uses are permitted as a conditional use, and requires 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. Rendering plants where raw rendering materials are converted into fats, oils, feeds, fertilizer, and other products.
10. Mineral extraction in accordance with **Section 7.25**.

**D. Development Standards**

1. Lot area. Lots shall have sufficient size and frontage and meet yard and lot coverage requirements.
2. Minimum front yard: 750 feet from the right-of-way of a public road.
3. Front yard: Thirty feet (30 ft.).
4. Minimum side yard: Fifteen feet (15 ft.).
5. Minimum rear yard: Thirty feet (30 ft.).
6. Maximum: Fifty percent (50%).

## **6.08 PUD PLANNED UNIT DEVELOPMENT DISTRICT**

### **A. 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.

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 feet (25 ft.), 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 18** 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 foot [2'] 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, such as 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.



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## **SECTION 7**

### **SUPPLEMENTAL DISTRICT REGULATIONS**

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#### **7.01 General**

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**

No more than one (1) principal building or structure may be constructed upon any one (1) lot for the purposes of this Resolution. Rear dwellings shall be prohibited and shall be considered non-conforming uses subject to the requirements of **Section 10** of this Resolution.

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

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**

Any lot of record existing at the effective date of this section in any residential district which is pocketed by 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.

## **7.05 Temporary Buildings and Uses**

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 percent (25%) 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 home occupation sought to be carried on.
3. The number and names of persons to be involved in the home occupation.
4. Any additional information required by the Board of Zoning Appeals to establish the advisability of granting the permit.

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

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 be forty-five percent (45%) or less of the gross floor area of the principal use or structure.
2. It shall not contain or be used as a dwelling unit.
3. It shall not exceed eighteen feet (18 ft.) in height.
4. It shall be setback from any property line a distance of ten feet (10 ft.) 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. These activities shall be conducted solely for the convenience of the employees, patients, patrons, students, or visitors and not for the general retail public. 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**

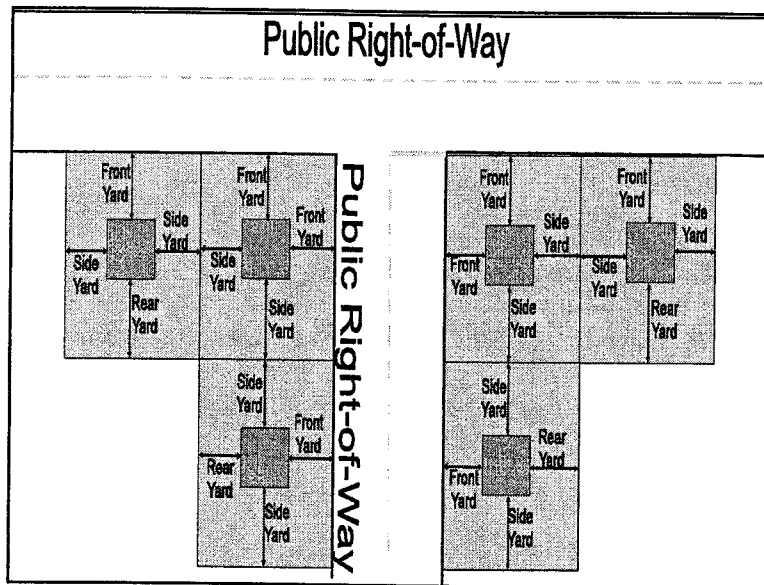
No lot, yard, parking area, or other space shall be reduced in area or dimension if such reduction has the effect of making the lot, yard, parking area, or other space less than the minimum required by this Resolution. Furthermore, any lot, yard, parking area, or other space which is already less than 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

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.

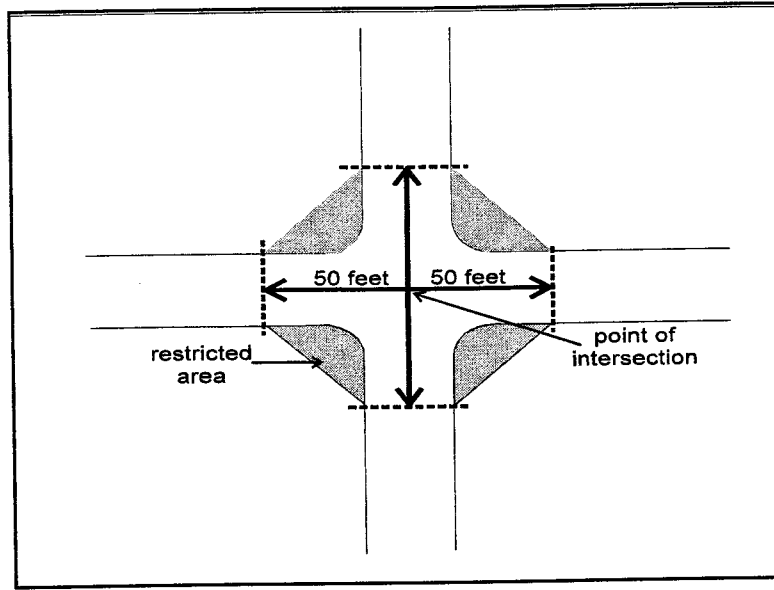
### A. Setback Requirements for Corner Buildings

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.



### B. Visibility at Intersections

On a corner lot at the intersection of two (2) alleys, or at the intersection of an alley and a 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 feet (2-½ ft.) and ten feet (10 ft.) above the center line grades of the intersecting alleys, 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 fifty feet (50 ft.) 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 feet (40 ft.) 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 ft.) and eight (8 ft.) 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 feet (20 ft.) in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four feet (4 ft.) in height at the time of planting. Either type of screening shall not obstruct traffic visibility within fifty feet (50 ft.) 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**

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.

## **7.010 Construction on Embankments**

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.

## **7.011 Fences and Walls**

- A. Enclosed-type fencing 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 feet (6 ft.).
- 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.

## **7.012 Adult Businesses**

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 feet (1,500 ft.) of another adult entertainment business.
- B. No adult entertainment business shall be permitted in a location which is within one thousand feet (1,000 ft.) 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 feet (500 ft.) of any residence or boundary or any residential district.
- D. No adult entertainment business shall be permitted in a location which is within five hundred feet (500 ft.) of any boundary of any residential district in a local unit of

government abutting the Township.

### **7.013 Adult Care Facilities**

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 feet (600 ft.) 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.

### **7.014 Child Care or Day Care Facilities**

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. In 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.

#### **7.015 Home Occupations**

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 nine square feet (9 sq. ft.).
- G. Minor or moderate alterations (non-structural) may be permitted to accommodate the proposed use, but there shall be no substantial construction or reconstruction.
- 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.

#### 7.016 Junk

- 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.
- D. Upon repeated violations of this section, the Zoning Inspector may require the violator to erect a fence or landscaping designed to contain litter.

#### 7.017 Noise

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 (dbA)
C, R-1, R-2, R-3, MHP	10:00pm - 7:00am	55
	7:00am - 10:00pm	60
GB, CB	10:00pm - 7:00am	65
	7:00am - 10:00pm	70
M-1	Any time	70

- 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.



### **7.018 Objectionable, Noxious, or Dangerous Uses, Practices, or Conditions**

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.

### **7.019 Assurance Requirements and Plans**

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.

#### **7.020 Ponds**

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 feet (40 ft.) from any lot line. The forty foot (40 ft.) setback is measured from the high water mark of the pond.

#### **7.021 Required Refuse Collection Areas**

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 feet (4 ft.) 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.

#### **7.022 Satellite Dish Antennas**

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

A ground-mounted satellite dish is considered an accessory structure in any district. However, the applicant shall be required to obtain a permit from the Zoning Inspector before constructing a ground-mounted satellite dish or any accompanying structures. In addition to the provisions of this Resolution pertaining to accessory structures, the following provisions shall apply to ground-mounted satellite dishes:

- 1. The maximum diameter of any ground-mounted satellite dish shall not exceed twelve feet (12 ft.).
- 2. The maximum height of any ground-mounted satellite dish shall not exceed fifteen feet (15 ft.) above the finished grade.

3. The apparatus shall not be located in a side yard or front yard.
4. Any driving motor shall be limited to one hundred and ten (110) volt maximum power and shall be encased in a protective guard.
5. All wiring between the apparatus and any other structure shall be placed underground in approved conduit.
6. All wiring and grounding of the apparatus shall be in accordance with the **National Electrical Code**.
7. The apparatus shall be bonded to an approved eight foot (8 ft.) grounding rod.

**B. Roof-Mounted Satellite Dish Antennas**

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:

1. The maximum diameter of any roof-mounted satellite dish shall not exceed three feet (3 ft.).
2. 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 feet (4 ft.).
3. All wiring and grounding of the apparatus shall be in accordance with the **National Electrical Code**.
4. 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.
5. The satellite dish apparatus shall be so designed and installed as to withstand wind forces up to seventy-five (75) miles per hour.

**7.023 Swimming Pools**

**A. Private Swimming Pools**

No private swimming pool ("pool"), exclusive of portable swimming pools with a diameter less than twelve feet (12 ft.) or with an area of less than one hundred square feet (100 sq. ft.), shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements:

1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located. A pool will be considered an accessory use to the main structure.
2. A pool may not be located closer than ten feet (10 ft.) to any property line, except in an RRA District where that minimum distance shall be six feet (6 ft.). 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.
3. Elevated decks for above-ground pools shall not be located closer than ten feet (10 ft.) to the property line.
4. The swimming pool or the entire property behind the front building on which it is located shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties, unless sides of the pool are above grade. The fence or wall shall not be less than six feet (6 ft.) in height, shall be separate from the wall of the pool, and shall be maintained in good condition with a gate and lock.
5. 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.
6. Pools, including above-ground pools, may not be located between the principal building and the right-of-way.

**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 feet (50 ft.) 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 feet (6 ft.) 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.

#### **7.024 Wireless Telecommunication Tower**

In accordance with **ORC 303.21**, 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.

#### **7.025 Mineral Extraction**

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 and no/100 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 Pusheta Township Zoning Commission to be used by said Pusheta 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.

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## **SECTION 8**

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

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#### **8.01 Appeals**

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved, or by any 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**

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**

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 feet (200 ft.) of the 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**

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 Zoning Board of 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 Zoning Board of 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 Zoning Board of Appeals**

The Zoning Board of 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 feet (200 ft.) of affected property by

the Chairperson of the Zoning Board of 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 Zoning Board of Appeals**

1. Within twenty (20) days after the public hearing required in **Section 8.04.E.**, the Board of Appeals shall either approve, approve with supplementary conditions as specified in **Section 8.04.I.**, or disapprove the application as presented.
2. If the application is approved or approved with modification, the Board of Appeals shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board of Appeals for approval. If the application is disapproved by the Board of Appeals, 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 foot (300 ft.) radius shall be required. For other violations, the Zoning Inspector shall be required to furnish appropriate proof of non-compliance. The Zoning Board of 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 Board of 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 **Section 4.13** of this Resolution.

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

- 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 Zoning Commission 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 Zoning Commission and a determination shall be made by the Zoning Commission.

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

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.



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## **SECTION 9 AMENDMENTS**

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

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

### **9.02 General**

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 be 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 Pusheta Township.

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

Amendments to this 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**

Applications for amendments to the Official Zoning Map adopted as part of this Resolution in **Section 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 Resolution other than the Official Zoning Map shall include items A., B., I., J., listed above.

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

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 Regional Planning Commission, if there is such a 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**

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**

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**

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 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 denies or modifies the recommendation of the Zoning Commission, the unanimous vote of the Trustees shall be required.

**C. Effective Date**

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 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.

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**.

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## SECTION 10 NON-CONFORMING USES

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### 10.01 Non-Conforming Use

- 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 such the provisions of this Resolution or any supplement or amendment made after the enactment of this Resolution.
  - 2. 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 lot, 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 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 at the time of the passage of this Zoning

Resolution but not completed, may be completed and put into such non-conforming use provided it is done within one (1) year after the 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 the 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 the 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**

If any structure was built prior to the adoption of this 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**

- A. For the purpose of this 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 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**).



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## SECTION 11 SIGNS

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### 11.01 Intent

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 Resolution and the providing of regulations for outdoor advertising, an outdoor advertising sign or billboard shall be deemed a structure and classified as a non-agricultural use subject to the requirements set forth in **Section 6** and this section.

### 11.02 Governmental Signs Excluded

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

### 11.03 General Requirements for All Signs and Districts

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. **Section 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**, herein.
- F. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign.
- 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 feet (150 ft.) from the right-of-way line of a road.

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

The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area. In matters of height and size, no sign or billboard shall extend more than thirty feet (30 ft.) above the natural ground level and shall not exceed two hundred square feet (200 sq. ft.) in area.



#### **11.05 Signs Permitted in Residential Districts Not Requiring a Permit**

Signs not 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 feet (10 ft.) from the right-of-way line of a road, and (b) the use of the sign is in direct relation to the premises. No zoning certificate shall be required for such sign. Signs which exceed thirty-two square feet (32 sq. ft.) in size or located closer than ten feet (10 ft.) from the right-of-way require a zoning certificate and must be approved by the Board of Zoning Appeals.

#### **11.06 Signs Permitted in Commercial and Manufacturing Districts Requiring a Permit**

The regulations set forth in this section shall apply to signs in all commercial and manufacturing districts and such signs shall require a permit.

- A. In a commercial or manufacturing district, each business shall be permitted one (1) flat or wall on-premises sign.
- B. Projection of wall signs shall not exceed two feet (2 ft.) 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 one hundred square feet (100 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, 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. 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 Garage Sale Signs**

- A. No signs may be posted except on private property advising the public of such sale, and all signs must be removed within twenty-four (24) hours after the termination of the sale.
- B. A garage sale is limited to one (1) sign, not greater than four square feet (4 sq. ft.) in size and which is located on the sale premises for a time period of three (3) consecutive days. Such signs shall not be located in a public right-of-way. **Garage**

**sale signs conforming to the above requirements do not require a sign permit.**

#### **11.09 Free-Standing Signs**

Total sign and supports shall not to be over twenty feet (20 ft.) in height. The sign 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 feet (10 ft.) to any street right-of-way line and not closer than ten feet (10 ft.) 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.

#### **11.10 Wall Signs Pertaining to Non-Conforming Uses**

On-premises wall signs pertaining to a non-conforming use shall be permitted on the same premises of such use provided the area of such sign does not exceed twelve square feet (12 sq. ft.).

#### **11.11 Political Signs**

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.

#### **11.12 Sign Setback Requirements**

Except as modified in this section, on-premise signs, where permitted, shall be set back from the established right-of-way line of any thoroughfare at least ten feet (10 ft.).

#### **11.13 Limitation**

For the purposes of this Resolution, outdoor advertising off-premises signs shall be classified as a business use and be permitted in all districts zoned for industrial or business or lands used for agricultural purposes. 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.

#### **11.14 Certificate Required**

All temporary and permanent signs to be erected within Pusheta Township, except those specifically excluded herein or those that are less than thirty-two square feet (32 sq. ft.) in total area, shall require a certificate before being erected.

#### **11.15 Administration**

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.

#### **11.16 Variances and Appeals**

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

#### **11.17 Non-Conforming Signs**

- 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.

#### **11.18 Violations**

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 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.

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## SECTION 12

### OFF-STREET PARKING AND LOADING

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#### 12.01 General Requirements

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 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

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

area so used. Each loading space shall not be less than ten feet (10 ft.) in width, forty feet (40 ft.) in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than fourteen feet (14 ft.). Such loading space shall not be located in the required front yard of the lot on which it is located. However, the loading space shall have unrestricted ingress and egress to a public right-of-way.

#### **12.04 Paving**

The required number of parking and loading spaces as set forth in **Section 12.18**, together with driveways, aisles, and other circulation areas, shall be improved with such material to provide a durable and dust-free surface.

#### **12.05 Drainage**

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

#### **12.06 Maintenance**

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.

#### **12.07 Lighting**

Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. A cutoff type luminaire shall be used to illuminate a parking lot and shall be so arranged as to reflect the light away from the adjoining property.

#### **12.08 Location of Parking Spaces**

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 feet (700 ft.) from the principal use.
- C. Parking spaces for apartments, dormitories, or similar residential uses shall be located not more than three hundred feet (300 ft.) from the principal use.

#### **12.09 Screening and/or Landscaping**

Whenever a parking area is located within twenty feet (20 ft.) 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 feet (4 ft.) nor more than six feet (6 ft.) 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 features are such that the 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.

#### **12.010 Disabled Vehicles**

The parking of a disabled 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.

#### **12.011 Minimum Distance and Setbacks**

No part of any parking area for more than ten (10) vehicles shall be closer than twenty feet (20 ft.) 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 feet (4 ft.) to any established street or alley right-of-way.

#### **12.012 Joint Use**

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

#### **12.013 Wheel Blocks**

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

#### **12.014 Width of Driveway Aisle**

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

#### **12.015 Access**

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.

#### **12.016 Width of Access Driveway**

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

Parking areas having more than one (1) aisle or driveway shall have directional signs or markings in each aisle or driveway.

This Zoning Resolution shall also require that any improvement, enlargement, or construction of a concrete or asphalt driveway or entry drive be constructed in accordance with the specifications set forth in the attached Exhibit A. 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 inches (8 in.) in diameter and a minimum twenty-two feet (22 ft.) in length, with prior approval of the Township Trustees to insure proper installation.

#### **12.017 Striping**

All parking areas with a capacity over ten (10) vehicles shall be striped.

#### **12.018 Parking Space Requirements**

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 is enlarged or increased in capacity, the following parking space requirements shall apply:

##### **A. Residential**

- 1. For a single-family or two-family dwelling, parking space requirement shall be two (2) spaces for each unit.
- 2. For apartments and multi-family dwellings, the requirement shall be two (2) spaces for each unit.

##### **B. Commercial**

- 1. For automobile service garages which also provide repair, the requirement shall be one (1) space for each two (2) gas pumps, or two (2) for each service bay.



2. For hotels or motels, the requirement shall be 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, the requirement shall be one (1) space for each thirty square feet (30 sq. ft.) of floor area in slumber rooms, parlors, or service rooms.
4. For general retail establishments, the requirement shall be 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.).
5. For printing or plumbing shop or similar service establishment, the requirement shall be 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.

**C. Recreational or Entertainment**

1. For dining rooms, restaurants, taverns, night clubs, cafes or similar eating or recreation or amusement establishments, the requirement shall be one (1) space for each fifty square feet (50 sq. ft.) of floor area.
2. For a private club or lodge, the requirement shall be one (1) for each five (5) members.
3. For a country club or golf club, the requirement shall be one (1) for each five (5) members.
4. For bowling alleys, the requirement shall be 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, the requirement shall be 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), the requirement shall be one (1) space for each five (5) persons 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, the requirement shall be one (1) space for each five (5) seats or bench seating spaces.
8. For assembly or exhibition halls without fixed seats shall have one (1) space for each one hundred square feet (100 sq. ft.) of gross floor area.
9. For retail stores or personal service establishment, except as otherwise

specified herein, shall have one (1) space for each one hundred square feet (100 sq. ft.) of floor area.

10. For banks, financial institutions, and similar uses shall have one (1) space for each two hundred square feet (200 sq. ft.) of floor area.
11. For offices (public or professional administration), or service buildings shall have one (1) space for each four hundred square feet (400 sq. ft.) of floor area.
12. For all other types of business or commercial uses permitted in any business district shall have one (1) space for each three hundred square feet (300 sq. ft.) of floor area.

#### **D. Institutional**

1. Parking space requirements for churches and other places of religious assembly shall be one (1) space for each five (5) seats.
2. For hospitals, the requirement shall be one (1) space for each three (3) beds, plus one (1) for each employee on the maximum working shift.
3. For medical and dental clinics shall have 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.
4. For community center, libraries, museums, and art galleries shall have 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. The parking space requirement for elementary and junior high schools shall be 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, the requirement shall be 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, the requirement shall be two (2) spaces for each classroom, but not less than six (6) for the building.

#### **F. Manufacturing**

1. The parking space requirement for all types of manufacturing or industrial, storage and wholesale, research or testing laboratory, creamery, bottling plant, warehouse, or similar establishments, and similar uses permitted shall

be 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, the requirement shall be 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.

## **12.019 General Interpretations**

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. 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 feet (100 ft.) 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 feet (100 ft.) 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 feet (30 ft.) to the intersection of the right-of-way of the two (2) streets.
  2. Such accessways or driveways shall not be less than eight feet (8 ft.) nor more than twelve feet (12 ft.) in width at the sidewalk line for single- or two-family residences nor not less than twelve feet (12 ft.) nor more than twenty feet (20 ft.) 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 feet (15 ft.) or in excess of thirty feet (30 ft.) in width.
- F. The off-street parking spaces required by this section may be located in any yard in a GB, or M1 District, but shall not be permitted in the front yard of any C or R

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.

- G. 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-foot (15 ft.) 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.

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

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 feet (15 ft.) to any street right-of-way.

#### **12.021 Handicapped Parking**

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).

**12.022 Elderly Housing Parking**

Each parking space provided for in an elderly housing facility shall at a minimum measure nine feet (9 ft.) in width and twenty feet (20 ft.) in length, with aisles measuring twenty-one feet (21 ft.) 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.



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## **SECTION 13 LANDSCAPING**

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### **13.01 Landscaping Requirements**

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 Industry District

### **13.02 Special Exceptions**

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**

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

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

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 all sides 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 feet (6 ft.). The maximum height of walls and fences shall not exceed ten feet (10 ft.). 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 feet (6 ft.) in height within two (2) years of planting.

### **13.05 Interior Parking Area Landscaping**

Landscaping within parking areas, whether ground cover or upright plant material, is necessary not only to reduce the generation of heat and water runoff, but to break up visually the expanse of paved areas. The use of parking islands or peninsulas strategically placed throughout the parking lot is required to landscape parking lot interiors. The use of shade trees in these landscape areas is encouraged. Any open parking area containing more than six thousand square feet (6,000 sq. ft.) of area or fifteen (15) or more parking spaces shall provide the following interior landscaping in addition to the required perimeter screening:

- A. An area equal to five percent (5%) of the total area devoted to parking space and parking lanes shall be landscaped and permeable.
- B. Whenever possible, large parking areas of thirty thousand square feet (30,000 sq. ft.) or larger shall be designed so as to break up their visual expanse and create the appearance of smaller parking lots. This distinction or separation can be achieved by interspersing yard space and buildings in strategic areas and by taking advantage of natural features such as slope, existing woodland or vegetation, drainage courses, and retention areas.
- C. Landscaping in parking areas shall be dispersed throughout in peninsulas or islands. The minimum island or peninsula size shall be one hundred eighty square feet (180 sq. ft.) with a two-foot (2 ft.) minimum distance between all trees or shrubs and the edge of pavement where vehicles overhang and should have a minimum width of ten feet (10 ft.). Islands shall typically be located every ten (10) to twelve (12) parking spaces and may be curbed.
- D. The required plant materials for the interior of parking areas shall be one (1) deciduous tree for every three thousand square feet (3,000 sq. ft.). Where site distance or maneuvering conflicts exist, trees shall have a clear trunk of at least five feet (5 ft.) above the ground, and the remaining required landscape areas shall be planted with shrubs or ground cover not to exceed two feet (2 ft.) in height.

### **13.06 Plant Material Specifications**

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 Resolution may be approved as part of a site plan:

- A. **Shrubs:** Shrubs shall be at least twenty-four inches (24 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 inches (8 in.) 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 feet (3 ft.) of a pedestrian walkway or parking lot.

### **13.07 Screening of Exterior Mechanical Equipment**

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.

### **13.08 Maintenance and Replacement Requirements**

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.

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## SECTION 14 DEFINITIONS

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### 14.01 Interpretation of Terms or Words

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."

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**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.

**Adult Group Residential Facilities:** A building or group of buildings containing dwellings where the occupancy of the dwelling is restricted to persons sixty (60) years of age or older or couples where either the husband or wife is sixty (60) years of age or older. This does not include a development that contains convalescent or nursing facilities.

**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 ( $\frac{1}{2}$ ) 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.

**Bottomless:** Less than full opaque covering of male or female genitals, pubic area, or buttocks.

**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, 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 Huron 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 uses permitted in each district are listed in Title Nine.

**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:** Include earth stations or ground 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 (LNA) 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 1) 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 3) 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 wholly within a dwelling only by members of the resident family and which does not occupy a floor area greater than one-half ( $\frac{1}{2}$ ) the area of the first floor of the main building. An accessory use of a dwelling unit for gainful employment which a) is clearly incidental and subordinate to the use of the dwelling unit as a residence; b) is carried on solely within the main dwelling and does not alter or change the exterior character or appearances of the dwelling; c) is located in a residential district; and d) is created and operated as a sole proprietorship.

**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.

**Kennel:** 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.

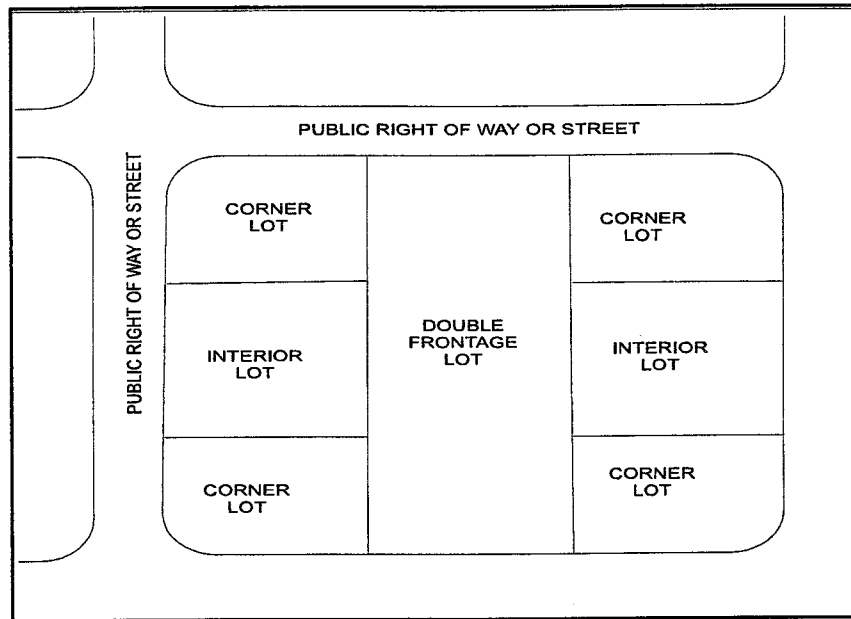
**Lot Types:** Terminology used in this Ordinance with reference to corner lots, interior lots, and through lots is as follows:

**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 factory-built, single-family structure that is manufactured under the authority of 42 U.S.C. Section 5401, the National Manufactured Home Construction and Safety Standards Act; is transportable in one (1) or more sections; is built on a permanent chassis; and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site when connected to the required utilities, and which does not have wheels or axles permanently attached to its body or frame.

**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.

**Nude or Nudity:** The showing, presentation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof; or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple; or of covered male genitals in a discernibly turgid state.

**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.

**Occupancy Permit or Certificate of Occupancy:** A document issued by the Zoning Inspector allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable regulations contained herein in this Zoning Ordinance.

**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.

**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.

**Quasi-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.

**Sexual Activity:** Sexual conduct or sexual contact, or both.

**Sexual Contact:** Any touching of an erogenous zone of another, including without limitation to the thigh, genitals, buttocks, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

**Sexual Excitement:** The condition of the human male or female genitals when in a state of sexual stimulation or arousal.

**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 feet (6 ft.) 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 feet (1,000 ft.) from said arterial or collector street, nor normally more than six hundred feet (600 ft.) 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*.

**Topless:** The showing of female breasts with less than a full opaque covering of any portion, thereof, below the top of the nipple.

**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.

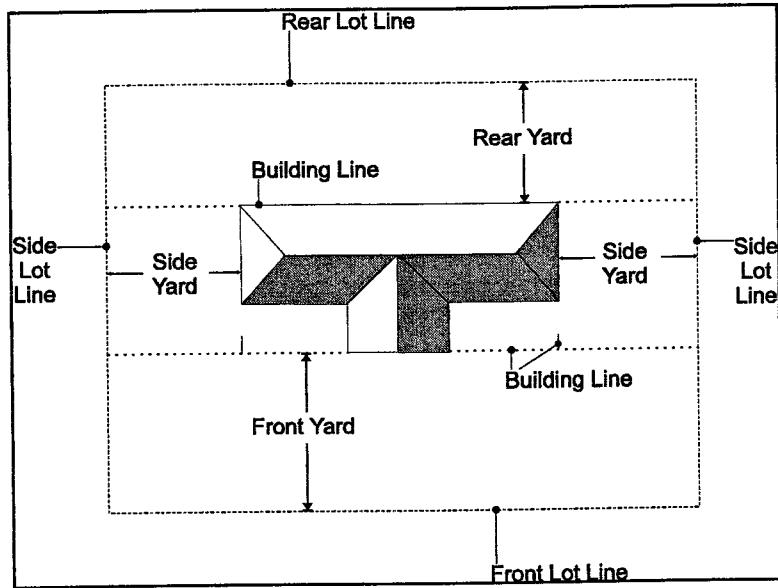
**Yard:** Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted in these regulations. The minimum depth or width of a yard shall consist of the horizontal distance between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

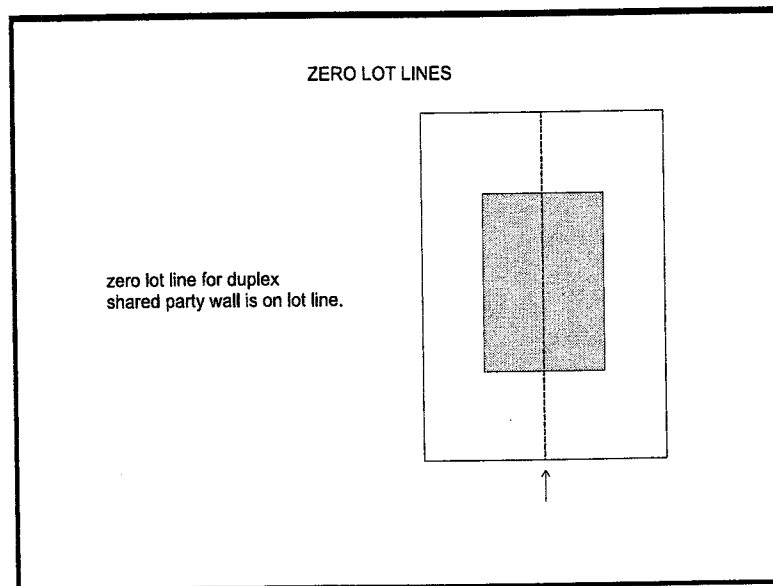
**Yard, Rear:** A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the main building.

**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 City of Norwalk which is part of this Zoning Ordinance and delineate the boundaries of zoned districts.

**Zoning Inspector:** The person designated by the Mayor 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 City Zoning Ordinance.