

**MILTON TOWNSHIP ZONING RESOLUTION
ASHLAND COUNTY, OHIO**

**Adopted by the Milton Township
Board of Trustees.**

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This 2nd Day of March 2011

Trustee E. L. Felt

Trustee Rick Emmerich

Trustee Don Mutt

Fiscal Officer Debra Yulk

**Prepared by the Milton Township Zoning Commission
On September 21, 2010**

Effective:
The 4th day of April 2011

Fiscal Officer: Debra Yulk

Updated September 21, 2010

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**Appendix B-Database of Milton Township Zoning District Approvals
(Reference-ARTICLE I, Section 106)**

**Appendix B-Database of Milton Township Zoning District Approvals
(Lot Splits since 5/07) (Reference-ARTICLE I, Section 106)**

PREAMBLE

This is the zoning resolution for Milton Township, Ashland County, Ohio enacted in accordance with the

Ashland County Comprehensive Plan 2000, as revised, and the provisions of Chapter 519 of the Ohio Revised

Code. This resolution divides the unincorporated portion of the township into Districts encouraging, regulating

and restricting therein the location, construction, reconstruction, alteration and use of structures and land;

promoting the orderly development of residential, commercial, industrial, recreational and public areas;

providing for adequate light, air and convenience of access to property by regulating the use of land and

buildings and the bulk of structures in relationship to surrounding properties; limiting congestion in the public

right-of-ways; providing for the administration of this resolution, defining the powers and duties of the

administrative officers as provided hereafter, and prescribing penalties for the violation of the provisions in

this Resolution or any amendment thereto, all for the purpose of protecting the public health, safety, comfort

and general welfare; and for the repeal thereof.

Therefore be it resolved by the Board of Township Trustees of Milton Township, Ashland County, Ohio;

This Resolution shall be known as the Milton Township Zoning Resolution and may be referred to as the

Zoning Resolution.

ARTICLE I DISTRICTS

100 Districts

For the purposes of this Resolution, Milton Township is hereby divided into four (4) Districts, and are as follows:

<u>District</u>	<u>Purpose</u>
Farm F	To protect and maintain the rural character of the countryside. To provide areas for rural developments of various kinds where the Farm District is appropriate.
Residential R	To provide areas for low density residential development in areas that can support such development without creating any serious health threat.
Commercial C	To provide for the establishment of areas for local business uses which tend to meet the needs of the residents of the area and the needs of the motoring public.
Industrial I	To provide areas for the development of manufacturing and wholesale business establishments which are clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke or glare; generate little industrial traffic; and operate entirely within enclosed structures. Research activities are encouraged.

101 The location and boundaries of the Districts listed in this Resolution shall be shown on a current/certified Milton Township Zoning Map. A certified copy of this map shall be on file in the offices of the Milton Township Trustees and said map, all notations, dimensions and designations shown thereon are hereby declared to be a part of this Resolution.

102 District boundaries are intended to follow road, alley, property or lot lines as they exist at the time of the passage of this Resolution.

103 Where District boundaries do not follow existing lot or property lines, the dimensions of these areas shall be listed on the Zoning Map.

104 In the case of a vacation of a road, alley or other right-of-way, the abutting zoning classification on either side shall be automatically extended to the centerline of said vacated area.

105 Where boundaries appear to approximately follow said aforesaid lines and are not more than Ten (10) feet distant from such lines, they shall be interpreted to be the boundary unless specifically shown otherwise.

106 The Zoning Map or any Zoning Map Amendment shall be prepared by authority of the Township Zoning Commission. The Zoning Commission will update a database of Milton Township Zoning District Approvals. The Zoning Map or Zoning Map Amendment shall be dated and certified by the Trustees with the effective date of the Resolution that adopts the Zoning Map or Zoning Map Amendment.

ARTICLE I DISTRICTS (Continued)

- 107 A certified print of the adopted Zoning Map or Zoning Map Amendment shall be maintained in the office(s) of the Township Trustees and in the office(s) of the Ashland County Planning Commission and the County Recorder's office(s). (Reference 519.12 Ohio Revised Code)

ARTICLE II GENERAL REQUIREMENTS

Page 2-1

- 201 No building or structure shall be built or altered for uses other than those permitted in the District in which the structure is located.
- 202 New land uses, other than those listed in this Resolution, shall be prohibited on property in Milton Township.
- 203 Any addition to an existing building shall not intrude into any required yard or open space.
- 204 New lots of record shall meet all minimum requirements for the District in which they are located.
- 205 No more than one dwelling shall be located on a lot of record.
- 206 Two or more lots of record, or platted lots, when contiguous and owned by the same individual may be treated as a single lot of record for the purposes of this Resolution as long as the property in question is located in a single District.
- 207 The Milton Township Zoning Resolution shall serve as a supplement to existing and future Federal, State and Local Laws. Whenever these Regulations differ from other lawfully adopted regulations, the most restrictive or highest standard shall apply.

Agricultural uses, excluding related residential uses, are exempted from this resolution. Except as provided by Ohio law this Resolution shall confer no power on the Township Zoning Commission, Board of Trustees, or Board of Zoning Appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture, and no zoning certificate shall be required for any such building or structure.

For the purpose of this Resolution certain terms and words are described as follows:

- 300 The words “used for” include “designed for” and vice versa; words used in the present tense include the future; words in the singular number include the plural number and vice versa; the word “building” includes the word “structure”; the word “dwelling” includes the word “residence”; the word “lot” includes the word “plot”; and the word “shall” is mandatory and not directory.
- 301 Accessory Use: A use of land or of a structure or a portion thereof customarily incidental and subordinate to the principal use of land or building and located on the same lot with such principal use.
- 302 Agriculture: As used in this Resolution, “agriculture” includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops; tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.
- 303 Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams or girders.
- 304 Board: Shall mean that Milton Township Board of Zoning Appeals.
- 305 Building: A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, or chattels. When separated by division walls from the ground up without openings, each portion of such buildings shall be deemed a separate building.
- 306 Building Height: The vertical distance measured from the average elevation of the finished grade along the front of the building to the high point of the roof surface in a flat roof, to the deck line of a mansard roof, and to the main height level between eaves and ridges for a gambrel roof.
- 307 Building, Main: A building in which is conducted the principal use of the lot on which it is located.
- 308 Business: The buying, selling, or trading of goods and services. Any business will require a Zoning Certificate except as identified in Section 600.

309 Butchering Custom: A facility to slaughter livestock owned by an individual. Said facility shall not offer meat for wholesale or retail trade. A facility of clearly limited nature for the convenience of individuals raising livestock for their own consumption.

ARTICLE III DEFINITIONS (Continued)

Page 3-3

310 Conditional Use: A use which is subject to approval by the Board of Zoning Appeals. A conditional use may be granted by the Board when

there is a specified provision for such exception made in this Resolution.

311 Dwelling: A building or portion thereof, designed exclusively for residential occupancy, including single-family dwellings, two family dwellings, multi-family dwellings, vacation and seasonal dwellings, and vehicles or residences designed to be moved or towed on wheels, skids, or rollers, but not including hotels, motels, boarding houses or rooming houses. Dwellings must be set on a permanent masonry foundation with footers below the frost line.

1. Manufactured dwelling: means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.
2. Permanently sited manufactured dwelling means a manufactured residence that meets all the following criteria:
 - A. The structure is affixed to a permanent foundation and is connected to the appropriate facilities:
 - B. The structure, excluding any additions, has a width of at least Twenty-Two (22) feet at One (1) point, a length of at least Twenty-Two (22) feet at One (1) point, and a total living area, excluding garages, porches, or attachments, of at least One Thousand (1000) square feet:
 - C. The structure has a minimum 3:12 residential roof pitch, conventional residential siding and a Six (6) inch minimum eave overhang, including appropriate guttering:
 - D. The structure was manufactured after January 1, 1995:
 - E. The structure is not located in a manufactured home park as defined by section 3733.01 of the Ohio Revised Code.

ARTICLE III DEFINITIONS (Continued)

Page 3-3a

3. Single Family Dwelling: A dwelling which is designed for and occupied by not more than One (1) family and containing a minimum of One Thousand (1000) sq. ft. of habitable floor area exclusive of porches, basements, or garages.

4. Two Family Dwelling: A structure on a single lot of record containing a maximum of Two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from an exterior wall to exterior wall, except for a common stairwell exterior to both units. Each unit shall contain a minimum of One Thousand (1000) sq. ft. of habitable floor area exclusive of porches, basements or garages.
5. Multi-Family Dwelling: A structure on a single lot of record containing no more than Four (4) dwelling units, each of which is totally separated from the others by an unpierced wall extending from an exterior wall to exterior wall, except for a common stairwell exterior to all dwelling units. Each unit shall contain a minimum of One Thousand (1000) square feet of habitable floor area exclusive of porches, basements or garages.

312 Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of gas, electrical, water or communication, supply distribution, service or disposal facilities, including poles, wires, mains, drains, pipes, signals or hydrants including any necessary structures or building reasonably required to assure the provision of adequate supplies of public facilities by the utility or branch of government.

313 Factory, Cheese: A facility of a clearly local nature for the processing of dairy products into cheese and related products.

314 Family: One or more persons occupying a single family dwelling as a single housekeeping unit under a common housekeeping management plan based on an internally structured relationship providing organization and stability.

315 Flood Plain Regional: That land inundated by the One Hundred (100) year flood (regional flood).

ARTICLE III DEFINITIONS (Continued)

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316 Flood Regional: Large floods which have previously or which may be expected to occur on a particular stream because of local physical characteristics.

317 Front Yard: See Yard.

318 Home Occupations: A home occupation is a business conducted in the ___ dwelling or existing garage of the owner of the residence. The home occupation shall be clearly incidental to the use of the dwelling and property as a residence, shall be limited to low intensity activities that generate a limited amount of additional vehicular traffic and shall not create noise or nuisance to neighboring property owners, nor alter the appearance of the neighborhood.

319 Lot: A parcel of land of sufficient size to meet minimum zoning requirements and to provide such yards and other open spaces as herein required.

1. Such lots shall have Two Hundred (200) ft. frontage on an improved road which is the mailing address and main access to the dwelling and may include:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record, or complete lots of record and portions of lots of record, or portions of lots of record.

2. Types of lots are:

- A. Corner Lot: A lot located at the intersection of Two (2) or more roads. A lot abutting on a current road or roads 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 and Thirty-Five (135) degrees.
- B. Interior Lot: A lot other than a corner lot.
- C. Reversed Corner Lot: A corner lot the side road line of which is substantially continuation of the front line of the lot to its rear.
- D. Through Lot: An interior lot having frontage on Two (2) or more roads.

320 Lot Area: The total area within the lot lines of a piece of property inclusive area in the road right of-way.

321 Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the Two (2) side lot lines.

322 Lot Lines: The lines bounding a lot as defined herein.

ARTICLE III DEFINITIONS (Continued)

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323 Lot Width: The horizontal distance between the side lot lines measured at right angles to the depth at edge of road right-of-way line.

324 Nonconforming Building: A building or a portion thereof lawfully existing at

the time of this Resolution is adopted which was designed, erected or structurally altered for a use that does not conform to the use Regulations of the district in which it is located.

- 325 Non-conforming Use: A use which lawfully occupied a building or land at the time of adoption of this Resolution and which does not conform with the Regulations of the District in which it is located.
- 326 Nuisance: A nuisance is anything which endangers life or health, gives offense to the senses, violates the laws of decency, or obstructs the reasonable and comfortable use of property. Any thing or act that causes injury to property of another or obstructs the reasonable use or enjoyment of such property or cause physical discomfort to such other person.
- 327 Occupation: A trade, profession or activity which engages one's time and provides any form of compensation.
- 328 Parcel: See Lot.
- 329 Planned Unit Development (PUD): A contiguous area of land in which a variety of housing types and clusters are accommodated in a pre-planned environment under more flexible standards such as lot sizes and set-backs, than those that normally apply under these regulations.
- 330 Professional Services: The use of office and related spaces for such services as, but not limited to, medical practitioners, veterinarians, lawyers, architects, dentists, engineers, etc.
- 331 Public Use: Public parks, schools and administrative, cultural and service buildings devoted solely to the storage and maintenance of equipment and material.
- 332 Recreational Facilities:
1. Commercial Recreational Facilities: Recreational facilities established for profit, such as, but not limited to, commercial golf courses, swimming pools, ice skating, riding stables, and race tracks.
 2. Noncommercial Recreational Facilities: Private and semi-private recreational facilities which are not operated for commercial gain, such as, but not limited to, country clubs, riding clubs, private golf courses, game preserves or community swimming pools. Noncommercial recreational facilities may be leased to outside groups or organizations provided the fees for such purposes is limited to incidental maintenance and custodial expenses.

ARTICLE III DEFINITIONS (Continued)

Page 3-6

- 333 Recreational Vehicle: A vehicular type portable structure without permanent foundation which can be towed, hauled or driven and primarily designed as temporary living accommodations for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.
- 334 Residential Enterprise: A business owned and conducted by the resident

on the same lot of record as the enterprise owner's principle residence.

A. Residential Enterprise shall be limited to low intensity activities that generate a limited amount of additional vehicular traffic and shall not create a nuisance to neighboring property owners, nor alter the appearance of the neighborhood. A Residential Enterprise shall require a Conditional Use Certificate.

335 Rezoning: An amendment to, or change in the Zoning Resolution. Rezoning can take Three (3) forms:

1. A comprehensive revision or modification of the Zoning text and map;
2. A text change in Zoning requirements;
3. A change in Zoning map

336 Roadside Stands: Small structures (a maximum of One Hundred (100) square feet) for the sale of agricultural and plant nursery products, a minimum of Fifty percent (50%) of the produce shall be raised on the premises.

337 Setback Line: A line established by zoning, platting or other legal authority on a lot of specified distance and parallel to the lot line to restrict the intrusions of buildings onto a lot line and providing free movement of air and adequate amounts of light.

338 Semi-Public Use: Churches and other places of worship, Sunday Schools, Parochial Schools, Colleges, Hospitals and other institutions of an educational, religious, charitable or philanthropic nature.

339 Site Built Store and Lock-Its: A building or group of buildings on a lot consisting of individual self-contained and fully enclosed units of various sizes for self-service storage of personal property.

340 Structure: Anything constructed or erected that requires location on the ground or is attached to something having location on the ground. Among other things, structures include signs, towers, poles and similar constructions.

341 Telecommunications: Technology permitting the passage of information from the sender to One (1) or more receivers in a useable form by means of an electromagnetic system and includes the term personal wireless services.

342 Telecommunications Tower: Any free-standing structure or any structure attached to a building or other structure that meets all of the criteria set forth in Ohio Revised Code 519.211 (B) (a-e) and this resolution.

ARTICLE III DEFINITIONS (Continued)

Page 3-7

343 Tower: A structure that is mounted in the ground or affixed to a building or other structure.

344 Variance: A variance is a relaxation of requirements where such variances will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this Resolution would result in unnecessary and undue hardship.

345 Wholesale: Selling in bulk for resale, or to a dealer or anyone for resale.

- 346 Wind Farm: Wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than Five (5) megawatts.
- 347 Wind Turbine: A structure designed and erected solely for the purpose of generating electrical current by means of a wind driven mechanism with associated facilities and single interconnection to the electrical grid.
- 348 Yard: An open space at grade between a building and the adjoining lot line, unoccupied and unobstructed by any portion of a structure from the ground upwards, except as otherwise provided herein:
1. Front Yard: A yard extending across the full width of the lot between the nearest rear main building and the front lot line; the depth of the required front yard shall be measured horizontally from the nearest point of the front lot line.
 2. Rear Yard: A yard extending across the full width of the lot between the nearest rear main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line, or to the center of an alley if one is present.
 3. Side Yard: A yard between a main building and the side lot lines extending from the front yard, or from the front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot lines towards the nearest point of the main building.

ARTICLE IV ZONING DISTRICTS

- 400 Farm Districts (F)
1. Uses Permitted: After obtaining valid Zoning Certificate
 - A. Agriculture
 - B. Single Family Dwelling
 - C. Roadside Stands
 - D. Accessory Uses
 - E. Essential Services
 - F. Semi-Public Uses
 - G. Firewood Sales
 - H. Veterinary Clinics
 - I. Manufactured Dwellings
 - J. Blacksmith and Welding Shops
 - K. Sawmills
 - L. Cheese Factories
 - M. Custom Butchering
 - N. Green Houses

 2. Conditional Uses: After Board of Zoning Appeals Approval
 - A. Public Uses
 - B. Hardship Manufactured Dwellings
 - C. Mineral Extraction, Storage or Processing
 - D. Cemeteries or Mortuaries
 - E. Nursing Homes
 - F. Noncommercial Recreational Facilities
 - G. Home Occupations
 - H. Residential Enterprise
 - I. Two Family Dwelling
 - J. Residential Wind Turbines

 3. Minimum Lot Area: Two (2) Acres (87120) square feet

 4. Minimum Lot Width: Two Hundred (200) feet

 5. Minimum Front Yard: Fifty (50) feet from the edge of the right of way

 6. Minimum Rear Yard: Forty (40) feet

 7. Minimum Side Yard: Fifteen (15) feet each side

 8. Minimum Lot Depth: Two Hundred (200) feet

 9. Maximum Building Height Thirty-five (35) feet

 10. Minimum Main Building Size: One Thousand (1,000) square feet

401 Residential District (R)

1. Uses Permitted: After obtaining a valid Zoning Certificate

- A. Agriculture
- B. Single Family Dwelling
- C. Roadside Stands
- D. Accessory Uses
- E. Public Uses
- F. Essential Services
- G. Manufactured Dwellings

2. Conditional Uses: After Board of Zoning Appeals Approval

- A. Two Family Dwelling
- B. Planned Unit Development
- C. Hardship Manufactured Dwellings
- D. Semi-Public Uses
- E. Home Occupations
- F. Residential Enterprise
- G. Residential Wind Turbines

3. Minimum Lot Area: Two (2) Acres (87120) square feet

4. Minimum Lot Width: Two Hundred (200) feet

5. Minimum Front Yard: Fifty (50) feet from the edge of the right of way

6. Minimum Rear Yard: Thirty (30) feet

7. Minimum Side Yard: Fifteen (15) feet each side

8. Minimum Lot Depth: One Hundred and Twenty-five (125) feet

9. Maximum Building Height: Thirty-five (35) feet

10. Minimum Main Building Size: One Thousand (1,000) square feet

ARTICLE IV ZONING DISTRICTS (Continued)

402 Blank

403 Commercial District (C)

1. Permitted Uses: After obtaining a valid Zoning Certificate

- A. Agriculture
- B. Single Family Dwelling
- C. Public Uses
- D. Semi-Public Uses
- E. Essential Services

2. Conditional Uses: After Board of Zoning Appeals Approval

- A. Planned Unit Development
- B. Telecommunication Towers
- C. Commercial and Noncommercial Recreational Facilities
- D. Cemeteries and Mortuaries
- E. Hardship Manufactured Dwellings
- F. Sexually Oriented Business
- G. Home Occupations
- H. Site Built Store and Lock-its
- I. Residential Enterprise
- J. Business
- K. Two Family Dwelling
- L. Multi-Family Dwelling
- M. Residential Wind Turbines
- N. Commercial Wind Turbines
- O. Small Wind Farms

3. Minimum Lot Area: Two (2) Acres (87120) square feet

4. Minimum Lot Width: Two Hundred (200) feet

5. Minimum Front Yard: Fifty (50) feet from the edge of the right of way

6. Minimum Rear Yard: Twenty (20) feet

7. Minimum Side Yard: Fifteen (15) feet each side

8. Minimum Lot Depth: One Hundred and Twenty-five (125) feet

9. Maximum Building Height: Forty-five (45) feet

10. Minimum Main Building Size: One Thousand (1,000) square feet

404 Industrial District (I)

1. Uses Permitted: After obtaining a valid Zoning Certificate

- A. Agriculture
- B. Roadside Stands
- C. Accessory Uses
- D. Public Uses
- E. Semi-Public Uses
- F. Essential Services

2. Conditional Uses: After Board of Zoning Appeals Approval

- A. Mineral Extraction, Storage or Processing
- B. Telecommunications Towers
- C. Sexually Oriented Businesses
- D. Site Built Store and Lock-its
- E. Residential Enterprise
- F. Business
- G. Multi-Family Dwellings
- H. Residential Wind Turbines
- I. Commercial Wind Turbines
- J. Small Wind Farms

3. Minimum Lot Area: Two (2) Acres (87120) square feet

4. Minimum Lot Width: Two Hundred (200) feet

5. Minimum Front Yard: Eighty (80) feet from the edge of the right of way

6. Minimum Rear Yard: Twenty (20) feet except adjacent to Residential District where Fifty (50) feet is required

7. Minimum Side Yard: Twenty-five (25) feet each side except adjacent to Residential District where Fifty (50) feet is required

8. Minimum Lot Depth: One Hundred and Twenty-five (125) feet

9. Maximum Building Height: Thirty-five (35) feet

500 Temporary Structures

Temporary Structures for human habitation may be permitted during construction or reconstruction of a residence. Such temporary structure shall be used only after approval by the Health Department for the sewage system and water supply. A certificate for the location of said temporary structure shall not be required. All temporary structures shall be inspected after Six (6) months. In no case shall a temporary structure be used for more than One (1) year.

501 Deteriorated or Abandoned Structures

Deteriorated or abandoned structures such as dwellings, barns silos, sheds, oil storage tanks or other structures in a similar condition, which create potential health hazards, shall be demolished and removed. Any of the above structures, destroyed by fire or other causes, must be demolished and the debris removed before a Zoning Certificate shall be issued, or within Ninety (90) days, whichever comes first.

502 Junk

1. Junk such as abandoned vehicles, household appliances, farm equipment or other similar articles that are not in operating condition or licensed as required by State Law or are creating a health or safety hazard shall be removed from the view of the public right-of-way.

2. Any articles covered by this section and found to be creating a Health or Safety hazard, shall be eliminated.

3. Junk yards, automobile grave yards or disassembly plants are specifically prohibited.

4. No more than Two (2) unlicensed or inoperable motor vehicles shall be permitted on a lot of record unless stored in a completely enclosed solid structure.

503 Mineral Extraction. Storage and Processing

1. Mineral extraction and related activities shall occur where permitted by these regulations and only after a valid Zoning Certificate has been obtained.

2. Mineral Extraction and related activities shall occur no closer than Five Hundred (500) feet from any structure intended for human occupancy.

3. The operator of any facility used for mineral extraction shall submit to the Zoning Inspector a map showing the areas to be mined and identifying adjacent property owners, roads, natural features and any additional information deemed necessary by the Inspector.

4. The operator of any facility used for mineral extraction shall submit to the Zoning Inspector a plan outlining how the area shall be reclaimed. The plan shall include the anticipated future use of the property, the final topography indicated by contour lines of intervals of not more than Five (5) feet, the type of trees and shrubs, and number per acre, type and quality of grass to be spread, location of roads, location of proposed drainage courses, plus any information deemed necessary by the Zoning Inspector.

503 Mineral Extraction. Storage and Processing (continued)

5. In most cases a performance bond payable to the County Commissioners shall be filed by the operator. This bond shall be held to guarantee satisfactory compliance by the operator with the requirements of these Regulations. The rate per acre of property to be mined shall be fixed by the County Commissioners. The rate shall be fixed to equal the expected costs of reclamation. Said bond shall be fixed to equal the total expected costs of reclamation. Said bond shall be released by the County Commissioners upon written certification of a compliance with these Regulations and satisfactory completion of the restoration plan.
6. These Regulations do not apply to oil or gas wells.

504 Accessory Buildings

1. Accessory buildings shall be located in the side or rear yard.
2. Accessory buildings shall be no closer than Ten (10) feet of any property line.
3. Accessory buildings shall not occupy more than Twenty Five percent (25%) of the required rear yard.

505 Yard Requirements

1. Interior lots having frontage on two roads shall provide the required front yard on both roads.
2. In the case of corner lots used for residential purposes, the required front yard shall be provided for along both right-of-ways.
3. In situations where Forty percent (40%) or more of the frontage on the same side of a road between Two (2) intersecting roads is developed with new structures, new buildings shall be erected no closer or farther from the right-of-way than the average distance as established by existing buildings.

506 Home Occupation

1. All Home Occupations are conditional uses and require approval by the Milton Township Board of Zoning Appeals.
2. A Home Occupation must be located entirely within the main dwelling and/or garage of the owner of the Home Occupation and shall be a use clearly incidental to the use of the dwelling as a residence.
3. A Home Occupation shall be limited to low intensity activities, be inconspicuous and not alter the appearance of the neighborhood.
4. A Home Occupation shall generate a limited amount of additional vehicular traffic and shall not create noise or nuisance to neighboring property owners.
5. No accessory building, or other structures located either on the same parcel or on another parcel, may be used for activities related to the Home Occupation.
6. The Home Occupation shall occupy not more than Three Hundred (300) square feet.
7. Only full time live-in residents in which the Home Occupation is located shall be employed by the Home Occupation, whether compensated or not.
8. Signs advertising the Home Occupation are not to exceed Six (6) square feet and shall not be closer than Fifteen (15) feet from the right of way and shall be kept in good repair.
9. A Home Occupation shall have adequate turn around space must be provided so as to eliminate vehicles from backing out on to a main thoroughfare.
10. Creating additional parking to be used principally by the Home Occupation is prohibited
11. Separate sanitation facilities shall not be installed in a building or located on the site for use by the Home Occupation.
12. All equipment and supplies must be stored inside the dwelling or garage.
13. Wholesaling is specifically prohibited as a Home Occupation.
14. A Zoning Certificate is required to conduct a Home Occupation.

15. The Home Occupation shall be subject to an inspection by the Zoning Inspector a minimum of once a year to ensure compliance with the approved Zoning Certificate.

ARTICLE V SUPPLEMENTAL REGULATIONS (Continued)

Page 5-3

507 Procedures Upon Discovery of Violations

1. Written Notice, Zoning Citation, and/or Stop Work Order

The Zoning Inspector may serve a Written Notice, Zoning Citation, and/or Stop Work Order to the persons responsible for any violation of this resolution. The Written Notice, Zoning Citation, and/or Stop Work Order shall indicate: (a) the nature of the violations; (b) the actions necessary to correct the violations; (c) the time period allowed for correction; and (d) shall advise that the Zoning Inspector's decision or order may be appealed to the Board of Zoning Appeals in accordance with the other provisions of this Resolution governing appeals filed with the Board of Zoning Appeals. Additional Written Notices, Zoning Citations, and/or Stop Work Orders may be issued at the Zoning Inspector's discretion,

2. Correction Period

A Written Notice, Zoning Citation, and/or Stop Work Order issued by the Zoning Inspector shall state the time period allowed for correction. Correction shall be made within a reasonable period of time, reasonable for the degree and type of violation, at the discretion of the Zoning Inspector, but not to exceed Thirty (30) days after receipt of a written notice of said violation by the owner of the property. Any violation not corrected by the allowed period of correction set by the Zoning Inspector shall be reported to the Township Trustees.

3. Emergency Correction or Enforcement

Notwithstanding the foregoing, in cases of a repeat violation by the same person or on the same parcel, or when delay would pose an immediate or serious danger to the public health or safety, the Zoning Inspector may demand immediate correction of the violation and may seek immediate enforcement of this resolution by invoking any of the remedies authorized by Article VI of this resolution or by the general laws of the State of Ohio including, without limitation, any actions which the Zoning Inspector is authorized to take by the Board of Trustees under Ohio Revised Code 519.24 and/or 519.99.

ARTICLE V SUPPLEMENTAL REGULATIONS (Continued)

Page 5-4

508 Planned Unit Development

1. All planned unit developments shall be subjected to the following rules, regulations, criteria and standards.
2. The requirements required to obtain a Conditional Use Certificate shall be followed.
3. Planned Unit Developments shall only be permitted in Districts identified for such uses in these Regulations.
4. All applicable State and Local Regulations shall be followed during the planning, design, construction and occupation of a Planned Unit Development.
5. The Board of Zoning Appeals shall consider the following points when making their decision:
 - A. Different types of living environments are available by offering a variety of housing and building types and by permitting an increased density of housing units per acre through

a reduction in lot dimensions, yard, setbacks, and area requirements.

- B. A well thought out pattern of open space and recreation areas convenient to accessory uses and dwellings included.
- C. A development pattern that preserves the natural topography, geological features and vegetation without disrupting natural drainage features.
- D. That a more efficient use of land is achieved in saving through a shorter road and utility lines.
- E. A development pattern consistent with the land use density transportation facilities and community facilities objectives.
- F. That the Planned Unit Development does not adversely affect the neighboring land uses.

ARTICLE V SUPPLEMENTAL REGULATIONS (Continued)

Page 5-5

509 Keeping of Animals, Fowl or Bees

1. Not more than one of the following: Cows, Horses, Swine, Sheep or Goats shall be raised on lots of less than One and One half (1-1/2) acres.
2. Chickens, Fowl or Rabbits shall not be kept on lots of less than Twenty Thousand (20,000) square feet. All animals shall be provided with suitable shelters to avoid disturbing neighbors.
3. Colonies of Bees shall not be located on lots of less than Twenty Thousand (20,000) square feet. A minimum of One Thousand (1,000) square feet shall be required for each colony.
4. Animal runs, barns, pens, shelters or colonies shall be no closer than One Hundred and

Fifty (150) feet to the front of the property line nor closer than Fifty (50) feet to any other property line or dwelling.

5. All health and sanitation requirements of the State or County shall be followed.

510 Public Nuisances and Hazards

No land, building or vehicle shall be used or occupied so as to be a nuisance or hazard to adjoining property owners or adversely affect neighboring areas. All noxious or hazardous substances shall be stored, transported or used and disposed of in such a way so as to not be a hazard to adjoining property owners and uses. Adequate precautions shall be taken to insure the safety of adjoining property owners. (Reference Ohio Revised Code 505.86 and Ohio Revised Code 505.87)

511 Flood Hazard Areas

1. Structures and land uses located in the Regional Flood Plain shall be subject to the following requirements:

A. The-Zoning Classification of the property shall apply to areas in the flood plain.

B. Only those uses listed for that Zoning District shall occur in Flood Hazard Areas.

2. Permitted Uses:

A. Farm District (F): Agriculture Uses, all (except Residences); Residential Uses, lawns, gardens and recreational areas.

lawns,

B. Residential District (R): Agriculture Uses, all (except Residences); Residential Uses, gardens and recreational areas. .

lawns,

C. Commercial District (C): Agriculture Uses, all (except Residences); Residential Uses, gardens and recreational areas, Commercial uses, loading, parking or storage areas for items not subject to flood damage or easily moved.

areas;

D. Industrial District (I): Agriculture uses, all; Commercial uses, loading, parking or storage areas; Industrial uses, parking or load areas, storage areas for items not subject to flood damage or easily moved.

water

3. Utility facilities such as dams, power plants, flowage areas, transmission lines, pipelines, monitoring devices or dikes or earthen structures are also permitted.

4. Structures located in the regional flood plain shall not be used for human habitation.

5. Hazardous or toxic substances shall not be stored in flood prone areas.

512 Signs

1. All signs located in Milton Township shall follow the requirements of these Regulations.
2. The following signs shall be permitted in any district. No Zoning Certificate shall be required for:
 - A. Real Estate or rental or sale signs of less than Thirty (30) square feet.
 - B. Signs advertising Home Occupation or Residential Enterprise of not more than Six (6) square feet and not closer than Fifteen (15) feet from the right of way.
 - C. Signs listing the name and address of occupants of a structure not exceeding Four (4) square feet.
 - D. Signs or bulletin boards related to places of worship, public buildings or social clubs or societies not exceeding Forty (40) square feet.
 - E. Entrance, exit or directional signs.
 - F. Temporary signs advertising special events or the construction of buildings or similar purpose, such signs shall be removed within Two (2) weeks of the completion of the advertised activity.
 - G. Political signs not exceeding Four (4) square feet, these signs must be removed within Two (2) weeks after the election.
 - H. Signs erected by governmental agencies.
 - I. Signs on the premises of commercial or industrial businesses provided the edge of such signs shall not be closer than Fifteen (15) feet from the right of way.
 - J. Signs advertising roadside stands not exceeding Four (4) square feet.
 - K. Signs advertising farms.

3. Zoning Certificates shall be required for the following types of signs:

- A. Outdoor signs advertising signs not located on the premises of the establishment advertised.
- B. Such signs shall be set back from the edge of the right of way as required by the following table:

<u>Size</u>	<u>Setback</u>
less than or equal to 10 sq. ft.	10 feet
11 to 30 square feet	20 feet
31 to 50 square feet	30 feet
51 square feet or greater	50 feet

following

size of

- C. Signs shall be separated from each other a minimum of Ten (10) times the average size of the signs; signs shall not be less than One Hundred (100) feet apart.
- D. Signs shall not be located less than One Hundred (100) feet to a residence structure.
- E. No sign shall be greater the One Hundred (100) square feet in total surface per side.
- F. Signs adjacent to interstate highways shall be governed by applicable State

Regulations.

4. The following types of signs are prohibited:

- A. Signs attached to or painted on trees, rocks or natural features.
- B. Flashing or illuminated signs that distract drivers.
- C. Signs that resemble devices erected under governmental authority.
- D. Signs located in dedicated right-of-ways.
- E. Signs deemed to be unsafe or a public hazard.

5. When the Regulations conflict with applicable State Requirements, said State Requirements shall apply.

513 Nonconforming Building Uses

208 Any lawful uses of buildings or land existing at the time of the adoption of this Resolution may continue, even though such use does not conform to the District requirements.

209 A nonconforming structure or use may be enlarged a maximum of Twenty percent (20%) of the original floor or ground area provided that all other requirements concerning setback and lot area are met.

210 Whenever a building or land use becomes nonconforming through an amendment to this Resolution or to the Zoning Map, such use may continue.

211 Any nonconforming use that is discontinued for a period of Two (2) or more years shall not again be started except in total conformation with these Regulations.

212 Any structure under construction at the time of adoption of these Regulations designed for a conforming use may be used for its intended purpose.

213 A nonconforming building or structure damaged by fire, explosion, act of nature or a public enemy to the extent that up to Seventy-Five percent (75%) of the structure must be replaced, may be restored to the same use within Twelve (12) months provided all reconstruction portions of the structure conform to the requirements of these Regulations.

514 Sawmills

An accessory use clearly incidental and secondary to the primary use of the property. The structure containing the sawmill shall not be closer than Three Hundred (300) feet to any residence on an adjacent parcel of property. Measures shall be taken to reduce the amount of noise generated by using whatever means are reasonable. Lumber sales shall be an incidental part of the business conducted when compared to custom cutting of logs for individuals.

ARTICLE V SUPPLEMENTAL REGULATIONS (Continued)

Page 5-7

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516 Manufactured Dwellings

1. All manufactured dwellings shall conform to all the criteria in Article III, Section 311.
2. All tongues, axles and hitches shall be removed.
3. The manufactured dwelling shall be taxed as real property.
4. The manufactured dwelling must be permanently installed to meet the manufacturer's installation requirements as well as applicable state and county building regulations.
5. The manufactured dwelling shall conform to all residential district regulations for the district in which it is located.

517 Hardship Manufactured Dwellings

This is a conditional use and must be granted by the Board of Zoning Appeals for the location of a manufactured home on the same lot as a residence in cases of extreme hardship. In such cases the following conditions shall apply:

1. An Application is submitted to the Board of Zoning Appeals. With the application shall be an explanation of the reason for the request including evidence that:
 - A. The occupant is infirm and unable to adequately and safely care for their own welfare.
Examples
are legally blind, deaf, physically impaired and mentally incapacitated.
 - B. The occupant is recuperating from a serious operation, accident, or illness and that constant
care and immediate assistance is at hand.
 - C. The occupant is not seasonal, migrant, temporary or other type of worker or guest of the
dwelling it is associated with.
2. Said Manufactured home shall be occupied only by a member of the immediate family of a resident of the main dwelling. For the purposes of this section, immediate family is defined as mother, father, step-mother, step-father, brother, sister, grandmother, grandfather, great grandmother, great grandfather, foster brother, foster sister, step-brother, step-sister.
3. The Zoning Certificate for the Manufactured dwelling shall be reviewed every Six (6) months after an inspection by the Zoning Inspector.
4. The siting of the Manufactured dwelling is approved by the Ashland City-County Board of Health certifying the adequacy of the septic system and water supply. Documentation should accompany the application.
5. Evidence must be provided of an adequate safe electrical supply.
6. When the hardship no longer exists, either through recovery, institutionalization or death, the manufactured dwelling shall be removed within Sixty (60) days.

7. Rental payments for the use of the manufactured dwelling or land on which it rests are prohibited.
8. The restrictions of Section 516 are hereby suspended for Hardship manufactured dwellings, however, said manufactured dwelling shall be completely skirted and adequate steps shall be provided at all entrances and exits.
9. A plot map showing distances between all buildings and property lines and set back and proposed location of the independent manufactured dwelling.
10. Minimum distance between any building and the independent manufactured dwelling shall be Twenty (20) feet. Independent manufactured housing must comply with minimum set back regulations.

ARTICLE V SUPPLEMENTAL REGULATIONS (Continued)

Page 5-9

- 518 Custom Butchering
Custom Butchering, as defined, shall be permitted in those Districts identified in these Regulations. A facility used for Custom Butchering shall be located no closer than Two hundred (200) feet from the residence of an adjacent property owner. No wholesale or retail trade shall be associated with the facility. The Ashland City-County Board of Health shall certify the adequacy of sanitary measures to dispose of animal waste and byproducts before the facility is occupied. Provisions for pasturage or long term care of animals to be slaughtered shall be prohibited.
- 519 Blacksmith and Welding Shops
An accessory use clearly incidental and secondary to the primary use of the property. These uses shall be conducted in such a way so as not to interfere with the main use of the property as a farm or residence.
- 520 Swimming Pools
All in ground swimming pools shall be surrounded by a minimum Five (5) foot high fence. No opening in said fence, other than those intended to provide access, shall be more than Five (5) inches across at its widest point to inhibit hands, arms, heads, legs, or feet from becoming stuck in the fence. All gates or access points shall be constructed so that they can be locked or otherwise secured to prohibit unauthorized access. A Zoning Certificate required.
- 521 Greenhouses
Greenhouses may be permitted in those Districts identified in Article IV of these regulations. At least Fifty percent (50%) of all merchandise sold shall be grown on the premises.
- 522 Kennels
An accessory use of a veterinary clinic. Said accessory use shall be clearly incidental to the

main use of the facility as a clinic. Measures shall be taken to keep noise levels at a minimum so as to not disturb neighboring property owners. Facilities shall be limited to the boarding of a total of Ten (10) dogs or cats or any combination of the Two (2) species.

ARTICLE V SUPPLEMENTAL REGULATIONS (Continued)

Page 5-10

523 Recreational Vehicles

1. Recreational Vehicles may be occupied by visitors to the owners of a parcel of property in Milton Township for not more than Fourteen (14) days total in any Ninety (90) day period.
2. The Recreational Vehicle shall not be connected to the property owner's water supply system or to the property owner's septic system.
3. In no case shall a Recreational Vehicle be used either by the property owner or by a visitor of the property owner as a substitute for, or as, an alternative to a dwelling.

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526 Sexually Oriented Businesses

1. As used in this section the following definitions shall apply:
- A. "Sexually oriented businesses" means an adult arcade, adult bookstore or adult video

store,

adult cabaret, adult motion picture theater, or adult theater.

- B. Adult business would be defined as one selling or renting "X" rated books, photos, magazines, videos, movies, paraphernalia or instruments designed for use in connection with "specified sexual activities." It would also be any business where nude or partially nude persons are employed or used in the operation of the business.

2. Only within the Commercial District (C) and with Industrial District (I) shall sexually oriented businesses be permitted and only if the Zoning Inspector has determined that each of the following conditions have been met:

A. That the parcel of land upon which the sexually oriented business is located is a minimum of Five Hundred (500) feet from the nearest parcel of land containing a school, church or residence.

B. That the parcel of land upon which the sexually oriented business is located is a minimum of Five Hundred (500) feet from any other parcel of land containing a sexually oriented business.

3. All sexually oriented businesses are a Conditional Use and requires approval by the Milton Township Board of Zoning Appeals.

ARTICLE V SUPPLEMENTAL REGULATIONS (Continued)

Page 5-11

527 Telecommunication Towers

Restrictions for a telecommunication tower conditional use certificate are:
(Farm (F), Commercial (C) and Industrial (I) Districts)

1. An area of a minimum of Two Hundred Twenty-Five (225) square feet shall be enclosed by a security fence at least Eight (8) feet high. No guy wires shall be less than Seven (7) feet from the top of the security fence.
2. Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who supply service within a Three quarter (3/4) mile area of the proposed facility. The applicant shall inquire about potential co-location opportunities at

all

technically feasible locations.

3. The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

4. All providers utilizing towers shall present a report to the Township Trustees notifying them of any tower facility located in the township whose use will be discontinued and the date of this use will cease. If at any time the use of the facility is discontinued for One Hundred Eighty (180) days, Township Trustees may declare the facility abandoned. The facility's owner/operator will receive written notice from the Township to either reactivate the facility within One Hundred Eighty (180) days or dismantle and remove the facility. Should the Township be required to remove the tower or contract to have the tower removed, the owner will indemnify the Township for all costs.

5. No tower less than One Hundred Fifty (150) feet shall be artificially lighted except to assure safety or as required by the Federal Aviation Administration. Security lighting around the equipment shelter is permitted.

6. "No Trespassing" signs shall be posted around the facility with a name, address and a telephone number of whom to contact in the event of an emergency.

7. A tower should have a maximum height of Five Hundred (500) feet. The tower must be located at least One and One-half (1 1/2) times the height of the tower from any buildings, property lines, or public right of ways. The tower shall be a minimum of Five Hundred (500) feet from any residence.

8. The property shall be neatly maintained and not used for storage.

9. The driveway to the site shall be a minimum of Ten (10) feet in width and shall be setback a minimum of Ten (10) feet from the nearest side or rear lot line. There shall be a minimum of One (1) off-road parking space on the site. Entrance should be through a gate that is locked at all times.

10. The tower owner shall indemnify any affected party (s) for damages caused by the structure.

11. The tower owner shall not present a nuisance as stipulated in #510.

527 Telecommunications Towers (continued)

12. No land, building or tower shall be used or occupied so as to be a hazard to adjoining property owners or adversely affect neighboring areas. All noxious or hazardous substances shall be stored, transported or used and disposed of in a such a way as to not be a hazard to adjoining property owners and uses. Adequate precautions shall be taken to ensure the safety of adjoining property owners.

13. Broadcast towers are exempted from township regulation as stipulated in the Ohio Revised Code 519-211._

528 Residential Enterprise - Supplemental Regulations

1. All Residential Enterprises are a conditional use for a specific business. Conditional use applications must be filed by the property owner. In the case where the property becomes a rental, the owner of the property and the owner of the business, who is the renter, must apply jointly.
2. The owner of the Residential Enterprise must live on the same lot of record as the enterprise. One or more resident (s) shall work at the enterprise. A maximum of Two (2) non-residents may be employed by that enterprise.
3. The Residential Enterprise shall be a use that is secondary to the use of the property as a residence.
4. The enterprise may operate in a garage or an accessory building providing the total enterprise does not exceed a maximum of One Thousand Five Hundred (1,500) square feet per lot of record.
5. A Residential Enterprise is permitted only after the property owners and Residential Enterprise owner obtain a valid Conditional Use Certificate for the enterprise. The Certificate is non-transferable.
6. The Residential Enterprise shall be subject to an inspection by the Zoning Inspector a minimum of once a year to ensure compliance with the approved Certificate.
7. A Residential Enterprise shall be limited to low-intensity activities.
8. The Residential Enterprise shall not create noise or nuisance to neighboring property owners, nor alter the appearance of the neighborhood.
9. A sign advertising the Residential Enterprise shall not exceed Six (6) square feet and shall not be closer than Fifteen (15) feet from the right of way and shall be kept in good repair.
10. Parking specifically for the Residential Enterprise shall be limited to a maximum of Six (6) spaces. Each parking space not to exceed Two Hundred (200) square feet.

11. Adequate turn around space must be provided so as to eliminate vehicles from backing out on to a main thoroughfare.
12. All equipment and supplies must be capable of being stored within a total of One Thousand Five Hundred (1,500) square feet inside or outside the garage or accessory building.

ARTICLE V SUPPLEMENTAL REGULATIONS (Continued)

Page 5-13

529 Wind Turbines

1. All Wind Turbines: Wind Turbines are a Conditional Use in all districts.

- A. The structure must set on a concrete base.
- B. The maximum rotor diameter shall be Twenty-Two (22) feet.
- C. The structure must be safeguarded by a fence a minimum of Five (5) feet high. No opening in said fence, other than those intended to provide access, shall be more than Five (5) inches across at its widest point to inhibit hands, arms, heads, legs, or feet from becoming stuck in the fence. All gates or access points shall be constructed so that they can be locked or otherwise secured to prohibit unauthorized access. The dimensions of the fenced in area shall extend from the center of the structure One and One Half (1 ½) times the total length of the longest rotor in all directions.
- D. The structure and associated facilities must comply with manufacturer and dealer specifications and Public Utilities Commission of Ohio guidelines.
- E. Setbacks for the system tower shall be no closer to the property line than the height of the system and no part of the system, including guy wire anchors, may extend closer than Ten (10) feet to the property boundary. Additionally, the outer and innermost guy wires must be marked and clearly visible to a height of Six (6) feet above the guy wire anchors.
- F. Zoning Certificate Application for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code. Additionally, evidence must be provided that the utility company servicing the site has been informed of a customer's intent to install an interconnected customer owned generator.
- G. The tower shall be a non-contrasting gray or similar color minimizing its visibility, unless, otherwise required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
- H. All providers utilizing towers shall present a report to the Township Trustees notifying them of any tower facility located in the township whose use will be discontinued and

the

date this use will cease. If at any time the use of the facility is discontinued for One Hundred Eighty (180) days, the Township Trustees may declare the facility abandoned. The facility's owner/operator will receive written notice from the Township to either reactivate the facility within One Hundred Eighty (180) days or dismantle and remove

the

facility. Should the Township be required to remove the tower or contract to have it removed, the owner will indemnify the Township for all costs.

- I. No tower less than One Hundred Fifty (150) feet shall be artificially lighted except to assure safety or as required by the Federal Aviation Association (FAA). Security lighting around the equipment shelter is permitted.
- J. "No Trespassing" signs shall be posted around the facility with a name, address and a telephone number of whom to contact in the event of an emergency.
- K. The property shall be neatly maintained.
- L. The driveway to the site shall be a minimum of Ten (10) feet in width and shall be

setback

a minimum of Ten (10) feet from the nearest side or rear lot line. There shall be a minimum of One (1) off road parking space on the site. Entrance shall be through a

gate

that is locked when the site is unoccupied.

- M. The tower should be constructed in such a manner as to minimize risk to surrounding property. The tower owner shall indemnify any affected party (s) for damages caused by the structure.
- N. The structure shall not present a nuisance as stipulated in #510.

ARTICLE V SUPPLEMENTAL REGULATIONS (Continued)

529 Wind Turbines – (continued)

2. Residential Wind Turbines: Residential Wind Turbines are a Conditional Use in all districts.

- A. The maximum height including rotor shall be One Hundred (100) feet.
- B. The maximum sound levels for the system shall be no more than Thirty (30) decibels above ambient at the property line.
- C. The current generated shall be solely for the use of the facilities on the parcel on which it is located with any excess transferred to the power utility under Public Utilities Commission of Ohio guidelines.
- D. Each residence shall be limited to One (1) turbine capable of producing up to a maximum of 4.99 megawatts.

Commercial Wind Turbines: Commercial Wind Turbines are a Conditional Use in Commercial (C) and Industrial (I) Districts.

- A. The maximum height including rotor shall be One Hundred Fifty (150) feet.
- B. The maximum sound level for the system shall be not more than Forty (40) decibels above ambient at the property line.
- C. The current generated shall be for the commercial or industrial business located on the same parcel as the turbine or may be sold to the power utility under Public Utilities Commission of Ohio guidelines.

D. Each commercial/industrial business shall be limited to One (1) turbine capable of producing up to a maximum of 4.99 megawatts.

3. Small Wind Farms: Small Wind Farms are a Conditional use in Commercial (C) and Industrial (I) Districts.

A. Each small wind farm shall be limited to Five (5) commercial wind turbines capable of producing up to a maximum of 4.99 megawatts.

B. The parcels shall be adjacent if located on more than One (1) parcel.

C. The maximum sound level for the system shall be no more than Fifty (50) decibels above

ambient at the property lines of non-participating parcels.

D. The current generated shall be solely for the commercial or industrial business located on the same or adjacent parcel or may be sold to the power utility under Public Utilities Commission of Ohio guidelines.

600 Zoning Certificates

1. A Zoning Certificate shall be obtained for the following:
 - A. Establishing or changing any use of land
 - B. Locating, erecting, constructing or reconstructing (with alteration of square footage) any structure
 - C. Enlarging or structurally altering any building or structure within Milton Township (see Article III)
 - D. All dwellings
 - E. All principal structures and uses
 - F. All accessory structures and uses
 - G. All temporary uses unless otherwise specified
 - H. Establishing a new business or changing a previous existing business
 - I. Re-establishing a business that has been dormant for Two (2) or more years
2. A Zoning Certificate shall be issued when the plans for the proposed building or structure or use of land fully comply with the provisions of this Resolution, or when the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, a variance, or conditional use.
3. A Zoning Certificate shall not be required for the following:
 - A. Use of land for agricultural purposes or buildings or structures exclusively used for agricultural purposes
 - B. Structures, not including buildings, required in the provision of essential services (see Article III)
 - C. Portable structures less than One Hundred Fifty (150) square feet
 - D. Occasional use businesses that are exempted from Ohio State sales tax requirements
 - E. Overnight parking of a work vehicle used for commuting if the vehicle has Six (6) or less wheels
 - F. Businesses conducted entirely inside a residence, garage, or accessory building, with no outside signs, and which will not create customer or supplier traffic.

601 Application for Zoning Certificate

The application for a Zoning Certificate shall be made on forms supplied by the township attesting to the fact that all information contained in the application is true and accurate. The application, together with a fee established by the Board of Township Trustees, shall be submitted to the Zoning Inspector for review and action. All fees collected must be turned in by the Zoning Inspector to the Township Fiscal Officer within Thirty (30) days.

Documentation shall be provided that the appropriate governmental agency has approved the proposed sewage treatment facility to serve the proposed use on the lot.

602 Approval of a Zoning Certificate

Within Thirty (30) days of the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. All Zoning Certificates shall, however, be conditional upon the commencement of work within One (1) year. One (1) copy of the plans and application shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to the same by his/her signature on such copy. One (1) copy of said 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.

603 Submission to the Director of Transportation

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

604 Expiration of a Zoning Certificate

If the work described in any Zoning Certificate has not begun within One (1) year from the date of issuance thereof, said certificate shall expire; it shall be revoked by the Zoning Inspector, and written notice therefore shall be given to the persons affected. If the work described in any Zoning Certificate has not been substantially completed within Two and One Half (2 1/2) years of the date of issuance thereof, said Zoning Certificate shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled certificate shall not proceed unless and until a new Zoning Certificate has been obtained or an extension granted.

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607 Record of Zoning Certificates

The Zoning Inspector shall maintain a record of all Zoning Certificates. These records shall be open for review by the public upon request.

608 Failure to Obtain a Zoning Certificate

Failure to obtain a Zoning Certificate shall be a violation of this Resolution and punishable under Section 611 of this Resolution.

609 Construction and Use to be as provided in Applications, Plans and Certificates

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 thereto, and no other use, arrangement or construction. Use, arrangement or construction contrary to that authorized shall be deemed a violation of this Resolution, and punishable as provided in Section 611 of this Resolution.

610 Complaints Regarding Violations

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

611 Penalties for Violation

Violation of the provisions of this Resolution or failure to comply with any of its requirements, including violations of conditions and safeguards, as established in various sections of this Resolution, shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than One Hundred Dollars (\$100) or imprisoned for not more than Thirty (30) days, or both, 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 each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation.

612 Schedule of Fees, Charges and Expenses

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

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614 Zoning Certificate Requirements

Applicants, who fail to obtain Zoning Certificates or fail to follow proper procedure, shall be charged double the required Zoning Certificate fee.

615 Remedy for Nuisances

The Board of Township Trustees may provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the township, if the Board determines that the owner's maintenance of such vegetation, garbage, refuse, and other debris constitutes a nuisance.

MILTON TOWNSHIP ZONING RESOLUTION

ARTICLE VII ADMINISTRATION

Page 7-1

700 Office of the Zoning Inspector Created

A Zoning Inspector appointed by the Board of Township Trustees shall administer and enforce this Resolution. He/she may be provided with the assistance of such other persons as the Board of Township Trustees may direct. The Township Zoning Inspector, before entering upon his/her duties, shall give bond as specified in Section 519.161 of the Ohio Revised Code.

701 Duties of the Zoning Inspector

It shall be the duty of the Zoning Inspector, an appointee of the Board of Township Trustees, to do the following within such monetary authority and policy guidelines as may be established by the Board of Township Trustees:

1. Enforce this Resolution.
2. Receive, review and approve or deny applications for Zoning Certificates.
3. Receive, review, and approve or deny all applicable subdivision plat and lot splits which are submitted to the Ashland County Planning Commission in order to determine if the plat or lot split conforms to all applicable provisions of this Resolution.
4. A. Receive and review applications for appeals, conditional use and variance submitted in proper form with corresponding fees.
B. Forward corresponding fees with explanation of application to Township Fiscal Officer Within Thirty (30) days of receipt.
C. Forward applications to the designated agent of the Board of Zoning Appeals within Three (3) business days.
5. A. Receive and review applications for a change of zoning submitted in proper form with corresponding fees.
B. Forward corresponding fees with explanation of application to Township Fiscal Officer within Thirty (30) days of receipt.
C. Forward applications to designated agent of the Zoning Commission within Three (3) business days.
6. Perform on-site inspections.
7. Investigate violations of this Resolution and, where appropriate, issue such Written Notices, Zoning Citations, and/or Stop Work Orders as may be deemed necessary by the Zoning Inspector to prevent and/or stop violations, and administer the provisions of this Resolution.
8. Maintain records of zoning activity including Zoning Certificates, variances, conditional uses, and non-conforming uses.
9. Provide monthly reports of zoning activities and inspections to the Board of Trustees, the Zoning Commission and the Board of Zoning Appeals.

The Zoning Inspector, and any other departments, officials, and public employees of Milton Township, vested with the duty or authority to issue Zoning Certificates, shall conform to the provisions of this Resolution and shall issue no Zoning Certificate for any use, building or purpose in conflict with the provisions of this Resolution.

It shall also be the duty of all officials and employees of the township to assist the Zoning Inspector by reporting to him/her upon new construction, reconstruction or land uses or upon seeing violations.

Appeals from any decision of the Zoning Inspector may be made to the Board of Zoning Appeals, as provided in Chapter VI of this Resolution.

702 Zoning Commission Created

The Zoning Commission is hereby created, which shall consist of Five (5) members to be appointed by the Board of Township Trustees, each for a term of Five (5) years, except that the initial appointments shall be One (1) member each for One (1), Two (2), Three (3), Four (4) and Five (5) year terms. Each member shall be a resident of Milton Township. Members of the Zoning Commission may be removed from office by the Board of Township Trustees for cause upon written charges and after a public hearing. Vacancies shall be filled by appointment by the Board of Township Trustees for the unexpired term of the member affected.

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

703 Duties of the Zoning Commission

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

1. Initiate proposed amendments to this Resolution.
2. Review all proposed amendments to this Resolution and make recommendations to the Board of Township Trustees as specified in Article VIII.
3. Maintain Township Zoning Map as specified in Section 106.

704 Board of Zoning Appeals Created

A Board of Zoning Appeals is hereby created, which shall consist of Five (5) members to be appointed by the Board of Township Trustees, each for a term of Five (5) years, except that the initial appointments shall be One (1) member each for One (1), Two (2), Three (3), Four (4) and Five (5) year terms. Each member shall be a resident of Milton Township. Members of the Board of Zoning Appeals may be removed from office by the Board of Township Trustees for cause upon written charges and after a public hearing. Vacancies shall be filled by appointment by the Board of Township Trustees for the unexpired term of the member affected.

705 Proceeding of the Board of Zoning Appeals

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

706 Duties of the Board of Zoning Appeals

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

1. To hear and decide appeals by any person affected or any township Officer who alleges there is
an error in any order, requirement, decision, interpretation or determination made by the Township Zoning Inspector.
2. To authorize such variance from the terms of this Resolution as specified in Section 709. Variances from this Resolution will not be contrary to the public interest, but, will be granted when
owing to the specific conditions, a literal enforcement of this Resolution will not result in unnecessary hardship. For all variances, the spirit of this Resolution shall be observed and substantial justice done.
3. To grant conditional use certificates as specified in Article IV of this Resolution under the conditions established in Article V with such additional safeguards as will uphold the intent of this Resolution.
4. Under no circumstances shall the Board of Zoning Appeals grant a variance which will permit a
use which is not permitted in the use district involved.

ARTICLE VII ADMINISTRATION (Continued)

707 Role of the Township Trustees

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

The Township Trustees shall be responsible for:

1. Appointing a Zoning Inspector, members of the Township Zoning Commission, and members of the Board of Zoning Appeals.
2. Establishing a schedule of fees for issuing zoning certificates, appeals, variances, conditional use certificates, processing amendments, and any other zoning actions requiring postage, legal advertising, inspections or expert review, or general processing of applications.
3. Consideration of and adoption, rejection or modification of proposed amendments to this Resolution as provided in Article VIII.
4. Approving funds as needed for enforcement.

Nothing in this Resolution shall be interpreted to prevent any official of Milton Township from appealing a decision of the Board to the Courts as provided in Chapter 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within Ten (10) days of the Board of Zoning Appeals written decision.

708 Appeals

1. Appeals to the Board of Zoning Appeals may be made by:
 - a. Any person affected by the decision of the Zoning Inspector.
 - b. Any officer of the Township.
2. The appeal shall be made within Twenty (20) days after the decision by filing with the Board of Zoning Appeals, a notice of such appeal specifying the grounds for the appeal on Board of Zoning Appeals approved forms.
3. The Zoning Inspector or administrative officer shall submit to the Board of Zoning Appeals all records related to the situation which is being appealed.
4. When a notice of appeal has been filed in proper form with the Board of Zoning Appeals, the Board of Zoning Appeals shall hold a public hearing within Thirty (30) days.
5. Notice of the Public Hearing shall be provided in the following ways:
 - A. The Board of Zoning Appeals shall give at least Ten (10) days written notice to all parties of
of
interest and to any person, firm, or corporation owning premises located within Six Hundred
Hundred
(600) feet of the land that is the subject of appeal.
 - B. In addition, the Board of Zoning Appeals shall inform the general public of the Public Hearing
Hearing
by placing One (1) notice of the hearing in One (1) or more newspapers of general circulation in the Township at least Ten (10) days before the date of said hearing.
 - C. The notice shall contain the following information:
 1. The time, date, and place of the Public Hearing.
 2. The name of the Board of Zoning Appeals that will be conducting the hearing.
 3. A statement indicating that the application is an appeal.
 4. A list of the addresses of all properties related to the appeal and of the names of owners of these properties as they appear on the County Auditor's current Tax List.
 5. The time and place where the appeal application will be available for examination for a period of at least Ten (10) days prior to the public hearing.
 6. The name of the person responsible for giving notice of the public hearing (mailed or published). This will usually be the Chairman or Secretary of the Board of Zoning Appeals.
 7. Any other information requested by the Board of Zoning Appeals.
6. At the hearing, any person may appear in person or by attorney. The Board of Zoning

Appeals may recess such hearings as necessary, and if the time and place of the continued hearing be publicly announced at the time of recess, no further notice shall be required. The board must decide the appeal within a reasonable time after its Public Hearing.

7. The Secretary of the Board of Zoning Appeals shall promptly notify the applicant in writing the decision of the Board.
8. The refusal of an applicant's request by the Board of Zoning Appeals can only be appealed to the Court of Common Pleas of Ashland County.
9. Fees as established by the Board of Trustees shall be paid upon the filing of any request for an appeal. Said fees shall be paid to the Board of Trustees and shall not be refunded unless the applicant removes such request for an appeal prior to any advertising. In addition, the fee shall not be refunded if the request is denied. If the request is approved, the fee shall cover the fee of the Zoning Certificates required for development that has been appealed.

ARTICLE VII ADMINISTRATION (Continued)

Page 7-6

709 Variances

1. All applications for variances shall be made to the Board of Zoning Appeals in writing and on current approved forms which may include:
 - A. Name, address and telephone number of the applicant;
 - B. Legal description of the property including tax parcel ID number
 - C. Description of nature of variance requested
 - D. A narrative statement demonstrating that the requested variance conforms to the following standards:
 - (1) 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.
 - (2) That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this Resolution.
 - (3) That special conditions and circumstances do not result from the actions of the applicant.
 - (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district.
 - (5) That an economic hardship, requesting a more intensive use of the property than would

normally be permitted, is not the only nor the primary factor for requesting the variance.

E. A fee as established by the Township Trustees.

The burden of proof for granting a variance shall rest with the applicant. In granting any variance the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this Resolution and punishable under Article VI of this Resolution. Under no circumstances shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this Resolution in the district involved, or any use expressly or by implication prohibited by the terms of this Resolution in said district.

214 When a notice of variance has been filed in the proper form with the Board of Zoning Appeals, the Board shall hold a public hearing within Thirty (30) days.

ARTICLE VII ADMINISTRATION (Continued)

Page 7-6a

709 Variances – cont'd

3. Notice of the Public Hearing shall be made in the following ways:

A. Give at least Ten (10) days written notice to the parties in interest and to any person, firm, or corporation owning premises located within Six Hundred (600) feet of the land that is the subject of the variance.

B. In addition, the Board shall inform the public of the hearing by placing One (1) notice in One (1) or more newspapers of general circulation in the Township at least Ten (10) days before the date of the hearing.

C. The notice shall contain the following information:

a. The time, date and place of the Public Hearing.

b. The name of the Board of Zoning Appeals that will be conducting the Public

c. A statement indicating that the application is a variance

d. A list of the addresses of all properties related to the variance and of the names of owner's of these properties, as they appear on the County Auditor's current Tax

List.

e. The time and place where the variance application will be available for examination for a period of at least Ten (10) days prior to the public hearing.

f. The name of the person responsible for giving notice of the Public Hearing (mailed or published). This will usually be the Chairman or Secretary of the Board of Zoning Appeals.

g. Any other information requested by the Board of Zoning Appeals.

Hearing

4. At the Hearing, any person may appear in person or by attorney. The Board of Zoning Appeals may recess the hearing as necessary, and if the time and place of the continued hearing be publicly announced at the time of the hearing, no further notice shall be required.
5. The Board of Zoning Appeals is authorized to approve a variance where, by reason of:
 - A. Exceptional narrowness
 - B. Shallowness or shape
 - C. Exceptional topographic conditions
 - D. Other extraordinary situations or conditions of a lot

The strict application of the terms of this Zoning Resolution would result in peculiar or undue hardship upon the owner. They may authorize a variance from such strict application to relieve such hardships, providing such relief may be granted without substantially impairing the intent of this Resolution.

709 Variances – cont'd

6. Any variance that is discontinued for a period of Two (2) or more years shall not again be started except in total conformation with these regulations. A nonconforming building or structure damaged by fire, explosion, act of nature or a public enemy to the extent that up to Seventy-Five percent (75%) of the structure must be replaced, may be restored to the same use within Twelve (12) months provided all reconstruction portions of the structure conform to the requirements of these regulations.

7. A variance shall not be granted unless the Board finds that **all** of the following conditions exist:

- A. The strict application of the provisions of the Resolution would result in unnecessary hardship inconsistent with the general purpose and the intent of this Resolution.
- B. There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use or development of the property that do not apply generally to other properties or uses in the same zoning district or neighborhood.
- C. The granting of such variance will not be of substantial detriment to the public interest or to the property or improvements in the district in which the variance is sought, and will not materially impair the purpose of this Resolution. In granting a variance the Board of Zoning Appeals may impose such conditions as it may deem necessary to protect public health and safety and to further the purpose and intent of this Zoning Resolution.
- D. These conditions shall be made a part of and be attached to the Zoning Certificate which is required for a variance.
- E. Any variance granted for access to a dwelling site must be a minimum of Sixty (60) feet wide.

8. The Board must decide the variance within a reasonable time after its hearing.

9. The Secretary of the Board of Zoning Appeals shall promptly notify the applicant in writing the decision of the Board of Zoning Appeals.

10. Fees as established by the Board of Trustees shall be paid upon the filing of any request for a variance. Said fees shall be paid to the Board of Trustees and shall not be refunded unless the applicant removes such request prior to any advertising. In addition, the fee shall not be refunded if the request is denied. If the request is approved, the fee shall cover the fee of the Zoning Certificates required for a variance.

11. The Board of Zoning Appeals shall maintain a publicly accessible list of currently active and approved variances, which shall include the Tax ID number for each property.

710 Conditional Uses

1. Under special conditions, land uses other than those specifically permitted by this Zoning Resolution may occur in a District. A list of these uses is located in Article IV of this Zoning Resolution.
2. A special certificate must be obtained from the Board of Zoning Appeals before the development of any land use identified in this Resolution as a "Conditional Use."
3. All proposed "Conditional Uses" are subject to the following general standards:
 10. The uses will be harmonious with and in accordance with the general objectives, or with any specific objectives of the Township Zoning Resolution.
 11. All structures and uses will be designated, constructed, operated and maintained so as to be harmonious, safe and appropriate in appearance and use with the existing and intended character of the general vicinity and that such use will not change the essential character of the same area.
 12. The proposed uses will not be hazardous or disturbing to existing or future neighboring uses.
 13. The proposed uses will be served adequately by essential public services (fire, police, highways, sewers, water, schools) or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately such service.
 14. That the proposed use will not create excessive additional public costs or responsibilities for services or facilities and will not be detrimental to the community.
 15. The proposed uses will not involve activities, processes, material or equipment detrimental to persons, property of the general welfare of the community because of excessive noise, smoke, odors, traffic glare or fumes.
 16. Adequate access to the use shall be provided that does not interfere with surrounding uses or disrupt current traffic patterns.
 17. The proposed use will not result in the destruction, loss or damage of natural, scenic or historical features of major importance.
4. All applications for Conditional Uses shall be made to the Board of Zoning Appeals in writing and on forms prescribed, including the Tax Parcel ID Number.
5. When a notice of a conditional use has been filed in proper form with the board of Zoning Appeals, the Board shall hold a Public Hearing within Thirty (30) days.

710 Conditional Uses – cont'd

6. Notice of the Public Hearing shall be made in the following ways:

A. Give at least Ten (10) days written notice to the parties in interest and to any person, firm, or corporation owning premises located within Six Hundred (600) feet of the land that is the subject of the application for the conditional use.

4. In addition, the Board shall inform the public of the hearing by placing One (1) notice in One (1) or more newspapers of general circulation in the Township at least Ten (10) days before the date of said hearing.

C. The notice shall contain the following information:

- a. The time, date and place of the Public Hearing.
- b. The name of the Board of Zoning Appeals that will be conducting the Public Hearing.
- c. A statement indicating that the application is a Conditional Use.
- d. A list of the addresses of all properties related to the Conditional Use and of the names of owners of these properties, as they appear on the County Auditor's current Tax List.
- e. The time and place where the Conditional Use application will be available for examination for a period of at least Ten (10) days prior to the public hearing.
- f. The name of the person responsible for giving notice of the Public Hearing (mailed or published). This will usually be the Chairman or Secretary of the Board of Zoning Appeals.
- g. Any other information requested by the Board of Zoning Appeals.

7. At the Hearing, any person may appear in person or by attorney. The Board of Zoning Appeals may recess the hearing as necessary, and if the time and place of the continued hearing be publicly announced at the time of the hearing, no further notice shall be required.

8. Conditional Uses, although often desirable, will more intensely affect the surrounding area in which they are located than the Permitted Uses of such districts. Since this is the case, the Board of Zoning Appeals shall approve an application for a Conditional Use only when the following conditions are met:

- A. The Conditional Use is specifically listed or interpreted as listed in the District in question.
- B. The Conditional Use is in general accord with the Ashland County Comprehensive Land Use Plan.
- C. The proposed development will be in keeping with the existing land use character and physical development potential of the area and will not have undesirable effects on the surrounding area.

9. When making its review of the proposed use, the Board of Zoning Appeals shall

review the proposal on the basis of factors 3.A through 3.H (listed above) and any other criteria deemed pertinent by them.

710 Conditional Uses – cont'd

10. In granting a Conditional Use, the Board may impose such conditions as it may deem necessary to protect the public health, safety, morals and to further the purpose and intent of this Resolution.
11. The Secretary of the Board of Zoning Appeals shall notify the applicant in writing the decision of the Board.
12. Fees as established by the Board of Trustees shall be paid upon the filing of any request for a conditional use. Said fees shall be paid to the Board of Trustees and shall not be refunded unless the applicant removes such request prior to any advertising. In addition, the fee shall not be refunded if the request is denied. If the request is approved, the fee shall cover the fee of the Zoning Certificates required for a Conditional Use.
13. Conditional Use certificates of approval shall expire:
 - A. When the Conditional Use is discontinued for a period of Two (2) or more years, and it shall not again be started except in total conformation with these Regulations.
 - B. When a nonconforming building or structure is damaged by fire, explosion, act of nature or a public enemy to the extent that up to Seventy-Five percent (75%) of the structure must be replaced, it may be restored to the same use within Twelve (12) months provided all reconstruction portions of the structure conform to the requirements of these regulations.
 - C. Upon transfer of ownership.
14. The Board of Zoning Appeals shall maintain a publicly accessible list of current active and approved Conditional Uses, which shall include the Tax ID number for each property.

800 General

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

801 Initiation of Amendments to Zoning

Amendments to this Resolution may be initiated in one of the following ways:

1. By adoption of a motion by the Zoning Commission;
2. By adoption of a Resolution by the Township Trustees; subsequently a certified copy of the resolution shall be transmitted to the Zoning Commission;
3. By the filing of an application by at least One (1) owner or lessee of property within the area proposed to be changed or affected by said amendment with the Zoning Commission.

802 Application for Amendment

Applications to amend the Official Zoning Map of Milton Township or any part of this Resolution shall be submitted to the Zoning Inspector by the owner or lessee of the property for which a change is sought or by one or more individuals seeking a change in this Resolution. Said application shall be made on forms supplied by the Zoning Inspector. The application shall include the proper fee and any additional information deemed necessary. Applications for amendments sought by the Zoning Commission or by the Board of Township Trustees shall be made by Resolution by one of these bodies.

804 Submission to the Ashland County Planning Commission

Within Five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a certified Resolution by the Board of Township Trustees, or the filing of an application by at least One (1) owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution or application together with the text and map pertaining to the proposed amendment in question to the Ashland County Planning Commission. The Ashland County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval with some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendations shall be considered at the Public Hearing held by the Zoning Commission on such proposed amendment.

804 Submission to the Director of Transportation

Before any zoning amendment is approved affecting any land within Three Hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or within a radius of Five Hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Commission shall give notice, by registered or certified mail to the Director of Transportation. The Zoning Commission may proceed as required by law, however, the Board of Township Trustees shall not approve the amendment for One Hundred and Twenty (120) days from the date the notice is received by the Director of Transportation who notifies the Board of Township Trustees that acquisition at this time is not in the public interest or upon the expiration of the One Hundred and Twenty (120) day period or any extension thereof agreed to by the Director of Transportation and the property owner the Board of Township Trustees shall proceed as required by law.

805 Public Hearing by the Zoning Commission

The Zoning Commission shall schedule a public hearing after the adoption of their motion, transmittal of a certified resolution from the Board of Township Trustees or the filing of an application for a zoning amendment. Said hearing shall be not less than Twenty (20) nor more than Forty (40) days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.

806 Notice of Public Hearing

Before holding the public hearing as required in Section 805, notice of such hearing shall be given by the Zoning Commission by as least One (1) publication in One (1) newspaper of general circulation of the Township at least Ten (10) days before the date of the said hearing. This notice shall set the time and place of the public hearing, and the nature of the proposed amendment and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination.

807 Notice to Property Owners by the Zoning Commission

If the proposed amendment intends to rezone or redistrict Ten (10) or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least Ten (10) days before the date of the public hearing to all owners of property within, contiguous to and directly across the thoroughfare from such areas proposed to be rezoned or redistricted to the address of such owners appearing on the Ashland County Auditor's current tax list or the Treasurer's mailing list and to such other lists or lists that may be specified by the Board of Township Trustees. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in the newspapers as specified in Section 806.

808 Contents of Notice of Zoning Commission Public Hearing

1. If the proposed amendment intends to rezone or redistrict Ten (10) or fewer parcels of land as listed on the County Auditors current tax list the published and mailed notices shall set for the time, date, and place of the public hearing and shall include all of the following:
 - A. The name of the Zoning Commission that will be conducting the public hearing;
 - B. A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;
 - C. A list of addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the Ashland County Auditor's current tax list;
 - D. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
 - E. The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least Ten (10) days prior to the public hearing;
 - F. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
 - G. Any other information requested by the Zoning Commission;
 - H. A statement that, after the conclusion of such hearing, the matter will be submitted to

the Board of Township Trustees for its action.

ARTICLE VIII AMENDMENT (Continued)

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808 Contents of Notice of Zoning Commission Public Hearing (continued)

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 Ashland County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:
 - A. The name of the Zoning Commission that will be conducting the public hearing on the proposed amendment;
 - B. A statement indicating that the motion, application or resolution is an amendment to the zoning resolution;
 - C. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least Ten (10) days prior to the public hearing;
 - D. The name of the person responsible for giving notice of the public hearing by publication;
 - E. A statement that, after the conclusion of such hearing, the matter will be submitted to the Board of Township Trustees for its action;
 - F. Any other information requested by the Zoning Commission.

809 Recommendation by the Zoning Commission

The Zoning Commission shall within Thirty (30) days after the public hearing required in Section 805, recommend the approval or denial of the proposed amendment, or the approval of some modification of it and submit such recommendation together with such application or resolution, the text and map pertaining to it and the recommendation of the County Planning Commission on it to the Board of Township Trustees.

810 Public Hearing by the 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 shall not be more than Thirty (30) days from the date of the receipt of such recommendation from the Zoning Commission. Notice of such public hearing shall be given by the Board of Township 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.

811 Contents of Notice of Township Trustees Public Hearing

- set
1. If the proposed amendment intends to rezone or redistrict Ten (10) or fewer parcels of land as listed on the Ashland County's Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and shall include all of the following:
 - A. The name of the board that will be conducting the public hearing.
 - B. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
 - C. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the Ashland County Auditor's current tax list;
 - D. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
 - E. The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least Ten (10) days prior to the public hearing;
 - F. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
 - G. Any other information requested by the board.

 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 Ashland County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:
 - A. The name of the board that will be conducting the public hearing on the proposed amendment;
 - B. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
 - C. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least Ten (10) days prior to the public hearing;
 - D. The name of the person responsible for giving notice of the public hearing by publication;
 - E. Any other information requested by the board.

812 Action by the Board of Township Trustees

Within Twenty (20) days after the public hearing required by Section 810, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, the unanimous vote of the Township

Trustees is required.

ARTICLE VIII AMENDMENT (Continued)

Page 8-5

813 Effective Date and Referendum

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 date of such 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 equal to 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. No amendment for which referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take effect immediately. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in Section 3501.38 of the Ohio Revised Code.

The form of the petition calling for a zoning referendum and the statement of the circulator can be found in the Ohio Revised Code Section 519.12.

814 Filing of Amendments

Within Five (5) working days after an amendment's effective date, the Board of Township Trustees shall file the text and maps of the amendment in the office of the Ashland County

Recorder

and with the Ashland County Planning Commission.

The failure to file any amendment, or any text and maps, or duplicates of any of these documents, with the office of the Ashland County Recorder or the Ashland County Planning Commission as required by this section does not invalidate the amendment and is not grounds

for an

appeal of any decision of the Board of Zoning Appeals.

**ARTICLE IX INTERPRETATION, SEPARABILITY AND REPEAL OF CONFLICTING
RESOLUTION, EFFECTIVE DATE**

- 900 Provisions of this Resolution Declared to be Minimum Requirements
In their interpretation and application, the provisions of this Resolution shall be minimum requirements, adopted for the promotion of the public health, safety and the general welfare. Whenever the requirements of this resolution conflict with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive, or that imposing the higher standards shall govern.
- 901 Separability Clause
Should any section or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.
- 902 Repeal of Conflicting Resolution
All resolutions, or parts of resolutions in conflict with this Zoning Resolution or inconsistent with the provisions of this resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.
- 903 Effective Date
This Resolution shall become effective from and after the date of its approval and adoption, as provided by law.

Appendix B of the Milton Township Zoning Resolution
Database of Milton Township Zoning Districts Approvals
Sorted by Commercial (C), Industrial (I), Residential (R) then by Tax ID

Adopted by the Milton Township Board of Trustees

Trustee Eric J. Fulk This 20th day

Trustee Rick Emmons

Trustee Don Smith or March

Fiscal Officer Deborah York 20 11

Effective the 4th day of April, 20 11

Fiscal Officer Deborah York

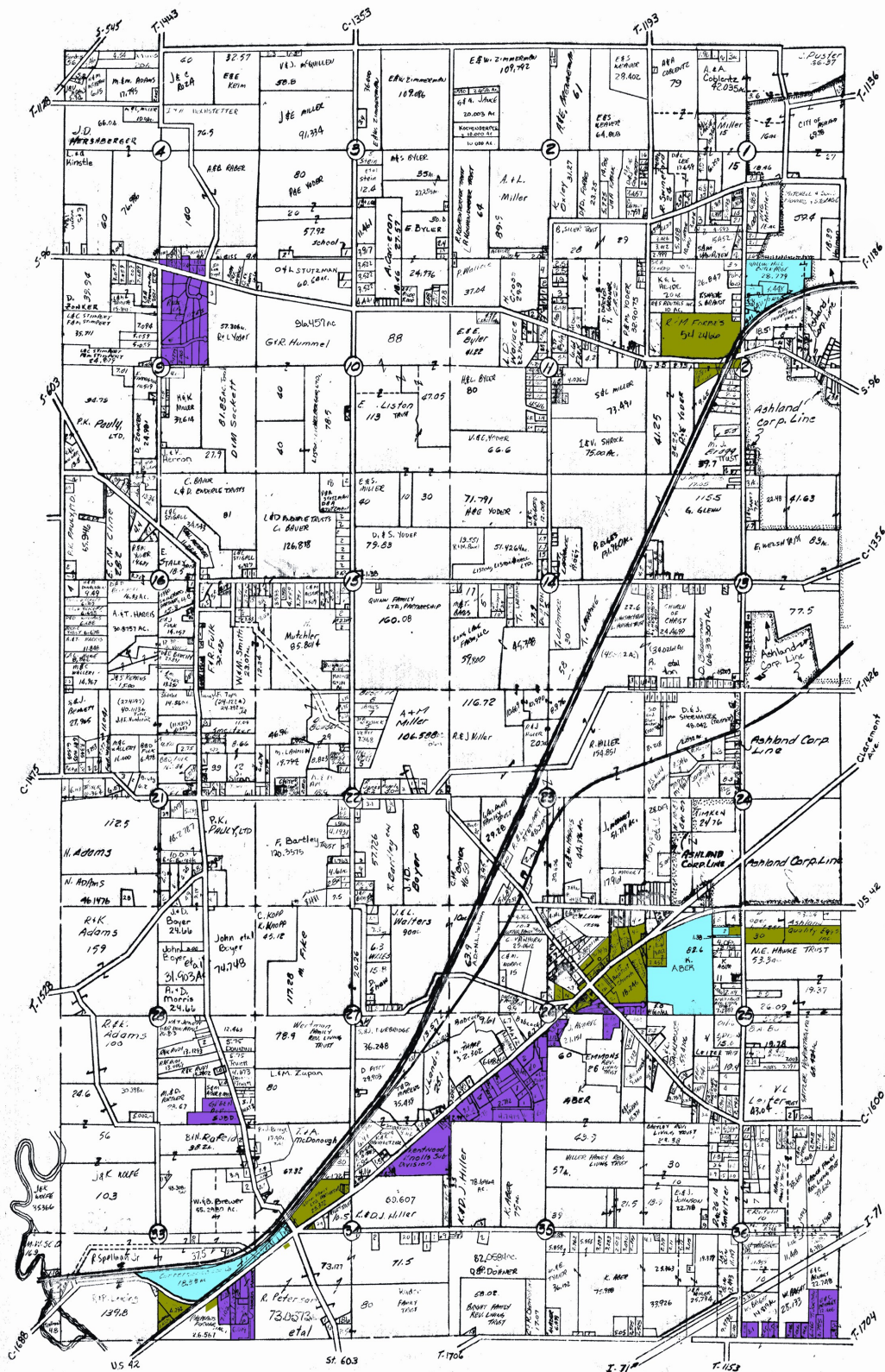
Commercial (C)- Pages 2-4
Industrial (I) - Pages 5-8
Residential (R)- Pages 6-14

Lot Splits as of 8/07 Page 16

GLOSSARY

- COLUMN 1 (Zoned C/I/R) - C-Commercial District, I-Industrial District, R-Residential District
- COLUMN 2 (T/M Approval Date) - Date of Milton Township Trustee Minutes, 01/01/1956 Grandfathered - Use existed before Zoning Adopted
- COLUMN 3 (Reference)
 - If Blank- None Found
 - T/M - Milton Township Trustee Meeting Minutes
 - 01/01/1956 Grandfathered - Use existed before Zoning Adopted
- COLUMN 4 & 5 (Milton Township Plot Map Section & Plot Map ID)
 - Quarter Section # and Parcel ID on Quarter Section Map maintained by Ashland County Engineer
- COLUMN 6 (Tax Parcel ID) - Tax Parcel ID is from Ashland County Auditor's Property Tax Database
- COLUMN 7 & 8 (Property Address & Description)
 - Property Address/Description as found in Ashland County Auditor's Property Tax Database
- COLUMN 9 (Last Known Owner) - Last known property owner when found in Ashland County Auditor's Property Tax Database
- COLUMN 10 (Observed Use) - Use of the property observed by Milton Township Zoning Commission
- COLUMN 11 (Comments/Location)

Milton Township Zoning Map



- Zoning Districts**
- General Farm
 - Rural Residential
 - General Commercial
 - Industrial

North
★

Adopted By The Milton Township Board of Trustees
This ___ Day of ___, 20__.

TRUSTEE: _____

TRUSTEE: _____

TRUSTEE: _____

FISCAL OFFICER: _____

Prepared by The Milton Township Zoning Commission on
May 15, 2007.
September 21, 2010

Effective:
The ___ Day of ___, 20__.

FISCAL OFFICER: _____

● Commercial Zone is 500 feet from center line of U.S. 42.

APPENDIX A