

**ZONING RESOLUTION**

**FOR**

**CLINTON TOWNSHIP**

First Revision - December 2, 1965  
Second Revision - July 17, 1969  
Third Revision - September 17, 1970  
Fourth Revision - July 4, 1983  
Fifth Revision - July 20, 1987  
Sixth Revision - October 14, 1989  
Seventh Revision – April, 1995  
Eighth Revision - 2000  
Ninth Revision – 2002  
Tenth Revision - 2004  
Eleventh Revision – 2005  
Twelfth Revision – 2009

Total Area of Clinton Township Zoned

Adopted by Township Trustees - July 30, 1987  
Adopted by Area Voters - November 3, 1987  
Certified by Board of Elections - November 18, 1987

**ADOPTED BY:**

The Clinton Township Trustees  
230 Clinton Street  
Wauseon, Ohio 43567

In accordance with the authority and intent of the Revised Code of Ohio, Sections 519.01 and 519.99 inclusive, Clinton Township, by this action, expresses its desire to promote the public health, safety, and morals of Clinton Township, which is essential to the well being without unduly restricting the forces of the free market with respect to the development of land for various urban purposes. The Township further desires to assure that adequate provisions will be made for the development of agriculture, commerce, industry, and various kinds of residential dwellings; to provide for free movement of motor vehicles upon the streets and highways of the Township in harmony with abutting land uses, to protect residences, agriculture, commerce, and industry against encroachment by opposite land uses, and to promote proper use of land and natural resources for the economic and social well being of the Township as a whole; to assure the provision and adequate space for the parking of motor vehicle for various urban purposes and finally to assure that all uses of land buildings within Clinton Township will be related as to produce the greatest economies in terms of their demands upon local government. The purposes cited in the foregoing shall be instituted into law by this Zoning Resolution and shall clearly relate to the Fulton County Comprehensive Development Plan, which provides for the promotion and protection of public health, safety, comfort, convenience, and general welfare.

CLINTON TOWNSHIP, FULTON COUNTY, OHIO

RESOLUTION

A Resolution adopting a zoning plan for a portion of Clinton Township, Fulton County, Ohio

WHEREAS, for the purpose of promoting public health, safety, morals, comfort of general welfare, to conserve and protect property and property values; to assure the most appropriate use of land, or to facilitate adequate but economical provision of public improvements, all in accordance with a Comprehensive Plan, the Board of Trustees of Clinton Township, Fulton County, Ohio deems it necessary to regulate the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, trailer coaches, and motels, percentages of lot areas which may be occupied, set back building lines, sizes of yards, courts and other open spaces, the density of population, the uses of buildings and other structures including tents, cabins, trailer coaches, motels and the uses of land for trade, industry, residence, recreation or other purposes in a portion of the unincorporated territory of Clinton Township, Fulton County, Ohio; and

WHEREAS, Sections 519.01 through 519.99, Revised Code of Ohio (Sections 3180-20 through 3180-50, General Code of Ohio), empowers said Board of Trustees to adopt such regulations in accordance with the provisions of said Sections 519.01 through 519.99, Revised Code of Ohio (Section 3180-20 through 3180-50, General Code of Ohio); and

WHEREAS, on the 16th day of July, 1955, said Board of Trustees unanimously passed a Resolution declaring its intention to proceed under the provisions of said Sections 519.01 through 519.99, Revised Code of Ohio (Sections 3180-20 through 3180-50, General Code of Ohio); and

WHEREAS, on the 16th day of July, 1955, said Board of Trustees unanimously passed a Resolution creating and establishing the Clinton Township Zoning Commission of five members; and

WHEREAS, on the 16th day of July, 1955, said Board of Trustees appointed five citizens in a portion of the unincorporated portion of Clinton Township as members of the Clinton Township Zoning Commission; and

WHEREAS, said Zoning Commission held numerous meetings open to the public, held a public hearing on January 16, 1956, after giving notice by publication on December 15, 1955, in two local newspapers of general circulation in Clinton Township; inquired and ascertained that no county or regional planning commissions are in existence in Clinton Township or the district in which Clinton Township is located.

NOW THEREFORE, BE IT RESOLVED by the Zoning Commission of Clinton Township, Fulton County, Ohio, this 10th day of February, 1956, in normal session convened.

“That the Zoning Commission approve and adopt this Zoning Plan, transmit the same to the Board of Township Trustees of Clinton Township, Fulton County, Ohio, and recommend that the same be adopted by the Trustees and the voters of the area involved”.

WHEREAS, said Board of Trustees has fully and carefully considered the Zoning Plan, including both text and maps as recommended by the Clinton Township Zoning Commission and approves said Zoning Plan, including both text and maps;

NOW THEREFORE, BE IT RESOLVED by the Board of Township Trustees of Clinton Township, Fulton County, Ohio, this 19th day of March, 1958, in formal session convened.

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## ARTICLE 100-1

### SHORT TITLE

This law shall be known as the "Zoning Resolution", and consists of a text and map(s). The map(s) which accompanies this Resolution and is hereby incorporated herein and which is made a part thereof, shall be referred to as the "Zoning Plan".

## ARTICLE 100-2

### INTENT AND PURPOSE

The purpose of this law is to promote the interest of public health, safety, and convenience, comfort, prosperity, or general welfare. The Board of Township Trustees may, in accordance with a Comprehensive Plan, require by resolution and location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lots areas which may be occupied, set back building lines, size of yards, courts, and other open spaces, the density of population, the use of buildings and other structures including tents, cabins, and trailer coaches and the use of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of such township, and for such purposes may divide all or any part of the unincorporated territory of the Township into districts or zones of such number, shape, and areas as the Board determines. All such regulations shall be uniform for each class or kind of zone, but the regulations in one district or zone may differ from those of other districts or zones. The Comprehensive Plan included here means the Comprehensive Development Plan for Fulton County, Ohio, or subsequent refinement of said Plan which may include greater detailing of land use categories; development goals and policies more relevant to the development of Fulton County.

## ARTICLE 100-3

### CONSTRUCTION OF LANGUAGE

The following rules of construction apply to the text of this Resolution.

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this Resolution and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future, the words used in the singular shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or structure includes any part thereof.
6. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either/or", the conjunction shall be interpreted as follows:
  - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
9. Terms not herein defined shall have the meaning customarily assigned to them.

ARTICLE 100-4

ZONING DISTRICTS AND MAPPING INTERPRETATION

100-4.1 DISTRICTS ESTABLISHED

The unincorporated portions of Clinton Township are hereby divided by districts or zones as shown on the Zoning Plan, which accompanies this Resolution and is hereby declared to be a part thereof and they shall hereafter be known as follows:

"AG/RE"	Agricultural/Rural Estate District
"R1"	First Density Residential District
"R2"	Second Density Residential District
"R3"	Third Density Residential District
"C1"	Local Services District
"C2"	Community Shopping District
"C3"	General Shopping District
"M1"	Light Industrial District
"M2"	General Industrial District
"M3"	Planned Industrial/Business Park District
"MH"	Manufactured Home Park District

100-4.2 ZONING PLAN

The boundaries of the zoning districts provided for in this Zoning Resolution are shown on the plan attached hereto which plan is considered an integral part of the Resolution and is designated as the Official Zoning Plan for Clinton Township. The Zoning Plan shall be maintained and kept on file with the Township Clerk, and all notations, references, and other information shown thereon are a part of this Resolution and have the same force and effect as if the said Zoning Plan and all notations, references and other information shown thereon were fully set forth or described herein.

The Official Zoning Plan shall be identified by the signature of the Clinton Township Board of Township Trustees, attested by the Township Clerk, and shall show thereon the date of its enactment. If in accordance with the provisions of this Resolution, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Plan within fifteen (15) days of the enactment of such modifications, together with an entry on the Official Zoning Plan in an amendment schedule adequately keyed to the Plan.

100-4.3 DISTRICT BOUNDARIES INTERPRETED

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Plan, the following rules shall apply:

1. Boundaries, indicated as approximately following the centerline of streets, highways, or alleys, shall be construed to follow such centerlines.
2. Boundaries, indicated as approximately following platted lot lines, shall be construed as following such lot lines.
3. Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits.
4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of the streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of feature indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Plan shall be determined by the scale of the map.
7. Where physical or cultural features existing on the ground are in variance with those shown on the Official Zoning Plan or in other circumstances not covered by subsections 1 through 6 above, the Board of Zoning Appeals shall interpret the district boundaries.

ARTICLE 100-5

GENERAL PROVISIONS

100-5.1 CONFLICTING REGULATIONS

Whenever any provision of this Resolution imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law, or resolution, then the provisions of this Resolution shall govern. Whenever the provision of any other law or resolution imposes more stringent requirements than are imposed or required by this Resolution, then the provisions of such resolution shall govern.

100-5.2 SCOPE

No building or structure, or part thereof, shall hereinafter be erected, constructed, reconstructed, or altered and maintained, and no new use or change shall be made or maintained of any building, structure of land, or part thereof, except in conformity with the provisions of the Resolution.

1. No building shall be erected, converted, enlarged, reconstructed, or structurally altered in conformity with the area and placement regulations of the district in which the building is located. A zoning permit shall be required for the erection, construction or alteration of a free-standing solar energy structure. All solar energy structures shall be approved by the Zoning Inspector as to their conforming to the requirements of the zoning district.
2. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts, or similar structures and wireless masts, water tanks, or similar structures may be erected above the height limits herein prescribed. No such structure may be erected by more than fifteen (15) feet the height limits of the district in which it is located, unless otherwise specified, nor shall such structure have a total area greater than ten (10) percent of the roof area of the building, nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building.
3. Architectural features, as defined, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard and may extend or project into a required front yard or rear yard not more than three (3) feet.
4. No residential structure shall be erected upon any required yard of a lot or upon a lot with another dwelling.
5. The construction of all new buildings, including accessory buildings, shall follow the minimum yard setback requirements in the specified district.
6. Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. Grade elevations shall be determined by using the elevation at the centerline of the road in front of the lot as the established grade or such grade determined by the County Engineer or Zoning Inspector.

7. When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to any existing building, the existing established grade shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to meet existing grades and not to permit run-off of surface water to flow onto the adjacent property unless property is part of a natural watercourse.
8. No permit shall be granted for the moving of used or existing buildings or structures from without or within the limits of the Township to be placed on property within said limits unless the Zoning Inspector shall have made an inspection of the building to be moved and has found that it is structurally safe, will not adversely affect the character of existing buildings in the neighborhood of the new location and will fully comply with the Building Code and other codes regulating the health, safety, and general welfare of the Township. A performance bond, as established by the Township Trustees, of sufficient amount to insure cost of completing building for occupancy within a period of not less than six (6) months from date of permit, shall be furnished before permit is issued.
9. The construction, maintenance, or existence within the Township or any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued, pursuant to this Resolution, where such excavations are properly protected and warning signs posted in such a manner as may be approved by the Zoning Inspector; and provided further, that this section shall not apply to streams, natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water or other governmental agency.
10. Nothing in this Resolution shall prevent the straightening or restoration to a safe condition of any part of any building or structure declared unsafe by the Zoning Inspector, or required to comply with his lawful order.
11. The provisions of the Resolution shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with the County, Township, or other public election.
12. No proposed plat of a new or redesigned subdivision shall hereafter be approved by the Fulton County Regional Planning Commission unless the lots within said plat equal or exceed the minimum size and width requirements set forth in the various districts of this Resolution, and unless such plat fully conforms with the State of Ohio and the Subdivision Control Regulations of the County as may be adopted.
13. This Resolution does not confer any power of the Board of Township Trustees to prohibit the use of any land for agricultural purposes or the construction of accessory buildings except as stated in Section 100-5.2(5). Such sections do not confer any power in respect to the location, erecting, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any buildings or structures of any public utility (except those engaged in the business of transporting property, per O.R.C. 519.211) or railroad, whether publicly or privately owned, or the use of any land by any public utility (except those engaged in the business of transporting property, per O.R.C. 519.211) or railroad for the operation of its business.

14. All proposed development shall adhere to access requirements on state, county, and township roads, per Article VI of the Fulton County Subdivision Regulations. This shall also include township and county roads, which have not been designated by the County Engineer as a major or minor collector. All non-designated roads shall adhere to the drive spacing requirement of 495 feet. New access to the highway or alteration of an existing access will require prior approval from the Township Trustees.
15. The development of a private road shall adhere to the requirements of Section 606.5 of the Fulton County Subdivision Regulations.
16. Any area of proposed development located within a flood hazard area in Fulton County shall be subject to the provisions of the current "*Fulton County Floodplain Regulations*".

### 100-5.3 ACCESSORY BUILDINGS, SWIMMING POOLS AND PONDS

#### 1. Accessory Buildings in Residential and Agricultural/Rural Estate Districts

In the residentially zoned districts, accessory buildings, except as otherwise permitted in this Resolution, shall be subject to the following regulations:

- a. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Resolution applicable to main building.
- b. Accessory buildings shall not be erected in any required yard, except in a rear yard. Accessory buildings, on a corner lot of record, that conflict with required yards shall be submitted to the Board of Zoning Appeals for a variance. Their decision as to extent and location shall be compatible with the intent of this Resolution.
- c. Any accessory building not exceeding one (1) story or thirty (30) feet in height in an AG/RE District and twenty (20) feet in height in any residential district may occupy not more than thirty (30) percent of a required rear yard, provided that in no instances shall the accessory building exceed the ground floor area of the main building or ten (10) percent of the total lot, whichever is the lesser.
- d. No detached accessory building shall be located closer than ten (10) feet to any main building, nor shall it be located closer than five (5) feet to any rear or side lot line. In those instances where the rear lot line is conterminous with an alley right-of-way, the accessory building shall not be closer than one (1) foot to such rear lot line. In no instance shall any accessory building be located within a dedicated easement right-of-way.
- e. When an accessory building is located on a corner lot, said building shall not project beyond the front yard line of the required front yards.
- f. Semi trailers and tandem trailers shall not be utilized as accessory structures for storage purposes.

2. Swimming Pools in Residential and Agricultural/Rural Estate Districts

No private swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one-hundred (100) square feet shall be allowed in the Agricultural/Rural Estate District or any Residential District, except as an accessory use and unless it complies with the following conditions and requirements:

- a. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
- b. It may not be closer than twelve (12) feet to any side lot line, fifteen (15) feet to any rear lot line, nor ten (10) feet to any main building. No such use shall be permitted to be constructed in any required front yard.
- c. In-ground swimming pools shall be walled or fenced to prevent uncontrolled access from the street or adjacent properties. Said wall or fence shall not be less than four (4)-feet in height to the top horizontal rail and maintained in good condition with a self-latching gate and lock. Above ground swimming pools, with sides at least four (4) feet above ground level, are not required to be walled or fenced provided said pool has a removable ladder and/or self-latching gate and lock.

3. Ponds in Residential and Agricultural/Rural Estate Districts

The construction of any new pond shall be located a distance of not less than one hundred (100) feet from the center of the road. A zoning permit shall be required for the construction of a pond. The appropriate Fulton County Agencies shall review the permit application, prior to issuance of a permit.

100-5.31 OUTDOOR FURNACES

“Outdoor furnace” means any device that is designed or intended to burn wood, or wood by-product or similar material, for the purpose of providing a source of heat, either directly or indirectly, to any structure or appurtenance thereto.

1. Any outdoor furnace located and used within Clinton Township shall be constructed in conformance with all applicable zoning laws.
2. Installation and operation of any outdoor furnace shall comply with the following:
  - a. The outdoor furnace shall comply with manufacturer specifications with respect to installation, maintenance and operation.
  - b. The outdoor furnace shall comply with all applicable state and federal laws.
  - c. Any outdoor furnace shall be located at least 50 feet from the side and rear property line. Wood burners are not permitted in the front yard.
  - d. Outdoor furnaces, which are designed to heat structures twenty-five percent (25%) greater than the size of any structure on the property, shall not be permitted.

- e. No fuel other than natural wood, without additive, wood pellets with out additives and agricultural seeds in their natural state may be burned in any wood-burning device. Trash, plastic, gasoline, rubber, naphtha, household garbage, material treated with petroleum products (particle board, railroad ties and pressure treated wood), paper products and cardboard are prohibited.
  - f. To the extent a zoning permit is required to construct any permanent structures intended to enclose an outdoor furnace, then at the time of applying for such permit, there shall be submitted a copy of the manufacturer’s specifications and any owner’s manual pertaining to the subject wood burner.
3. Notwithstanding anything contained in the Clinton Township Zoning Resolution, a variance shall not be granted deviating the terms of subsections (1) and (2) of this Section.
  4. Nothing contained herein shall authorize any installation or operation of an outdoor furnace that constitutes a public or private nuisance. Compliance with this Zoning Resolution shall not be a defense to any civil or criminal action for nuisance.

100-5.32           AUXILIARY DWELLING UNITS (Granny Flats)

An auxiliary dwelling unit (granny flat) is one additional residential unit containing its own or a shared kitchen exclusively for occupancy by elderly or disabled persons. To qualify, a unit can be a room addition, a detached structure, or a park model mobile home built to R.V. standards.

An auxiliary dwelling unit (granny flat) is a conditional use in all residential districts and the AG/RE district.

Specific Restrictions/Criteria

1. The use is contained in a stick-built or prefabricated structure, attached or detached from the primary dwelling unit on the property. A park model mobile home may be permitted in any residential zone or any lot of 20,000 sq. ft. or greater. The auxiliary dwelling unit shall not have a separate address or house number.
2. The number of occupants is limited to two persons of the immediate family.
3. The primary or auxiliary dwelling unit on the property is occupied by the legal owner of the property.
4. The gross square footage of the auxiliary dwelling unit, excluding attached covered parking and unenclosed patio covers, shall not exceed 60% of the gross square footage of the primary dwelling unit or one-thousand (1,000) sq. ft., whichever number is less. The park model mobile home shall not exceed 400 sq. ft.
5. The auxiliary dwelling unit shall be provided with one parking space in addition to any parking requirement for the primary dwelling unit. Any parking provided for the auxiliary dwelling unit shall be served from the same driveway system that serves the parking from the primary dwelling unit.

6. Such detached dwelling unit shall maintain a minimum ten-foot setback from the primary dwelling unit. The minimum setbacks of the zoning district shall be adhered to. The auxiliary dwelling unit shall not cause the lot coverage requirement of the zone to be exceeded.
7. Any auxiliary dwelling unit attached to the primary dwelling unit shall meet the setback requirements of the primary dwelling unit and shall not cause the lot coverage requirement of the zone to be exceeded.
8. Separate utility meters and laterals shall not be permitted.
9. Any auxiliary dwelling unit established in a permanent structure shall not contain more than one bathroom, one kitchen (with or without eating area), one utility room, one bedroom, and one living or combination living and dining room.
10. Any auxiliary dwelling unit permanently built on a property shall be architecturally compatible with and complimentary to the primary dwelling unit.
11. An existing building may be converted to a living space if the existing building conforms to zoning requirements. The existing building structure or park model mobile home shall be inspected by the zoning inspector prior to issuance of a permit.
12. The zoning inspector shall conduct annual inspections for compliance.

#### 100-5.4 SIGNS

##### 1. Signs, General

- a. A zoning permit shall be required for the erection, construction or alteration of any sign, except as hereinafter provided, and all such signs shall be approved by the Zoning Inspector as to their conforming to the requirements of the zoning district wherein said sign or signs are to be located and the requirements of this section.
- b. There shall be no flashing, oscillating or intermittent, or red or blue or green illumination of any signs located in the same line of vision as a traffic control system, nor interference with vision clearance along any highway, street, or road, or at any intersection of two or more streets or roads. All illuminated signs shall be so placed as to prevent the rays and illumination therefrom from being cast upon neighboring residences within a residential district and shall be located not less than one-hundred (100) feet from such residential district.
- c. No sign, except those placed and maintained by the Township, County, or State shall be located in, overhang or encroach upon any public right-of-way.
- d. Signs advertising real estate for sale, rent, or lease are permitted in all districts when located on the building or land intended to be sold, rented, or leased, provided they are used only during the offering for sale, rent, or lease of real buildings or the offering for sale, rent, or lease of real estate. Temporary subdivision signs not exceeding one-hundred (100) square feet in area may be permitted subject to their approval by the Board of Zoning Appeals for a twelve (12) month period, subject to renewal, providing such signs conform to the conditions established by said Board of Zoning Appeals to secure

harmony with this code and there are buildings or home sales continuing in the subdivision being advertised.

No zoning permit shall be required for a sign described above providing said sign is not larger than sixteen (16) square feet in area.

- e. Signs advertising real estate for sale, rent, or lease shall be removed two (2) weeks after sale of real estate.
  - f. No sign otherwise permitted shall exceed the maximum height limitations of the zoning district in which located.
  - g. No sign, temporary or permanent, poster, billboard, or similar item shall be erected, painted, repainted, placed, replaced, or hung within ten (10) feet of the right-of-way of any public highway.
2. Signs in Residential Districts (R1), (R2), (R3) are permitted as follows:
- a. For each dwelling unit, one (1) name plate sign displaying the street name and number and name of occupant, not exceeding one (1) square foot in area.
  - b. For Permitted Principal Uses other than dwellings and for Conditional Permitted Uses, one (1) bulletin or announcement board not exceeding ten (10) square feet in area.
  - c. In the Multi-Family District, one (1) ground or wall sign indicating the name of the multiple housing development in addition to individual dwelling name plates. Such signs shall not exceed ten (10) square feet in area.
  - d. No sign shall be illuminated by other than continuous indirect white light nor shall contain any visible moving parts.

#### 100-5.5 FENCES, WALLS, AND OTHER PROTECTIVE BARRIERS

##### 1. General

- a. The erection, construction, or alteration of any fence, wall or other type of protective barrier shall be approved by the Zoning Inspector as to their conforming to the requirements of the zoning district wherein they are required because of land use development, and to the requirements of this section.
- b. No fence, wall, structure, or planting shall be erected, established, or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, except that shade trees would be permitted where all branches are not less than twelve (12) feet above the road level. Such unobstructed corner shall mean a triangular area formed by the right-of-way lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property corner from the intersection of the street property lines expanded. This shall not prohibit the establishment of shrubbery thirty (30) inches or less in height.

2. Residential

- a. Side and Rear Fences: Fences constructed within a side or rear yard shall not be higher than six (6) feet except as provided herein.
- b. No fence, wall or hedge planting shall interfere with visibility from a driveway. All fences, walls, or hedges shall be kept back from the road right-of-way. The enforcing officer is hereby empowered to cause all such obstruction to be removed in the interest of the public safety.
- c. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with the recorded lots shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five (25) percent of their total area.
- d. Fences on lots of record shall not contain barbed wire, electric current, or charge of electricity.

100-5.6 ONE LOT, ONE BUILDING, PUBLIC STREET

Every building hereafter erected or structurally altered shall be located on a lot and in no case shall there be more than one (1) main building and the customary accessory buildings on one (1) lot except as otherwise provided, in conformity with the provisions of this Resolution. All lots must face and be adjacent to the legal public street.

100-5.7 BLIGHTING FACTORS OR CAUSES OF BLIGHT

It is hereby determined that the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. No person, firm or corporation of any kind shall maintain or permit to be maintained any of the following causes of blight or blighting factors upon any premises in the township owned, leased, rented or occupied by such person, firm or corporation:

1. The storage upon any premises of any inoperable or unlicensed vehicle for a period of more than 14 days whether consecutive or not, unless it is not visible from any public road right-of-way or visible from neighboring lands because of concealment by means of buildings, fences, vegetation, terrain or other suitable screening material. Any motor vehicle not moved for 14 consecutive days shall be presumed inoperable.
2. The outdoor storage upon any premises of building materials unless a zoning permit has been issued not more than one (1) year previously for construction upon said premises, and said materials are intended for use in connection with such construction. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure. Provided, that outdoor storage of building materials which is not in violation of applicable zoning or safety regulations is permitted if said materials are kept out of view of the public and abutting premises. Provided further, all construction debris shall be removed from any premises within 30 days after the Certificate of Occupancy has been issued.

3. The storage or accumulation of junk, trash, rubbish or refuse of any kind, provided however, domestic refuse may be stored in such a manner so as not to create a nuisance for a period not to exceed 30 days. The term “junk” shall include old or scrap copper, brass, rope, rags, trash, construction and demolition debris, paper, rubber, iron, steel, wood and other old or scrap ferrous or non-ferrous material, abandoned motor vehicles, machinery and appliances and any other materials or other castoff materials of any kind whether or not same could be put to any reasonable use.
4. The existence of any vacant dwelling, garage, or other outbuilding unless the same is kept securely locked, windows kept glassed or neatly boarded up, and otherwise protected to prevent entrance thereto by unauthorized persons.
5. In any area the existence of any structure or portion of a structure, which because of fire, wind or other natural disaster, or physical deterioration is no longer usable for its intended purpose.
6. In any area, the existence of any partially completed structure, is in the course of construction in accordance with a valid zoning permit issued by the township and unless the exterior construction is completed within (1) year after issuance thereof.
7. No manufactured, mobile or modular home, semi-trailer, tandem trailer or truck cargo box shall be used as an accessory building in residentially zoned districts.

The Zoning Inspector and any agents of the Township, designated by the Board of Township Trustees, shall be entitled to enforce this Resolution.

Prior to enforcement of this blighting factors or causes of blight regulation, the Board of Township Trustees, one of its Trustees, its Clerk, its Zoning Inspector or other complainant shall mail to or personally deliver to the owner, lessee, renter, occupier or possessor of the land a notice of the violation of this regulation. Failure of any such person to actually receive the notice of violation shall not be a defense to enforcement of this regulation.

Any building, structure, use of premises or land, which violates any of the above blight or blighting factors is hereby declared a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

#### 100-5.8           CONDITIONAL USE PERMITS

##### 1.   Statement of Purpose

Certain uses hereinbefore defined in this Resolution are conditionally permitted and prior to the use of any land, building, or structure or for the erection of any building or structure for said conditional use a conditional zoning certificate must first be approved and authorized by the Board of Zoning Appeals. Conditional uses possess unique characteristics vis-a-vis those permitted by right in the affected zoning district. The characteristics have inherent in them a degree of incompatibility with the uses permitted by right and therefore it is important that individual site consideration be given those proposed uses and that potentially affected property owners be given an opportunity to determine the suitability or the use of their particular area. The purpose of this subdivision is to establish reasonable procedures to insure the proper disposition of conditional zoning certificate applications.

2. Procedure for Approval

a. Application

Every application shall be filed with the Township Zoning Inspector on a form prescribed by the Board of Zoning Appeals and supplied to the applicant by the Zoning Inspector. Every application shall, in addition, be accompanied by the following information and data:

1. Site plan, plot plan, or development plan, drawn to scale not less than one-quarter (1/4) inch equal one (1) foot of the total property involved showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their uses.
2. Vehicles and pedestrian movement plan.
3. Landscaped plans, including the provision of any screening or buffering of adjacent uses.
4. A legal description of the property and proof of ownership.

b. Public Hearing

Upon receipt of the conditional use application, the Board of Zoning Appeals should set a date for a public hearing thereon which date shall not be less than twenty (20) nor more than forty (40) days from the date of the filing of such application. Notice of such hearing shall be given by the Board of Zoning Appeals by one (1) publication in one (1) or more newspapers of general circulation in the township affected by such proposed conditional use application at least fifteen (15) days before the date of such hearing.

Written notice of the hearing shall be mailed by the Board of Zoning Appeals by first class mail, at least twenty (20) days before the date of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed for a conditional use application to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees. The published and mailed notices shall set forth the time and place of the public hearing and the nature of the proposed conditional use application. Upon the appointed date, the Board of Zoning Appeals shall then hold a public hearing prior to any determination of the conditional use application.

c. Board of Zoning Appeals

The Board of Zoning Appeals shall be governed by the powers, rules, and standards provided in Article 100-22, "Board of Zoning Appeals". In addition, thereto, the minimum standards relative to each conditional use, provided in the various articles of this Resolution, shall not be modified by the Board, except under its variance provisions.

### Purpose

The purpose of this section is to establish general guidelines for the location of wind turbine generators and anemometer towers. This section is consistent with the stated purpose of the Clinton Township Zoning Resolution: “Protecting the public health, safety, comfort, and general welfare” of its residents. The Township recognizes in some specific instances, under carefully controlled circumstances, it may be in the public interest to permit the placement of wind turbine generators in certain areas of the Township. The Township also recognizes the need to protect the scenic beauty of the Township from unnecessary and unreasonable visual interference, noise radiation, and that wind turbine generators may have negative health, safety, welfare, and aesthetic impacts upon adjoining and neighboring uses. As such, this section seeks to:

1. Protect residential and agricultural areas from potential adverse impact of wind turbine generators;
2. Permit wind turbine generators in selected areas by on-site residential, commercial, or industrial users, subject to the terms, conditions, and provisions hereof;
3. Ensure the public health, welfare, and safety of the Township’s residents in connection with wind turbine generators; and
4. Avoid potential damage to real and personal property from the wind turbine generators or anemometer towers or the failure of such structures and related operations.

### Permitted Use

Small wind energy systems shall be a permitted use in all zoning districts where structures of any type are allowed, subject to the following regulations:

### Height and Acreage

The maximum height of any turbine shall be 120 feet, which includes the tower and the maximum vertical height of the turbine’s blades. Maximum height shall be calculated by measuring the length of a prop at a maximum vertical rotation to the base of the tower. A wind turbine shall be located on a minimum of 1 acre. A height limitation does not apply to parcels 5 acres and larger, unless height restrictions are imposed by the F.A.A.

### Setbacks

Any wind turbine system erected on a parcel of land must establish a “clear fall zone” from all neighboring property lines and habitable structures. A wind turbine must be erected and placed in such a manner that if it fell, the entire system would be contained solely on the property where the turbine was installed, and would not strike the primary dwelling. No part of the wind energy system, including guy wire anchors, which would require a waiver by the BZA, shall extend closer than ten (10) feet to the property boundaries of the installation site.

### Lighting

The maximum lighting used for or on the structure is a low intensity red light designed by the Federal Aviation Administration.

### Decibel Levels

Decibel levels for the system shall not exceed 60 decibels (dBA) measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe windstorms.

### Aesthetics

The wind energy system, including the prop blades, turbine, cowling, and tower shall be painted or coated either of white, gray or sky blue. Logos or other identification markers other than those of the manufacturer and model type shall not be permitted anywhere on the turbine.

### Federal Aviation Administration

The FAA is required to receive notification of any construction or alteration of an object that is more than 200 feet in height above the ground level at the site or if the object is located within 10,000 feet of an airport per FAA, Title 14, Section 77.13.

### Permits

A permit shall be required before construction of an individual wind turbine system. As part of the permit process, the applicant shall inquire with the Fulton County Regional Planning Commission as to whether or not additional height restrictions are applicable due to the turbine's location in relation to the Fulton County Airport or the Helicopter Overlay District.

The following items and or information shall be provided when applying for a permit:

1. Location of all public and private airports in relation to the location of the turbine, as well as any applicable FAA restrictions that may be applicable to the turbine.
2. An engineering report that shows:
  - a. The total size and height of the unit.
  - b. The total size and depth of the unit's concrete mounting pad.
  - c. An average decibel rating for that particular model.
  - d. A list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection.
  - e. Data specifying the kilowatt size and generating capacity of the particular unit.
3. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, and neighboring properties.
4. Evidence of a "clear fall zone" with the manufacturer recommendations must be attached to the engineering report.
5. Color of the unit as well as the location and size of the manufacturers identifying logos shall be included in the plan.
6. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.
7. The small wind turbine wire shall be placed underground to any structures.
8. The applicant shall notify the Zoning Inspector if operations of the wind turbine cease and shall be removed within 60 days of ceasing operations.
9. No grid-interconnected wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install a grid-connected customer-owned generator. Off-grid systems shall be exempt from this requirement.

ARTICLE 100-6.0

NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND,  
NON-CONFORMING STRUCTURES,  
NON-CONFORMING USE OF STRUCTURES AND PREMISES,  
AND NON-CONFORMING CHARACTERISTICS OF USE

100-6.1 STATEMENT OF PURPOSE

Within the district established by this Resolution there exists.....

- a. Lots
- b. Structures
- c. Uses of land and structures; and
- d. Characteristics of use, which were lawful prior to adoption of this Resolution. It is the intent of this Resolution to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Resolution that non-conformities shall not be enlarged upon, expanded or used as grounds for adding other structures or uses prohibited elsewhere in the same district.

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

100-6.2 NON-CONFORMING STRUCTURES

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

1. No such non-conforming structure may be enlarged or altered in any way, which increases its non-conformity unless otherwise specified by the Board of Zoning Appeals.
  - An exemption to the above may be granted for a single-family dwelling that does not meet the required setback. In no circumstances shall the alteration, repair or enlargement decrease the existing front setback, unless otherwise specified by the Board of Zoning Appeals.
  - Side and rear yard setbacks and all other zoning regulations shall be complied with, unless otherwise specified by the Board of Zoning Appeals.
2. Should such non-conforming structure or non-conforming portion of structure be destroyed, the Zoning Resolution shall provide for the restoration, reconstruction, or substitution of non-conforming uses. Termination of non-conforming uses shall occur when it is voluntarily discontinued for two years or more. Zoning permit regulations shall be followed and required as stated in 100-21.
3. Should such structure be moved for any reason whatever, it shall after conform to the regulations of the district in which it is located after it is moved.

### 100-6.3 NON-CONFORMING USES OF LAND

Where, at the time of passage of this Resolution, lawful use of land exists which would not be permitted by the regulations imposed by this Resolution, and where such use involves no individual structure with an assessed value exceeding \$500, the use may be continued as long as it remains otherwise lawful provided:

1. No such non-conforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.
2. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Resolution.
3. If any such non-conforming use of land is voluntarily discontinued for a period of two (2) consecutive years or more such land shall conform to the regulations specified by this Resolution for the district in which such land is located.
4. No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such non-conforming use of land.

### 100-6.4 NON-CONFORMING USES OF STRUCTURES

If lawful use involving individual structures with an assessed value of \$500 or more, or of structure and premises in combination, exists at the effective date of adoption of this Resolution, that would not be allowed in the district under the terms of this Resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. An existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall not be enlarged, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in a district in which it is located.
2. Any non-conforming use may be extended throughout any parts of a building, which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any non-conforming use of structure, or structure and premises, can be changed to another non-conforming use provided that the proposed use is equally or more appropriate to the district than the existing non-conforming use.
4. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for two (2) consecutive years, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
5. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this section is defined as damaged to an extent of more than sixty (60) percent of the replacement costs at the time of destruction.

#### 100-6.5 NON-CONFORMING LOTS OF RECORD

In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Resolution of a single family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption of amendment of this Resolution. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable to the district; provided that yard dimension and other requirements not involving area or width, or both, of the lot, shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Board of Zoning Appeals.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Resolution, and if all or part of the lots do not meet the requirements for lot width and area as established by this undivided parcel for the purpose of this Resolution, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this Resolution, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Resolution.

#### 100-6.6 REPAIRS AND MAINTENANCE

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairing, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding fifty (50) percent of the current assessed value of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic context existing when it became non-conforming shall not be increased.

If a non-conforming structure or portion of a structure containing a non-conforming use, became physically unsafe or unlawful, due to lack of repairs and maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt, except in conforming with the regulations of the district in which it is located.

#### 100-6.7 NON-CONFORMING VALIDATION CERTIFICATE

1. At any time after the adoption of this Resolution should the Township become aware of a non-conforming use, the owner of said non-conforming use shall be notified by the Zoning Inspector of the provisions of this section that his property constitutes a non-conforming use. Within thirty (30) days after receipt of said notice, the Zoning Inspector shall issue a Validation Certificate for the non-conforming use. The application of said Certificate shall designate the location, nature, and extent of the non-conforming use and such other details as may be necessary for the issuance of the Validation Certificate.
2. If the Zoning Inspector shall find, upon reviewing the application for the Validation Certificate, that the existing use is illegal or in violation of any other ordinance of law or if he finds that the building for which the certificate is requested has been constructed or altered from the existing use or any other use without full compliance with the Building Code or Zoning Resolution in effect at the time of construction or alteration, he shall not issue the Validation Certificate but shall declare such use in violation of this Resolution.

3. The Validation Certificate issued by the Zoning Inspector for a non-conforming use shall state that the use may be continued a period of twelve (12) months. The Validation Certificate may be renewed.

After the adoption of this Resolution, or any amendments thereto, the Zoning Inspector shall prepare a record of all known non-conforming uses and occupants of land, buildings, and structures, including tents and mobile homes, existing at the time of such Resolution or amendment. Such record shall contain the names and addresses of the owners of record of such non-conforming use and of any occupant, other than the owner, the legal description of the land, and the nature and extent of the use. Such list shall be available at all times in the office of the Township Zoning Inspector.

## ARTICLE 100-7

### OFF-STREET PARKING AND LOADING REQUIREMENTS

#### 100-7.1 PARKING AND LOADING REQUIREMENTS

In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this Resolution, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Resolution.

1. Area of Parking Space: For the purpose of this section three-hundred (300) square feet of lot area shall be deemed a parking space for one (1) vehicle, including access aisle, except that egress for an alley or street may also be deemed a parking space.
2. Fractional Requirements: When units of measurements determining number of required parking spaces result in requirements of a fractional space, any fraction up to, and including one-half (1/2) be disregarded and fractions over one-half (1/2) require one (1) parking space.
3. Location of Parking Space for One and Two Family Dwellings: The off-street parking facilities required for one and two family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, and shall consist of a parking strip, parking apron and/or garage.
4. Location of Parking Space for Other Land Uses: The off-street parking facilities required for all other uses shall be located on the lot or within five-hundred (500) feet of the permitted uses requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served. In the Multiple Family and Industrial Districts the front setback area shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives except as otherwise provided.
5. Seating Capacity of Seats: As used in this Article for parking requirements, seats shall mean that each twenty-four (24) inches of seating facilities shall be counted as one (1) seat, except that where specifications and plans filed with the Zoning Inspector specify a certain seating capacity

for a particular building, such specified seating capacity shall be used as the basis for required parking space.

6. Similar Uses and Requirements: In the case of a use not specifically mentioned the requirements of off-street parking facilities for a use which is so mentioned, and which said use is similar, shall apply.
7. Protective Screening: Whenever off-street parking facilities abut a residential district, an appropriate screening of not less than five (5) feet in height and not more than six (6) feet in height shall be provided.
8. Existing Off-Street Parking at Effective Date of Resolution: Off-street parking existing at the effective date of this Resolution which serves an existing building or use, shall not be reduced in size less than that required under the terms of this Resolution.
9. Collective Provisions: Nothing in this Article shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the Table under the Section 100-7.2.
10. General Use Conditions: Except when land is used as storage space in connection with the business of a repair or service garage or airport, a twenty-four (24) hour time limit for parking in off-street parking areas shall prevail, it being the purpose and intentions of the foregoing that the requirements of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the street, but such requirement is not designated to or intended to provide, the storage or parking on such open land of wrecked or junked cars, or for creating junk yards or a nuisance in such area.
11. Parking and Storage of Certain Vehicles in Residential Areas: Motor vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in an enclosed garage or other accessory building. Only one boat and one travel trailer may be stored in a rear yard and only if they have current licenses.

The parking and keeping of any inoperable motor vehicle in a residential district for a period of more than fourteen (14) days, whether or not consecutive, unless said vehicle is stored in an enclosed garage or other accessory building, is prohibited. Any vehicle not moved for 14 consecutive days shall be presumed inoperable.

12. Joint Use: Parking spaces already provided to meet off-street parking requirements for theater, stadiums, auditoriums, and other places of public assembly, stores, office buildings, and other establishments lying within five-hundred (500) feet of a church as measured along lines of public access, and that are not normally used between the hours of 6:00 a.m. and 6:00 p.m. on Sundays and that are made available for other parking, may be used to meet not more than fifty (50) percent of the off-street parking requirements of a church.

## TABLE OF OFF-STREET PARKING REQUIREMENTS

The amount of required off-street parking space for new uses of buildings, additions thereto, and additions to existing buildings as specified above shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocable reserved for such use and/or shall comply with the initial part of this Article.

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
<b>A. RESIDENTIAL</b>	
1. Residential, One-Family and Two-Family	Two (2) for each dwelling unit
2. Residential, Multiple-Family	Two (2) for each dwelling unit
3. Housing for the Elderly	One (1) for each two (2) units and one (1) for each employee. Should units revert to general occupancy, then two (2) spaces per unit shall be provided
4. Manufactured Home Parks	Two (2) for each manufactured home site and one (1) for each employee of the manufactured home park
5. Boarding House	One (1) for each sleeping room
USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
<b>B. INSTITUTIONAL</b>	
1. Churches and Temples	One (1) for each six (6) seats
2. Hospitals	One (1) for each one (1) bed
3. Homes for the Aged and Convalescent Homes	One (1) for each two (2) beds
4. Elementary and Junior High Schools	One (1) for each one (1) teacher and administrator, in addition to the requirements of the auditorium
5. Senior High School	One (1) for each one (1) teacher, administrator, and one (1) for each ten (10) students, in addition to the requirements for the auditorium
6. Private Clubs or Lodge Halls	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local county, or state, fire, building, or health code

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
<b>B. INSTITUTIONAL</b>	
7. Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs, or other similar uses	One (1) for each two (2) member families or individuals
8. Golf Courses open to general public, except miniature or "Par 3" course	Six (6) for each one (1) golf hole and one (1) for each one (1) employee
9. Fraternities and Cooperatives	1 ½ parking spaces for every two (2) persons based upon the capacity of the house
10. Sororities	One (1) parking space for every two (2) persons based upon the capacity of the house
11. Stadium, Sports Arena, or similar place of outdoor assembly	One (1) for each three (3) seats plus one (1) for each two (2) employees

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
<b>C. BUSINESS AND COMMERCIAL</b>	
1. Planned commercial or shopping center located in any "C" District	One (1) for each sixty-six (66) square feet of usable floor area
2. Auto Wash	One (1) for each one (1) employee in addition, adequate waiting space for autos shall be provided on the premises to accommodate twenty-five (25) percent of the hourly rate of capacity.
3. Beauty Parlor or Barber Shop	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1 ½) spaces for each additional chair
4. Bowling Alleys	Five (5) for each one (1) bowling lane
5. Dance Halls, pool or billiard parlors roller or ice skating rinks, exhibition halls and assembly halls without fixed seats	One (1) for each three (3) persons allowed within the load as established by the Fulton County Building Code
6. Establishments for sale and consumption on the premises of beverages, food or refreshments	One (1) for each sixty (60) square feet of usable floor space

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
<b>C. BUSINESS AND COMMERCIAL</b>	
7. Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician or similar trade, show repair and other similar uses	One (1) for each eight- hundred (800) square feet of usable floor area for that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein
8. Automobile service stations	Two (2) for each lubrication stall, rack or pit; and one (1) for each gasoline pump
9. Laundromats and coin operated dry cleaners	One (1) for each two (2) washing machines
10. Miniature or "Par 3" golf course	Three (3) for each one (1) hole plus one (1) for each one (1) employee
11. Mortuary establishments	One (1) for each fifty (50) square feet of usable floor space
12. Motel, hotel, or other commercial lodging establishments	One (1) for each one (1) occupancy unit plus plus one (1) employee, plus extra space for dining rooms, ballrooms, or meeting rooms
13. Motor vehicle sales and service establishments	One (1) for each two hundred (200) square feet of usable floor space or sales room and one (1) auto service stall in the service room
14. Retail stores except as otherwise specified herein	One (1) for each one hundred and fifty (150) square feet of usable floor space

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
<b>D. OFFICES</b>	
1. Banks	One (1) for each one hundred and fifty (150) square feet of usable floor space
2. Business offices or professional offices, except as indicated in the following item 3	One (1) for each three hundred (300) square feet of usable floor space
3. Professional offices of doctors, dentists, or similar professions	One (1) for each one hundred (100) feet of usable floor area in waiting rooms and one (1) for each examining room, dental chair or similar use area

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
<b>E. INDUSTRIAL</b>	
1. Industrial or research establishments	Five (5) plus one (1) for every one and one-half (1 ½) employees in the largest working shift, or one (1) for all construction workers during periods of plant construction
2. Wholesale establishment	Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen-hundred (1,700) square feet of usable floor space, whichever is greater

100-7.3 OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE

Whenever the off-street parking requirements in Section 100-7.3 above requires the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- No parking lot shall be constructed unless and until a permit is issued by the Zoning Inspector. Applications for a permit shall be submitted to the Zoning Inspector and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.
- Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0° Parallel					
Parking	12'	8'	23'	20'	28'
30° to 53°	14'	8'6"	20"	32"	52'
54° to 74°	18'	8'6"	20"	36' 6"	58'
75° to 90°	24'	9'6"	20"	45'	65'

100-7.4 OFF-STREET LOADING REQUIREMENTS

On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse, goods, display, department stores, wholesale, market, hotel, hospital, convalescent homes, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of the streets, alleys, or any required access for off-street parking areas. There shall be adequate space for on-premise maneuvering, allowing trucks to turn around in a continuous circular motion.

Such loading and unloading space, unless adequately provided for within a building, shall be an area fourteen (14) feet by sixty (60) feet, according to the following schedule:

Gross Floor Area in Square Feet	Loading and Unloading Spaces Required in Terms of Square Feet of Gross Floor
0 to 2,000	None
2,000 to 20,000	One (1) space
20,000 to 100,000	One (1) space for each 20,000 square feet in excess of 20,000 square feet
100,000 to 500,000	Five (5) spaces plus one (1) space for each 40,000 square feet in excess of 100,000 square feet
Over 500,000	Fifteen (15) spaces plus one (1) space for each 80,000 square feet in excess of 500,000 square feet

100-7.5 OFF-STREET PARKING CONSTRUCTION AND OPERATION

1. The construction of any parking lot shall be in accordance with the requirements and provisions of this Resolution and such construction shall be completed and approved by the Zoning Inspector and the County Engineer before actual use of the property as a parking lot. Plans for the development of any parking lot must be submitted to the Building Inspector, prepared at a scale of not less than fifty (50) feet equal one (1) inch and indicating existing and base materials to be used and the layout of the proposed parking lot. The plans are to be prepared in a presentable form by a person or persons competent in such work.
2. All such parking lots for commercial or industrial use shall be paved, graded, and drained so as to dispose of surface water, which might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain onto adjoining private property, except through public drain.
3. All illumination for or on such parking lots shall be deflected away from adjacent residential areas and shall be installed in such manner as to allow for reduction of the amount of light in other than normal parking hours each day. The source of illumination in all parking lots abutting a residential area shall not be more than thirteen (13) feet above the parking lot surface.
4. Side yards shall be maintained for a space of not less than six (6) feet between the side lot lines of adjoining residential lots and the parking area. The depth of the front yard or setback line from the street as established for houses in any block in any given residential area shall be continued

and made applicable to parking space in such residential area as it shall be unlawful to use the space between such setback line and the sidewalk for the parking of motor vehicles.

5. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles.
6. Wheel chocks shall be provided, so located as to prevent any vehicle from projecting over the lot lines.

## ARTICLE 100-8

### AGRICULTURAL AND RURAL ESTATE DISTRICT

#### 100-8.1 STATEMENT OF PURPOSE

1. To preserve and protect the decreasing supply of prime agricultural land.
2. To control the indiscriminate infiltration of urban development in agricultural areas, which adversely affects agricultural endeavors by creating urban land values.
3. To keep the cost from public services and utilities down in agricultural areas.
4. To help avert the limitations on normal farming operations, which have followed residential movement into farming communities.
5. To justify a design technique, which attempts to support a township spatial relationship creating intrinsic urban-rural values.

#### 100-8.2 PRINCIPAL PERMITTED USES

In the Agricultural/Rural Estate District no farm shall hereafter use any land, building, or structure and no person shall erect any building or structure except in accordance with the following provisions:

1. One-family detached dwelling both farm and non-farm related.
2. Farms, private stables, agricultural storage, and agricultural produce warehouses.
3. Publicly owned and operated libraries, parks, parkways, and recreational facilities.
4. Churches.
5. Public, parochial or other private elementary, intermediate schools and/or high schools offering courses in general education on sites of not less than ten (10) acres.
6. Colleges, universities and other institutions of higher learning on sites of not less than forty (40) acres.
7. Rural subdivisions, pursuant to Section 334.1 - Fulton County Subdivision Regulations.

8. Telecommunication Towers.
9. Accessory uses and buildings incidental to the above principal uses.

100-8.3            CONDITIONALLY PERMITTED USES

The following uses may be permitted subject to the granting of a conditional use permit pursuant to Article 100-5.8 in which the Township Board of Zoning Appeals is empowered to make such grant and subject further to the terms and conditions herein provided.

1. Soil, sand, clay, gravel, or similar removal operations, quarry excavation and filling of land subject to all applicable Township, County, and State regulations.
2. Public stables, private parks, camp grounds, golf courses and golf driving ranges, country clubs and gun clubs, provided they are located on a continuous parcel of five (5) acres or more in area and have ingress/egress from a major thoroughfare not less than sixty (60) feet in right-of-way width, and subject to the following conditions:
  - a. Provided that, provision for the land and/or buildings shall have been identified in the original platting of the land such that all subsequent lot purchases were duly placed on notice. Prior to the issuance of a conditional use permit the Board of Zoning Appeals shall, within thirty (30) days, determine that such affected area residents were able to determine that such facilities were a part of an original development scheme. Evidence of this effect would include a provision in the plat.
  - b. The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one property line abutting a major thoroughfare of not less than sixty (60) feet of right-of-way width either existing or proposed, and the site shall be so planned as to provide all ingress and egress directly onto or from said major thoroughfare.
  - c. Front, side and rear yards shall be at least eighty (80) feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structure permitted in these yards except required entrance drives and those walls used to obscure the use from abutting residential districts.

3. Residential Mini Storage Facilities

Storage:

- a. All storage on the property shall be kept within an enclosed building. No outside storage is permitted.
- b. No business activity other than rental of storage units shall be conducted on the premises.

Signage:

- a. Signage shall be limited to one sign for each property line abutting or adjoining a public right-of-way.
- b. Signs identifying the nature of the residential storage facility shall not exceed fifteen (15) feet in height, or forty (40) square feet in area.

- c. No additional advertising signs, which do not identify the nature of the mini storage facility, will be permitted on the property.

Fencing/Landscaping

Either a six (6) foot fence or wall of suitable material, or an appropriate landscape buffer may be required along boundaries of the site adjacent to residential areas, or as required by the Board of Appeals. A landscape buffer shall be planted with a minimum of fifty percent (50%) of live plant material. The landscape buffer shall be at least 20 feet wide.

Internal Driveways

A driveway aisle for mini storage facilities shall be a minimum width of 24 feet. A driveway aisle, where access to storage units is only on one side of the aisle, may be 20 feet in width. No off-street parking spaces are required for these facilities.

Lighting

All lighting shall be shielded from adjacent residential districts.

Minimum Yard Dimensions

Front Yard	One Hundred Feet	(100')
Side Yard	Twenty Feet	(20')
Rear Yard	Twenty-five Feet	(25')

A site plan, depicting lot size, signage, fencing, landscaping, setbacks, driveways, and other information that may be required by the Zoning Board of Appeals, shall be submitted at the time of application.

It shall be unlawful for any owner, operator, or lessee of any residential mini storage or portion thereof to offer for sale, or to sale any item of person property or to conduct any type of commercial activity of any kind whatsoever other than leasing of the storage units, or to permit same to occur upon any area designated as a residential mini storage.

An approved plan for a residential mini storage facility shall be and remain valid for a period of 12 months from the date of its approval. Additional mini storage buildings will require individual conditional use approval.

- 4. Cemeteries and other facilities incidental thereto subject to the following conditions:
  - a. The principal access to the cemetery shall front upon a major thoroughfare as defined in the Fulton County Comprehensive Development Plan.
  - b. The site shall contain a minimum of five (5) contiguous acres.
- 5. Public utility buildings and uses, but not including services and storage yards when operating requirements necessitate locating within the District to serve the immediate vicinity.
- 6. Nursery schools, day nurseries and child care centers (not including dormitories) providing that for each child so cared for there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play area. Such play space shall be screened from any adjoining lot in any residential district.

7. Golf courses and other facilities, including driving ranges, incidental thereto subject to the following conditions:
  - a. The site shall be so planned as to provide all ingress and egress directly onto or from a major thoroughfare of not less than sixty (60) feet of right-of-way width either existing or proposed.
  - b. The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways, and parking areas which will encourage pedestrian and vehicular traffic safety.
  - c. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two-hundred (200) feet from any property lines or abutting residentially zoned lands; provided that when topographic conditions are such that buildings would be screened from view, the Board of Zoning Appeals may modify this requirement.
8. Temporary buildings or manufactured homes for use incidental to construction work, on new housing units, subject to the following conditions:
  - a. Such a structure shall be permitted to be located on a lot for a period not to exceed one (1) year. One extension of this constraint not to exceed one (1) year may be granted by the Board of Zoning Appeals upon appeal.
  - b. One (1) temporary building or manufactured home shall be permitted per lot.
9. Group Homes
  - a. A group home may not be located within one-half (1/2) mile of any other group home and fifty (50) feet of a dwelling unit.
  - b. All parts of the home in residential zoned areas shall be maintained in a residential character. If in a non-residential structure, the structure shall be maintained in the general character of the district in which it is located.
  - c. The group home shall be licensed by the appropriate state and local licensing agency before zoning approval.
  - d. A group home shall have approved Fulton County Health Department or Ohio E.P.A. sanitary facilities.
  - e. No more than ten (10) clients shall occupy a group home at one time.
10. A contractor's business, located on the same parcel as their residence, is permitted under the following conditions:
  - a. The contractor's office and shop shall be located within an enclosed space or building.
  - b. All of the contractor's materials shall be stored in an enclosed building.

- c. All equipment, excluding motorized or licensed vehicles, shall be stored inside a building or shall be located in an exterior storage area, surrounded by a privacy fence of at least 6 ft. in height and maintained in good condition, subject to inspection by the zoning inspector. The exterior storage area shall be permitted in a rear yard, in an area no greater than 5,000 sq. ft.
- d. Only one (1) nameplate shall be allowed. It may display the names of the occupant and/or the name of the contractor's occupation (e.g. John Jones, Realtor). It shall not exceed five (5) square foot in area, shall be non-illuminated, and attached flat to the main structure or visible through a window. The limitation to one (1) nameplate is intended to apply to all lots, including corner lots.
- e. A detailed site plan, which depicts buildings, signage, parking, storage areas, fencing, and etc. shall be submitted.
- f. The Zoning Board of Appeals has the right to specify additional conditions.

11. Agricultural (Home Based) Support Uses

There are certain agricultural support uses that are necessary to preserve Fulton County's agricultural economy. Many of these support uses are conducted in the Agricultural/Rural Estate Zoning District. Such uses may include agricultural services, the sale of agricultural goods produced, and the restoration of agricultural implements.

A conditional use permit shall be required for certain agricultural support uses. The Zoning Board of Appeals shall review all "Conditional Use Permit Applications". If a permit is granted, the applicant shall have one year from date of issuance of said permit to initiate the agricultural use or the permit will automatically expire.

In order to grant an agricultural (home based) support use the following conditions must be met:

- a. The use shall be related to the support of agriculture, which shall be determined by the Zoning Board of Appeals and the Fulton County Regional Planning Commission.
- b. The use shall be located on a 5-acre or larger parcel.
- c. All materials, unassembled parts and equipment related to the use shall be stored in an enclosed building.
- d. Only the property owner(s) and related family members shall be involved in the support use.
- e. A detailed site plan, depicting buildings, parking, signage, etc., shall be submitted.
- f. Only one (1) nameplate shall be allowed. It may display the names of the occupant and/or the name of the contractor's occupation (e.g. John Jones, Realtor). It shall not exceed five (5) square foot in area, shall be non-illuminated, and attached flat to the main structure or visible through a window. The limitation to one (1) nameplate is intended to apply to all lots, including corner lots.

- g. A display area of 5,000 sq. ft. shall be permitted and depicted on the site plan. No more than 5 agricultural items shall be displayed within the designated area.

12. Auxiliary Dwelling Units (Granny Flats) (Refer to Article 100-5.32)

The Zoning Board of Appeals may establish additional requirements as deemed appropriate.

100-8.4 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS (AG/RE)

Area, height, bulk and placement requirements, unless otherwise specified as follows and as further provided and in Article 100-18 "Schedule of Regulations".

Minimum Lot Size Per Dwelling Unit

Area in Square Feet	1 to 1.99 acres	2 plus acres
Road Frontage in Feet	150 Feet	250 Feet
Width in Feet	150 Feet	250 Feet

Maximum Building Height

In Stories	2 – 2 ½
In Feet	30 Feet

Maximum Ground Coverage Area By All Buildings

In Percent of Lot Area	30 Percent
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Minimum Yard Setback In Feet

Front	150 Feet	(from center of State Highway)
Front	120 Feet	(from center of County & Twp. Highway)
One	12 Feet	(side yard)
Two	12 Feet	(side yard)
Rear	40 Feet	

The minimum public road frontage of an interior lot, with a private access drive in excess of 700 feet in length, shall be no less than 60 feet in width. This requirement pertains to dwellings constructed prior to September 3, 1974, per Section 335 of the Fulton County Subdivision Regulations.

ARTICLE 100-10

FIRST DENSITY RESIDENTIAL DISTRICT (R1)

100-10.1 STATEMENT OF PURPOSE

The R1 District is designed to provide a single family detached dwelling environment with supporting ancillary uses in areas of the Township which, at present, are served by public utilities such as public water supply and sanitary sewer system or will shortly be made available to such areas.

100-10.2 PRINCIPAL PERMITTED USES

The following provisions apply to all First Density Residential Districts. In an R1 District no person shall erect any building or structure except in accordance with the following provisions:

1. One-family detached dwellings.
2. Publicly owned and operated libraries, parks, and recreational facilities.
3. Planned Unit Developments, pursuant to Article 100-19.
4. Rural subdivisions, pursuant to Section 334.1 – Fulton County Subdivision Regulations.
5. Accessory uses and buildings incidental to the above principal permitted uses.

100-10.3 CONDITIONALLY PERMITTED USES

The following uses may be permitted by the Township Board of Zoning Appeals pursuant to Article 100-5.8 and subject further to the following provisions:

1. Churches and other facilities normally incidental thereto subject to the following conditions:
  - a. Unless established prior to the enactment of the zoning resolution, a church site shall contain an area of at least three (3) acres.
  - b. The site shall be so located as to have at least one (1) property line abutting a road designed as a major thoroughfare on the Comprehensive Development Plan. All ingress and egress to the site shall be directly onto said major thoroughfare.
  - c. Whenever the off-street parking area is adjacent to land zoned for residential purposes, a continuous and obscuring screening not less than four feet six inches (4'6") in height shall be provided along the sides of the parking area adjacent to the residentially zoned line. The screening shall be further subject to the provision of Article 100-7.
2. Public, parochial and other private elementary, intermediate schools and/or high schools offering courses in general education. Sites for such schools shall be fenced and screened from any adjoining lot in any residential subdivision. Commercial trade schools may not be located nearer than twenty-five (25) feet to any adjacent single-family district.

3. Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
4. Nursery schools, day nurseries and child care centers (not including dormitories) pursuant to Section 100-8.3-8. Any use permitted herein shall not be permitted in the interior of any residential block, and shall be located adjacent to a multiple family or business district.
5. Private recreational areas, institutional or community recreation centers subject to the following conditions:
  - a. Provided that, provision of the land and/or buildings shall have been identified in the original platting of the land such that all subsequent lot purchases were duly placed on notice. Prior to the issuance of a conditional use permit the Board of Zoning Appeals shall, within thirty (30) days, determine that such affected area residents were able to determine that such facilities were a part of an original development scheme. Evidence of this effect would include a provision in the plat.
  - b. The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one property line abutting a major thoroughfare of not less than sixty (60) feet of right-of-way width either existing or proposed, and the site shall be so planned as to provide all ingress and egress directly onto or from said major thoroughfare.
  - c. Front, side and rear yards shall be at least eighty (80) feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drive and those walls used to obscure the use from abutting residential districts.
  - d. Off-street parking shall be provided so as to accommodate not less than one-half of the member families and/or individual members. The Board of Zoning Appeals may modify the off-street parking requirements in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will therefore be pedestrians. Prior to the issuance of a conditional use permit, bylaws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or membership, the off-street parking requirements shall be determined by the Board of Zoning Appeals on the basis of usage.
6. Golf courses, which may or may not be operated for profit, subject to the following conditions:
  - a. The site shall be so planned as to provide all ingress and egress directly onto or from a major thoroughfare of not less than sixty (60) feet of right-of-way width either existing or proposed.
  - b. The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways, and parking areas, which will encourage pedestrian and vehicular traffic safety.

- c. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall not be less than two-hundred (200) feet from any property line of abutting residentially zoned lands, provided that where topographic conditions are such that buildings would be screened from view, the Board of Zoning Appeals may modify this requirement.
  - d. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence five (5) feet in height, and entry shall be by means of a controlled gate.
7. Colleges, universities, and other institutions of higher learning, public or private, offering courses in general, technical, or religious education all subject to the following conditions:
- a. Any use permitted herein shall be developed only on sites of at least forty (40) acres in area, and shall not be permitted on any portion of a recorded subdivision plat.
  - b. All ingress and egress from said site shall be directly onto a major thoroughfare having existing or planned right-of-way of at least one hundred (100) feet of width between lot lines.
  - c. No building or other use of land except landscaped passive areas shall be situated within one-hundred (100) feet of any private residence which is not a part of the required side area for said permitted uses.

8. Telecommunication Towers

In accordance with ORC 303.21, when a tower is planned to be constructed for the provision of cellular telephone communication service, the procedures indicated therein shall be followed. All zoning districts where dwellings of any kind are permitted shall be construed to be an area zoned for residential use. All telecommunication towers are subject to a Site Plan Review and shall meet the following standards when located within a residential district:

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

- f. Shall follow the schedule of regulations for residential districts and shall be three hundred (300) feet from any residential structure.

9. Auxiliary Dwelling Units (Granny Flats) (Refer to Article 100-5.32)

100-10.4 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS (R-1)

Minimum Lot Size

Area in Square Feet	20,000(a)	12,500(b)
Road Frontage in Feet	120(a)	90(b)
Width in Feet	120(a)	90(b)

Maximum Building Height

In Stories	2 – 2 ½(a)	2 – 2 ½(b)
In Feet	30(a)	30(b)

Minimum Yard Setback in Feet

Front	*120(a)	*120(b)(c)	
Front	**130(a)	**150(b)	
One	12(a) (side yard)	10(b)	
Two	12(a) (side yard)	10(b)	(rear yard)
		40(a)	(rear yard)
		35(b)	(rear yard)

- (a) Without a public water supply and public sanitary sewer system.
- (b) Both public water and sanitary sewer system available.
- (c) The front yard setback is 25 ft., if located within a platted subdivision, planned unit development, or not located on an arterial or collector road.

- \* From Center of County & Township Highway
- \*\* From Center of State Highway

## ARTICLE 100-11

### SECOND DENSITY RESIDENTIAL DISTRICT (R2)

#### 100-11.1 STATEMENT OF PURPOSE

The R2 District is designed to provide for a one and two family residential environment with supporting ancillary uses in areas of the Township, which contain a public source of water and sanitary sewers. This district is also designed to permit a conversion of older, larger residences in areas, which are experiencing a transition in use acceptability because of external adverse influences.

#### 100-11.2 PRINCIPAL PERMITTED USES

The following provisions apply to all Second Density Residential Districts. In an R2 District no person shall hereafter use any building or structure except in accordance with the following provisions:

1. All uses principally permitted in the R1 District unless otherwise provided.
2. Two-family dwellings.
3. Zero lot line dwellings.
4. Planned Unit Developments, pursuant to Article 100-19.

#### 100-11.3 CONDITIONALLY PERMITTED USES

The following uses may be permitted by the Township Board of Zoning Appeals pursuant to Article 100-5.8 and subject further to the following provisions:

1. All uses conditionally permitted in the R1 District unless otherwise provided.
2. Converted dwellings, the conversion of existing residences is hereby permitted provided the further encroachment into required yard area is not necessary and provided that the following conditions are met:
  - a. When converted, no dwelling unit shall contain a floor area of less than six hundred (600) square feet.
  - b. The effect of said conversion is to increase a lot coverage to more than fifty (50) percent.
  - c. Conversion is prohibited in the event a lot is less than seventy (70) feet in width.
  - d. No one-family detached dwelling shall be converted to two or more dwelling units if the dwelling is less than twenty (20) years old.

100-11.4 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS (R-2)

Area, height, bulk and placement requirements unless otherwise specified, are as provided in the following table and as further provided in Article 100-18, "Schedule of Regulations".

Minimum Lot Size

Area in Square Feet	9,500	(a)
Road Frontage in Feet	70	
Width in Feet	70	

Maximum Building Height

Stories	2 ½
In Feet	30

Minimum Yard Setback in Feet

Front	120	(from center of County & Township Highway)	(b)
Front	150	(from center of State Highway)	
One	10	(side yard)	
Two	10	(side yard)	
Rear	35		

- (a) A public water supply and sanitary sewer system shall be available.
- (b) The front yard setback is 25 ft., if located within a platted subdivision, planned unit development, or not located on an arterial or collector road.

## ARTICLE 100-12

### THIRD DENSITY RESIDENTIAL DISTRICT (R3)

#### 100-12.1 STATEMENT OF PURPOSE

The R3 District is designed to provide for a multiple housing environment with townhouses and garden apartments constituting the principal type dwelling accommodations. The district is adequately supported with necessary public utilities. Planned unit development, which combines various dwelling types within an open space environment, is encouraged to locate in this zoning district.

#### 100-12.2 PRINCIPAL PERMITTED USES

The following provisions apply to all Third Density Residential Districts. In the R3 District no person shall hereafter use any building or structures except in accordance with the following provisions:

1. All principal permitted uses and conditionally permitted uses except single-family dwellings in the R3 District subject to the terms and conditions provided therein. Accessory buildings and uses customarily incidental to any of the above uses are permitted.
2. Multi-family dwelling units including apartments, townhouses, row-houses, zero lot line developments and condominiums.
3. Nursery schools, day nurseries and child care centers (not including dormitories) pursuant to Section 100-8.3-8.
4. Planned Unit Developments, pursuant to Article 100-19.

#### 100-12.3 CONDITIONALLY PERMITTED USES

1. Hospitals, provided the following conditions are met:
  - a. All such hospitals shall be developed only on sites consisting of at least ten (10) acres in area.
  - b. The proposed site shall have at least one (1) property line abutting a major thoroughfare (a thoroughfare of at least sixty (60) feet of right-of-way existing or proposed). All ingress and egress to the off-street parking area, for guests, employees, staff, as well as any other uses of the facilities, shall be directly from a major thoroughfare.
  - c. In the event one (1) or more boundaries of the proposed site lies opposite or contiguous to a residential district, the minimum distances between any hospital structure or accessory use and the residential district boundary shall be at least one-hundred (100) feet for buildings containing two (2) stories or less. For buildings above two (2) stories, the building shall be set back for the initial one-hundred (100) feet setback an additional one (1) foot for each five (5) feet of height above two (2) stories.

- d. The minimum distance from any street line shall not be less than forty (40) feet for buildings containing two (2) stories or less, while buildings above two (2) stories, regardless of what zoning district is adjacent, the proposed hospital site in which it is situated shall be set back an additional one (1) foot for each five (5) feet of height above two (2) stories.
  - e. The minimum distance from any non-residential lot line shall not be less than twenty-five (25) feet.
  - f. Ambulance and delivery areas shall be obscured from all residential view with a wall or barrier of suitable material at least six (6) feet in height and said wall or barrier shall be further subject to the requirements of Article 100-7. Ingress and egress to the site shall be directly from a major thoroughfare (a thoroughfare of at least sixty (60) feet of right-of-way, existing or proposed).
2. Housing for the elderly, which shall not exceed a height of two and one-half (2 ½) stories. All housing for the elderly shall be provided as a planned development consisting of at least one (1) acre and may provide for the following:
- a. Cottage type dwelling and/or apartment type dwelling units.
  - b. Common services containing, but not limited to, central dining rooms, recreational rooms, central lounges, and workshops.
  - c. All dwellings shall consist of at least three-hundred and fifty (350) square feet per unit (not including kitchens and sanitary facilities).
  - d. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed fifty (50) percent of the total site exclusive of any dedicated public right-of-way.
3. Nursing home and assisted living when the following conditions are met:
- a. The site shall be so developed as to create a land-to-building ratio on the lot or parcel whereby for each one (1) bed in the convalescent home, there shall be provided not less than fifteen hundred (1,500) square feet of open space. The fifteen hundred (1,500) square feet of land area per bed shall provide for landscaping setting, off-street parking, service drives, open space, yard requirements, and space required for accessory use.
  - b. No building shall be closer than forty (40) feet from any property line.
4. Boarding house (rooming house) not to exceed a height of two and one half (2 ½) stories.
5. Accessory buildings and uses customarily incidental to any of the above uses.

100-12.4 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS (R-3)

Area, height, bulk and placement requirements unless otherwise specified, are as provided in the following table.

Minimum Lot Size

1 Acre	43,560	Square Feet
Road Frontage in Feet	100	Feet
Width in Feet	100	Feet

Maximum Building Height (a)

Stories	2 ½
In Feet	30

Minimum Yard Setback in Feet

Front	120	(from center of County & Township Highway) (b)
Front	150	(from center of State Highway)
One	12	(side yard)
Two	12	(side yard)
Rear	25	

- (a) Height provisions shall not apply to hospitals, universities, colleges, or similar institutions. Unless otherwise provided, one foot of additional setback over and above the minimum herein established shall be provided for each five (5) foot increase in height.
- (b) The front yard setback is 25 ft., if located within a platted subdivision, planned unit development, or not located on an arterial or collector road.

ARTICLE 100-12A

MANUFACTURED HOME DISTRICT (MH)

100-12A.1 MANUFACTURED HOME DISTRICT

GENERAL PARK SITE AND DEVELOPMENT STANDARDS

1. Use Permitted
  - a. Manufactured homes, excluding units for sale.
  - b. Accessory buildings or structures, for park management or park resident use only and not exceeding two (2) stories or twenty-five (25) feet in height.
  - c. One (1) identification sign, approved in conjunction with the final site plan approval of the manufactured home park. In no case shall such sign be larger than fifty (50) square feet in surface area nor have any moving parts, nor stand higher than fifteen (15) feet from the ground to the top of the sign.
  - d. Not more than one (1) entry and one (1) exit sign at each access drive onto the public right-of-way, approved in conjunction with the final site plan approval of the manufactured home park. In no case shall the sign be larger than two (2) square feet in surface area, nor having any moving parts, nor stand higher than five (5) feet from the ground to the top of the sign.
2. Park Size and Manufactured Home Density - Minimum site size for manufactured home parks shall be five (5) acres. Average park density shall not exceed seven (7) manufactured home units per gross acre.
3. Access - All manufactured home parks shall have access to a paved major thoroughfare. The proposed site shall have at least one (1) property line abutting a major thoroughfare, a thoroughfare of at least sixty (60) feet of right-of-way existing or proposed. All ingress and egress to the site shall be directly from a major thoroughfare.
4. Site Coverage - Maximum site coverage shall be fifty (50) percent.
5. Setback - All manufactured homes and accessory buildings shall be set back not less than twenty (20) feet from all property lines, except the front property line, from which the setback shall be at least fifty (50) feet and the yard space so formed shall be landscaped in accordance with a site plan so approved by the Planning Commission.
6. Manufactured Home Height Limits - Maximum height of a manufactured home is one and one-half (1½) stories or twenty (20) feet.
7. Vehicle Travel Lanes - All roadways and driveways shall be hard surfaced and so constructed as to handle all anticipated peak loads, adequately drained and lighted for safety and ease of movement of vehicles. The local roadway system should be so designated as to prevent the use of such roadways for through traffic.

8. Minimum Off-Street Parking Requirements - Adequate hard surface paving shall be provided for off-street parking, vehicle storage and access in accord with the following schedule:
  - a. Each unit shall be provided with off-street parking space for two (2) vehicles. This may be provided totally on the lot, or in the parking compounds conveniently located and readily accessible to the sites, which they are intended to serve, or as a combination of the above.
  - b. All Other Uses: Sufficient space shall be provided, in accordance with acceptable standards of the Township Zoning Commission, to fit the scale of the contemplated use and activity to be developed.
  - c. Each parking space shall have a minimum width of nine (9) feet. Such facilities shall be so drained as to dispose of all surface water accumulated in the parking area within the confines of the parking area.
  
9. Utilities and Other Services
  - a. All manufactured home parks shall be served by an approved water and sewerage system and shall meet the requirements of the Ohio Health Department.
  - b. The plumbing connections to each manufactured home lot shall be constructed so that all lines are protected from freezing, from accidental bumping or from creating any type of nuisance or health hazard.
  - c. Storm drainage facilities shall be so constructed as to protect those that will reside in the manufactured home park, as well as the property owners adjacent to the park. Such park facilities shall be of such capacity to insure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the park.
  - d. All fuel lines leading to manufactured home lots shall be underground and so designated as to conform to the state code that is found to be applicable.
  - e. Facilities for the storage and disposal of trash and garbage in a sanitary manner, shall be provided in each manufactured home park. All refuse shall be stored in fly-tight, water-tight, rodent-proof containers, which shall be located not more than one-hundred-fifty (150) feet from any manufactured home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse. Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them.
  - f. Street and yard lights, attached to standards approved by the Zoning Commission shall be provided in sufficient number and intensity to permit the safe movement of vehicles and pedestrians at night, and shall be effectively related to buildings, trees, walks, steps, and ramps.

10. Skirting, Canopies and Awnings
  - a. Each manufactured home must be skirted within ninety (90) days after establishment in a manufactured home park.
  - b. Canopies and awnings may be attached to any manufactured home but they shall not exceed twelve (12) feet in width or length or the height of the manufactured home.
  - c. A permit shall not be required for construction or erection of canopies or awnings, which are open on three (3) sides. However, a permit shall be required from the Zoning Inspector before construction or erection of any screened, glassed in or otherwise enclosed awning.
11. Pads, Mats or Platforms - Each manufactured home lot shall be provided with a pad, mat or platform. All pads, mats or platforms shall be equipped with sufficient tie down devices to secure the platform thereto as specified by the Zoning Inspector.
12. Fire Extinguishing Equipment - Every manufactured home park shall be equipped at all times with fire extinguishing equipment, in good working order, of such type, size and number, and so located within the park as to satisfy applicable regulations of the State Fire Marshall.
13. Greenbelt - A greenbelt planting strip of not less than twenty (20) feet in width shall be placed along the perimeter of the manufactured home park where it abuts public right-of-way or an area zoned in any residential classification.
14. Fences - Fences shall be required along property lines excepting those abutting a public thoroughfare. Said fence shall be at least four (4) feet high and not more than six (6) feet in height and approved by the Zoning Commission.
15. Recreation Areas - For every fifty (50) manufactured homes located in said manufactured home park, a minimum of one and one-half (1 ½) acres of recreational area shall be provided and maintained by the owner of said park. Such area must be flat land located above water.

100-12A.2 INDIVIDUAL MANUFACTURED HOME LOT STANDARDS AND REQUIREMENTS

1. Minimum Lot Size and Yard Requirements - All manufactured home lots shall have five-thousand (5,000) square feet with the exception of double wide lots which shall have a minimum area of six-thousand (6,000) square feet. The area of such manufactured home lot shall be computed exclusive of service roads, other required facilities and recreation space. In no case may gross density in the manufactured home park exceed seven (7) manufactured homes per acre. The front, side and rear yards shall have the following minimum requirements: Entrance side minimum - fifteen (15) feet; non-entrance side minimum (5) feet; front yard - fifteen (15) feet; rear yard - ten (10) feet. There shall be a minimum distance of twenty (20) feet between manufactured homes.
2. Patio - An outdoor patio area of not less than one-hundred-eighty (180) square feet of concrete pad, of no less than four (4) inches in thickness, shall be provided at each manufactured home lot, conveniently located to the entrance of the manufactured home and approximately related to open

areas of the lot and other facilities, for the purpose of providing suitable outdoor living space to supplement the limited interior spaces of a mobile home.

3. Minimum Manufactured Home Standards - Each manufactured home within such park shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections designed for attachment to approximate external systems. Individual manufactured homes located within such development shall possess a minimum floor area of one thousand (1,000) square feet.

#### 100-12A.3 STATE REQUIREMENTS

All manufactured home developments shall further comply with Chapter 3733 of the Ohio Revised Code and Ohio Department of Health Regulations.

#### 100-12A.4 OTHER REQUIREMENTS

1. All such developments shall be designed, constructed, operated, and maintained so as to be harmonious with and not detrimental to the existing or future neighboring land uses and that such development will not change the essential character of the same area.
2. All such developments shall be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, and schools; or that the persons or agencies responsible for the establishment of the proposed work shall be able to provide adequately any such services.
3. All such developments shall be consistent with the intent and purpose of this resolution and the Fulton County Comprehensive Development Plan.
4. The parking of any manufactured home on any site shall be prohibited unless expressly provided by the conditions stated within this section.

#### 100-12A.5 SITE AND LANDSCAPE PLAN REVIEW

For all uses permitted in the MH District, a site plan shall be submitted to the Township Zoning Inspector who, in turn, shall submit the plan to the Fulton County Regional Planning Commission for their review and recommendations. The Fulton County Regional Planning Commission may require certain modifications in terms of the location of buildings, parking and driveways, and may require screening and the landscaping techniques to ameliorate the problem of contiguous boundaries or to lessen the transmission of noise from the public street system. The Fulton County Regional Planning Commission shall, within thirty (30) days, advise the Township Zoning Inspector of their recommendations.

The Township Zoning Inspector shall consider these requirements as binding upon him with the same force and effect as if they were included in the Zoning Resolution. The Fulton County Regional Planning Commission shall furnish the Township Zoning Inspector with their procedures relative to site plan review and including the specifications of the site plan.

## ARTICLE 100-13

### LOCAL SERVICE DISTRICT (C1)

#### 100-13.1 STATEMENT OF PURPOSE

The Local Service District (C1) is intended for service uses, which are needed to serve the nearby community. The intent of this district is also to encourage the concentration of local service areas in locations proposed in the Comprehensive Development Plan to the mutual advantage of the consumer and thereby promotes the best use of land at certain strategic locations and avoids the continuance of encouraging marginal strip, business development along major thoroughfares. The principal objective is service rather than actual purchasing of goods.

All commercial projects shall adhere to the site plan requirements for commercial and industrial projects, pursuant to Article 100-18.

#### 100-13.2 PRINCIPAL PERMITTED USES

1. Professional offices of doctors, lawyers, dentists, architects, chiropractors, accountants, and similar professions.
2. Health and social service clinics provided all activities are conducted within a totally enclosed main building and provided further that such uses are 500' from established residential property.
3. Administrative offices.
4. Mini Storage Facilities
5. Planned Unit Developments, pursuant to Article 100-19.
6. Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.

#### 100-13.3 REQUIRED CONDITIONS

1. All lighting shall be shielded from adjacent residential districts.
2. All business activity and services, except for off-street parking or loading, shall be conducted within a completely enclosed building.
3. A planting strip at least twenty (20) feet wide shall be provided around the entire perimeter of the site except for driveways onto the public street system. A wall or barrier of suitable material not less than six (6) feet high shall be constructed along those property lines which abut an established residential district.
4. All parking lots serving the public shall be paved.

#### 100-13.4 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Area, height, bulk and placement requirements unless otherwise specified are as provided in Article 100-18, "Schedule of Regulations".

ARTICLE 100-14

COMMUNITY SHOPPING DISTRICT (C2)

100-14.1 STATEMENT OF PURPOSE

The Community Shopping District (C2) is designed to cater to the needs of a larger consumer population than is served by the Local Shopping District, and is generally characterized by an integrated or planned cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic.

All commercial projects shall adhere to the site plan requirements for commercial and industrial projects, pursuant to Article 100-18.

100-14.2 PRINCIPAL PERMITTED USES

The following provisions shall apply to all Community Shopping Districts (C2). In a C2 District no person shall hereafter use any building, structure, or land and no person shall erect any building or structure except in accordance with the following provisions:

1. Any service establishments permitted in the C1 District except automobile service stations, subject to the regulations applicable in the following sections of this Article.
2. All retail business, service establishments, or processing uses as follows:
  - a. Any retail business whose principal activity is the sale of merchandise in an enclosed building.
  - b. Any service establishment of an office, showroom, or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer, photographic reproduction, and similar service establishments that require a retail adjunct.
  - c. Private clubs, fraternal organizations, and lodge halls.
  - d. Restaurants or other places serving food or non-alcoholic beverages, except those having the character of a "drive-in".
  - e. Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.
  - f. Business schools and colleges or private trade schools operated for profit.
  - g. Personal service establishments performing services on the premises such as barber and beauty shops, watch and shoe repair, tailor shops, locksmith, and similar establishments.
  - h. Agricultural sales, service, and supply establishments.
  - i. Other uses similar to the above uses.
  - j. Accessory structures and uses customarily incidental to the above permitted uses.
3. Planned Unit Developments, pursuant to Article 100-19.

100-14.3           REQUIRED CONDITIONS

1. Business establishments shall be retail or service establishments dealing directly with customers. All goods provided on the premises shall be sold at retail on the premises where produced.
2. All business, servicing, or processing, except for off-street parking, loading, and those open air uses indicated as being subject to special conditions in Section 14(4) shall be conducted within completely enclosed buildings.
3. A planting strip at least twenty (20) feet wide shall be provided around the entire perimeter of the site except for suitable material not less than six (6) feet high shall be constructed along those property lines, which abut a residential district.

100-14.4           CONDITIONALLY PERMITTED USES

The following uses may be permitted by the Township Board of Zoning Appeals pursuant to Article 100-5.8 and subject to the following provisions:

1. Open air business uses when developed in planned relationship with the C2 District.
  - a. Retail sales of plant materials not grown on the site, and sales of lawn furniture, playground equipment and garden supplies providing further that such uses be located at the exterior end of the building located in the C2 District.
  - b. Recreational space providing children's amusement park and other similar recreation when part of a planned development, provided further that such use be located at the exterior end of the building mass located in a C2 District, but not at the intersection of two (2) major thoroughfares. Such recreation space shall be fenced on all sides with an interwoven chain link fence, at least four (4) feet high.
2. Bowling alley, billiard hall, indoor archery range, or indoor skating rink, or similar forms of indoor commercial recreation when located at least one-hundred (100) feet from any front, rear, or side yard of any residential lot in an adjacent residential district.
3. Automobile service station for sale of gasoline, oil, and minor accessories only, and where no repair work is done, other than incidental service, but not including steam cleaning or undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstery, auto glass work, and such other activities whose external effects could adversely extend beyond the property line.
  - a. The curb cuts for ingress and egress to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured from road right-of-way) or from adjacent residential districts.

100-14.5           AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Area, height, bulk and placement requirements unless otherwise specified are as provided in Article 100-18, "Schedule of Regulations".

ARTICLE 100-15

GENERAL BUSINESS DISTRICT (C3)

100-15.1 STATEMENT OF PURPOSE

The General Business District (C3) is designed to provide sites for more diversified and less intensive types and often located so as to serve passerby traffic. The General Business Districts are typified by having a majority of the following characteristics:

1. Their customer is often served in his vehicle or has the vehicle served.
2. They are larger space users.
3. They combine retail, wholesale, service and repair in various ways.
4. Their customers do not make frequent purchases.
5. Their market is regional as contrasted to local.
6. Their market area is partially dependent upon extending services to other business users.

All commercial projects shall adhere to the site plan requirements for commercial and industrial projects, pursuant to Article 100-18.

100-15.2 PRINCIPAL PERMITTED USES

The following provisions shall apply to all General Business Districts. In all C3 Districts no person shall use any building, structure or land, and no person shall erect any building or structure except in accordance with the following provisions:

1. Automobile service station pursuant to Article 100-14.4(3) a through e inclusive.
2. Motels and hotels.
3. Custom workshops.
4. Office equipment sales and repair.
5. Plumbing, carpentry, and electrical shops including displays, repair, and sale of merchandise.
6. Restaurants serving alcoholic beverages and liquor establishments.
7. Fruit, florist, nursery stock and produce sales.
8. Building services and supplies, including lumber yards.
9. Radio, television sales, home appliance and services.

10. Refreshment stands.
11. Furniture and appliance sales.
12. Gift and novelty sales.
13. Food locker and food locker with sales.
14. Printing, lithographing, office equipment and supplies.
15. Bait shop.
16. Vehicle repair when conducted within a completed enclosed building and subject to the following provisions:
  - a. The curb cuts for ingress and egress to a vehicle station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
  - b. The minimum lot size area shall be twenty thousand (20,000) square feet, and as nearly rectangular as possible, and arranged so that ample space is available for motor vehicles, which are required to wait for traffic.
  - c. Vehicular repair stations shall not be located within five hundred (500) feet of any school or church, nor within fifty (50) feet of any Residential District.
  - d. Preferably vehicular repair stations should not be situated at any intersection where the approach gradient of either street exceeds two (2) percent.
  - e. All lighting shall be shielded from adjacent residential districts.
17. Post Offices and similar governmental or utility buildings, transformer stations, gas regulator stations and pumping stations, but not including outdoor storage.
18. Mission and second hand stores, with no outside storage or display area.
19. Bowling alley, billiard hall, indoor archery range, indoor skating rink or similar form of indoor commercial recreation when located at least one-hundred (100) feet from any front, rear, or side yard of any residential lot in an adjacent residential district.
20. Mortuary establishments, when adequate assembly area is provided off-street for vehicles to be used in funeral processions, provided further that such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of a mortuary establishment.
21. Dormitories, fraternities, clubs, lodges, social or recreational.
22. Auto washing facilities, which are completely enclosed in building.
23. Bus passenger stations.

24. Monument sales.
25. New and used car salesroom, showroom, or office.
26. Planned Unit Developments, pursuant to Article 100-19.
27. Accessory uses and other structures and uses customarily incidental to the above permitted uses.
28. C1 and C2 Principal Permitted Uses and Conditionally Permitted Uses subject to all required conditions in C3 District.

100-15.3            **CONDITIONALLY PERMITTED USES**

1. Recreational vehicle sales and service and lawn and garden equipment sales and service, including boats, snowmobiles, motorcycles, lawn mowers, small engines, travel trailers, campers, tents, and accessory equipment peculiar to the above and subject to the following conditions:
  - a. All repairs shall be conducted within a wholly enclosed building.
  - b. Outdoor areas used for display shall be provided with a permanent, durable and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area.
  - c. Points of ingress and egress to the lot shall be a distance of at least one hundred (100) feet from the intersection of any two (2) streets.
  
2. Farm implement sales and service and accessory equipment peculiar to the following conditions:
  - a. A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street shall be maintained.
  - b. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
  - c. All lighting shall be shielded from adjacent residential districts.
  - d. A completely obscuring wall or barrier of suitable material at least six (6) feet high shall be provided when abutting or adjacent to any residential district.
  
3. Adult Business Establishments  
 Adult businesses shall not be located within -
  - a. 500 ft. of residential zoned districts;
  - b. 1,000 ft. of any other adult business; and
  - c. 500 ft. of a day care center, church, public parks, schools, libraries or other public buildings.

The distance shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business.

“Adult Business Establishments” shall follow all of the density, setback, and parking requirements of the respective districts and all other zoning, building, and state requirements.

All building openings, entries, windows, etc. shall be located, covered, or otherwise arranged in such a manner to prevent a view into the interior of the use.

#### 100-15.4 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Area, height, bulk and placement requirements, unless otherwise specified, are as provided in Article 100-18, "Schedule of Regulations".

### ARTICLE 100-16

#### LIGHT INDUSTRIAL DISTRICT (M1)

##### 100-16.1 STATEMENT OF PURPOSE

The intent of these regulations are to encourage and facilitate the development of industrial enterprises in a setting conducive to public health, economic stability and growth, protection from blight, deterioration, and non-industrial encroachment, and efficient traffic movement including employee and truck traffic. The area, height, bulk, and placement regulations, as well as use regulations, reflect the intent of this district.

All commercial projects shall adhere to the site plan requirements for commercial and industrial projects, pursuant to Article 100-18.

##### 100-16.2 PRINCIPAL PERMITTED USES

Any of the following uses when the manufacturing, compounding or processing is conducted wholly within a completely enclosed building. This portion of the land used for open storage facilities for materials, or equipment used in the manufacturing, compounding final product storage or processing shall be totally obscured by a six (6) foot masonry wall on those sides abutting any residential district, and on any front yard abutting on a public thoroughfare.

1. Wholesale and Warehousing: The sale of wholesale or warehousing of automobile equipment, dry goods and apparel, groceries and related products, raw farm products except livestock, electrical goods, hardware, plumbing, heating equipment and supplies, machinery and equipment, petroleum bulk stations and terminals, tobacco and tobacco products, beer, wine and distilled alcoholic beverages, paper and paper products, furniture and home furnishings, and any commodity which is permitted to be manufactured in this district.
2. Industrial Establishments:
  - a. The assembly, fabrication, manufacture, or treatment of such products as food products, candy, drugs, cosmetics, and toiletries, musical instruments, toys, novelties, electrical

instruments and appliances, radio and phonographs, pottery and figurines or other similar ceramic products using only previously pulverized clay.

- b. The assembly, fabrication, manufacture or treatment of such products for the following previously prepared materials: bond, canvas, cellophane, cloth, cork, felt, fiber, glass, horn, leather, paper, plastics, precious and semi-precious metals or stones, sheer metal (excluding large stamping such as automobile fenders or bodies), shell, wax, wire, wood (excluding saw and planing mills) and yarns.
  - c. Tool and die shops, metal working machine shops involving the use of grinding or cutting tools, such as manufacturing tools, dies, jobs, and fixtures, publishing, printing, or forming of box, carton, and cardboard products.
3. Public Utility Uses: Electric transformer station and substation, electric transmission towers, municipal sewage treatment plant, municipal buildings, and gas regulator and municipal utility pumping station.
  4. Retail Establishments: Restaurant or other places serving food or beverages except those having the principal character of a drive-in facility or open front store, wherein food and beverages are served to the customer in his car or purchased on the premises and consumed in his car.
  5. Motels, banks, or similar institutions.
  6. Accessory buildings and uses customarily incidental to the above Principal Permitted Uses, including living quarters of a watchman or caretaker.
  7. Planned Unit Developments, pursuant to Article 100-19.

#### 100-16.3 INDUSTRIAL PERFORMANCE STANDARDS

Any use established in the M1 District shall not be permitted to carry on any activity or operation or use of land, building, equipment that produced irritants to the sensory perceptions greater than the measures established by the State of Ohio and any applicable Federal regulation. No activity, operation, or use of land, building or equipment of any use, as established in this district, shall produce or create dangerous, injurious, noxious, or otherwise objectionable, fire, explosive or other hazard, noise or vibration, smoke, dust, odor or other form of air pollution, glare, electrical or other disturbance, liquid or solid refuse or waste; such an amount as to affect adversely the surrounding area or adjoining premises. The foregoing hereinafter shall be referred to as a "Nuisance Factor". All applicable federal, state, and local regulations shall be adhered to.

#### 100-16.4 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Area, height, bulk and placement requirements, unless otherwise specified, are as provided in Article 100-18, "Schedule of Regulations".

## ARTICLE 100-17

### GENERAL INDUSTRIAL DISTRICT (M2)

#### 100-17.1 STATEMENT OF PURPOSE

The intent of this District is to permit certain industrial uses to locate in desirable areas of the Township based upon the Comprehensive Development Plan of Fulton County which uses are primarily of a manufacturing, assembling, and fabricating character, including large scale or specified industrial operations requiring good access by road and/or railroad, and needing special sites or public and utility services. Reasonable regulations apply to uses in this district, so as to permit the location of industries, which will not cause adverse effects on residential and commercial areas in the Township. Uses incompatible with the permitted industrial uses are prohibited.

All commercial projects shall adhere to the site plan requirements for commercial and industrial projects, pursuant to Article 100-18.

#### 100-17.2 PRINCIPAL PERMITTED USES

1. All uses permitted in the M1 District.
2. Airports and related activities.
3. Industrial Establishments:
  - a. The assembly and/or manufacture of automobiles, automobile bodies, parts and accessories, cigar and cigarettes, electrical fixtures, batteries and other electrical apparatus and hardware.
  - b. Processing, refining, or storage of food and food stuff.
  - c. Breweries, bump shops, distilleries, machine shops, metal buffing, plastering and polishing shops, millwork lumber and planing mills, painting and sheet metal shops, undercoating and rustproofing shops, and welding shops.
  - d. Accessory buildings and uses customarily incidental to the above Principal Permitted Uses, including living quarters of a watchman or caretaker.
  - e. Any other uses similar to any of the above Principal Permitted Uses.
4. Planned Unit Developments, pursuant to Article 100-19.

### 100-17.3            CONDITIONALLY PERMITTED USES

The following uses may be permitted by the Township Board of Zoning Appeals pursuant to Article 100-5.8 and subject to the following provisions:

1.    Junkyards and recycling centers subject to the following conditions:
  - a.    The area of use shall be completely enclosed by a six (6) foot, non-transparent fence.
  - b.    The area of use shall be surrounded by landscaping adequate enough to provide a buffer between the junkyard and abutting uses or public right-of-way.
  - c.    No open burning shall be done without specific permission of the review authority.
  - d.    No junk material or vehicles shall be stacked higher than ten (10) feet within three-hundred (300) feet of a property line abutting a public right-of-way or a more restrictive district.
  - e.    The off-street parking area should be provided as follows:

One (1) space for each employee; and if there is a sale of parts or service in combination with the junkyard there shall be one (1) space for each ten (10) acres in excess of thirty (30), or at the discretion of the Board of Zoning Appeals, one (1) space for each three-hundred (300) square feet of floor area.
  - f.    All off-street parking should be behind the right-of-way, contiguous and easily accessible.
  - g.    Reasonable provision of surface and sub-surface drainage, as shown by appropriate studies and plans, so as to maintain access to the storage yard during periods of heavy rainfall or snow melt. The proposed drainage shall not impede the drainage of the surrounding lands.
  - h.    The area of use shall not be permitted to contain noxious weeds that are about to spread or mature seeds.

### 100-17.4            INDUSTRIAL PERFORMANCE STANDARDS

Any use established in the M2 District shall not be permitted to carry on any activity or operation or use of land, building, or equipment that produce irritants to the sensory perceptions greater than the measure established by the State of Ohio and any applicable Federal regulations. No activity, operation, or use of land, building or equipment of any use, as established in this district, shall produce or create dangerous, injurious, noxious, or otherwise objectionable, fire, explosive or other hazard, noise or vibration, smoke, dust, odor or other form of air pollution, glare, electrical or other disturbance, liquid or solid refuse or waste; such an amount as to affect adversely the surrounding area or adjoining premises. The foregoing hereinafter shall be referred to as a "Nuisance Factor". All applicable federal, state, and local regulations shall be adhered to.

### 100-17.5            AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Area, height, bulk and placement requirements, unless otherwise specified, are as provided in Article 100-18, "Schedule of Regulations".

## ARTICLE 100-17A

### PLANNED INDUSTRIAL/BUSINESS PARK (M3)

#### 100-17A.1 Statement of Purpose

It is the intent of this zoning district to encourage a blend of compatible commercial and industrial uses, flexibility in a planned park setting, and to encourage the rural integrity of the district until the land is developed. It is also the intent to encourage easy vehicular access, but discourage congestion and haphazard development of the district.

#### 100-17A.2 Principal Permitted Uses

##### 1. **Commercial Uses Permitted:**

- a. automobile service stations;
- b. motels, hotels, lodges, bed and breakfasts;
- c. office equipment sales and repair;
- d. plumbing, carpentry, and electrical shop, including display, repair, and sale of merchandise;
- e. restaurants, serving alcoholic beverages, including drive-thru's;
- f. building services and supplies, including lumberyards;
- g. truck stops;
- h. electronic sales and home appliance services;
- i. furniture sales;
- j. gift and novelty sales and general retail;
- k. printing and supplies;
- l. carry-outs;
- m. car dealership and/or vehicle repair;
- n. auto washing facilities;
- o. banks and post offices;
- p. bowling alleys or a similar form of indoor/outdoor commercial recreation;
- q. video stores;
- r. private clubs, fraternal organizations, and lodge halls;
- s. professional and administrative offices;
- t. health and social services;
- u. mini-storage facilities;
- v. service establishments;
- w. business schools and colleges;
- x. theaters, assembly halls, and churches;
- y. agricultural sales and services;
- z. funeral homes;
- aa. accessory uses and other structures; and
- bb. uses customarily incidental to the above permitted uses.

**2. Industrial Uses Permitted:**

Sic Code

- a. Food and Kindred Products:
  - 201 meat products;
  - 202 dairy products;
  - 203 preserved fruits and vegetables;
  - 204 grain mill products;
  - 205 bakery products;
  - 206 sugar and confectionery products;
  - 207 fats and oils;
  - 209 miscellaneous food and kindred products; and
  
- b. Lumber and Wood Products:
  - 242 sawmills and planing mills
  - 243 millwork, plywood & structural members;
  - 244 wood containers;
  - 245 wood buildings and manufactured homes;
  - 249 miscellaneous wood products; and
  
- c. Furniture and Fixtures:
  - 251 household furniture;
  - 252 office furniture;
  - 253 public building & related furniture;
  - 254 partitions and fixtures;
  - 259 miscellaneous furniture and fixtures; and
  
- d. Paper and Allied Products:
  - 265 paperboard containers and boxes;
  - 267 miscellaneous converted paper products; and
  
- e. Printing and Publishing:
  - 271 newspapers;
  - 272 periodicals;
  - 273 books;
  - 274 miscellaneous publishing;
  - 275 commercial printing;
  - 276 manifold business forms;
  - 277 greeting cards;
  - 278 blankbooks and bookbinding;
  - 279 printing trade services; and
  
- f. Chemicals and Allied Products:
  - 282 plastics materials and synthetics;
  - 283 drugs;
  - 286 industrial organic chemicals (only ethanol, bio-diesel & other bio-mass);
  - 287 agricultural chemicals (conditional use permit required); and
  
- g. Petroleum and Coal Products:
  - 295 asphalt paving and roofing materials (conditional use permit required); and

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- h. Rubber and Miscellaneous Plastics Products:
  - 305 hose & belting & gaskets & packing;
  - 306 fabricated rubber products, NEC;
  - 308 miscellaneous plastics products, NEC; and
  
- i. Primary Metal Industries:
  - 333 primary nonferrous metals;
  - 335 nonferrous rolling and drawing;
  - 336 nonferrous foundries (casting)
  - 339 miscellaneous primary metal products; and
  
- j. Fabricated Metal Products:
  - 341 metal cans and shipping containers;
  - 342 cutlery, hand tools, and hardware;
  - 343 plumbing and heating, except electric;
  - 344 fabricated structural metal products;
  - 345 screw machine products, bolts, etc.;
  - 346 metal forgings and stampings;
  - 347 metal services, NEC;
  - 349 miscellaneous fabricated metal products; and
  
- k. Industrial Machinery and Equipment:
  - 351 engines and turbines;
  - 353 construction and related machinery;
  - 354 metalworking machinery;
  - 355 special industry machinery;
  - 356 general industrial machinery;
  - 357 computer and office equipment;
  - 358 refrigeration and service machinery;
  - 359 industrial machinery, NEC; and
  
- l. Electronic & Other Electric Equipment:
  - 361 electric distribution equipment;
  - 362 electrical industrial apparatus;
  - 363 household appliances;
  - 364 electric lighting and wiring equipment;
  - 365 household audio and video equipment;
  - 366 communications equipment;
  - 367 electronic components and accessories;
  - 369 miscellaneous electrical equipment and supplies; and
  
- m. Transportation Equipment:
  - 371 motor vehicles and equipment;
  - 372 aircraft and parts;
  - 373 ship and boat building and repairing;
  - 374 railroad equipment;
  - 375 motorcycles, bicycles, and parts;
  - 376 guided missiles, space vehicles, parts;
  - 379 miscellaneous transportation equipment; and

Sic Code

- n. Instruments and Related Products:
    - 381 search and navigation equipment;
    - 382 measuring and controlling devices;
    - 384 medical instruments and supplies;
    - 385 ophthalmic goods;
    - 386 photographic equipment and supplies;
    - 387 watches, clocks, watch cases & parts; and
  - o. Miscellaneous Manufacturing Industries:
    - 395 pens, pencils, office, and art supplies;
    - 399 miscellaneous manufactures; and
  - p. Commercial and Industrial Warehousing Distribution
3. Residential uses will be permitted, per "Planned Unit Development" Section 100.19. All existing residential uses in the district will be permitted. Outdoor auction facilities, kennels, billboards, and adult entertainment establishments are not permitted in the Planned Industrial/Business Park.
4. Agricultural uses in the district shall be encouraged and maintained until the land is developed.

100-17A.3 Site Plan Review

A site plan shall be submitted to the Clinton Township Zoning Commission showing all buildings, parking areas and landscaping at a scale sufficient to permit the study of all elements of the plan, per Article 100-18.3 "Site Plan Requirements for Commercial and Industrial".

In addition, the site plan shall show all adjacent properties, including existing buildings, located within five hundred (500) feet of the proposed development. The plans shall meet the minimum required standards and designs of this article and the Clinton Township Zoning Resolution. Such review is necessary to secure proper relationships between parking areas, access drives, abutting public thoroughfares, landscaping, building, siting and open space.

Within 30 days following submittal of the site plan, the Clinton Township Zoning Commission shall notify applicants of any additional information needed to complete the application. Upon receipt of all additional information required, the Zoning Commission shall have 30 days to approve or disapprove the site plan.

100-17A.4 Access Management

Any application that involves access to the State Highway System shall be submitted to the Ohio Department of Transportation, Clinton Township and the Fulton County Regional Planning Commission for conformance with state and local standards. If access involves a county highway, application shall be made to the Fulton County Engineer, Clinton Township and County Planning Commission. Where the applicant requires access to the State Highway System and a subdivision or site plan review is required, development review shall be coordinated with the Ohio Department of Transportation, as follows:

- a. An access management/site plan review committee that includes representatives of ODOT traffic operations – access permitting, Clinton Township, and the Fulton County Planning Commission shall review the application. The committee shall inform the developer of what information will be required for access review. Information required of the applicant may vary depending upon the size and timing of the development, but shall at a minimum meet the requirements of this article.
- b. Upon review of the application, the access management review committee shall advise the Zoning Commission whether to approve the access application, approve with conditions, or deny the application.
- c. Access along state and county highways shall be reviewed relative to the distance from other drive approaches and from roadway intersections. In some instances, a frontage road shall be provided to allow access to other parcels and to the adjoining parcel(s). In other instances, cross access easements and/or a shared drive approach may be required for adjoining parcels. When deemed appropriate by the Fulton County Engineer and/or the Ohio Department of Transportation, a traffic impact study may be required of the developer.

100-17A.5 Performance Standards

1. Refuse  
No garbage, rubbish, waste matter, or empty containers shall be permitted outside any building unless contained in an approved refuse container.
2. Liquid Waste Material  
Liquid waste shall not be discharged into an open reservoir, stream or other open body of water or sewer, unless treated so that solids, alkalines, or other chemicals do not exceed the amount as permitted by the Ohio Environmental Protection Agency.
3. Emission of Pollutants  
Emission of any atmospheric pollutant shall not exceed the level permitted by Federal or State of Ohio regulations.
4. Glare  
No direct or reflected glare which is visible from any property outside the district or from any public street, road, or highway is not permitted.
5. Erosion  
No erosion, by either wind, or water, which carries objectionable substances onto neighboring properties shall be permitted.

6. Noise  
Objectionable noise due to volume, frequency or beat shall be muffled or otherwise controlled.
7. Storage  
The area used for open storage of production materials and equipment shall be located in the rear yard of the main building and effectively screened from adjoining properties by means of walls, fences or plantings. In no case shall storage be maintained beyond the front building line. Walls and fences shall be a minimum of six (6) feet in height. In lieu of such wall or fence, a strip of land not less than ten (10) feet in width may be landscaped with an evergreen hedge or dense planting of evergreen shrubs not less than six (6) feet in height. Production materials stored in the open shall not extend above the height of the wall, fence or plantings. Storage within a building is encouraged.

100-17A.6 Landscape Buffers

1. Arterial Roadways  
A planting strip at least 10 feet wide shall be required along arterial roadway frontage to separate parking from roadway.
2. State Highways  
A planting strip of at least 20 feet wide shall be required along state highways.
3. Interior Parking (exceeding 5000 sq. ft.) Landscape Islands  
At least 8 percent of the vehicular use area will be landscaped.

Each landscape island will be at least 100 sq. ft. in size with sides measuring at least five ft. in length.

100-17A.7 Signage

1. Signs shall be placed on the ground. No pole signs will be permitted. One sign is permitted per development or tenant, except on corner lots. Two signs will be permitted on corner lots, with one sign allowed on each corner side. Billboards are prohibited.
2. Integrated Sign Design Scheme  
Designs for new/replacement signs should reflect consideration of material, color, overall shape and proportion in relation to those on adjacent/nearby property.
3. Sign Lighting Specifications
  - One 150 watt light per side (up to 40 sq. ft. in size), and
  - Two 150 watt lights per side (larger than 40 sq. ft. in size).
4. Wall Signs  
The maximum size shall be determined by street-side building frontage.
  - One sq. ft. of wall-sign face area for each linear ft. of building frontage or tenant space, up to a maximum of 70 sq. ft.

100-17A.8 Parking Requirements

Parking is prohibited within the front landscaped area and rear yard setback area when adjoining a residential district. Efforts to break up large expanses of pavement are to be encouraged by the interspersing of appropriate planting areas wherever possible. The number of parking spaces required, as established elsewhere in this resolution, depends upon the zoning and intended land use.

100-17A.9 Area, Height, Bulk, and Placement (M3)

1. All front yard setback requirements are measured from the centerline of the highway. The front yard setback requirement on all state designated highways shall be 150 feet. On all county and township designated highways, the front yard setback shall be 120 feet. There shall be a 20 ft. landscaping strip from the road right-of-way. Parking lots shall not be included within the 20 ft. landscaped area.
2. All other setbacks shall follow the “Area, Height, Bulk, & Placement” requirements in Section 100-18 of the Zoning Code, unless otherwise specified in Article 100-17A.9.
3. No structures shall be located within 100 feet of existing residential property and shall be landscaped, abutting said residential property.
4. Access management shall follow the guidelines of the Fulton County Subdivision Regulations or where otherwise stated in this Article.
5. Minimum Area Height, Bulk, and Placement Requirements:

Minimum Lot Size		Maximum Building Height	Minimum Yard Setback in Feet			Maximum Lot Coverage	Minimum Landscape Area
Area in Sq. Ft.	Width in Ft.	in Feet	Front	Side	Rear	%	%
43,560	100	120	*120 **150	20	20	50	20

\* On Township & County Highways

\*\* On State Highways

100-17A.91 Enforcement Policy

1. Upon determining the proposed use of the buildings or land conforms to the requirements of this section and the site plan has been approved by the review authorities, a zoning permit shall be issued. Failure to meet the obligations of the site plan shall be a violation of this Resolution and punishable under Article 100-27 of this Resolution. A certificate of occupancy shall not be issued until such obligations are met.
2. If an applicant does not conform to the requirements of this Resolution, the applicant will receive written notification. Upon receipt of the letter, the applicant will be granted 30 days to conform. On the 31<sup>st</sup> day, an inspection will be conducted. If the applicant is found to be in noncompliance, a zoning violation will be issued. The applicant will be granted 30 days to comply.
3. Failure to comply will result in the violation being forwarded to the Fulton County Prosecutor. Any person, firm, or corporation violating any of the provisions of this Resolution shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five hundred dollars (\$500) for each separate offense.

ARTICLE 100-18

SCHEDULE OF REGULATIONS

100-18.1 AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS

- AG/RE** Agricultural/Rural Estate (h)  
Minimum Lot Size Area in Square Feet - 1 Acre  
Minimum Road Frontage and Width in Feet - 150  
2 or More Acres: Road Frontage and Width in Feet - 250  
Maximum Height of Building in Stories - 2-2.5  
Maximum Height of Building in Feet - 30  
Minimum Yard Setback in Feet (Front) (a) - 120(i) on County & Twp. Highways  
Minimum Yard Setback in Feet (Front) (a) - 150(i) on State Highways  
Minimum Side Yard Setback in Feet - 12  
Minimum Rear Yard Setback in Feet - 40  
Maximum Lot Coverage by All Buildings - 30%
- R1** First Density Residential (h)  
Minimum Lot Size Area in Square Feet - 1 Acre  
Minimum Road Frontage and Width in Feet - 150  
2 or More Acres: Road Frontage and Width in Feet - 250  
Maximum Height of Building in Stories - 2-2.5  
Maximum Height of Building in Feet - 30  
Minimum Yard Setback in Feet (Front) (a) - 120(i) on County & Twp. Highways  
Minimum Yard Setback in Feet (Front) (a) - 150(i) on State Highways  
Minimum Side Yard Setback in Feet - 12  
Minimum Rear Yard Setback in Feet - 40  
Maximum Lot Coverage by All Buildings - 30%
- R1** **(Without Public Water and/or Sewer)**  
Minimum Lot Size Area in Square Feet - 20,000  
Minimum Road Frontage and Width in Feet - 120  
Maximum Height of Building in Stories - 2-2.5  
Maximum Height of Building in Feet - 30  
Minimum Yard Setback in Feet (Front) (a) - 120(i) on County & Twp. Highways  
Minimum Yard Setback in Feet (Front) (a) - 150(i) on State Highways  
Minimum Side Yard Setback in Feet - 12  
Minimum Rear Yard Setback in Feet - 40  
Maximum Lot Coverage by All Buildings - 30%
- R1** **(With Water and Sewer)**  
Minimum Lot Size Area in Square Feet - 12,150  
Minimum Road Frontage and Width in Feet - 90  
Maximum Height of Building in Feet - 30  
Minimum Yard Setback in Feet (Front) (a) - 120(i) on County & Twp. Highways  
Minimum Yard Setback in Feet (Front) (a) - 150(i) on State Highways  
Minimum Side Yard Setback in Feet - 10  
Minimum Rear Yard Setback in Feet - 35  
Maximum Lot Coverage by All Buildings - 30%

- R2**      **Second Density Residential (c)**  
 Minimum Lot Size Area in Square Feet - 9,500  
 Minimum Road Frontage and Width in Feet - 70  
 Maximum Height of Building in Stories - 2-2.5  
 Maximum Height of Building in Feet - 30  
 Minimum Yard Setback in Feet (Front) (a) - 120(i) on County & Twp. Highways  
 Minimum Yard Setback in Feet (Front) (a) - 150(i) on State Highways  
 Minimum Side Yard Setback in Feet - 10  
 Minimum Rear Yard Setback in Feet - 35  
 Maximum Lot Coverage by All Buildings - 30%
- R3**      **Third Density Residential (c)**  
 Minimum Lot Size Area in Square Feet - (b)  
 Minimum Road Frontage and Width in Feet - 100  
 Maximum Height of Building in Stories - 2-2.5  
 Maximum Height of Building in Feet - 30  
 Minimum Yard Setback in Feet (Front) (a) - 120(i) on County & Twp. Highways  
 Minimum Yard Setback in Feet (Front) (a) - 150(i) on State Highways  
 Minimum Side Yard Setback in Feet - (d)(e)  
 Minimum Rear Yard Setback in Feet - 25  
 Maximum Lot Coverage by All Buildings - 30%
- C1**      **Local Shopping**  
 Minimum Lot Size Area in Square Feet – 1 Acre  
 Minimum Road Frontage and Width in Feet – 150  
 Maximum Height of Building in Stories -  
 Maximum Height of Building in Feet - 30  
 Minimum Yard Setback in Feet (Front) (a) – 120 (f)(g)(i) on County & Twp. Hwys.  
 Minimum Yard Setback in Feet (Front) (a) – 150 (f)(g)(i) on State Highways  
 Minimum Side Yard Setback in Feet - (f)  
 Minimum Rear Yard Setback in Feet - 20  
 Maximum Lot Coverage by All Buildings -
- C2**      **Community Shopping**  
 Minimum Lot Size Area in Square Feet - 1 Acre  
 Minimum Road Frontage and Width in Feet - 150  
 Maximum Height of Building in Stories -  
 Maximum Height of Building in Feet - 40  
 Minimum Yard Setback in Feet (Front) (a) – 120 (f)(g)(i) on County & Twp. Hwys.  
 Minimum Yard Setback in Feet (Front) (a) – 150 (f)(g)(i) on State Highways  
 Minimum Side Yard Setback in Feet - (f)  
 Minimum Rear Yard Setback in Feet - 20  
 Maximum Lot Coverage by All Buildings -

- C3**            **General Shopping**  
 Minimum Lot Size Area in Square Feet – 1 Acre  
 Minimum Road Frontage and Width in Feet - 150  
 Maximum Height of Building in Stories -  
 Height of Building in Feet - 40  
 Minimum Yard Setback in Feet (Front) (a) – 120 (f)(g)(i) on County & Twp. Hwys.  
 Minimum Yard Setback in Feet (Front) (a) – 150 (f)(g)(i) on State Highways  
 Minimum Side Yard Setback in Feet - (f)  
 Minimum Rear Yard Setback in Feet - 20  
 Maximum Lot Coverage by All Buildings –
- M1**            **Light Industry**  
 Minimum Lot Size Area in Square Feet – 1 Acre  
 Minimum Road Frontage and Width in Feet - 100  
 Maximum Height of Building in Stories -  
 Maximum Height of Building in Feet - 40  
 Minimum Yard Setback in Feet (Front) (a) – 120 (i) on County & Twp. Hwys.  
 Minimum Yard Setback in Feet (Front) (a) – 150 (i) on State Highways  
 Minimum Side Yard Setback in Feet - 20  
 Minimum Rear Yard Setback in Feet - 20  
 Maximum Lot Coverage by All Buildings -
- M2**            **General Industry**  
 Minimum Lot Size Area in Square Feet – 1 Acre  
 Minimum Road Frontage and Width in Feet - 100  
 Maximum Height of Building in Stories -  
 Maximum Height of Building in Feet - 40  
 Minimum Yard Setback in Feet (Front) (a) – 120 (i) on County & Twp. Hwys.  
 Minimum Yard Setback in Feet (Front) (a) – 150 (i) on State Highways  
 Minimum Side Yard Setback in Feet - 20  
 Minimum Rear Yard Setback in Feet - 20  
 Maximum Lot Coverage by All Buildings -
- M3**            **Planned Industrial/Business Park**  
 Minimum Lot Size Area in Square Feet – 1 Acre  
 Minimum Road Frontage and Width in Feet - 100  
 Maximum Height of Building in Stories -  
 Maximum Height of Building in Feet - 120  
 Minimum Yard Setback in Feet (Front) (a) – 120 (i) on County & Twp. Hwys.  
 Minimum Yard Setback in Feet (Front) (a) – 150 (i) on State Highways  
 Minimum Side Yard Setback in Feet - 20  
 Minimum Rear Yard Setback in Feet - 20  
 Maximum Lot Coverage by All Buildings – 50%  
 Minimum Landscape Area – 20%

**PETTISVILLE OVERLAY DISTRICT SETBACK REQUIREMENTS**

(The Front Setback is Measured from the Right-of-Way)

<u>DISTRICT</u>	<u>FRONT</u>	<u>SIDE</u>	<u>REAR</u>
R1 .....	30 .....	10 .....	30
R2 .....	30 .....	10 .....	30
R3 .....	30 .....	10 .....	30
C1 .....	30 .....	(f) .....	20
C2 .....	30 .....	(f) .....	20
C3 .....	30 .....	(f) .....	20
M1 .....	30 .....	20 .....	20
M2 .....	20 .....	20 .....	20

**HELICOPTER OVERLAY DISTRICT**

The "Helicopter Overlay District" has been enacted with restrictions, which are in addition to the requirements of the underlying zoning district.

Purpose and Intent

The purpose of the Helicopter Overlay District is to protect the airspace, planning and safety of flights to/from the helicopter approach at the Fulton County Health Center as established by the Federal Aviation Administration and the State of Ohio.

Boundaries

The boundaries of the overlay district have been established, as per the zoning map, which is hereto attached.

Review and Approval

Information pertaining to the height of a telecommunication tower or any proposed structure which exceeds the height requirements of the district, shall be provided to the Fulton County Regional Planning Commission and shall comply with the Heliport and Federal Aviation height standards.

No zoning permit, for any proposed structure exceeding the height limit of the underlying district, shall be issued prior to approval by the Federal Aviation Administration or the Ohio Division of Aviation.

100-18.2 FOOTNOTES TO SCHEDULE OF REGULATIONS

- (a) In all residential and industrial districts, the required front yard setback shall not be used for off-street parking and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials or vehicle access drives. All yards abutting upon a public street shall be considered as front yards for setback purposes. In all residential districts, a corner lot, which abuts upon a street on the side of which other residential lots front in the same block, any building shall have a minimum side setback of the district in which it is located.
- (b) Minimum land area required for each multiple dwelling unit in the R3 District shall be as follows:
  - Multiple Dwelling Unit
  - Efficiency or one (1) bedroom unit - 2,800 sq. ft.
  - Two (2) bedroom unit - 3,500 sq. ft.
  - Three (3) bedroom unit - 5,000 sq. ft.
  - Four (4) or more bedroom unit - 6,300 sq. ft.
  
  - Row or Terrace Dwelling
  - Efficiency or one (1) bedroom unit - 3,800 sq. ft.
  - Two (2) bedroom unit - 4,900 sq. ft.
  - Three (3) bedroom unit - 6,300 sq. ft.
  - Four (4) or more bedroom unit - 7,000 sq. ft.
- (c) The minimum required floor space per dwelling unit in each multiple dwelling structure shall be as follows:
  - Efficiency apartment - 350 sq. ft.
  - One (1) bedroom apartment - 600 sq. ft.
  - Two (2) bedroom apartment - 800 sq. ft.
  - Three (3) bedroom apartment - 1,000 sq. ft. - PLUS an additional eighty (80) square feet for each bedroom in excess of three (3) bedrooms in any unit.
- (d) Each side yard shall be a minimum of twelve (12) feet and this space shall be increased beyond twelve (12) feet by two (2) feet for each ten (10) feet or part thereof by which said dwelling structure exceeds forty (40) feet in overall dimension along the adjoining lot line. Maximum building length shall not exceed two hundred (200) feet.
- (e) Where two (2) or more multiple, row, or terrace dwelling structures are erected on the same lot or parcel, a minimum distance between any two (2) or part thereof, by which the total length of that portion of the two (2) structures lies opposite each other.
- (f) The required twenty (20) foot setback area shall be open and unoccupied from the ground upward except for landscaping and vehicle access drives. This required front setback for business districts may be included in the total required in Section 100-18.1.
- (g) Loading space shall be provided in the side or rear yard as specified in Article 100-7.4 except that this regulation shall not be applicable to loading space provided totally within a building or structure which has door enclosures facing other than the front property line.
- (h) The minimum required residential floor area per single-family dwelling is one thousand (1,000) square feet and twenty-four (24) feet in width.
- (i) All front yard setbacks are measured from the center of the highway, unless specified elsewhere. The setback may be reduced, to twenty-five (25) feet, if located within a platted subdivision or a planned unit development in an R-1, R-2, or R-3 District.

100-18.3            SITE PLAN REQUIREMENTS FOR COMMERCIAL AND INDUSTRIAL

All new industrial and commercial buildings, and additions to existing commercial and industrial buildings including parking lots, shall be subject to review prior to issuance of a zoning permit.

A site plan shall be submitted which depicts the placement of structures, parking areas, vehicular traffic patterns, utilities, landscaping, setbacks, fencing, required conditions, and other elements of the Zoning Code which the Township Officials may request. Upon submittal of the site plan, the Township shall have a minimum of thirty (30) days to review all plans. No construction shall commence until final plan approval has been granted and the zoning permit issued.

Required Conditions:

1. All lighting shall be shielded.
2. All business activity and services where otherwise specified, except for off-street parking or loading, shall be conducted within a completely enclosed building.
3. A planting strip at least twenty (20) feet wide shall be provided around the entire perimeter of the site, excluding driveways onto the public street system. A wall, fence, or barrier of suitable material not less than six (6) feet high shall be constructed along those property lines which abut an established residential district.
4. All parking lots serving the public shall be paved.
5. All land developments, including Planned Unit Developments or Planned Residential, shall have a stormwater management facilities plan. The design of stormwater management facilities shall be approved by the County Engineer prior to installation. All stormwater facilities shall be installed before final occupation is approved. A surety, approved by the County Prosecutor, may be posted to insure that the drainage and stormwater control work is satisfactorily completed.

No development shall cause downstream properties, water courses, channels, or conduits to receive stormwater runoff from proposed land development, at a peak flow rate higher than would have resulted from the same storm event occurring over the development site with the land in its natural, undeveloped condition. Each land development shall provide for the detention of excess stormwater runoff resulting from the increase of impervious surfaces and other factors. Excess stormwater runoff shall include all increases in stormwater over pre-existing site conditions. The recommended method of calculating hydrographs and detention shall be the Rational Method, or another method approved by the County Engineer. The calculation shall be for a 25-year storm event. All detention and drainage facilities shall comply with the stormwater control provisions of the Fulton County Subdivision Regulations and the requirements of the County Engineer. Connections to existing roadside drainage tile are prohibited.

The developer shall be responsible for maintaining all improvements until such time as the development of the property is substantially completed and occupancy permits are issued. All detention improvements shall be maintained in perpetuity and cannot be developed for any other use that would limit the function of the detention facility.

When facilities are not constructed according to approved plans, Clinton Township has explicit authority to compel compliance and require correction of any situation of noncompliance.

A waiver of these requirements may be granted, if the subject property is adequately served by a publicly maintained stormwater detention/storm sewer system.

6. A grading plan of the development shall be required for the purpose of providing good surface drainage. It is the intent to provide surface drainage for all areas within the proposed development to prevent property damage, inconvenience, and deterioration caused by surface water runoff to the owner of the proposed development as well as adjacent property owners.
7. The proposed development shall adhere to "Access Management" requirements of the Fulton County Subdivision Regulations. Plans shall be submitted to the Township, County Engineer, and Fulton County Regional Planning Commission for review and approval. Results of the review will be forwarded to the Ohio Department of Transportation, if the proposed development is located along a state highway.

## ARTICLE 100-19

### PLANNED UNIT DEVELOPMENT PROCEDURES, REGULATIONS AND STANDARDS

#### 100-19.1 STATEMENT OF PURPOSE

Planned Unit Developments (PUD) are defined as a single development that can integrate residential development with "collateral uses" and in which lot sizes, setbacks and dwelling types could be varied in order to achieve design objectives and to make provisions for open spaces, common areas, utilities, public improvements and collateral non-residential uses. This also includes development where there would be allowed a combination of commercial/industrial uses, individual commercial or individual industrial developments. Zoning and subdivision regulations need not be uniform, but may vary in order to achieve an innovative development, efficient use of land and resources, and the efficient provision for public utility services. All such subdivision developments must meet the approval of the Fulton County Regional Planning Commission. Lots shall meet the minimum square footage requirements under the respective district.

#### 100-19.2 APPROVAL PROVISIONS

The owner of a parcel or tract of land applying for a PUD designation must apply through Article 100-23 (Amendments, Supplements, Procedure, Referendum). At the time of application, the applicant must submit the regulations by which the property owner proposes the particular PUD would be governed. Such regulations shall include land uses, setbacks, lot sizes, and other information as required by the Zoning Commission, Township Trustees, and Planning Commission. The Zoning Commission has the vested right to amend the PUD as proposed by the property owner.

Upon approval of the PUD, the former zoning district designation shall be changed on the District Map to reflect the PUD designation. Upon the district designation and text amendment approval, the property owner shall apply for approval of the PUD Plan pursuant to the standards and regulations adopted for the PUD. The Zoning Commission and Fulton County Regional Planning Commission must grant final approval of the PUD Plan pursuant to the standards and regulations adopted.

### 100-19.3 CONTENTS FOR APPROVAL

The owner of a parcel or tract of land shall apply to the Clinton Township Zoning Commission for approval of a PUD by submitting a plan to the Zoning Commission and the Fulton County Regional Planning Commission. Said plan shall contain the following information:

1. Proposed land uses and types of structures.
2. Proposed vehicular circulation.
3. General location of open space.
4. General location of utilities, easements and other service facilities.
5. If the development is to be in stages, an indication as to the order of and time of development.
6. Landscaping plans.
7. Other pertinent information as may be required by the Planning and Zoning Commissions.
8. A legal description of the property.

### 100-19.4 ZONING COMMISSION REVIEW PROCEDURES

#### 1. Preliminary Plan Procedures

Following submission of the information required, the Commission shall review the proposal and shall advise the applicant in writing as to the following:

- a. That the proposal fails to meet the standards set forth in this Article.
- b. An identification of those standards to which the proposal does not conform in the opinion of the Commission together with any recommendations as to how the proposal could be modified to conform with the standards set forth in this Article.
- c. Additional plans and data to be submitted with the formal submission.

#### 2. Final Plan Procedures

Upon receipt of written notification the applicant may file a formal application for approval of a Planned Unit Development. The application shall include the following:

- a. A legal description of the property included with the proposed plan, together with a current attorney's opinion showing the state of the title to the land in question.
- b. Five (5) complete sets of development plans showing the following:
  1. A site plan showing the use relationship of all structures to each other, open space relationships, and other facilities intended to serve the development.
  2. A tabulation of the site plan indicating the percentage of total land area occupied by buildings, streets, driveways, sidewalks, recreation areas and landscaped areas if any.
  3. Landscape plans showing the proposed treatment of all open space. The landscape plan shall indicate proposed topographical changes, preferable to two-foot contour intervals.

4. Vehicular pedestrian access patterns such as curb cuts, driving lanes and pedestrian walks.
5. Typical dwelling, commercial and industrial unit floor plans.
6. Architectural elevations of all building types.
7. A preliminary plan where required by the Commission.
8. Copies of all proposed easements and dedications.
9. Schedule of proposed development and construction.

## ARTICLE 100-20

### HOME OCCUPATIONS

#### 100-20.1 STATEMENT OF PURPOSE

It is the intent of this chapter to eliminate as home occupations all uses except those that conform to the standards set forth in this Article. The standards for home occupations in this Article are intended to insure compatibility with other permitted uses and with the residential character of the neighborhood, plus a clearly secondary or incidental status in relation to the residential use of the main building as the criteria for determining whether a proposed accessory use qualifies as a home occupation.

#### 100-20.2 DEFINITION

A home occupation is an accessory use of a dwelling unit, conducted entirely within the dwelling unit, carried on by one (1) or more persons, all of who reside within the dwelling unit, and where no persons are employed other than resident and domestic help. The use clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part. There shall be no outside storage of any kind; and any indoor storage, construction, alteration, or electrical or mechanical equipment used shall not change the fire rating of the structure or the fire district in which the structure is located. The use may increase vehicular traffic flow and parking by no more than one (1) additional vehicle at a time. It shall not cause an increase in the use of one (1) or more utilities (water, sewer, electricity, telephone, or garbage) so that the combined total use for dwelling and home occupation purposes of the one (1) or more utilities exceeds the average for residences in the neighborhood. When a use is a home occupation, it means that the owner, lessee, or other persons who have a legal right to the use of the dwelling unit also have the vested right to conduct the home occupation without securing special permission to do so. However, such person shall be subject to all conditions, which are applied in this Zoning Resolution.

### 100-20.3 NECESSARY CONDITIONS

Home occupations are permitted accessory uses in residential zones only so long as all the following conditions are observed:

1. Such occupation shall be conducted solely by resident occupants in their residence.
2. No more than one (1) room or twenty-five (25) percent of the gross area of one (1) floor of said residence, whichever is less, shall be used for such purpose. Use of accessory buildings for these purposes is prohibited.
3. No use shall require internal or external alteration or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure of the fire district in which the structure is located.
4. No home occupation shall cause an increase in the use of any one (1) or more utilities (water, sewer, electricity, telephone, garbage, etc.) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.
5. There shall be no outside storage of any kind related to no more than one (1) additional vehicle at a time.
6. The use may increase vehicular traffic flow and parking by no more than one (1) additional vehicle at a time.
7. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.

### 100-20.4 NAMEPLATE ALLOWED

Only one (1) nameplate shall be allowed. It may display the names of the occupant and/or the name of the home occupation (e.g. John Jones, Realtor). It shall not exceed five (5) square foot in area, shall be non-illuminated, and attached flat to the main structure or visible through a window. The limitation to one (1) nameplate is intended to apply to all lots, including corner lots.

### 100-20.5 PERMITTED HOME OCCUPATIONS

Home occupations include, but are not necessarily limited to, the following:

1. Artists and sculptors.
2. Authors and composers.
3. Dressmakers, seamstresses, and tailors.
4. Family day care home, limited to not more than three (3) children.

5. Home crafts, such as model making, rug weaving, lapidary work, and cabinet making.
6. Office facility of a minister, rabbi, or priest.
7. Office facility of a salesman, sales representative, or manufacturer's representative, provided that no retail or wholesale transactions are made on the premises.
8. Office facility of an architect, artist, broker, dentist, physician, engineer, instruction in arts and crafts, insurance agent, land surveyor, lawyer, musician, or real estate agent.
9. The letting for hire of not more than two (2) rooms for rooming or boarding use for not more than two (2) persons, neither of whom is a transient.
10. Single operator/owner barber and beauty shops.

100-20-6 HOME OCCUPATIONS NOT PERMITTED

Permitted home occupations shall not in any event be deemed to include the following:

1. Antique shop.
2. Funeral chapel or funeral home.
3. Gift shop.
4. Medical or dental clinic or hospital.
5. Renting of trailers.
6. Animal hospitals.
7. Dancing schools.
8. Nursery schools.
9. Private clubs.
10. Repair shops or service establishments except the repair of electrical appliances, typewriters, cameras, or other similar small items.

## ARTICLE 100-21

### ADMINISTRATION AND ENFORCEMENT

#### 100-21.1 DUTIES OF THE ZONING INSPECTOR

The Zoning Inspector shall have the power to grant zoning and occupancy permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Resolution. It shall be unlawful for the Zoning Inspector to approve any plans or issue any permit or Certificates of Occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform to this Resolution.

The Zoning Inspector shall record all non-conforming uses existing at the effective date of this Resolution for the purpose of carrying out the provisions of Article 100-21.

Under no circumstances is the Zoning Inspector permitted to make changes in this Resolution nor to vary the terms of this Resolution in carrying out his duties as Zoning Inspector.

The Zoning Inspector shall not refuse to issue a permit when conditions imposed by this Resolution are complied with by the applicant despite violations of contracts, such as covenants or private agreements, which may occur upon the granting of said permit.

#### 100-21.2 ZONING PERMITS REQUIRED

No building or other structure shall be erected, moved, added to, or structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or the Board of Township Trustees, approving a Planned Unit Development District, as provided by this Resolution.

#### 100-21.3 CONTENTS OF APPLICATION FOR ZONING PERMIT

The application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not been completed within one (1) year. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant.
2. Legal description of property.
3. Existing use.
4. Proposed use.
5. Zoning District.
6. Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon, the exact size and location of existing buildings on the lot, if any, and the location and dimensions of the proposed building(s) or alterations.

7. Building heights.
8. Number of off-street parking spaces or loading berths.
9. Number of dwelling units.
10. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Resolution.

100-21.4 APPROVAL OF ZONING PERMIT

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of the Resolution. One (1) copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One (1) copy of the plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Resolution.

100-21.5 SUBMISSION TO DIRECTOR OF TRANSPORTATION

Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway, or a highway for which changes are proposed as described in the certification 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 shall not issue a permit for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. The Director of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period of any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the zoning permit.

100-21.6 EXPIRATION OF ZONING PERMIT

If the work described in any zoning permit has not been completed within one (1) year from the date of issuance thereof, said permit shall expire. It shall be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected.

100-21.7 CERTIFICATE OF OCCUPANCY

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy shall have been issued therefore by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Resolution. Occupancy shall be permitted when all health regulations are met.

100-21.8            TEMPORARY CERTIFICATE OF OCCUPANCY

A temporary Certificate of Occupancy may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

100-21.9            RECORD OF ZONING PERMITS AND CERTIFICATES OF OCCUPANCY

The Zoning Inspector shall maintain a record of all zoning permits and certificates of occupancy and copies shall be furnished upon request of any person. All records shall be kept on file in the Township Office.

100-21.91          FAILURE TO OBTAIN A ZONING PERMIT OR CERTIFICATE OF OCCUPANCY

Failure to obtain a zoning permit or Certificate of Occupancy shall be a violation of this Resolution and punishable under Article 100-27.1 of this Resolution.

100-21.92          CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION, PLANS, PERMITS, AND CERTIFICATES

Zoning permits or certificates of occupancy 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. Uses, arrangement, or construction contrary to that authorized shall be deemed a violation of this Resolution and punishable as provided in Article 100-27.1 of this Resolution.

100-21.93          COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person, living within the zoned portion of the Township, 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.

100-21.94          SCHEDULE OF FEES, CHARGES, AND EXPENSES

The Board of Township Trustees shall, by Resolution, establish a schedule of fees, charges and expenses, and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, 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.

## ARTICLE 100-22

### BOARD OF ZONING APPEALS

#### 100-22.1 DUTIES

After the adoption of the Zoning Resolution, the Board of Township Trustees shall appoint a Township Board of Zoning Appeals of five (5) members and two (2) alternates who shall be residents of the area covered by this Resolution.

#### 100-22.2 MEMBERSHIP AND REPLACEMENT

The term of all members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Township Board of Zoning Appeals shall be removable for the same causes and in the same manner as provided herein for members of the Township Zoning Commission. Vacancies shall be filled by the Trustees and shall be for the unexpired term.

#### 100-22.3 MEETINGS

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

#### 100-22.4 AUTHORITY

The Board of Zoning Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by any administrative official in the enforcement of this Resolution or of any Resolution adopted pursuant thereto.
2. To authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, when owing to special conditions, a literal enforcement of the provisions of the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done.
3. To grant conditional use permits as specified in Articles 100-8 through 100-17 and under such additional safeguards as will uphold the intent of this Resolution.

In exercising the above mentioned powers, such Board may, in conformity with the provisions of this Resolution, reverse or affirm, wholly or partially, or may modify the order, requirement, decision or determination as ought to be made and to that end shall have all powers of the officer from whom the appeal is taken.

100-22.5 STANDARDS

In consideration of all appeals for variances, the Board of Zoning Appeals shall review each case individually as to its applicability to each of the following standards so that the proposed variance of new land use:

1. Will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the Zoning District in which it is to be located.
2. Will be of a nature that will minimize the hazards resulting from vehicular and pedestrian traffic taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child vehicle contacts in residential districts.
3. Will be designed as to location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
4. Will be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
5. Will relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific area of the Township.
6. Is necessary for the public convenience at that location.
7. Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.
8. Will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.

100-22.6 APPEALS

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector, from whom the appeal is taken, and with the Board of Zoning Appeals, a notice of appeal specifying the ground thereof. The Zoning Inspector from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten (10) days notice in writing to the parties in interest, give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by attorney.

ARTICLE 100-23

AMENDMENTS, SUPPLEMENTS, PROCEDURE, REFERENDUM

100-23.1 AMENDMENTS OR SUPPLEMENTS TO ZONING RESOLUTION,  
PROCEDURE, REFERENDUM

Amendments or supplements to the Zoning Resolution may be initiated by motion of the Township Rural Zoning Commission by the passage of a Resolution therefore by the Board of Township Trustees or by the filing of an application therefore by one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Township Zoning Commission. The Board of Township Trustees shall, upon the passage of such Resolution, certify it to the Township Zoning Commission.

Upon the adoption of such motion, or the certification of such Resolution, or the filing of such application, the Township Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such Resolution. Notice of such hearing shall be given by the Township Zoning Commission 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.

If the proposed amendment or supplement 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 twenty (20) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list and to such other list or lists that may be specified by the Board of Township Trustees. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement and a statement that after the conclusion of such hearing the matter will be referred for further determination to the Fulton County Regional Planning Commission and to the Board of Township Trustees as the case may be.

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

The Fulton County Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modifications thereof and shall submit such recommendation to the Township Zoning Commission on such proposed amendment or supplement.

The Township Rural Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof and submit such recommendation, together with such application or Resolution, the text and map pertaining thereto and the recommendation of the Fulton County Regional Planning Commission thereon to the Board of Township Trustees.

The Board of Township Trustees shall, upon receipt of such recommendations, set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such public hearing shall be given by the Board by one (1) publication in one (1) or more newspapers of general circulation in the Township at least fifteen (15) days before the date of such hearing.

The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment or supplement.

Within twenty (20) days after such public hearing, the Board shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the Board denies or modifies the recommendations of the Township Zoning Commission, a simple majority vote of the Board shall be required.

Such amendment or supplement adopted by the Board shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the voters residing in the unincorporated area of the Township, or part thereof, included in the zoning plan equal to not less than eight (8) percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

## ARTICLE 100-24

### DEFINITIONS

**ABANDONED JUNK MOTOR VEHICLE:** Any motor vehicle meeting all of the following requirements:

1. Three years old, or older;
2. Extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission;
3. Apparently inoperable;
4. Having a fair market value of two hundred dollars (\$200) or less.

**ACCESSORY BUILDING:** A building or portion of a building subordinate to a main building on the same lot, occupied by or devoted exclusively to an accessory use. An accessory building must conform to all setback requirements of the primary use. (Article 100-5.3) Semi trailers and tandem trailers are not considered accessory buildings.

**ACCESSORY USE:** A use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the premises.

**ADULT BUSINESS ESTABLISHMENT:** Bookstores, bars, lounges, restaurants, theaters, or shops, which have more than 20% of their stock in trade, or fare, books, pictures, slides, films, media of electronic visual portrayal, or live entertainment, which are distinguished or characterized by their emphasis on matter or live conduct depicting, describing, exposing, or relating to sexual activities or anatomical areas.

**AGRICULTURE:** Farming, ranching, aquaculture, apiculture, horticulture, viticulture, animal husbandry, including but is not limited to, the care and raising of livestock, equine and other fur-bearing livestock, poultry husbandry and the production of poultry or poultry products or dairy production. It also includes the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, mushrooms, timber, pasturage, or any combination of the foregoing, and the processing, drying, storage or marketing of agricultural products, when activities are conducted in conjunction with, but secondary to such husbandry or production. Agriculture shall not include kennels.

**AGRICULTURAL PRODUCE WAREHOUSE:** A building or part of a building used for the storage of agricultural produce and may include facilities for wholesale distribution or an accessory retail commercial outlet for the sale of such agricultural produce to the general public.

**AGRICULTURAL SALES AND SERVICE:** An establishment primarily engaged in the sale or rental of farm tools and small implements, feed and grain, tack, animal care products, farm supplies, and the like, excluding large implements, and including accessory food sales and machinery repair services.

**AGRICULTURAL SERVICE ESTABLISHMENT:** The use of land, buildings or structures for the purpose of buying or selling commodities and services that support agricultural uses. These shall include such sales and services as welding and machinery repairs, farm drainage and excavation, well-drilling, contracting and trades related to farm buildings and structures, and custom spray, tillage, planting and harvesting services.

**AGRICULTURAL STORAGE:** Facilities for the warehousing of agricultural products. Typical uses include grain elevators.

**AGRICULTURAL SUPPLY ESTABLISHMENT:** The use of land, buildings or structures for the purposes of supply of goods, materials or services that support agricultural uses. These shall include such goods and services as sale and storage of seed, feed, fertilizer and chemical products, farm machinery and equipment sales and service.

**ALLEY:** A public way, which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

**ALTERATIONS:** Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to here as "altered" or "reconstructed".

**AGRICULTURAL USE:** The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce, provided that, the operation of any such accessory uses shall be secondary to that of normal agricultural activities. (Article 100-5.2(17))

**ARCHITECTURAL FEATURES:** Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments. (Article 100-5.3(3))

**AUTOMOBILE REPAIR:** General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair, overall painting, and vehicle rust proofing. (Article 100-15.2(16))

**AUTOMOBILE SERVICE STATION:** A building or structure designed or used for the retail sale or supply of fuels (stored only in underground tanks), lubricants, air, water and other separating commodities for motor vehicles, aircraft and boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for storage, minor repair, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust proofing, where the primary use of the premises is such, or high speed washing thereof. (Article 100-15.2(1))

**AUTOMOBILE WASH ESTABLISHMENT:** A building, or portion thereof, the primary purpose of which is that of washing motor vehicles. (Article 100-15.2(22))

**BASEMENT OR CELLAR:** A portion of a building having more than one-half (1/2) of its height below grade.

**BILLBOARD:** Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public, but not including bulletin boards used to display official court or public office notices. (Article 100-5.4)

**BLOCK:** The property, abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, or between the intersecting street and railroad right-of-way, subdivided acreage, river or live stream, or between any of the foregoing and any other barrier to the continuity of development.

**BOARD OF TOWNSHIP TRUSTEES:** The words "Board of Township Trustees" and "Board of Trustees" shall mean the duly appointed elected Board of Township Trustees of Clinton Township.

**BOARD OF ZONING APPEALS:** The words "Board of Zoning Appeals" or "Board" shall mean the Board of Zoning Appeals for Clinton Township, Fulton County, Ohio. (Article 100-22)

**BOARDING HOUSE:** A dwelling where meals, or lodging and means are provided for compensation to three (3) or more persons by pre-arrangement for defined periods of not less than one (1) week. A boarding house is to be distinguished from a hotel, motel, or a convalescent or nursing home. (Article 100-12.3(4))

**BUILDING AREA:** The buildable area of a lot is the space remaining after the minimum open space requirements of this Resolution have been complied with. (Article 100-18)

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

**BUILDING HEIGHT:** The building height is the vertical distance measured from the reference level to the highest point of the roof surface of a flat roof to the deck of mansard roofs; and to the mean height level between eaves and ridges of gable, hip and gambrel roofs. (Article 100-18)

**BUILDING, MAIN OR PRINCIPAL:** A building in which is conducted the principal use of the lot on which it is situated.

**BUILDING LINE:** A line established, parallel to the street line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located.

**CERTIFICATE OF OCCUPANCY:** A document issued by the Zoning Inspector certifying that the construction of buildings and the use of land is in accordance with the Zoning Resolution and the previously approved application for a zoning permit. (Article 100-21.7)

**CHILD DAY CARE CENTER:** Any facility whatsoever which cares for six (6) or more children under eighteen (18) years of age and not related to the operator by blood, marriage, adoption or foster care responsibility, away from the child's own home for periods of less than twenty-four (24) hours per day per child. Occasional extended stays may also be provided. Such facilities may be for profit or non-profit. Type "B" Day Care Centers, per ORC 5104.054, are exempt from zoning.

**CLEAN FILL:** Clean fill is non-toxic material such as soil, sand, stone, brick or concrete free of hazardous materials or chemicals. Materials such as tires, garbage, leaves, wood products, petroleum residues, asphalt or organic materials are not classified as clean fill.

**CLUB:** An organization or persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit.

**COMMISSION (OR PLANNING COMMISSION):** Means the Fulton County Regional Planning Commission.

**COMPREHENSIVE DEVELOPMENT PLAN:** This plan establishes the land use goals, objectives, and policies of the Township and Fulton County, Ohio.

**CONDOMINIUM:** A building or group of buildings in which units are owned individually, and where the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

**CONSERVATION AREA:** An area set aside for the preservation, protection and/or improvement of the natural environment.

**CONTRACTOR:** A contractor means a general contractor or builder engaged in the construction or remodeling of either residential or commercial structures. This includes, but is not limited to, special trades such as heating, air conditioning, painting, plumbing, and roofing. Heavy construction contractors engaged in activities such as paving, highway construction, earth moving, and utility construction are also included.

**CUSTOM WORKSHOP:** Means a building or part of a building where goods are produced to special order and sold at retail. (Article 100-15.2(3))

**DISTRICT:** A portion of Clinton Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of this Resolution. (Article 100-4.0)

**DRIVE-IN ESTABLISHMENT:** A business establishment that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle (e.g., restaurants, cleaners, banks, theaters). (Article 100-15)

**DRIVEWAY:** A vehicular access for ingress/egress to a principal structure or accessory structure.

**DWELLING, MULTIPLE:** A building portion thereof, used or designed as residence for three (3) or more families living independently of each other and each doing their own cooking in said building. This definition includes three-family houses, four-family houses, and apartment houses, but does not include mobile manufactured home parks. (Article 100-12)

**DWELLING, ROW OR TERRACE:** A row of three (3) or more attached one-family dwellings, not more than two (2) stories in height in which each dwelling has its own front entrance and rear entrance. (Article 100-12)

**DWELLING, SINGLE FAMILY:** Detached, individual dwelling units, which accommodate one family related by blood, adoption, or marriage; or up to five unrelated individuals living as one housekeeping unit. The type of construction of such units shall conform either to the OBOA, or CABO “One and Two Family Dwelling Code”, or other applicable building code if adopted, or be classified as an “Industrialized Unit” under the Ohio Basic Building Code, or conform to Ohio Revised Code 303.212, definitions of permanently sited manufactured housing, as follows:

Permanently Sited Manufactured Housing must:

- a. Be constructed pursuant to the HUD Code (Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.A. 88 stat. 700, 5401 and 5403) after January 1, 1995. It must also have a permanent label or tag attached to it as specified in 42 U.S.C.A. 5415, certifying compliance with all federal construction and safety standards.
- b. Be attached to a permanent frost-free foundation (slab, crawl space foundation or full foundation).
- c. Be connected to appropriate utilities.

- d. Have a length of at least 22 feet and a width of at least 24 feet, as manufactured.
- e. Have at least 1,000 square feet of living area.
- f. Have conventional residential siding (i.e. lap, clapboard, shake, masonry, vertical natural materials), a 6 inch minimum eave overhang, and a minimum “A” roof pitch of 3:12.
- g. Have removed it indicia of mobility (temporary axles, trailer tongue, running lights) upon placement upon its foundation.
- h. Be intended to be assessed and taxed as permanent real estate, not personal property.

**EFFICIENCY UNIT:** An efficiency unit is a dwelling unit consisting of one (1) room exclusive of bathroom, kitchen, hallways, closets, or dining alcove directly off the principal room, providing not less than three hundred fifty (350) square feet of floor area.

**ELDERLY:** Elderly is defined as sixty-years of age or older.

**ERECTED:** The word "erected" includes built, constructed, reconstructed, moved upon, or any physical alterations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.

**ESSENTIAL SERVICES:** The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, furnishings and accessories in connection therewith, reasonable for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings, other than such buildings as are primarily enclosures or shelters of the above essential service equipment. (Article 100-5.2(17))

**EXCAVATING:** Excavating shall be the removal of land, stone, gravel, or fill dirt below the average grade of the surrounding land and/or road grade, whichever shall be highest. (Article 100-5.2)

**FAMILY:** One (1) or more persons living together and inter-related by bonds of consanguinity, marriage, foster parentage, or legal adoption, and occupying the whole or part of a dwelling unit as a single non-profit housekeeping unit as distinguished from a group occupying a hotel, club, boarding house, domestic servants, gratuitous guests, and not more than three (3) board children.

**FAMILY DAY CARE HOME:** A Child Care Center classified as Type B, per ORC, and located in the operator’s own dwelling which receives not over six (6) children including the operator’s own children.

**FARMS:** All the contiguous neighboring or associated land operated as a single unit on which the principal use is farming, carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees, provided further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, and apiaries, but establishments keeping or operating fur-bearing animals, riding or boarding stables, commercial dog kennels, stone quarries or gravel or sand pits, shall not be considered a farm hereunder unless combined with bona fide farm operations on the same continuous tract of land of not less than twenty (20) acres.

**FILLING:** Shall mean the depositing or dumping of any matter onto, or into the ground, except common household gardening.

**FLOOR AREA, GROSS:** Is the sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior walls or from the centerline of walls separating two (2) buildings. In particular, floor area includes; basement space, elevator shafts or stairwells, floor space for mechanical equipment, penthouses, balconies, mezzanines, enclosed porches and accessory buildings, attic floor space (whether or not floor has been laid) providing structural head room of seven-feet, six-inches (7'6"). Floor area shall not include; elevator or stair bulkheads, accessory water tanks, or cooling towers, uncovered steps, attic floor space less than five-feet (5') high. Covered, but unenclosed portion of porches, terraces or breezeways shall have their floor area computed at fifty percent (50%) of the actual floor area. Uncovered and unenclosed porches, terraces or breezeways shall have their floor area computed at twenty-five percent (25%) of the actual floor area.

**FLOOR AREA, RESIDENTIAL:** For the purposes of computing a minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the interior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed or unenclosed porches. (Article 100-18.0 to 18.2)

**FLOOR AREA, USABLE:** (For the purposes of computing parking) Is that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, such as hallways, stairways, and elevator shafts, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area". Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

**GARAGE, COMMERCIAL:** Any premises except those described as a private, community or storage garage, available to the public, used principally for the storage of automobiles or motor driven vehicles, for remuneration, hire or sale, where any such vehicle or engine may also be equipped for operation, repaired, rebuilt or reconstructed, and where vehicles may be greased, washed or serviced.

**GARAGE, COMMUNITY:** A garage used for the storage of vehicles of residents of dwelling units on the same or adjacent block or blocks, and providing only incidental services to such vehicles as are stored therein.

**GARAGE, PRIVATE:** A building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which such building is located and with a capacity of not more than three (3) motor driven vehicles. The foregoing definition shall be construed to permit the storage on any one (1) lot, for the occupants thereof, of not more than one (1) commercial vehicle not exceeding a rated capacity of three-fourths (3/4) ton.

**GARAGE, STORAGE:** Any premises except those herein defined as private garage, used exclusively for the storage of self-propelled vehicles, and where such vehicles are not repaired.

**GRADE:** The established grade of the street or sidewalk shall be the elevation of the curb at the mid-point of the front of the lot. The elevation is established by the Clinton Township Zoning Inspector. (Article 100-5.2(6))

**GREENHOUSE:** A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the growing of flowers, plants, shrubs, trees and similar vegetation.

**GROUP HOME:** A facility wherein: 1) the operator is not legally related to the individuals supervised and is licensed by the Federal, State or County agency and wherein: 2) one (1) or more individuals are provided with room, board, specialized and distinctive care and supervision in a family environment, or where five (5) or more individuals reside and are provided with room, board, ordinary care and supervision in a family environment.

**HOSPITAL:** An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff officers. (Article 100-12.3(1))

**HOTEL:** A building occupied or used as a temporary abiding place of individuals or groups of individuals with or without meals, and in which there are more than five (5) sleeping rooms, and in which no provision is made for cooking in any individual room.

**INDUSTRIALIZED UNIT:** A building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self sufficient as a unit or as a part of a greater structure and that requires transportation to the site of intended use. Industrialized unit includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. Industrialized unit does not include a manufactured or mobile home as defined herein.

**JUNK:** The term "junk" shall include old or scrap copper, brass, rope, rags, trash, construction and demolition debris, paper, rubber, iron, steel, wood, and other old or scrap ferrous or nonferrous material, abandoned motor vehicles and vehicles, machinery and appliances and any other materials or other castoff materials of any kind whether or not same could be put to any reasonable use.

**JUNK YARD:** The term "junk yard" includes automobile wrecking yards and salvage areas and includes any area of more than two-hundred (200) square feet for the storage, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof, but does not include uses established entirely within enclosed buildings. (Article 100-17.3(1))

**KENNEL:** Any lot or premises on which three (3) or more dogs, four (4) months or more old, are kept for the purpose of breeding, permanently or temporarily boarded, or for sale. (Article 100-8.3(21))

**LABORATORY:** A place devoted to experimental, routine study or basic study such as testing and analytical operations and which manufacturing of product or products, except prototypes, is not performed.

**LOADING SPACE:** An off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. (Article 100-7.4)

**LOT:** A parcel of land occupied or intended for occupancy by a use permitted in this Resolution, including one (1) main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this Resolution.

LOT AREA: The total horizontal area within the lot lines of a lot. (Article 100-18.0)

LOT, CORNER: A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, any two (2) chords of which form an angle of one hundred thirty-five (135) degrees or less. The point of intersection of the tangents described above.

LOT, DOUBLE FRONTAGE: A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a two (2) or double frontage lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front.

LOT, INTERIOR: A lot other than a corner lot with only one (1) lot line fronting on a street.

LOT COVERAGE: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures. (Article 100-18.0)

LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yard requirements shall be provided as indicated under "Yards" in this section. (Article 100-18.0 to 18.2)

LOT DEPTH: The mean horizontal distance from the front lot line to the rear lot line.

LOT LINES: The property lines abounding the lot.

- a. Front Lot Line. In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating such lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from the street which is designated as the front street in the plat and in the request for a zoning compliance permit. (See "Double Frontage Lot")
- b. Rear Lot Line. Ordinarily, that lot line, which is opposite and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the Board of Zoning Appeals shall designate the rear lot line. (See "Double Frontage Lot")
- c. Side Lot Line. Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- d. Street or Alley Lot Line. A lot line separating the lot from the right-of-way of a street or an alley.

LOT OF RECORD: A lot which actually exists in a subdivision plat as shown on the records of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**LOT WIDTH:** The horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback, intersects the side lot lines. (Article 100-18.0)

**MAJOR THOROUGHFARE:** A main traffic artery designated on the Fulton County Comprehensive Development Plan as a major thoroughfare.

**MANUFACTURED HOME:** A non self-propelled building unit or assembly of closed construction fabricated in an off site facility, and which conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development (HUD) pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974, and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards. A manufactured home is transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis, designed to be used as a dwelling with or without permanent foundation when connected to required utilities. Calculations used to determine the number of square feet in a structure’s exterior dimensions are measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. (ORC 4501.01) For the purposes of this section, chassis means a steel frame specifically designed and constructed with wheels or running gear and towing tongue installed for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks, or other foundation, connection to utilities and the like.

**MANUFACTURED HOME PARK:** Any site, or tract of land under single ownership upon which three (3) manufactured homes used for habitation are parked, either free of charge or for revenue purposes, including any roadway, building structures, vehicles, or enclosures used or intended for use as a part of the facilities of such park. (Article 100-12.3(6))

**MANUFACTURED HOME SITE:** A plot of ground within a manufactured home park designed for the accommodation of one (1) manufactured home. (Article 100-12.3(6))

**MOBILE HOME:** A non self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility, built on a permanent movable chassis which is 8 feet or more in width and more than 35 feet in length, which when erected on site is 320 or more square feet, that is transportable in one or more sections and which does not qualify as a manufactured home or industrialized unit.

**MOTEL:** A series of attached, semi-detached, or detached rental units containing bedroom, bathroom and closet space wherein each unit has a separate individual entrance leading directly from the outside of the building. No kitchen or cooking facilities are to be provided without the approval of the Board of Zoning Appeals with the exception of units for use of the manager and/or caretaker. (Article 100-15.0)

**MOTOR VEHICLE:** Any vehicle propelled or drawn by power other than muscular power. (Ohio Revised Code 4501.01, Definitions)

**NON-CONFORMING BUILDING:** A non-conforming building is a building or portion thereof lawfully existing at the effective date of this Resolution or amendments thereto, and which does not conform to the provisions of the Resolution in the zoning district in which it is located. (Article 100-6.2)

**NON-CONFORMING USE:** A non-conforming use is a use which lawfully occupies a building or land at the effective date of this Resolution or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located. (Article 100-6.0)

**NUISANCE FACTOR:** Is an offensive, annoying, unpleasant, or obnoxious things or practice, a cause or course of annoyance, especially a continuing or repeating invasions of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things such as: a) noise; b) dust; c) smoke; d) odor; e) glare; f) fumes; g) flashes; h) vibration; i) shock waves; j) heat; k) electronic or atomic radiation; l) objectionable effluents; m) noise of congregation of people, particularly at night; n) passing traffic; o) invasion of street frontage by traffic generation from all adjacent land use which lacks sufficient parking and circulation facilities.

**NURSERY PLANT MATERIAL:** In a space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for wholesale or retail sale including products used for gardening or landscaping, the definition of nursery within the meaning of the Resolution does not include any space, building, or structure used for the sale of fruits, vegetables, or Christmas trees.

**NURSING HOME:** A nursing home is a home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, wherein three (3) or more persons are cared for. (Article 100-12.3(3))

**OCCUPIED:** The word "occupied" includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

**OFF-STREET PARKING LOT:** A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for more than two (2) automobiles. (Article 100-7.0)

**OPEN AIR BUSINESS USES:** Open air business uses not conducted from a wholly enclosed building, if operated for a profit, shall include the following uses:

- a. Bicycle, trailer, motor vehicle, boats, or home equipment sale or rental service.
- b. Outdoor display and sale of garages, swimming pools, and similar uses.
- c. Retail sale of trees, fruit, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and equipment.
- d. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses. (Article 100-14.4(1))

**OPEN FRONT STORE:** A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter said structure.

**OPEN STORAGE:** All outdoor storage of building materials, sand, gravel, stone, lumber, equipment, and other supplies.

**OVERLAY DISTRICT:** An additional secondary zoning classification, which establishes specific regulations on the use of land, buildings, or structures.

**PARKING SPACE:** An area of not less than nine and one-half (9 ½) feet wide, by twenty (20) feet long, for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits and being fully accessible for the storage or parking of permitted vehicles. (Article 100-7.0 to 7.5)

**PLANNED UNIT DEVELOPMENT:** A development, which is planned to integrate residential, commercial, industrial, or any other use. (ORC 519.021)

**POND:** A body of water naturally made or artificially formed by excavation, and having an area of less than five acres.

**PORCH, ENCLOSED:** A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

**PORCH, OPEN:** A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

**PUBLIC UTILITY:** Any person, firm corporation, municipal department, board or commission duly authorized to furnish and furnishing, under Federal, State or Municipal regulations, to the public, electricity, gas, steam, communicator, telegraph, transportation, or water services. (Article 100-5.2(17))

**QUARRY EXCAVATION:** Shall mean any breaking of the ground to hollow out by cutting or digging or removing any soil or rock matter to a depth greater than twelve (12) inches from the surface. (Article 100-5.2(10))

**RECREATION FACILITIES, COMMERCIAL:** Facilities open to the public, established and operated for profit, such as swimming pools, ice skating rinks, riding stables, campgrounds, race tracks, amusement parks, carnivals or similar commercial enterprises.

**RECREATION FACILITIES, NON-COMMERCIAL:** Private and semi-public facilities, not operated for commercial gain, including riding clubs, game preserves, campgrounds, hunting and trapping, private community swimming pools, or other private noncommercial recreation areas, facilities or recreation centers; may be leased to outside groups or organizations provided the fee for such purposes is limited to incidental maintenance and custodial expenses.

**RESIDENTIAL MINI STORAGE FACILITY:** A facility consisting of a building or group of buildings in a controlled-access compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of customers' residential goods and wares.

**ROOMING HOUSE:** Is a building or part thereof, other than a hotel where sleeping accommodations are provided for hire and where meals may be regularly furnished.

**SEPARATE OWNERSHIP:** Ownership of a parcel of property wherein the owner does not own adjoining vacant property. Ownership of a property may include dual or multiple ownership by a partnership, corporation or other group. Provided, that the owner of any number of contiguous lots of record may have as many of said contiguous lots of record considered as a single lot of record for the purpose of this Resolution as he so elects, and in such case the outside perimeter of said group of lots of record shall constitute the front, rear and side lot lines thereof.

**SETBACK:** The minimum horizontal distance between the front of the building, excluding steps and unenclosed porches, and the established right-of-way of the street abutting upon the front lot line or where specified as being from the centerline of a public road.

**SIGN:** Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:

- a. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, name of occupants of premises, or other identification of premises not having commercial connotations.
- b. Flags and insignia of any government except when displayed in connection with commercial promotion.
- c. Legal notices, identification, informational, or directional signs erected or required by governmental bodies.
- d. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
- e. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter. (Article 100-5.4)

**SIGNS, NUMBER AND SURFACE AREA:** For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, such element shall be considered to be a single sign.

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area. (Article 100-5.4)

**SOIL REMOVAL:** Shall mean removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock or similar materials to a depth not greater than twelve (12) inches, except common household gardening and general farm care.

**SOLAR ENERGY STRUCTURE:** A structure designed to utilize solar energy as an alternative for, or supplement to a conventional energy system.

**STABLE, PRIVATE:** A building or structure, incidental to an existing residential or principal use, that shelters animals for the exclusive use of the occupants of the premises and not for remuneration, hire, or sale.

**STABLE, PUBLIC:** A building, structure, or land where animals are kept for commercial use and for profit, including remuneration, hire, sale, boarding, riding, or show.

**STORY:** That portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

- a. A "mezzanine" shall be deemed a full story when it covers more than fifty (50) percent of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.
- b. For the purposes of this Resolution, a basement or cellar shall be counted as a story if over fifty (50) percent of its height is above the level from which the height of the building is measured, or, if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same.

**STORY, HALF:** The part of a building between a pitched roof and the upper most full story, said part having a floor area which does not exceed one-half (½) the floor area of said full story.

**STREET:** A public thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare, except an alley.

**STRUCTURE:** Anything constructed or erected which requires permanent location on the ground or attachment to something having such location.

**STRUCTURE ALTERATION:** Any change in the supporting members of a building or structure, such as bearing walls, or partitions, columns, beams, or girders, or any change in the width or number of exits, or any substantial change in the roof.

**STRUCTURE, OUTDOOR ADVERTISING:** Any structure of any kind of character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign or billboard may be placed, including outdoor advertising statuary. (Article 100-5.4)

**SWIMMING POOL:** A pool, pond, lake, or open tank containing at least 1 ½ feet of water at any point and maintained by the owner or manager.

- a. Private. Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.
- b. Community. Operated with a charge for admission; a primary use. (Article 100-5.2(11))

**TENTS:** Tents as used in this Resolution shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.

**TEMPORARY BUILDING AND USE:** A structure or use permitted by the Zoning Inspector to exist during periods of construction of the main use or for special events, not to exceed twelve (12) months.

**TEMPORARY SIGN:** A sign of any type to announce special events or sales, to announce the sale, lease or rental of property and designed for use for a limited period of time.

**TRANSPORTATION:** The movement or conveyance of people from one location to another by a transportation service, over any public street, road or highway.

**TRAVEL TRAILER:** A vehicular, portable structure built on a chassis, designed for temporary human habitation and for travel and recreational purposes, having a body not exceeding eight (8) feet in width or thirty-five (35) feet in length.

USE: The purpose of which land or premises of a building thereon is designed, arranged, or intended, or for which it is occupied, or maintained, let, or leased.

YARD: A required open space other than a court, unoccupied and unobstructed by any structure or portion of a structure.

- a. Yard, Front. A yard extending between side lot lines across the front of a lot and from the front lot line to a building line.
- b. Yard, Rear. A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
- c. Yard, Side. A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards. (Article 18.0)

## ARTICLE 100-25

### REPEAL OF PRIOR RESOLUTION

#### 100-25.1 REPEAL OF PRIOR RESOLUTION

In the interpretation and application, the provisions of this Resolution shall be held to the minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Resolution to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of land or resolution other than the above described Zoning Resolution, or with any rules, regulations, or permit previously adopted or issued or relating to the use of buildings or premises; provided, however, that where this Resolution imposes a greater restriction than is required by existing Resolution or by rules, regulations or permits, the provisions of this Resolution shall control. This Resolution is intended to amend the present Clinton Township Zoning Resolution, and shall not in any way be construed to validate any prior non-conforming use.

## ARTICLE 100-26

### VESTED RIGHT

#### 100-26.1 VESTED RIGHT

Nothing in this Resolution should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein, and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

ARTICLE 100-27

ENFORCEMENT, PENALTIES, AND OTHER REMEDIES

100-27.1 VIOLATIONS

Any person, firm, or corporation violating any of the provisions of this Resolution shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five hundred dollars (\$500.00) for each offense.

100-27.2 PUBLIC NUISANCE PER SE

Any building or structure which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Resolution and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by ordinance of any court of competent jurisdiction.

100-27.3 FINES, IMPRISONMENT

The owner of any building, structures, or premises or part thereof, where any condition in violation of this Resolution shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided.

100-27.4 EACH DAY A SEPARATE OFFENSE

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

100-27.5 RIGHTS AND REMEDIES ARE CUMULATIVE

The rights and remedies provided herein are cumulative and in addition to any other remedies by law.

ARTICLE 100-28

SEVERANCE CLAUSE

100-28.0 SEVERANCE CLAUSE

Sections of this Resolution shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Resolution as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE 100-29

EFFECTIVE DATE

100-29.0 EFFECTIVE DATE

Public hearing having been held herein, the provisions of this Resolution are hereby given immediate effect upon its publication, pursuant to the provisions of Chapter 519, the Ohio Revised Code.

NOW, THEREFORE BE IT RESOLVED, that the within amendment of the Clinton Township Resolution be enacted into LAW.

Made and passed by this Board of Township Trustees of Clinton Township, Fulton County, Ohio, on this 4<sup>th</sup> day of June, 2009.

Date of Zoning Commission Public Hearing:	March 30, 2009	
Date of Hearing Publication:	May 19, 2009	
Date of Adoption by Township Trustees:	June 4, 2009	
Date and Time Resolution Shall Take Effect:	July 5, 2009	12:01 AM

Judy Warncke  
Township Clerk

ARTICLE 100-30.0

EFFECT ON THE ZONING RESOLUTION

If the said "Zoning Resolution" is defeated in a bona fide election, then this defeat, unless otherwise specified, will not render invalid any previously existing zoning ordinance and/or Resolution for Clinton Township, Fulton County, Ohio.