

ZONING RESOLUTION FOR SWANCREEK TOWNSHIP

Adopted by Township Trustees: August 3, 1958
Adopted by Area Voters: November 3, 1959
Certified by Board of Elections: November 9, 1959

First Revision 1970
Second Revision 1982
Third Revision 1987
Fourth Revision 1988
Fifth Revision 1995
Sixth Revision 1999
Seventh Revision 2001
Eighth Revision 2001
Ninth Revision 2003
Tenth Revision 2004
Eleventh Revision 2006
Twelfth Revision 2007
Thirteenth Revision 2008
Fourteenth Revision ... 2008
Fifteenth Revision 2009
Sixteenth Revision 2009
Seventeenth Revision... 2010
Eighteenth Revision 2010
Nineteenth Revision 2011
Twentieth Revision 2012
Twenty-first Revision... 2014
Twenty-second Revision... 2016
Twenty-third Revision 2017
Twenty-fourth Revision... 2017
Twenty-fifth Revision... 2019

Rules and regulations for the zoning of a portion of the unincorporated lands in Swancreek Township, Fulton County, Ohio.

Adopted by:

The Swancreek Township Trustees
Swancreek Township Hall
5565 County Road D
Delta, OH 43515
419-822-4371

PREAMBLE

In accordance with the authority and intent of the Revised Code of Ohio, Sections 303.01 through 303.99 inclusive, Fulton County, by this action, expresses its desire to provide for the orderly, harmonious and aesthetic development of Fulton County, which is essential to its well being without unduly restricting the forces of the free market with respect to the development of land for various urban purposes. The County further desires to assure that adequate provision will be made for the development of agriculture, commerce, industry and various kinds of residential dwellings; to provide for the free movement of motor vehicles upon the streets and highways of the County in harmony with abutting land uses; to protect residences, agriculture, commerce and industry against encroachment by opposite land uses, and to promote the proper use of land and natural resources for the economic and social well being of the County as a whole; to assure the provision of adequate space for the parking of motor vehicles for various urban purposes and finally to assure that all uses of land and buildings within Fulton County will be so 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 the public health, safety, comfort, convenience and general welfare of the residents, shoppers, and workers in Fulton County.

**SWANCREEK TOWNSHIP, FULTON COUNTY, OHIO
RESOLUTION**

A RESOLUTION adopting a zoning plan for SWANCREEK TOWNSHIP, FULTON COUNTY, OHIO.

WHEREAS, for the purpose of promoting public health, safety, morals, comfort or general welfare; to conserve and protect property and property values; to secure 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 Swancreek 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, mobile homes and motels, percentages of lot area which may be occupied, setback building lines, sizes of yards, courts and other open spaces, the density of population, the uses of buildings and other structures, including tents, cabins, mobile homes, motels and the uses of the land for trade, industry, residence, recreation or other purposes in the unincorporated territory of Swancreek Township, Fulton County, Ohio; and

WHEREAS, Sections 519.01 through 519.99, Revised Code of Ohio Sections 3180-26 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 (Sections 3180-26 through 3180-0); and

WHEREAS, on the 24th day of November, 1958, 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 3180-26 through 3180-50 General Code of Ohio); and

WHEREAS, on the 24th day of November, 1958, said Board of Trustees unanimously passed a Resolution creating and establishing the Swancreek Township Zoning Commission of five (5) members; and

WHEREAS, on the 24th day of November, 1958, said Board of Commissioners appointed five (5) citizens from the unincorporated portion of Swancreek Township as members of the Swancreek Township Zoning Commission; and

WHEREAS, the Zoning Commission held numerous meetings open to the public; held a public hearing on Friday, July 19, 1959 after giving notice by publication on May 20, 1959 in a local newspaper of general circulation in Swancreek Township; inquired and ascertained that no county or regional planning commissions are in existence in Swancreek Township or the district in which Swancreek Township is located;

NOW THEREFORE, BE IT RESOLVED by the Zoning Commission of Swancreek Township, Fulton County, Ohio, this 20th day of June, 1959, in formal session convened; "That the Zoning Commission approve and adopt this Zoning Plan, transmit the same to the Board of Township Trustees of Swancreek 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 held a public hearing on said Zoning Plan on July 31, 1959, after giving notice by publication on July 7, 14, 21, and 28, 1959, in a local newspaper of general circulation in Swancreek Township; and

WHEREAS, said Board of Trustees has fully and carefully considered the Zoning Plan, including both text and maps as recommended by the Swancreek 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 Swancreek Township, Fulton County, Ohio this 3rd day of August, 1959, in formal session convened.

TABLE OF CONTENTS

Article	100	-	1.0	SHORT TITLE	1
Article	100	-	2.0	INTENT AND PURPOSE	1
Article	100	-	3.0	CONSTRUCTION OF LANGUAGE	1
Article	100	-	4.0	ZONING DISTRICTS AND MAPPING INTERPRETATION	2
			4.1	Districts Established	2
			4.2	Zoning Plan.....	2
			4.3	District Boundaries Interpreted.....	2
Article	100	-	5.0	GENERAL PROVISIONS	3
			5.1	Conflicting Regulations	3
			5.2	Scope	3
			5.3	Accessory Structures In AG/RE Districts.....	7
				Outdoor Furnaces.....	7
				Solar Energy Structures	8
			5.4	Signs	8
			5.5	Fences, Walls, and Other Protective Barriers	9
			5.6	One Lot, Main or Principal Building	10
			5.7	Conditional Use Permits	10
			5.8	Home Occupations.....	11
			5.9	Blighting Factors or Causes of Blight.....	13
			5.10	Wind Turbines	14
Article	100	-	6.0	NON-CONFORMING LOTS, USES OF LAND, STRUCTURE, ETC.	15
			6.1	Statement of Purpose	16
			6.2	Nonconforming Structures.....	16
			6.3	Nonconforming Uses of Land.....	16
			6.4	Nonconforming Uses of Structure	17
			6.5	Nonconforming Lots of Record	18
			6.6	Repairs and Maintenance.....	18
			6.7	Nonconforming Validation Certificate	19
Article	100	-	7.0	OFF-STREET PARKING AND LOADING REQUIREMENTS	20
			7.1	Parking Requirements.....	22
			7.2	Table of Off-Street Parking Requirements	23
			7.3	Off-Street Parking Space Layout Standards, Construction, and Maintenance	24
			7.4	Off-Street Loading Requirements.....	25
			7.5	Off-Street Parking Construction and Operation.....	25
			7.6	Junk Motor Vehicles.....	26
Article	100	-	8.0	AGRICULTURAL AND RURAL ESTATE DISTRICT (AG/RE)	26
			8.1	Statement of Purpose	26
			8.2	Principal Permitted Uses.....	26
			8.3	Conditionally Permitted Uses	29
			8.4	Area, Height, Bulk and Placement Requirements.....	35
Exhibit	100	-	8.4	Cul-de-Sac Requirement (AG/RE)	37
Article	100	-	10.0	FIRST DENSITY RESIDENTIAL DISTRICT (R1)	38
			10.1	Statement of Purpose	38
			10.2	Principal Permitted Uses.....	38
			10.3	Conditionally Permitted Uses	38
			10.4	Area, Height, Bulk and Placement Requirements.....	41

Exhibit	100	-	10.4 A	Cul-de-Sac Requirement (R-1)	42
Exhibit	100	-	10.4 B	Cul-de-Sac Requirement (R-1)	43
Article	100	-	11.0	SECOND DENSITY RESIDENTIAL DISTRICT (R2)	44
			11.1	Statement of Purpose	44
			11.2	Principal Permitted Uses.....	44
			11.3	Conditionally Permitted Uses	44
			11.4	Area, Height, Bulk and Placement Requirements.....	45
Exhibit	100	-	11.4	Cul-de-Sac Requirement (R-2)	46
Article	100	-	12.0	THIRD DENSITY RESIDENTIAL DISTRICT (R3)	47
			12.1	Statement of Purpose	47
			12.2	Principal Permitted Uses.....	47
			12.3	Conditionally Permitted Uses	47
			12.4	Site and Landscape Plan Review	49
			12.5	Area, Height, Bulk and Placement Requirements.....	49
Exhibit	100	-	12.5	Cul-de-Sac Requirement (R-3)	50
Article	100	-	12A	MANUFACTURED HOME DISTRICT (MH)	51
			12A.1	General Park Site and Development Standards	51
			12A.2	Individual Manufactured Home Lot Standards and Requirements	54
			12A.3	State Requirements	54
			12A.4	Other Requirements	54
			12A.5	Site and Landscape Plan Review	55
Article	100	-	13.0	LOCAL SERVICE DISTRICT (C1)	55
			13.1	Statement of Purpose	55
			13.2	Principal Permitted Uses.....	55
			13.3	Required Conditions	56
			13.4	Area, Height, Bulk and Placement Requirements.....	56
Article	100	-	14.0	COMMUNITY SHOPPING DISTRICT (C2)	56
			14.1	Statement of Purpose	56
			14.2	Principal Permitted Uses.....	56
			14.3	Required Conditions	57
			14.4	Conditionally Permitted Uses	57
			14.5	Area, Height, Bulk and Placement Requirements.....	59
Article	100	-	15.0	GENERAL BUSINESS DISTRICT (C3)	59
			15.1	Statement of Purpose	59
			15.2	Principal Permitted Uses.....	59
			15.3	Conditionally Permitted Uses	61
			15.4	Area, Height, Bulk and Placement Requirements.....	62
Article	100	-	16.0	LIGHT INDUSTRIAL DISTRICT (M1)	62
			16.1	Statement of Purpose	62
			16.2	Principal Permitted Uses.....	62
			16.3	Industrial Performance Standards	63
			16.4	Area, Height, Bulk and Placement Requirements.....	63
Article	100	-	17.0	GENERAL INDUSTRIAL DISTRICT (M2)	64
			17.1	Statement of Purpose	64
			17.2	Principal Permitted Uses.....	64
			17.3	Conditionally Permitted Uses	69
			17.4	Industrial Performance Standards	69
			17.5	Area, Height, Bulk and Placement Requirements (M-2)	69
Article	100	-	17A	PLANNED INDUSTRIAL/BUSINESS PARK DISTRICT (M3)	70
			17A.1	Statement of Purpose	70

	17A.2	Principal Permitted Uses.....	70
	17A.3	Site Plans	73
	17A.4	Site Plan Review	73
	17A.5	Access Management	74
	17A.6	Performance Standards	74
	17A.7	Landscape Buffers	75
	17A.8	Signage	75
	17A.9	Enforcement Policy	76
	17A.91	Area, Height, Bulk and Placement Requirements.....	76
Article 100 -	18.0	SCHEDULE OF REGULATIONS	77
	18.1	Area, Height, Bulk and Placement Requirements.....	77
	18.2	Footnotes to Schedule of Regulations.....	78
	18.3	Airport Highway Overlay District	79
Article 100 -	19.0	PLANNED UNIT DEVELOPMENT PROCEDURES	81
	19.1	Statement of Purpose	81
	19.2	Approval Provisions	81
	19.3	Contents for Approval	81
	19.4	Zoning Commission Review Procedures.....	82
Article 100 -	20.0	ADMINISTRATION AND ENFORCEMENT	83
	20.1	Duties of the Zoning Inspector	83
	20.2	Zoning Permits Required	83
	20.3	Content of Application for Zoning Permit.....	83
	20.4	Approval of Zoning Permit.....	84
	20.5	Submission to Director of Transportation.....	84
	20.6	Expiration of Zoning Permit.....	84
	20.7	Certificate of Occupancy	84
	20.8	Temporary Certificate of Occupancy	85
	20.9	Record of Zoning Permits and Certificates of Occupancy.....	85
	20.91	Failure to Obtain a Zoning Permit or Certificate of Occupancy	85
	20.92	Construction and Use to be as Provided in Application Plans, Permits and Certificates.....	85
	20.93	Complaints Regarding Violations.....	85
	20.94	Schedule of Fees, Charges, and Expenses	85
Article 100 -	21.0	BOARD OF ZONING APPEALS	86
	21.1	Duties.....	86
	21.2	Membership and Replacement.....	86
	21.3	Meetings	86
	21.4	Authority.....	86
	21.5	Standards	87
	21.6	Appeals	87

Article 100 - 22.0	AMENDMENTS, SUPPLEMENTS, PROCEDURES, REFERENDUM	88
22.1	Amendments or Supplements to Zoning Resolution, Procedures, Referendum.....	88
22.2	Ratification of Amendments to Township Zoning Plan	89
Article 100 - 23.0	DEFINITIONS	90
Article 100 - 24.0	REPEAL OF PRIOR RESOLUTION	104
Article 100 - 25.0	VESTED RIGHT	104
Article 100 - 26.0	ENFORCEMENT, PENALTIES, AND OTHER REMEDIES	105
26.1	Violations.....	105
26.2	Public Nuisance Per Se.....	105
26.3	Fines, Imprisonment	105
26.4	Each Day a Separate Offense.....	105
26.5	Rights and Remedies are Cumulative	105
Article 100 - 27.0	SEVERANCE CLAUSE	105
Article 100 - 28.0	EFFECTIVE DATE OF REVISION	106
Article 100 - 29.0	EFFECT OF THE ZONING RESOLUTION	106

**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) accompanying this Resolution are hereby incorporated herein and which is made a part hereof, shall be referred to as the "Zoning Plan".

**ARTICLE 100-2
INTENT AND PURPOSE**

The purpose of this law is to promote the general welfare, public health, safety and morals. The Board of Township Trustees may in accordance with a Comprehensive Plan and the Swancreek Corridor Plan regulate by resolution and location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, 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, 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 of kind of building or other structure or use through any district or zone, but the regulations in one district or zone may differ from those in other districts or zones. The Comprehensive Plan included herein 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 and the Swancreek Corridor Plan which is a specific plan for the development of the SR 2/US 20A corridor.

**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, and words used in the singular number 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 the zoning inspector, 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, or provisions, or events may apply singularly 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 Swancreek Township are hereby divided into districts or zones as shown on the Zoning Plan, which accompanies this Resolution and is hereby declared to be a part hereof and they shall hereafter be known as follows:

"AG-RE"	Agricultural and Rural Estate District
"R1"	First Density Residential District
"R2"	Second Density Residential District
"R3"	Third Density Residential District
"MH"	Manufactured Home District
"C1"	Local Shopping District
"C2"	Community Shopping District
"C3"	General Shopping District
"M1"	Light Industrial District
"M2"	General Industrial District
"M3"	Planned Industrial/Business 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 Swancreek Township. The Zoning Plan shall be maintained and kept on file with the Township 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 were fully set forth or described herein.

The Official Zoning Plan shall be identified by the signature of the Swancreek 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 Plan, such change 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 centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines of streets, 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 lines shall be construed as moving with the actual shore lines; boundaries indicated as approximately following the center line of 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 features indicated in subsection 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, or enlarged, reconstructed, or structurally altered, except in conformity with the area and placement regulations of the district in which the building is located.
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, and television aerials and wireless masts, water tanks, or similar structures may be erected above the height limits herein prescribed. No such structure may be erected that exceeds 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. 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.

When a new building is constructed on a vacant lot between two existing buildings or adjacent to an 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.

6. 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 buildings for occupancy with a period of not less than six (6) months from date of permit, shall be furnished before permit is issued.
7. The construction, maintenance or existence within the County of 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 signals 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.
8. 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, or ten (10) feet to any main building. No such use shall be permitted to be constructed in any required front yard.
 - c. The swimming pool 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 and maintained in good condition with a gate and lock. An above-ground pool does not have to be walled or fenced if said pool has a removable ladder and/or a gate and lock.

9. Nothing in this resolution shall prevent the strengthening 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.
10. 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 a County, Township or other public election.
11. No proposed plat of a new or redesigned subdivision shall hereafter be approved by the Fulton County Regional Planning Commission unless the lots within such 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 statutes of the State of Ohio and the Subdivision Control Regulations of the County as may be adopted.
12. Access to township, county and state highways will require a permit from the appropriate public authority. All proposed development shall adhere to access requirements on state, county and township roads, per Article VI of the Fulton County Subdivision Regulations.
13. Private roads shall adhere to the requirements of Section 606.5 of the Fulton County Subdivision Regulations.
14. From and after the effective date of this resolution, it shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to use land for filling with material of any kind without Ohio E.P.A. and Fulton County Health Department approval and subject to requirements as may be appropriate. In addition, fill placed in a 100 year flood plain must be approved by the Fulton County Engineer and the Regional Planning Commission. Asphalt or concrete asphalt is not a permitted fill material.
15. Except as otherwise provided by this resolution or O.R.C. 519.21 this resolution shall not confer any power on the township zoning commission, board of trustees, or board of zoning appeals to prohibit the use of any land for agricultural purposes. This pertains to the construction or use of buildings or structures incident to the use for agricultural purposes of land on which such buildings or structures are located, including buildings or structures that are used or constructed for an agricultural use. This shall require the owner qualify the project as an agricultural exempt use and not require any zoning permit or certificate be issued for any such building or structure on lots with an area of five (5) acres and greater.

Per O.R.C. Section 711 on platted subdivisions or in any area consisting of fifteen or more contiguous lots of less than five acres each, and adjacent to the opposite side of the same dedicated public road, those lots being used for the dairying, animal and poultry husbandry shall be considered a non-conforming use of land, buildings or structures pursuant to O.R.C. Section 519.19.

Per O.R.C (B) and (C) Buildings or structures or parking being regulated for an agriculture use on lots one (1) acre or less and lots greater than one (1) acre but not greater than five (5) acres approved under Section 711, shall comply with district requirements and require a zoning permit and certificate be issued.

Such sections do not confer any power in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structures of any public utility (except those engaged in the business of transporting property, per O.R.C. 519.211) or a railroad for the operation of its business.

16. No grading or filling is permitted in a public right-of-way along state, county and township highways. All proposed grading is to be approved by the State of Ohio, the Fulton County Engineer, or the Township Trustees.
17. Vacant Parked Manufactured or Mobile Homes, which do not meet the requirements of the zoning district, shall be removed within 90 days of placements or vacating of said unit.
18. 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.
19. Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses. At no point on the boundary of any property shall the sound intensity level of any individual operation or plant exceed the decibel levels established in the table below.

No activity on private property shall emit noise in excess of sound levels indicated in the table below that creates a nuisance to surround properties. Sound levels shall be determined by the use of a sound level meter designed to give measurements designated as dBA or dB (A). Measurements may be taken, at the discretion of the Zoning Inspector, at the property line or anywhere beyond the property line of the source property. The maximum noise levels will be established by the receiving property or zoning district regardless of the proximity of the source property to it. The source property need not be contiguous to the receiving property. The maximum permitted sound levels can be referenced in the sound table.

SOURCE PROPERTY		RECEIVING PROPERTY		
Noise Source	Time	Residential	Commercial	Industrial
Residential	Daytime/Nighttime	70dBA/60	70dBA/60	70dBA/60
Commercial	Daytime/Nighttime	70/60	75/75	75/75
Industrial	Daytime/Nighttime	70/60	75/75	80/80

Daytime shall be considered as the hours between 8:00 AM and 10:00 PM.
 Nighttime shall be considered as the hours after 10:00 PM.

100-5.3 Accessory Structures

In residential and AG/RE zoned districts (on parcels smaller than 5 acres), all accessory buildings, shall be subject to the following regulations:

1. Accessory Building in Residential and AG/RE Districts

- 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 buildings.
- b. Accessory buildings shall not be erected to any required yard except in a rear yard. Detached garages shall be permitted in a side 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. Semi-trailers to be used for storage are not accessory buildings and are not permitted.
- c. An accessory building not exceeding thirty (30) feet in height in an AG/RE district and twenty (20) feet in any other residential district may occupy not more than thirty (30) percent of a required rear yard, provided that in no instance 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 side or rear lot. In those instances where the rear lot line is coterminous with any 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.

2. 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 Swancreek Township shall be constructed in conformance with all applicable zoning laws.
2. Installation and operation of any outdoor furnace device shall comply with the following:
 - a. The outdoor furnace device shall comply with manufacturer specifications with respect to installation, maintenance and operation.
 - b. The outdoor furnace device 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.
 - d. Any outdoor furnace device shall have a chimney stack installed according to the manufacturer’s specifications. The smoke discharge shall not be a nuisance factor to neighboring properties or be a danger to the public right of ways.
 - e. Outdoor furnace devices, which are designed to heat structures twenty-five percent (25%) greater than the size of any structure on the property, shall not be permitted.
 - f. 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.

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. No sign otherwise permitted shall exceed the maximum height limitations of the zoning district in which it is located.
2. Signs in Residential Districts 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 Conditionally Permitted Uses, one (1) bulletin or announcement board not exceeding ten (10) square feet in area.
 - c. In the Multiple Family District, one (1) ground or wall sign indicating the name of the multiple housing development in addition to individual dwelling nameplates. Such signs shall not exceed thirty-two (32) 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

All fences of any type or description shall conform to the following regulations:

- 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 districts 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, excepting that shade trees would be permitted where all branches are not less than twelve (12) feet above 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 lines extended. This shall not prohibit the establishment of shrubbery thirty (30) inches or less in height.
 - c. The condition of the fence must be properly maintained.
- 2. Residential and AG/RE Districts
 - 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. (Refer to O.R.C. Chapter 971 “Fences”)
 - b. Plantings, Fences and Walls in Front Yard: No fence, wall or hedge shall rise over three (3) feet in height on any required front yard. A split rail fence not exceeding 48 inches in height is allowed in the front yard. No fence, wall or hedge planting shall interfere with

visibility from a driveway. The enforcing office is hereby empowered to cause all such obstruction to be moved in the interest of the public safety.

- c. All fences and walls shall be constructed with a finished side facing outward from the property. The posts and support beams shall be on the inside or shall be designed as an integral part of the finish surface.
- d. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed within 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.
- e. No barbed wire or electric fences shall be allowed in the residential zoning district, unless the owner of the property has a valid livestock permit, or the planning commission has approved a site plan which includes barbed wire or electric fencing for security.
- f. Materials: All fences, regardless of whether or not a permit is required for their construction, that are constructed, repaired, expanded, or enlarged, shall be constructed only of approved fence materials. Approved fence materials shall mean materials normally manufactured for, used as, and recognized as, fencing materials such as: wrought iron or other decorative metals suitable for construction of fences, masonry, concrete, stone, chain line, metal tubing, wood planks, and vinyl or fiberglass composite manufactured specifically as fencing materials that are approved by the Zoning Inspector. Approved fence materials shall be approved for exterior use and shall be weather and decay-resistant. The Zoning Inspector is authorized to evaluate proposed fence materials and to determine if the proposed material is satisfactory and complies with the intended, at least the equivalent of that prescribed in this resolution in quality, strength, effectiveness, durability and safety”.

100-5.6 One Lot, Main or Principal Building

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 as otherwise provided, in conforming with the provisions of this resolution.

100-5.7 Conditional Use Permits

1. Statement of Purpose

Certain uses herein before defined in the 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 uses 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. These characteristics have inherent in them a degree of incompatibility with the uses permitted by right and therefore determine the suitability of the use for the particular area. The purpose of this subsection is to establish reasonable procedures to insure the proper disposition of conditional zoning certificate applications. Conditional Use Zoning Certificates shall be issued only for the specific uses as are specifically provided herein after in the zoning resolution.

2. Procedures for Approval

a. Application

Every application shall be filed with the Township Zoning Inspector 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 a scale of not less than ¼ 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. Vehicular 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. The Zoning Inspector shall in turn convey the application and plans to the Board of Zoning Appeals.

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) or 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 each 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 ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed 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 100-21, "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.

100-5.8

Home Occupations

General Requirements

1. For all “AG/RE” Districts, a home occupation may include the use of an accessory building as a place for operation of the home occupation or for purposes of storage of equipment. The accessory building shall not exceed 10% of the lot area or 2,000 sq. ft. in area maximum.
2. For all “R” Districts, a home occupation shall be confined to the dwelling.
3. No person(s) other than members of the family residing on the premises shall be engaged in such occupation.
4. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
5. There shall be no change in the outside appearance of the building or premises, outside storage of materials incidental to the home occupation, nor other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) sq. ft. in area, non-illuminated.
6. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution, and shall not be located in a required front yard.
7. No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the site.

Home occupations NOT permitted are those that are permitted in: Article 100-13 Local Service District (C1), Article 100-14 Community Shopping District (C2), and Article 100-15 General Business District (C3).

100-5.9 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, that 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 and AG/RE zoned districts or be erected as an addition to any building.
8. Grass/weeds: A property owner shall not permit, on a developed lot, the growth of grasses, weeds, or noxious vegetation to exceed eight inches in height. A property owner of an undeveloped lot abutting a developed lot(s) shall not permit the growth of grasses, weeds, or noxious vegetation to exceed eight inches in height within ten feet of abutting developed lot(s) or within twenty feet of any street. A property owner of an undeveloped lot not abutting a developed lot(s) shall not permit the growth of grasses, weeds, or noxious vegetation to exceed eight inches in height within twenty feet of any street.

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.

100-5.10 Wind Turbines

A Conditional Use Permit shall be required before construction of an individual wind turbine system. 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, Toledo Express Airport, or the Helicopter Overlay District. 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.

The following items and or information shall be provided when applying for a Conditional Use 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. Only freestanding towers will be permitted (no guy wires).
3. 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.
4. 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.
5. Evidence of a "clear fall zone" with manufacturer's recommendations must be attached to the engineering report.
6. Color of the unit as well as the location and size of the manufacturers identifying logos shall be included in the plan.
7. 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.
8. The small wind turbine wire shall be placed underground to any structures.
9. The applicant shall notify the Zoning Inspector if operations of the wind turbine cease and shall be removed within 60 days of ceasing operations.
10. 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.

Agricultural Use

Small wind energy systems utilized for agricultural use will be exempt from these regulations and will not require a permit, provided the system is located on an existing structure or silo. A building engineer must certify the energy system will sustain wind turbulence. The Fulton County Regional Planning Commission will determine if the wind energy system is exempt from these regulations.

Height and Acreage

The maximum height of any turbine shall be 100 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

A free standing wind turbine system erected on a parcel of land must establish a “clear fall zone” from all neighboring property lines and structures, as well as any structures on the parcel intended for the turbine. A wind turbine must be erected and placed in such a manner that if it were to fall, the entire system would be contained solely on the property where the turbine was installed, and would not strike any structures including the primary dwelling and any accessory buildings or uses.

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.

**ARTICLE 100-6
NONCONFORMING LOTS, NONCONFORMING USES OF LAND,
NONCONFORMING STRUCTURES,
NONCONFORMING USES OF STRUCTURES AND PREMISES,
AND NONCONFORMING CHARACTERISTICS OF USE**

100-6.1 Statement of Purpose

Within the districts established by this resolution there exist:

- 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 nonconformities shall not be enlarged upon, expanded on or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by this resolution to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this resolution by

attachment on 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 Nonconforming 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 nonconforming structure may be enlarged or altered in a way, which increases its nonconformity unless otherwise specified by the Board of Zoning Appeals.
2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than sixty (60) percent of its replacement costs at time of destruction, it shall be reconstructed except in conformity with the provisions of this resolution.
3. Should such structure be moved for any reason whatever, it shall after conform to the regulations for the district in which it is located after it is moved.

100-6.3 Nonconforming 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 the use may be continued so long as it remains otherwise lawful provided:

1. No such nonconforming 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 nonconforming 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 nonconforming use of land ceases for any reason for a period of more than two (2) consecutive years, 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 nonconforming use of land.

100-6.4 Nonconforming 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, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

2. Any nonconforming 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 nonconforming use of a structure, or structure and premises, can be changed to another nonconforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Whenever a nonconforming use has been changed to a conforming use, or to a use permitted in a district of greater restriction, it shall not thereafter be changed to a nonconforming use.
4. When a nonconforming use of a structure, or structure and premises in combination, is voluntarily discontinued for two (2) or more consecutive years, the structure, or structures 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 nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of 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 time of destruction.

100-6.5 Nonconforming Lots of Record

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this resolution a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or 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 dimensions 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. However, where a lot of record at the time of the effective date of this zoning code is less than the district requirement for width, the minimum side yards shall be as follows:

<u>Lot Width (in feet)</u>	<u>Required Side Yard (in feet)</u>
149.9 to 120.0	10
119.9 to 90.0	8
89.9 or less	7

Yard requirement variances may be obtained through approval of the Board of Zoning Appeals. Prior to approval of a nonconforming use variance, the Fulton County Health Department must determine if the lot is suitable for water and septic systems. If the lot is deemed to be inadequate, the variance shall not be granted.

If two (2) 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, the lots involved shall be considered as one parcel for the purposes 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 nonconforming structure or portion of structure containing a nonconforming use, work may be done in a period of twelve (12) consecutive months on ordinary repairing, or on repairs 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 nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic context existing when it becomes nonconforming shall not be increased.

If a nonconforming structure or portion of a structure containing a nonconforming use becomes 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 conformity with the regulations of the district in which it is located.

100-6.7 Nonconforming Validation Certificate

1. At any time after the adoption of this resolution should the Township become aware of a nonconforming use, the owner of said nonconforming use shall be notified by the Zoning Inspector of the provisions of this section that there exists on the property a nonconforming use. Within thirty (30) days after receipt of said notice, the owner shall apply for and may be issued a Validation Certificate for the nonconforming use. The application of such certificate shall designate the location, nature, and extent of the nonconforming use and such other details as may be necessary for the issuance of the Validation Certificate.
2. If the owner of a nonconforming use fails to apply for a Validation Certificate within thirty (30) days after receipt of the foregoing notice, the use ceases to be nonconforming and is hereby declared to be in violation of the resolution. The Zoning Inspector shall take appropriate action to enjoin such violation.
3. If the Zoning Inspector shall find, upon reviewing the application for a 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 for the existing use of any other use without full compliance with the Building Code or the Zoning Resolution in effect at the time of construction or alteration, the Zoning Inspector shall declare such use in violation of this resolution and repeal the vested right granted by the Validation Certificate.
4. The Validation Certificate issued by the Zoning Inspector for nonconforming use shall state the use and may be continued, provided the existing use remains legal or in compliance with any other ordinance of law, or in the case of a building remains fully compliant with the Building Code of the Zoning Resolution in effect at the time of its construction or alteration.

After the adoption of this resolution, or any amendments thereto, the Zoning Inspector shall prepare a record of all known nonconforming 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 nonconforming use and of any occupant, other than the owner, the legal description of the land, and the nature and extent of 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 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 for 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 from an alley or street may also be deemed a parking space.
2. Fractional Requirements. When units or measurements determining number of required parking spaces result in requirement 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 parcel 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 Section 100-7.2.
10. General Use Conditions. Except when land is used for 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 the intention 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 streets, but such requirement is not designed to, or intended to provide the storage of parking on such open land of wrecked or junked cars, or for creating junk yard 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 or RV may be stored in the rear or side yard, and only if they have a current license. A private contractor is permitted to park only one of the following: semi truck, dump truck or backhoe in a residential area. More than one such vehicle will require Board of Appeals approval.

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, which has not moved for fourteen consecutive (14) days, shall be presumed inoperable.

12. Joint Use. Parking spaces already provided to meet off street parking requirements for theater, stadium, auditoriums, and other places of public assembly, stores, office buildings, and industrial 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.

100-7.2 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
A RESIDENTIAL	
1 Residential, One-Family & 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.
4 Trailer Park & Manufactured Home Park	Two (2) for each trailer or manufactured home site and one (1) for each employee of the trailer or manufactured home park.
5 Boarding House	One (1) for each sleeping room.
Use	Number of Minimum Parking Spaces Per Unit of Measure
B INSTITUTIONAL	
1 Churches or 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 for each one (1) teacher and administrator in addition to the requirements of the auditorium.
5 Senior High Schools	One (1) for each one (1) teacher, administrator and one (1) for each ten (10) students, in addition to the requirements of 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 codes.
7 Private Golf Clubs, Swimming Clubs, Tennis Clubs or Similar Uses	One (1) for each two (2) member families or individuals.
8 Golf Courses Open to the General Public, Except Miniature or "Par-3" Courses	Six (6) for each one (1) golf hole and one (1) for each one (1) employee.
9 Fraternities and Cooperatives	1.5 parking spaces for every two (2) persons based upon the capacity of the house.
10 Sororities	One (1) for each 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 of six (6) plus one (1) for each two (2) employees.

Use	Number of Minimum Parking Spaces Per Unit of Measure
C BUSINESS AND COMMERCIAL	
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 Bowling Alleys	Five (5) for each one (1) bowling lane.
4 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 as established by the Fulton County Building Code.
5 Establishment for Sale and Consumption on the Premises of Beverages, Food or Refreshments	One (1) for each sixty (60) square feet of usable floor space.
6 Furniture and Appliances, Household Equipment, Repair Shops, Showroom of a Plumber, Decorator, Electrician or Similar Trade, Shoe 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.
7 Automobile Service Stations	Two (2) for each lubrication stall, rack or pit; and one (1) for each gasoline pump.
8 Laundromats and Coin Operated Dry Cleaners	One (1) for each two (2) washing machines.
9 Miniature or "Par-3" Golf Courses	Three (3) for each one (1) hole plus one (1) for each one (1) employee.
10 Mortuary Establishments	One (1) for each fifty (50) square feet of usable floor space.
11 Motel, Hotel, or Other Commercial Lodging Establishments	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee, plus extra spaces for dining rooms, ballrooms, or meeting rooms.
12 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.
13 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
D OFFICES		
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) square 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
E INDUSTRIAL		
1	Industrial or Research Establishment	Five (5) plus one (1) for every one and one-half (1.5) employees in the largest working shift. Space for one site shall also be provided for all construction workers during periods of plant construction.
2	Wholesale Establishments	Five (5) plus one (1) for every one (1) employees 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 require 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.

1. No parking lot shall be constructed unless and until a permit therefore 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.
2. 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	12'	8' 6"	20'	32'	52'
54 to 74	15'	8' 6"	20'	36' 6"	58'
75 to 90	25'	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 home, 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.

Such loading and unloading space, unless adequately provided for within a building, shall be an area fourteen (14) feet by fifty (50) feet, with fourteen (14) foot high clearance, and shall be provided according to the following schedule:

Gross Floor Area In Square Feet	Loading and Unloading Spaces Required In Terms of Square Feet or Gross Feet
0 - 2,000	None
2,000 - 20,000	One (1) Space
20,000 - 100,000	One (1) Space for each 20,000 sq. ft. in excess of 20,000 sq. ft.

Floor Area In Square Feet	Loading and Unloading Spaces Required In Terms of Square Feet or Gross Feet
100,000 - 500,000	Five (5) spaces plus one (1) space for each 40,000 sq. ft. in excess of 100,000 sq. ft.
over 500,000	Fifteen (15) spaces plus one (1) space for each 80,000 sq. ft. in excess of 500,000 sq. ft.

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 proposed grades, drainage, water mains and sewers, surfacing 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 shall be dust free, and shall be 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 the reduction of the amount of light in other than normal parking hours each day.
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 line.

100-7.6 Junk Motor Vehicles

The parking and keeping of any junk motor vehicle as it is defined in O.R.C. 505.173 is prohibited.

As used in this section, "junk motor vehicle" means a motor vehicle that meets all of the following criteria: Three model years old, or older, Apparently inoperable, Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, motor, or transmission. (100-23)

This resolution does not prevent a person from storing or keeping any collector's vehicles, irrespective if it is licensed and is not considered a junk motor vehicle as defined above.

The Zoning Inspector may send notice, by certified mail, with return receipt requested to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten (10) days of receipt of the notice, the junk motor vehicle shall be housed in a garage or other suitable structure, or shall be removed from the property.

No person shall willfully leave a junk or inoperable motor vehicle for more than ten (10) days after receipt of a notice, as provided. The fact that a junk or inoperable motor vehicle is so left is prima facie evidence of willful failure to comply with the notice and each subsequent period of thirty (30) days that a motor vehicle continues to be so left constitutes a separate offense.

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 for 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 town-country spatial relationship creating intrinsic urban-rural values.

100-8.2 Principal Permitted Uses

In the Agricultural/Rural Estate District no person 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

3. Publicly owned and operated libraries, parks, parkways, and recreational facilities
4. Churches
5. Public, parochial or 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. Planned Unit Developments, pursuant to Section 100-19
8. Rural Subdivisions, pursuant to Section 334.1 - Fulton County Subdivision Regulations
9. Telecommunication Towers

In accordance with ORC 303.21, when the construction of a tower is planned 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, meeting 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. Construction of the tower shall be no higher than 200 feet and shall be 300 feet from any residential structure. A variance will be required for towers over 200 feet.

10. Ponds (For Residential Use Only)

Area and Design Requirements

In accordance with the following requirements;

- a. A site plan stamped by a professional engineer registered in the State of Ohio shall be submitted with the pond permit application.
- b. The minimum parcel size for the construction and development of a pond shall be five (5) acres. The pond shall be for residential use only. Commercial and industrial uses are prohibited.
- c. Minimum pond surface area shall be one-half (1/2) acre and a maximum of three-quarters (3/4) of an acre. Any proposed pond larger than three-quarters (3/4) of an acre shall be reviewed by the Board of Zoning Appeals as a conditional use. Maximum surface area shall not exceed twenty-five percent (25%) of the net acreage of the parcel.
- d. The side slope of a pond shall be horizontal to vertical at a ratio of 3:1, except where a beach is desired. This ratio shall be maintained to a minimum depth of seventeen (17) feet.
- e. Beach areas may be sloped no less than at a horizontal to vertical ratio of 10:1 and shall not exceed twenty-five percent (25%) of the pond surface area.
- f. Ponds shall be graded not to exceed four (4) feet in height in the front and side yards, so it will not obstruct an adjoining property owner's view. Excess dirt may be redistributed on the parcel, but may not be removed from the site
- g. To prevent the adverse effects of drainage to adjoining properties, a drainage system shall be installed and maintained to accommodate overflows and surface drainage from a pond and not to permit run-off of surface water to flow onto the adjacent property unless property is part of a natural watercourse, and it shall continue to be diverted to a suitable outlet or drainage ditch as determined by the County Engineer or Zoning Inspector.
- h. Any further improvements to an existing pond shall conform to the setback requirements of this resolution.
- i. The contractor is responsible for proper traffic control at the site and shall keep all pavement surfaces clean and free of mud and debris.
- j. Ornamental and water gardens not exceeding two hundred (200) square feet and three (3) feet deep shall not be regulated under this Article.

Setback

- a. A pond shall have a one hundred (100) foot setback from any roadway right-of-way centerline.
- b. A pond shall be located no closer than fifty (50) feet from any lot line.
- c. A pond shall be located no closer than fifty (50) feet from a septic tank or leach field.
- d. A pond shall be located no closer than thirty (30) feet from a ditch.

Refilling

The refilling of an area which has been excavated for the development of a pond shall be considered waste disposal and shall meet the requirements as set forth by the Fulton County Board of Health

for solid waste disposal, per O.R.C. 3734.05. No asphalt or asphalt products shall be used for refilling.

11. Home Occupations – Regulated pursuant to Article 100-5.8
12. A contractor’s business, located on a parcel with 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 building and construction materials, and equipment including trucks, vehicles, backhoes, etc. shall be stored inside a building when not in use.
 - c. Exterior storage areas are not permitted.
 - d. No signs advertising the business are permitted on the property.
13. Accessory uses and buildings incidental to the above principal permitted 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 100-5.7 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. The raising of fur-bearing animals subject to the following conditions:
 - a. The commercial raising of fur-bearing animals, including minks, chinchillas, rabbits, fox, guinea pigs and similar animals, shall be located on a contiguous parcel of land twenty (20) acres or more in area. All outdoor runs or breeding areas shall be enclosed on all sides by an obscuring wall or fence not less than four (4) feet in height. All such runs or breeding areas and shelter areas shall be set back from the front property line a minimum of one hundred (100) feet, and the rear property line a minimum of one hundred (100) feet.
 - b. The commercial raising of domestic or laboratory animals such as cats, dogs, mice, rats, or other similar animals shall be located on a parcel of property not less than ten (10) acres in area. All outdoor runs or breeding areas shall be enclosed on all sides by a wall or fence.
2. For existing “grand-fathered” nonconforming uses of soil, sand, clay, gravel, or similar removal operations, quarry excavation and filling of land subject to all applicable Township, County, and State regulations. Requirements for mining and lake construction, prior to excavation, are as follows:
 - a. A topographical survey and soils analysis of the property is required for ponds and lakes over two acres. A topographical survey and soils analysis of the property is required for ponds and lakes under two acres and is available at the Fulton County Soil and Water Conservation Office. The analysis shall be prepared by an independent testing laboratory, prior to excavation and at the end of the excavation, to verify topsoil depth and to ensure no contaminants are brought to the site. Topsoil depths around the excavated area are not to be changed, but may be stripped and stored and reinstalled after excavation is complete. No material shall be hauled to the site, except for stone needed for a driveway or clay, which may be used to seal a lake. The cost of the survey will be

at the expense of the property owner. All conditions must be met before a final permit is issued.

- b. Location of street ingress and egress shall be at the center one-third (1/3) of the property frontage for projects over two acres in size. A paved commercial drive shall be installed, per Appendix A. The drive shall be kept free of mud, sand, and other debris from hauling activity. Sweeping equipment must be used and kept on site.
- c. A copy of the mining permit must be on file with the Township.
- d. All loads leaving the site must be weighed by a scale on site and have a copy of the weight slips showing the following: time, date, and truck identification which must be available at all times to provide legal weight requirements, including bridge laws. The weight slips shall also include the yards per load.
- e. The applicant must comply with setback distances and maintain a 50 ft. buffer from public waterways. If a ditch is to be altered, a permit is required from the Fulton County Engineer.
- f. Erosion control measures must be provided for during the excavation.
- g. A discharge permit must first be obtained by E.P.A. and a copy kept on file with the Township, if any fluids (water, oil, etc.) leave the property via surface flow.
- h. Should the applicant pump water into a public waterway, or allow any solid material to collect in such waterway, the applicant shall be held liable for removal, cleaning, etc...
- i. No equipment, with the exception of the following, shall be stored or housed at site:
 - Loaders, dozers, cranes, and excavators;
 - Screening equipment;
 - Sweeping, watering and dewatering equipment;
 - Scale;
 - Minimal fuel storage of 500 gallons;
 - Mowing or property maintenance equipment; and
 - Building for scale house (construction type trailer is acceptable)
- j. A vehicular movement plan must be maintained. Movement of minerals from the site shall follow this plan. The plan is to be set by the Township and County Officials.
- k. The property owner shall contact the proper agency in regard to any wetland located on the property. Wetlands are identified by the U.S. Department of the Interior. A copy of all correspondence with such agency shall be kept on file with the Township.
- l. If there are any public utilities located on the property, the property owner must contact the utility company and receive limitation and definition of the easement. A copy of the easement and all correspondence must be on file with the Township.
- m. In addition to bonds required under the State of Ohio Surface Mine Law (ORC 1514), a bond of four thousand dollars (\$4,000) per total site acre shall be required with the Township to guarantee satisfactory development and completion of the lake. The entire

property (project) shall be bonded at once and not bonded one acre at a time. Bond must be obtained prior to any earthwork. Bond shall be released by the Board of Appeals with a recommendation from the Zoning Inspector and following fulfillment of all conditions of the Conditional Use permit.

- n. All areas not being excavated shall be planted with a farm crop, cover crop, or suitable non-noxious vegetation and shall be maintained.
- o. For ponds and lakes in excess of two acres, a fence with a lockable gate across the frontage is to be installed. Danger signs and a temporary fence must be installed around the excavation area. A stop sign must be placed at site egress.
- p. Proof of liability insurance must be kept on file with the Township.
- q. The construction of buildings or signs will require a separate permit.

2 A. **During Operation**

- a. Potential flooding of surrounding properties shall not be increased as a result of excavation or elevation changes.
- b. The hours of operation shall be limited to:

Monday through Friday	7:00 AM	to	6:00 PM
Saturday	8:00 AM	to	2:00 PM

Should state or local emergency require material past said hours, proper documentation must be submitted to the Township within seven (7) days.
- c. Noise must be kept to a minimum. Mufflers on equipment must be maintained. Jake brakes shall not be used on or near the excavation site.
- d. A lake shall have a minimum depth of seventeen (17) feet, within fifteen (15) feet of the shoreline. The average slope of the submerged areas of the lake shall be no steeper than 3:1. From the shoreline away from the water, the grade shall be no steeper than 4:1 within twenty (20) feet from the shoreline.
- e. In areas where sanitary sewers are not available, backfilling for any proposed housing site(s) as shown on the reclamation plan shall be distributed to elevate one (1) acre for each housing site to six (6) feet above the seasonal high water table. The topsoil on a proposed housing site shall be stripped and stored, then the area backfilled and compacted with the excavated material, the topsoil replaced over the backfilled area(s), and final grading completed.
- f. After completion, the excavated area shall be properly maintained. The area shall not become a danger or nuisance to area residents.
- g. A time limit for completion of the lake will be one (1) year from start of excavation, with extensions granted by the Board of Appeals.
- h. This Conditional Use Permit is revocable if applicant is determined to be in non-compliance.

3. Airports, airfields, runways, hangars, beacons and other facilities involved with aircraft operations, subject to all rules and regulations of the Federal Aeronautics Administration, where agency shall approve the preliminary plans submitted to the Township. Land beneath all aircraft approach lanes, as established by appropriate aeronautical authorities, which is not part of the airport, shall be so developed as to not endanger safe flight conditions to and from an established airport. Permitted height of buildings, structures, telephone and electric lines and appurtenances thereto shall be established by the Fulton County Regional Planning Commission after consultation with the appropriate aeronautical agencies.
4. Public stables, private parks, camp grounds, gun clubs, golf courses and golf driving ranges, provided they are located on a continuous parcel of five (5) acres or more in area and have all ingress and egress from a major thoroughfare not less than sixty (60) feet in right-of-way width.
 - 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 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. 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 drives and those walls used to obscure the use from abutting residential districts.
 - d. At the time of application, proper documentation must be provided to establish that all such developments meet County and Ohio E.P.A. requirements.
5. 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 of land.
 - c. The perimeter of the entire site shall be fenced in a manner satisfactory to the Board of Zoning Appeals.
6. Public utility buildings and uses, but not including service and storage yards, when operating requirements necessitate locating within the district to serve the immediate vicinity.
7. Nursery schools, day nurseries and child care centers (not including dormitories) provided 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 have a total minimum area of not less than five thousand (5,000) square feet and shall be screened from any adjoining lot in any residential district.

8. Golf courses and other facilities 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, structures, and signs 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 be not less than two hundred (200) feet from any property lines or 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.
9. Temporary buildings for use incidental to construction work subject to the following conditions:
 - a. Such a structure shall be permitted to be located on a lot for a period not to exceed twelve (12) months. One extension of this constraint, not to exceed six (6) months, may be granted by the Board of Zoning Appeals upon appeal.
 - b. One (1) only temporary building or mobile home shall be permitted per lot.
10. Group Homes
 - a. A group home may not be located within one half (1/2) mile of any other group home.
 - b. All parts of the group home in residential zoned areas shall be maintained in a residential character. If the group home is 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. Approved Fulton County Health Department or Ohio EPA sanitary facilities.
 - e. No more than ten (10) clients shall occupy a group home at one time.
11. Manufactured homes, due to family hardship, and subject to the following conditions:
 - a. The placement of a manufactured home shall be based on a hardship and shall be located on a farm (five (5) acres or more), at least fifty (50) feet from the main building, and observe the area, height, bulk and placement regulations of the Agricultural and Rural Estate District.

- b. No more than one (1) manufactured home shall be placed on a farm. No manufactured home shall be placed on a farm without an occupied single-family dwelling. Travel trailers shall not be considered manufactured homes.

12. Residential Mini Storage Facility

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 sell any item of personal 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.

100-8.4 Area, Height, Bulk and Placement Requirements (AG/RE)

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".

Lots laid off on a cul-de-sac and/or exterior curve of a street must be designed so that the lot meets the normal lot width requirement at the building setback line rather than at the lot right-of-way as required for all other lots. See Exhibit 100-8.4 for the layout of lots in a subdivision in which the normal lot width requirement is 150 feet with an 80-foot setback.

Minimum Lot Size Per Dwelling Unit

Area in Square Feet - 1 Acre

Width in Feet - 150 Feet

Area in Square Feet – 2 Acres

Width in Feet – 250 Feet

Minimum Dwelling Size

1,200 sq. ft. and 24 ft. wide

Maximum Building Height

In Stories - 2-2½

In Feet - 30

Maximum Ground Coverage Area By all Buildings in Percent of Lot Area

30%

Minimum Yard Setback in Feet

Front - 80 Feet

Side - 12 Feet

Rear - 40 Feet

Setback from a Ditch

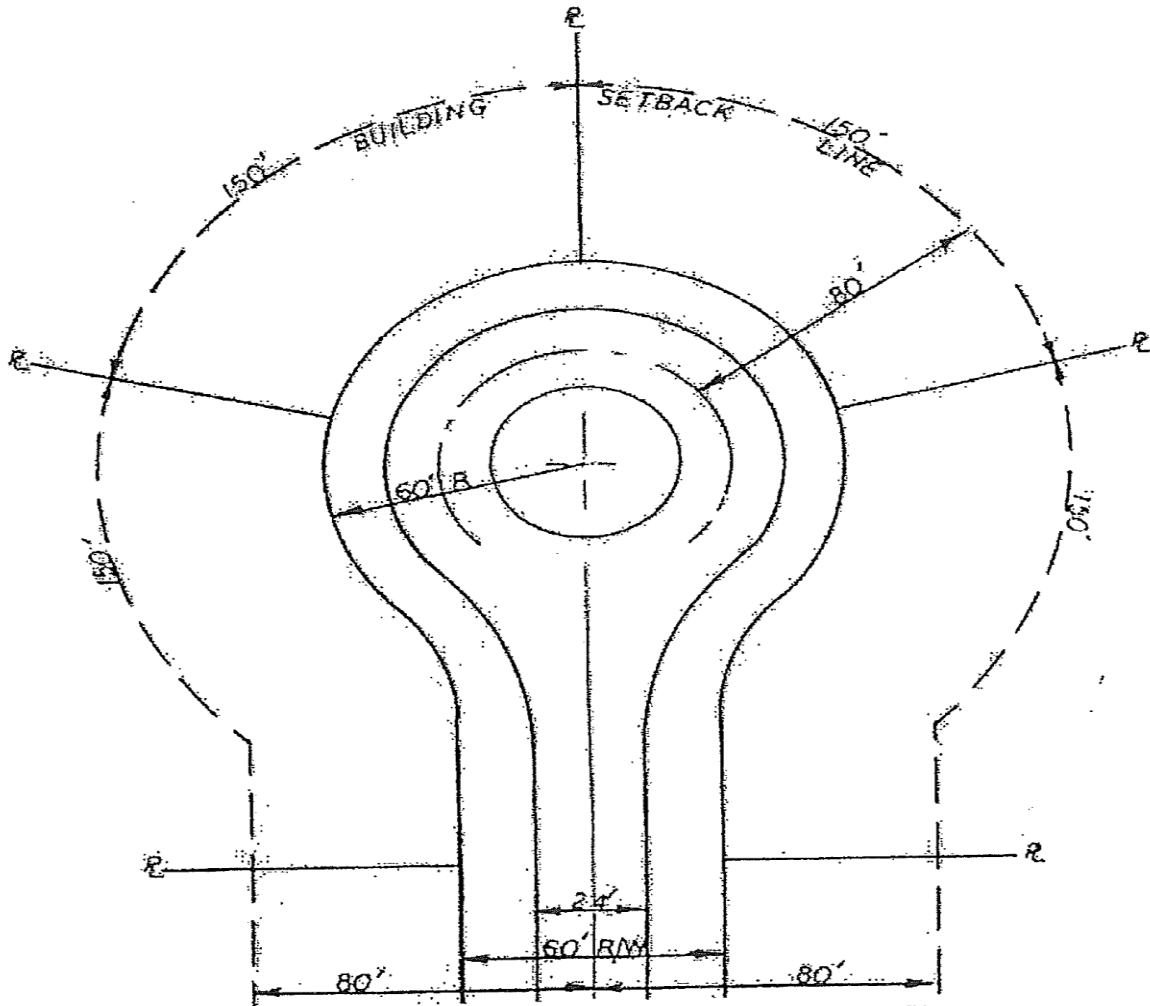
All residential units and permanent accessory buildings (buildings on foundations) shall be located a minimum of 25 feet from the top of the ditch bank.

A pasture for animals shall not be permitted in the front or side yard on all parcels under 5 acres.

A minimum of 5 acres is required for a pond.

EXHIBIT 100-8.4

CUL-DE-SAC
AG/RE DISTRICT



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 County, 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 area.

100-10.2 Principal Permitted Uses

The following provisions apply to all First Density Residential Districts. In an R1 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. One-family detached dwellings.
2. Publicly owned and operated libraries, parks, and recreation 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 County Board of Zoning Appeals, pursuant to Article 100-5.7 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 this 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 of 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 land. 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 100-8.3-9. 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.

6. Private recreational areas, institutional or community recreation centers 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 (1) 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 drives 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 (½) 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 immediate 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 from 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.

7. 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, entrance, 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.
8. Colleges, universities, and other such institutions of higher learning, public, 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 an 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.
 9. A dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance provided that:
 - a. All such structures shall possess the minimum allowable single-family residential floor area for each contained dwelling unit.
 - b. All such structures shall be located on a lot possessing an area of no less than 20,000 square feet.
 - c. All requirements of the Fulton County Health Department shall be met.

10. Telecommunication Towers

In accordance with ORC 303.21, when the construction of a tower is planned 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, meeting 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. Construction of the tower shall be no higher than 200 feet and shall be 300 feet from any residential structure. A variance will be required for towers over 200 feet.

100-10.4 Area, Height, Bulk and Placement Requirements

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”.

Lots laid off on a cul-de-sac and/or exterior curve of a street must be designed so that the lot meets the normal lot width requirement at the building setback line rather than at the lot right-of-way as required for all other lots. See Exhibit 100-10.4A for the layout of lots in a subdivision in which the normal lot width requirement is 120 feet with an 80 feet setback. See Exhibit 100-10.4B for the layout of lots in a subdivision in which the normal lot width requirement is 90 feet with a 75-foot setback.

Without a Public Water Supply and Public Sanitary Sewer System

<u>Minimum Lot Size</u>	<u>Minimum Yard Setback in Feet</u>
Area in Square Feet - 20,000	Front - 80 Side - 12 Rear - 40
Width in Feet - 120	
	<u>Minimum Landscaped Area</u>
<u>Maximum Height of Building</u>	30%
In Stories - 2 - 2½	
In Feet – 30	<u>Minimum Dwelling Size</u>
	1,200 sq. ft. and 24 ft. wide

Both Public Water and Sanitary Sewer System Available

<u>Minimum Lot Size</u>	<u>Minimum Yard Setback in Feet</u>
Area in Square Feet - 12,150	Front - 75 Side - 10 Rear - 35
Width in Feet - 90	
	<u>Minimum Landscaped Area</u>
<u>Maximum Height of Building</u>	30%
In Stories - 2 - 2½	
In Feet - 30	<u>Minimum Dwelling Size</u>
	1,200 sq. ft. and 24 ft. wide

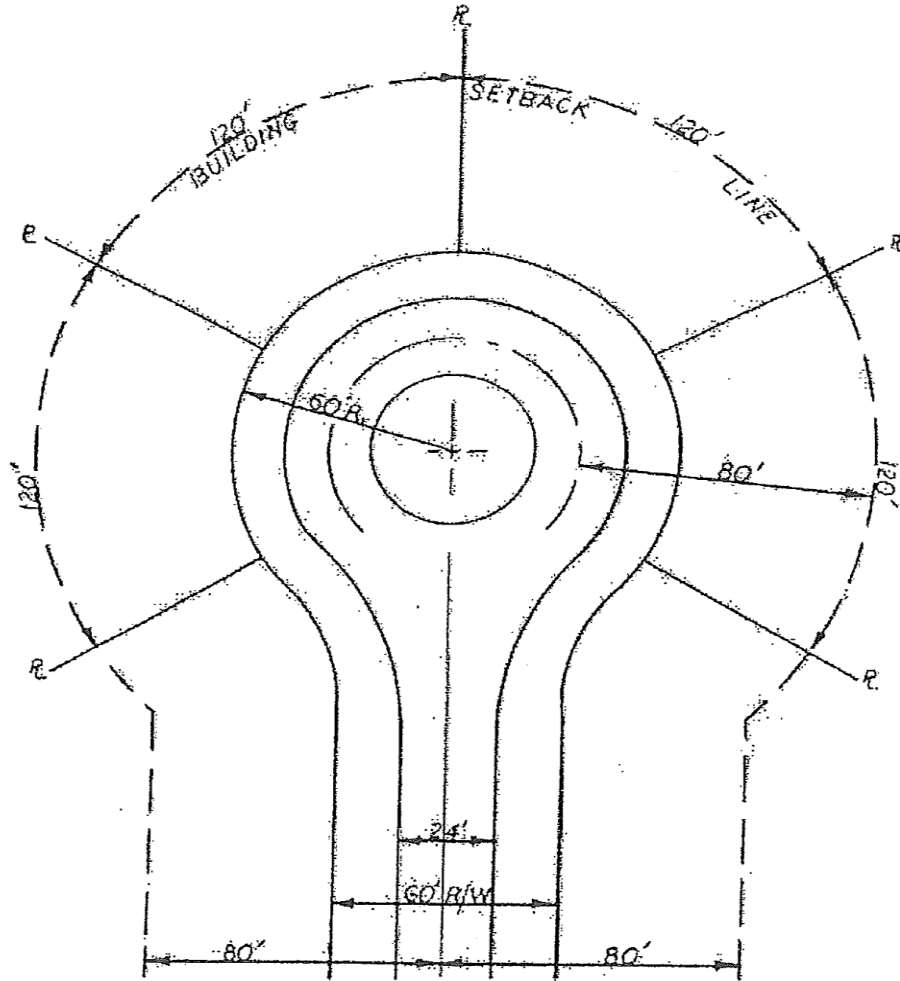
Setback from a Ditch

All residential units and permanent accessory buildings (buildings on foundations) shall be located a minimum of 25 feet from the top of the ditch bank.

EXHIBIT 100-10.4 A

CUL-DE-SAC

R-1 DISTRICT



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 county containing a public source of water and sanitary sewers. This district is also designed to permit the conversion of older larger residences in areas 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. 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 100-5.7 and subject 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 that further encroachment into required yard areas 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 nine hundred (900) feet.
 - b. The effect of said conversion is to increase the lot coverage to no 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 (2) or more dwelling units if the dwelling is less than twenty (20) years old.

100-11.4 Area, Height, Bulk and Placement Requirements

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”.

Lots laid off on a cul-de-sac and/or exterior curve of a street must be designed so that the lot meets the normal lot width requirement at the building setback line rather than at the lot right-of-way as required for all other lots. See Exhibit 100-11.4 for the layout of lots in a subdivision in which the normal lot width requirement is 70 feet with a 75 foot setback.

A Public Water Supply and Sanitary Sewer System Shall be Available

Minimum Lot Size

Area in Feet - 9,500*

Width in Feet - 70

Minimum Yard Setback in Feet

Front - 75 Side - 10 Rear - 35

Maximum Building

In Stories - 2 - 2½

In Feet – 30

Minimum Landscaped Area

Percent of Lot Area - 30

Minimum Dwelling Size

1,200 sq. ft. and 24 ft. wide

*A public water supply and sanitary sewer system shall be available.

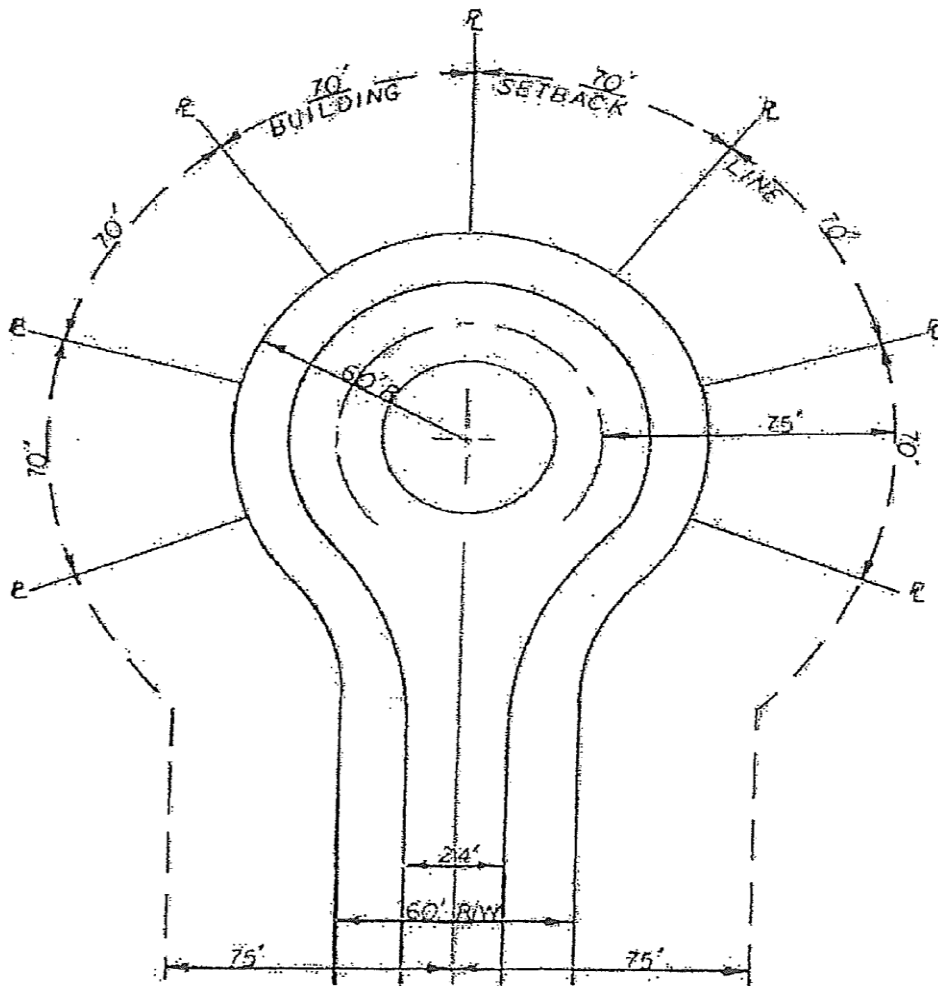
Setback from a Ditch

All residential units and permanent accessory buildings (buildings on foundations) shall be located a minimum of 25 feet from the top of the ditch bank.

EXHIBIT 100-11.4

CUL-DE-SAC

R-2 DISTRICT



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, combining 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 an R3 District no person shall hereafter use any building or structure except in accordance with the following provisions:

1. All principal permitted uses, accessory buildings and uses customarily incidental to any of the above uses, and conditionally permitted uses except single-family dwellings in the R2 District subject to the terms and conditions provided therein.
2. Multi-family dwelling units including apartments, townhouses, and rowhouses.
3. Nursery schools, day nurseries and child care centers (not including dormitories) pursuant to Section 100-8.3 (7).
4. Planned Unit Developments, pursuant to Article 100-19.
5. Condominiums.

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) foot 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 of 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 dwellings and/or apartment type dwelling units.
 - b. Common services containing but not limited to, central dining rooms, recreational rooms, central lounge, and workshops.
 - c. All dwellings shall consist of at least four hundred and fifty (450) square feet per unit (not including kitchen 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 all dedicated public right-of-way.
 3. Nursing home 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 nursing 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, loading space, yard requirements, and space required for accessory uses.
 - 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 Site and Landscape Plan Review

For all uses permitted in the R3 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 County Zoning Inspector with their procedures relative to site plan review and including the specifications of the site plan.

100-12.5 Area, Height, Bulk and Placement Requirements

Area, height, bulk and placement requirements unless otherwise specified are as provided in the following tables and as further provided in Article 100-18.

Lots laid off on a cul-de-sac and/or exterior curve of a street must be designed so that the lot meets the normal lot width requirement at the building setback line rather than at the lot right-of-way as required for all other lots. See Exhibit 100-11.4 for the layout of lots in a subdivision in which the normal lot width requirement is 70 feet with a 75 foot setback.

Building Height (a)

In Stories - 2½

In Feet - 30

Minimum Landscaped Area

Percent of Lot Area - 35%

Minimum Yard Setback in Feet

Front - 80 Side - 12 Rear - 25

Minimum Lot Size

1 Acre, 43,560 sq. ft.

Minimum Dwelling Size

1,200 sq. ft. and 24 ft. wide

Height provisions shall not apply to hospitals, universities, colleges, and similar institutions. Unless otherwise provided, one (1) foot of additional setback over and above the minimum herein established shall be provided for each five (5) foot increase in height.

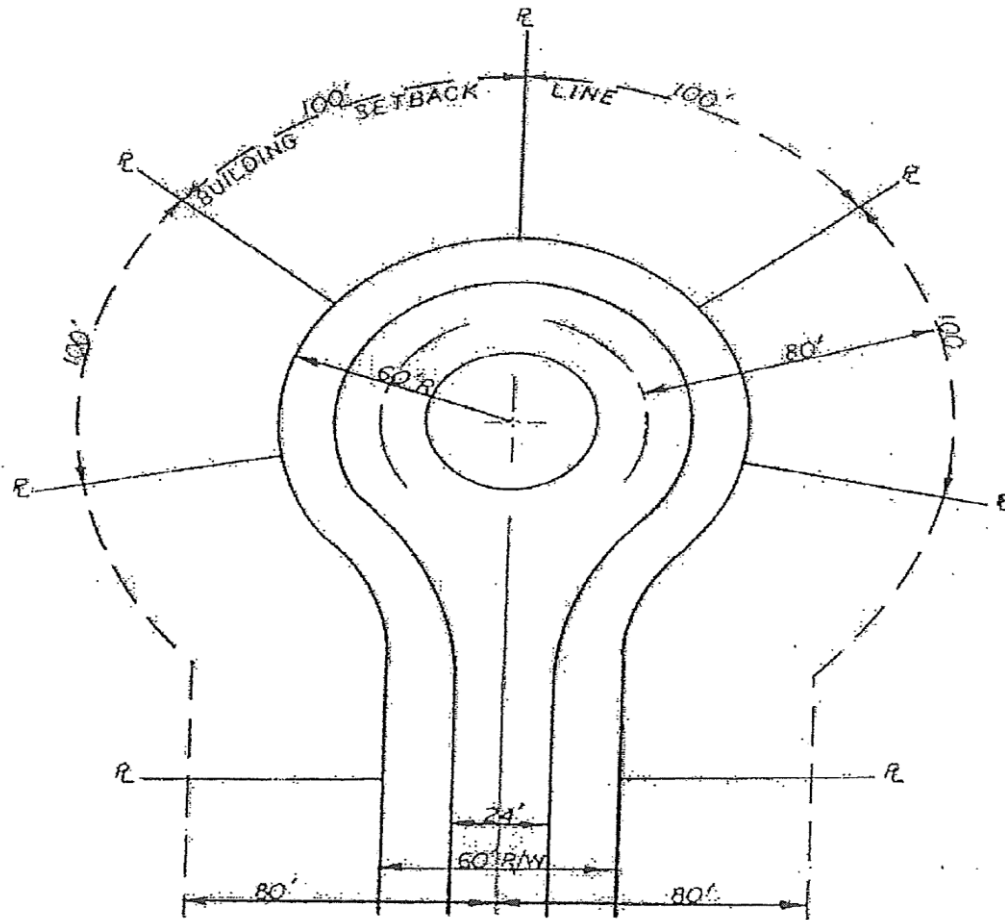
Setback from a Ditch

All residential units and permanent accessory buildings (buildings on foundations) shall be located a minimum of 25 feet from the top of the ditch bank.

EXHIBIT 100-12.5

CUL-DE-SAC

R-3 DISTRICT



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. Mobile homes are not permitted outside a designated manufactured home park.
 - d. One (1) identification sign, approved in conjunction with the final site plan approval of the manufactured home parks. 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.
 - e. 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. 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. Set Backs - 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 compound 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 accord 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. Any fuel oil and gas storage shall be centrally located in underground tanks, at a distance away from any manufactured home lot found to be safe. All fuel lines leading to manufactured home lots shall be underground and so designed 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 be required for construction or erection of canopies or awnings open on three (3) sides. A permit shall be required from the Zoning Inspector before construction or erection of any screened, glassed in, or otherwise enclosed awning or canopy.
11. Pads, Mats or Platforms - Each manufactured home lot shall be equipped with a concrete 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 lot 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 Area - For every fifty (50) manufactured homes located in said manufactured home park, a minimum of one and one-half (1½) 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 lot 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:
 - a. Entrance Side Minimum..... 15 feet
 - b. Non-entrance Side Minimum 5 feet
 - c. Front Yard 15 feet
 - d. Rear Yard 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 not 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 manufactured home.
3. Minimum Manufactured Home Standards - Each manufactured home within the park shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections designed for attachment to appropriate external systems. Individual manufactured homes located within such development shall possess a minimum floor area of nine hundred (900) square feet.

100-12A.3 State Requirements

All manufactured home development 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 park 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 manufacturing 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

1. 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 County 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.
2. 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 and parking areas, which will encourage pedestrian and vehicular traffic safety.

**ARTICLE 100-13
LOCAL SERVICE DISTRICT (C1)**

100-13.1 Statement of Purpose

The Local Service District (C1) is intended for service uses 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 consumers and thereby promoting the best use of land at certain strategic locations and avoid the continuance of encouraging marginal strip, business development along major thoroughfares. The principal objective is service rather than actual purchasing of goods.

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 five hundred (500) feet from established residential property.
3. Administrative offices.
4. Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.
5. Self serve storage facilities.
6. Planned Unit Developments, pursuant to Article 100-19.

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 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 Service 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.

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. Other uses similar to the above uses.
 - i. 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. Suitable material, at least six (6) feet high and approved by the Zoning Inspector, shall be constructed along those property lines abutting a residential district.

100-14.4 Conditionally Permitted Uses

The following uses may be permitted by the County Board of Zoning Appeals pursuant to Article 100-5.7 and subject to the following provisions:

- 1. Open air business uses when developed in planned relationship with the C2 District as follows:
 - a. Retail sales of plant material 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 recreational 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, 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, upholstering, 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.
 - b. The minimum lot area shall be twenty thousand (20,000) square feet, as nearly rectangular as possible, and so arranged that ample space is available for motor vehicles required to wait for service.
 - c. Automobile service stations shall not be located within fifty (50) feet of any Residential District.
 - d. Preferably automobile service stations shall not be situated at an intersection where the approach gradient of either street exceeds twenty percent (20%).
 - e. All lighting shall be shielded from adjacent residential districts.
4. Planned Shopping Center when used in this context means a commercial development designed, developed and operated as a unit and can satisfy the following criteria: a site of three (3) acres; a supporting population of at least five hundred (500) families, two thousand (2,000) population in a trading area one-half ($\frac{1}{2}$) of one (1) mile radius; three (3) to ten (10) stores; and a floor area of five (5,000) to fifty thousand (50,000) square feet and which further satisfies the following development standards:
- a. A site plan defining the areas to be developed for building, parking, pedestrian and vehicular circulation, points of ingress and egress, access streets, location and size of signs, and a landscape plan, shall be submitted for approval to determine compliance with the requirements of this Resolution.
 - b. A traffic survey shall be submitted indicating the effect of the proposed development on adjacent streets and also indicating the anticipated points of origin, direction, and amount of traffic flow to and from the shopping center.
 - c. 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 off street parking, as well as any other uses of the facilities, shall be directly from a major thoroughfare.
 - d. No main or accessory building shall be situated less than fifty (50) feet from any perimeter property line.
 - e. All signs shall be affixed to the face of the building and shall be of a uniform design throughout, except for one (1) ground pole sign advertising the name of the shopping center possessing an area no greater than thirty (30) feet.

- f. A statement of financial responsibility shall be submitted to assure construction of the planned shopping center; in accordance with the plan and the requirements of this section.

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 area is partially dependent upon extending services to other business users.

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 service.
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 completely 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 area shall be twenty thousand (20,000) square feet, as nearly rectangular as possible, and arranged so that ample space is available for motor vehicles which are required to wait for services.
 - 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 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 within a 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. Allow C1 and C2 Principal Permitted Uses and Conditionally Permitted Uses subject to all required conditions in C3 District, also.

100-15.3 Conditionally Permitted Uses

1. Recreation 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 related 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 effective 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.

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 from the following previously prepared materials: bond, canvas, cellophane, cloth, cork, felt, fiberglass, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet 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, jigs 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 for a watchman or caretaker.
 7. Planned Unit Developments, pursuant to Article 100-19.

100-16.3 Industrial Performance Standards

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 County, based upon the Comprehensive Development Plan, which uses are primarily of a manufacturing, assembling, and fabricating character, including large scale or specialized 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 County. Uses incompatible with the permitted industrial uses are prohibited.

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 use customarily incidental to the above Permitted Principal Uses, including living quarters for 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.
5. Mineral and soil extraction, storage, processing and manufacturing.
6. Any amendment or alterations to the originally approved operation shall be submitted to the township.
 - a. Intent

The intent of this section is to provide for the quarried and mined products necessary for the construction and agricultural industries, and to protect the resident's health, safety and welfare, and the environmental quality of the County and Township. Soil and mineral extractive industries, if not properly managed, can contribute to soil erosion and sedimentation of streams, traffic hazards, road damage, and may pose other ground water pollution dangers. This section is intended to prevent or minimize these or other effects.
 - b. Definition

Soil and mineral extractive industries are those activities of removing stone, gravel, sand, soil, or other minerals from the ground through processes commonly referred to as

quarrying or mining and whose primary purpose and intent is the removal of minerals as a primary product for use or sale. This section does not refer or apply to excavations made for other primary purposes, including but not limited to, construction of sewage lagoons, manure lagoons, and swimming pools. This exemption shall apply to these primary purposes, even if the materials excavated are moved or sold as a secondary means of disposal.

c. Application Requirements

In addition to other items required in the application, the following information shall be submitted.

1. Name and address of the applicant, including partners and officers of the corporation.
2. Name and address of the owner of surface rights of the property.
3. Vicinity maps, drawn to scale of 1 inch equals 1,000 feet, illustrating the extraction in relation to surrounding existing and proposed land uses, existing and proposed roads, and surrounding zoning districts.
4. A map at a scale of at least 1 inch equals 100 feet showing existing contours at intervals of 5 ft. or less, any existing building structures, and any public utilities of easements on the property.
5. The location, description, and size of the areas to be excavated during the first year as well as an estimate of the total anticipated area of excavation, and the anticipated length of time it will take to complete.
6. A list of the types of resources or minerals to be extracted.
7. The proposed method of removal of such resources and whether or not blasting and other uses of explosives are required.
8. The location of any processing plant to be used, and any accessory of kindred operations that may be utilized in connection with the operation of a processing plant by the mining processor or any other firm, person, or corporation.
9. A general description of the equipment to be used for excavating processing, and/or transporting excavated mineral resources.
10. A transportation plan for the site illustrating any proposed external routes of access to the site and any proposed internal circulation routes within the site. External routes must be approved by township and county officials.
11. A drainage plan indicating the directional flow of water, constructed drainways, holding canals, natural waterways used for drainage, and the streams or tributaries receiving this discharge.
12. A topographical survey, site plan, and soils report analysis of the property, prepared by a professional engineer, surveyor, or geologist.

13. An environmental impact study, prepared by a professional engineer.
 14. A plan for the rehabilitation and reclamation of the excavated area as specified in this section; and any other information the Township may deem necessary in order to determine if the proposed extraction operation will not be detrimental to surrounding land uses and the community in general.
- d. All proposed mineral extraction operations shall require a permit for such activities from the Ohio Department of Natural Resources, Division of Mineral Resources Management in conjunction with the issuance of a Zoning Permit.
 - e. A description of adequate operational controls shall be used to minimize the creation of detrimental ground vibrations, sound, pressure, smoke, noise, odors, or dust which would injure or be a nuisance to any persons living or working in the vicinity. Anytime a source of public or private water supply is adversely affected, the operator shall be responsible for correction. Means of correction may include, but are not limited to, new wells, softeners and treatment systems.
 - f. The location of any storage or processing activities upon the site shall be subject to the district minimum yard requirements and approval by the Zoning Inspector. All such activities shall be naturally or artificially screened from any public street, existing dwelling unit, or any residentially zoned property. The entire proposed excavated area and equipment storage area shall be completely fenced with 8 ft. chain link fence before any excavation begins and shall be maintained.
 - g. Mineral extraction operations shall not be conducted closer than 1,000 ft. from an existing residential district or any dwelling. Within that distance, earthen berms and other screening devices may be located. Setbacks from a residential district shall be measured from the property lines (right-of-way lines in the case of road frontage) of the residentially zoned property. Setbacks from other dwellings shall be measured from the dwelling structure.

The mineral extraction operation shall be conducted in accordance with the following area and setback conditions:

- The site shall contain a minimum area of twenty-five (25) acres.
 - The excavated area shall be a minimum of five (5) acres not to exceed twenty percent (20%) of the total site area.
 - The excavated area shall have a one hundred (100) feet minimum setback from the public road right-of-way.
 - An excavated area shall be located no closer than three hundred (300) feet to a septic tank or leach field or three hundred (300) feet to a well.
- h. Temporary operational roads shall not be located closer than 550 ft. from any residential district or any existing dwelling.
 - i. All excavations of gravel, soil, or sand shall either be made to a depth not less than 17 ft. below a water-producing level or graded and/or backfilled with non-noxious and non-flammable solids, to assure that the excavated area will not collect and retain stagnant water. The graded or backfilled surface shall create an adequate finished topography to

minimize erosion by wind or rain and substantially conform to the contours of the surrounding area. No materials shall be hauled to the property for use as fill, except for clean clay material, which may be required for a lake. Areas not backfilled must be drained with ditches, which must include culverts under all driveways to eliminate any standing water.

In areas where sanitary sewers are not available, backfilling for any proposed housing site(s) as shown on the reclamation plan shall be distributed to elevate one (1) acre for each housing site to six (6) feet above the seasonal high water table. The topsoil on a proposed housing site shall be stripped and stored, then the area backfilled and compacted with the excavated material, the topsoil replaced over the backfilled area(s), and final grading completed.

- j. The underwater banks of all excavations, which are not backfilled, shall be sloped at a grade of not less than 3 ft. horizontal to 1 ft. vertical, with a minimum of 6 ft. below the water line. Spoil banks shall be graded to a level suiting the existing terrain and planted with trees, shrubs, legumes, or grasses.
- k. Whenever the floor of an excavation is greater than 5 ft. below the average grade of an adjacent public street or any adjacent property, the property containing such excavation shall be completely closed by a mound of earth not less than 6 ft. in height and planted with suitable landscaping. Such mound shall be located not less than 50 ft. from any street right-of-way or boundary of the excavation property. Such barriers may be excluded where deemed unnecessary because of the presence of a lake, stream, or other existing barrier.
- l. Buildings and structures designed and constructed exclusively for mineral extraction, storage, or processing, for which no other use is practical or feasible, shall be removed. All topsoil must be left on the site in order to establish and maintain vegetation.
- m. To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted permission to conduct a mineral extraction operation, as herein provided, shall furnish a reclamation plan and performance bond to the Swancreek Township Trustees. The amount of the performance bond shall be based on an estimate of costs to meet the aforementioned requirements prepared by a professional civil engineer registered in the State of Ohio and submitted by the applicant. The amount of the performance bond shall be established by resolution of the Township Trustees, depending upon the type and extent of restoration required. The performance bond shall be a guarantee that such applicant in restoring, reclaiming, and rehabilitating such land, shall be completed within a reasonable time and meet the requirements of this section to the satisfaction of the Township Trustees.

The applicant shall provide proof of liability insurance to the township for the duration of the project. If the insurance policy is to be cancelled, the insurer shall notify the Township Trustees by mail the cancellation of the policy.

- n. The reclamation plan for the extracted area shall contain at a minimum the following information.

1. A map at a scale of 1 inch equals 100 feet showing the existing contours at intervals of 5 ft. or less, any existing buildings or structures, and any public utilities or easements on the property.
 2. The depth of the proposed topsoil cover shall be at least 6 inches.
 3. The angle of slope of all earthen banks shall be no greater than 1 ft. vertical to 3 ft. horizontal.
 4. The number of trees and shrubs, and the type of ground cover to be provided. The type and number per acre of trees, shrubs, ground cover, or legume to plant shall be determined in consultation with the Fulton County Soil and Water Conservation District.
 5. The location of proposed ultimate land uses, and physical improvements such as roads, drives, and drainage courses, utilities and other improvements as determined in consultation with the Regional Planning Commission of Fulton County, the Fulton County Engineer, Sanitary Engineer, and the Zoning Commission.
 6. A statement that vegetation shall be restored by the spreading of sufficient soil and by appropriate seeding of grasses or planting of shrubs and trees in all parts of said reclamation area where the same is not submerged under water.
 7. A grading plan showing the proposed final topography of the area indicated by contour lines of no greater intervals of 5 feet.
- o. All trucks leaving the site must be weighed by a scale on site and have a copy of the weight slips showing the following: time, date, and truck identification which must be available at all times to provide legal weight requirements, including bridge laws. The weight slips shall also include the yards per load.
 - p. Location of the street ingress/egress shall be at the center one-third of the property frontage. A paved commercial drive shall be installed, per Appendix A of this Zoning Code. The drive shall be kept free of mud, sand, and other debris from hauling activity. Sweeping equipment must be used and kept on site. All haul roads shall be properly maintained to control dust, and shall have a gate to control ingress and egress. All truck routes shall be cleaned and maintained daily.
 - q. The hours of operation shall be limited to:

Mon. – Fri.	7:00 a.m. - 7:00 p.m.
Sat.	9:00 a.m. - 3:00 p.m.
 - r. The zoning permit is revocable, if the applicant is determined to be in noncompliance with any of the above requirements. The permit is not transferable or assignable without the expressed written approval of the Swancreek Township Trustees.

100-17.3 Conditionally Permitted Uses

The following uses may be permitted by the County of Board of Zoning Appeals pursuant to Article 100-5.7 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:
 1. One (1) space for each employee; and
 2. 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, equipment that produce irritants to the sensory perceptions greater than the measures established by the State of Ohio and any applicable Federal Regulations.

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 and hotels;
- 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;
- k. printing and supplies;
- l. carry-outs;
- m. car dealership and/or vehicle repair;
- n. auto washing facilities;
- o. banks;
- p. bowling alleys or a similar form of indoor commercial recreation;
- q. video stores;
- r. private clubs, fraternal organizations, and lodge halls;
- s. accessory uses and other structures; and
- t. 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

Sic Code

- b. Tobacco Products:
 - 211 cigarettes;
 - 213 chewing and smoking tobacco;
 - 214 tobacco stemming and redrying; and

- c. Lumber and Wood Products:
 - 242 sawmills and planing mills
 - 243 millwork, plywood & structural members;
 - 244 wood containers;
 - 245 wood buildings and mobile homes;
 - 249 miscellaneous wood products; and

- d. Furniture and Fixtures:
 - 251 household furniture;
 - 252 office furniture;
 - 253 public building & related furniture;
 - 254 partitions and fixtures;
 - 259 miscellaneous furniture and fixtures; and

- e. Paper and Allied Products:
 - 265 paperboard containers and boxes;
 - 267 miscellaneous converted paper products; and

- f. 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

- g. 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

- h. Petroleum and Coal Products:
 - 295 asphalt paving and roofing materials (Conditional Use Permit Required); and

- i. Rubber and Miscellaneous Plastics Products:
 - 305 hose & belting & gaskets & packing;
 - 306 fabricated rubber products, NEC;
 - 308 miscellaneous plastics products, NEC; and

Sic Code

- j. Primary Metal Industries:
 - 331 blast furnace and basic steel products (Conditional Use Permit Required);
 - 332 iron and steel foundries (Conditional Use Permit Required);
 - 333 primary nonferrous metals;
 - 335 nonferrous rolling and drawing;
 - 336 nonferrous foundries (casting)
 - 339 miscellaneous primary metal products; and

- k. 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

- l. 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

- m. 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

- n. 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

- o. 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
 - p. Miscellaneous Manufacturing Industries:
 - 395 pens, pencils, office, and art supplies;
 - 399 miscellaneous manufactures; and
 - q. Warehousing and Distribution
- 3. No Residential uses will be permitted in the Planned Industrial/Business Park. All existing residential uses in the district will be permitted.
 - 4. All commercial uses shall be located within 1,000 ft. of state designated highways in the district.
 - 5. Agricultural uses in the district shall be encouraged and maintained until the land is developed.

100-17A.3 Site Plans

A site plan shall be required for each proposed development or use. The following is a list of the elements that shall be addressed in the site plan.

- | | |
|-------------------------------------|-------------------------------------|
| 1. Stormwater | 7. Fencing |
| 2. Building Locations | 8. Utilities |
| 3. Parking & Vehicular Traffic Plan | 9. Elevations |
| 4. Landscaping | 10. Access Points |
| 5. Lighting | 11. Preliminary Architectural Plans |
| 6. Setbacks & Right-of-Ways | 12. Rail Configuration |

100-17A.4 Site Plan Review

A site plan shall be submitted to the Swancreek 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 100-17A.3. In addition, the site plan shall show all adjacent properties, including existing buildings, located within two hundred (200) feet of the proposed development. The plans shall meet the minimum required standards and designs of this article and the Swancreek 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 15 days following submittal of the site plan, the Swancreek 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 15 days to approve or disapprove the site plan.

100-17A.5 Access Management

Any application that involves access to the State Highway System shall be submitted to the Ohio Department of Transportation and Fulton County for conformance with state standards. 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, and the local government 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. Rail Access: Any applicant requiring access to a main rail line shall submit a site plan depicting the configuration of a rail spur. The rail spur should have the capacity to handle on-site tracking, in an effort to keep rail cars off the main rail line to prevent blocking rail crossings on local roadways. The applicant shall also provide information regarding the number of rail cars and trains required for daily operation. This information shall also be coordinated with the railroad.

100-17A.6 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.7 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:

- at a minimum, one shrub or tree shall be planted for every 50 sq. ft. of buffer area, with the remaining area to be planted with a vegetative ground cover.

2. State Highways

A planting strip of at least 30 feet wide shall be required along state highways:

- at a minimum, one shrub or tree shall be planted for every 50 sq. ft. of buffer area, with the remaining area to be planted with a vegetative ground cover.

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.8 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.

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.9 Enforcement Policy

1. Upon determining that 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 100-26.1 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 31st 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.

100-17A.91 Area, Height, Bulk, and Placement (M3)

1. The front yard setback requirements on all state designated highways shall be 100 feet from the road right-of-way. There shall be a 30 ft. landscaping strip from the road right-of-way. Parking lots will not be included in the 30 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	150	40 *	20	20	50	20
			100 **				

* On Arterial Roads

** On State Highways

100-18.1 Area, Height, Bulk and Placement Regulations (see accompanying footnotes on following page).											
Symbol	District	Minimum Lot Size		Maximum Height		Minimum Yard Setbacks				% Maximum Lot Coverage All Bldgs.	% Minimum Landscaped Area
		Area Sq. Ft.	Width in Ft.	in Stories	in Feet	Front	Side One	Side Two	Rear		
AG/RE	Agricultural Rural Estate h, i	1 acre	150 (4)	2 1/2	30	80	12	12	40	30	-
	Agricultural Rural Estate h, i	2 acres	250 (4)	2 1/2	30	80	12	12	40	30	-
R1	First Density Residential (1) (3) h, i	20,000	120	2 1/2	30	80	12	12	40	30	30
	First Density Residential (2) (3) h, i	12,150	90	2 1/2	30	75	10	10	35	30	30
R2	Second Density Residential (2) (3) c, h, i	9,500	70	2 1/2	30	75	10	10	35	30	30
R3	Third Density Residential c, h, i	b	100	2 1/2	30	80	d, e	d, e	25	30	35
C1	Local Shopping i	-	-	-	30	70 f,g	f	f	20	-	-
C2	Community Shopping i	-	-	-	40	70 f,g	f	f	20	-	-
C3	General Shopping i	-	-	-	40	70	f	f	20	-	-
M1	Light Industrial i	-	-	-	40	70	20	20	20	-	-
M2	General Industrial i	-	-	-	50	70	20	20	20	-	-
M3	Planned Industrial/Business Park i	43,560	100	-	150	*40 **100	20	40	20	50	20

(1) with public sewer OR public water *40 ft. (on Arterial Roads) **100 ft. (on State Highways)

(2) with BOTH public sewer AND public water

(3) A 75 ft. minimum front yard setback is required, if located outside a platted subdivision

(4) Lot Area is the total horizontal area within the lot lines of a lot, exclusive of the road right-of-way.

Note: The front yard setback is measured from the road right-of-way, EXCEPT On US 20A/ALT. 20 (Airport Hwy.), the minimum yard setback for all buildings is 160 ft. from the centerline of the highway.

All residential units and permanent accessory buildings (buildings on foundations) shall be located a minimum of 25 feet from the top of a ditch bank.

100-18.2 Footnotes to Schedule of Regulations

a. In all 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.

b. Minimum land area required for each multiple dwelling units in the R3 District shall be as follows:

	<u>Multiple Dwelling Unit</u>	<u>Row or Terrace Dwelling</u>
Efficiency or one bedroom unit	2,800 Square Feet.....	3,800 Square Feet
Two bedroom unit.....	3,500 Square Feet.....	4,900 Square Feet
Three bedroom unit.....	5,000 Square Feet.....	6,300 Square Feet
Four or more bedroom unit	6,300 Square Feet.....	7,000 Square Feet

c. The minimum required floor space per dwelling unit in each multiple dwelling structure shall be as follows:

Efficiency apartment.....	450 Square Feet
One bedroom apartment.....	800 Square Feet
Two bedroom apartment	900 Square Feet
Three bedroom apartment	1,000 Square Feet

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) structures shall be thirty (30) feet plus one (1) foot for each ten (10) feet, or part thereof, by which the total length of that portion of the two (2) structures lies opposite each other.

f. In any business district, side yards are not required except where a business district borders a side street. Where a residential district exists in the same block, there shall be provided a setback of twenty (20) feet for all buildings, parking and loading area. Where a residential district exists adjacent to a business district and on the same side of the street and/or where a residential district exists directly across the street from a business district, there shall be provided a setback of twenty (20) feet from all buildings, parking and loading areas. 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 two hundred (1,200) square feet and a minimum width of 24 feet.

i. Prior to issuing a Zoning Permit for an occupied structure the following approvals shall be obtained: Drive Permit, Septic Permit.

100-18.3 Airport Highway Overlay District

In addition to the underlying zoning district and the permitted and special uses and applicable development requirements, the following overlay district has been established as additional restrictions of the use and development of the land within the district.

1. Purpose and Intent
The purpose of the Airport Highway Overlay District is to promote and protect the public health, safety, comfort, convenience and general welfare by providing for consistent and coordinated treatment of the properties bordering Airport Hwy. in Swancreek Township. Airport Hwy. is a high speed and major entrance corridor in Swancreek Township. Therefore, it is the further purpose of the Airport Highway Overlay District to preserve the aesthetic qualities of those adjacent and bordering properties through the promotion of coordinated parcel development in the District and the establishment of parcel development standards.
2. District Boundaries
The boundaries of the District are hereby established as shown on the Zoning District Map. The District includes those parcels that front along the right-of-way of Airport Highway, not to exceed a depth of 1,320 feet from the centerline of SR2/US20A along both sides, extending from the Delta Village limits to the Swanton Village limits.
3. Review and Approval Procedures
The Swancreek Township Zoning Inspector, with consultation from various government review agencies, shall review and may approve the site plan for any proposed improvement in the District when the development is in conformance with the standards specified in this Resolution. Site plan review and approval shall be necessary for all new development and for any structure that is enlarged. The site plan review shall include the following: stormwater, building locations, parking and vehicular traffic plan, landscaping, lighting, setbacks, fencing, utilities, elevations, and access points. If the site plan is found to be in noncompliance, the plan shall be submitted, per Section 100-17A.4, to the Swancreek Township Zoning Commission.
4. Permitted Uses
All uses which are permitted in the underlying zoning district.
5. Excluded Uses
Outdoor auction facilities, kennels, billboards, and adult entertainment establishments.
6. Accessory Building and Uses
All accessory buildings and uses permitted in the underlying zoning district.
7. Maximum Building Height
As specified in the underlying zoning district.
8. Minimum Front Yard Setback
The minimum front yard setback shall be 160 feet from the centerline of Airport Highway.
9. Minimum Side Yard Setback
20 feet per side.

10. Minimum Front Yard Landscape Area
20 feet from the right-of-way of Airport Highway and 10 feet from the right-of-way along side streets.
11. Landscape Areas
Landscaping shall be indicated on the site plan. At a minimum, one shrub or tree shall be planted for every 50 sq. ft. of buffer area with the remaining area to be planted with a vegetative ground cover.
12. Signage
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.
13. Parking Requirements
Parking is prohibited in the front landscape area and in the rear yard setback when adjoining a residential district. Efforts to break up large expanses of pavement are to be encouraged by the interspersing of appropriate planting area wherever possible. The number of parking spaces required as established elsewhere in this resolution, depending upon the zoning and the intended land use.
14. Access to Individual Parcels
Access to Airport Highway 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. Access shall be reviewed by the Fulton County Engineer and the Ohio Department of Transportation prior to approval. When deemed appropriate by the Fulton County Regional Planning Commission, Fulton County Engineer, and/or the Ohio Department of Transportation, a traffic impact study may be required by the developer.

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 Section 100-22 (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 Swancreek 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 Section.
- 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 Section.
- 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
ADMINISTRATION AND ENFORCEMENT

100-20.1 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 an excavation or construction until such plans have been inspected in detail and found to conform to this Resolution.

The Zoning Inspector shall record all nonconforming uses pursuant to Article 100-6.7, non-conforming use validation certificates, existing at the effective date of this Resolution for the purpose of carrying out the provisions of Article 100-20.

Under no circumstances is the Zoning Inspector permitted to make changes to 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 under the granting of said permit.

The Zoning Inspector may make Zoning Resolution amendment recommendations, which he sees fit, to the Zoning Commission and Board of Trustees.

The Zoning Inspector is responsible for implementation and enforcement of the Swancreek Township Zoning Resolution.

100-20.2 Zoning Permits Required

No building or other structure shall be erected, moved, added to, reconstructed 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.

100-20.3 Content 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 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 alteration.
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.

100-20.4 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 this 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 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.

100-20.5 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 from 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 zoning permit for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector that he 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 the public interest or upon the expiration of the one hundred twenty (120) day period of any extension thereof agreed upon 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.

100-20.6 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 and be revoked by the Zoning Inspector. Written notice thereof shall be given to the persons affected.

100-20.7 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.

100-20.8 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.

100-20.9 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.

100-20.91 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 100-26.1 of this Resolution.

100-20.92 Construction and Use to be as Provided in Application, Plans, Permits, and Certificates

Zoning permits or certificates of occupancy issued on the basis and plans and applications approved by the Zoning Inspector authorize only the use, and arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to the authorized shall be deemed a violation of this Resolution and punishable as provided in Article 100-26.1 of this Resolution.

100-20.93 Complaints Regarding Violations

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person shall file a 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 thereof as provided by this Resolution.

100-20.94 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, validation certificates, 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 100-21
BOARD OF ZONING APPEALS

100-21.1 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 up to two (2) alternates who shall be residents of the area covered by this Resolution.

100-21.2 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. A requirement of meeting attendance should be adhered to; failure to attend three consecutive regular meetings would require member's termination. This will be at the discretion of the Board of Trustees.

100-21.3 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.

100-21.4 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 an 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 partly, 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.

100-21.5 Standards

In consideration of all appeals for variances and conditional uses, 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 or 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 or 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.

100-21.6 Appeals

Appeals to the Board of Zoning Appeals may be brought forth by any person aggrieved or by any officer of the township affected by any decision of the Zoning Inspector. Such appeal shall be filed within twenty (20) days after the decision with the Zoning Inspector and notice of the appeal given to the Board of Appeals specifying the grounds 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 party may appear in person or by attorney. Any person adversely affected by a decision of the Board of Zoning Appeals may appeal to the Court of Common Pleas of Fulton County on the grounds that such decision was unreasonable or unlawful. The Court may affirm, reverse, vacate or modify the decision complained of in the appeal.

ARTICLE 100-22
AMENDMENTS, SUPPLEMENTS, PROCEDURE, REFERENDUM

100-22.1 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 or the date of adoption of such motion or the date of the filing of such application. 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 each township affected by such proposed amendment or supplement 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 to the Fulton County Regional Planning Commission thereon to the Board of Township Trustees.

The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment 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 ten (10) 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 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.

100-22.2 Ratification of Amendments to Township Zoning Plan

All amendments or supplements to a Township Zoning Plan adopted by the Board of Township Trustees prior to the effective date of this Resolution, except those amendments or supplements which a court of competent jurisdiction has declared unlawful or unreasonable or which are the subject of an action now pending in such a court are hereby ratified and shall be valid amendments or supplements to such zoning plan regardless of the procedure followed with respect to such amendments or supplements prior to their adoption by a Board of Township Trustees, except that no right of appeal on the issue of the unlawful or reasonable character of an amendment or supplement shall be lost by the provisions of this section.

**ARTICLE 100-23
DEFINITIONS**

Junk Motor Vehicle: Any motor vehicle meeting all the following requirements:

- a. Three model years old, or older;
- b. Apparently inoperable and;
- c. Extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission.

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 are not considered accessory buildings. Such use shall not include any building used for dwelling, lodging, or sleeping quarters for human beings.

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.

Accessory Use: A use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the premises.

Adult Congregate Living Facility (ACLF): A facility providing residential and habilitation services, including room and board and one (1) or more personal services to unrelated adults. An ACLF with ten (10) or fewer resident clients shall be deemed to be a Group Care Facility as defined in this Article.

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 [15])

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 herein as “altered” or “reconstructed”.

Architectural Features: Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments. (Article 100-5.2[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 or 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 (½) of its height below grade.

Bed and Breakfast Inn: A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

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 elected Board of Township Trustees of Swancreek Township, Fulton County, Ohio.

Board of Zoning Appeals: The words “Board of Zoning Appeals” or “Board “ shall mean the Board of Zoning Appeals for Swancreek Township, Fulton County, Ohio. (Article 100-21)

Boarding House: A dwelling where meals or lodging and means are provided, for compensation to three (3) or more persons, by pre-arrangement for definite 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: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattel, or property.

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 Height: The building height is the vertical distance measured from the reference level to the highest point of the roof surface if 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 Line: A line established, in general, parallel to the front street line between which no part of a building shall project, except as otherwise provided in this resolution.

Building, Main or Principal: A building in which is conducted the principal use of the lot on which it is situated.

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- 20.7)

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: Non-toxic materials 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.

Clinic: A facility which provides treatment which requires observation and recovery normally lasting one (1) to five (5) hours, for illness, injury, abnormality or pregnancy. Such facilities may also provide examination, diagnosis, ambulatory care and outpatient services, but do not provide overnight care.

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.

Collector's Vehicle: Any motor vehicle or agricultural tractor or traction engine that is of special interest, that has a fair market value of one hundred dollars (\$100) or more, whether operable or not, and that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or investment, but not as the owner's principal means of transportation.

Collector's Vehicle, Licensed: A collector's vehicle, other than an agricultural tractor or traction engine, that displays current, valid license tags issued under Section 4503.45 of the O.R.C., or a similar type of motor vehicle that displays current, valid license tags issued under substantially equivalent provisions in the laws of other states.

Commission (or Planning Commission): Fulton County Regional Planning Commission

Comprehensive Development Plan: The Fulton County Comprehensive Development Plan. This plan establishes the land use goals, objectives, and policies of Fulton County and Swancreek Township.

Condominium: An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.

Conservation Area: An area set aside for the preservation, protection and/or improvement of the natural environment.

Contractor: A general contractor or builder engaged in the construction or remodeling of either residential or commercial structures. This includes 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 Work Shop: 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 Swancreek 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)

Drive-in Establishment: A business establishment so developed 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 used or designed as residence for three (3) or more families living independently of each other and doing their own cooking in said building. This definition includes three-family houses, four-family houses and apartment houses, but does not include 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. *Minimum standard for Swancreek Township is 1200 square feet pursuant to Article 100-8.4 Minimum Dwelling Size.
- 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.
- i. Before any manufactured home or relocated manufactured home can be legally occupied, inspections must be performed by OMHA approved and certified inspection agencies and inspectors. There must be three inspections before the manufactured home will be approved for final occupancy. The three required inspections are: 1. Footing inspection, 2. Electrical service

inspection, and 3. Final inspection. Certification of each shall be provided to the township before a Swancreek Township final occupancy certificate will be issued by the Zoning Inspector.

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 four-hundred and fifty (450) square feet of floor area.

Emergency Shelter: A facility providing room and board, protection, counseling and pre-placement screening for abused children or adults for a normal stay of not over thirty (30) days per client. Such facility shall not provide intensive treatment or therapy services.

Erected: The word “erected” includes built, constructed, reconstructed, moved upon, or any physical operations 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, electric, 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, furnishing and accessories in connection therewith reasonable for 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.

Excavating: Excavating shall be the removal of sand, 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 [14])

Family: Any number of individuals living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding or rooming house or hotel.

Family Care Facility: A facility licensed or supervised by an appropriate State, Federal or County agency to provide resident services and twenty-four (24) hour supervision to five (5) or fewer persons who are not related to the resident household. Such a facility is headed by agency approved staff and functions as a single housekeeping unit. These individuals are handicapped, aged, disabled, or in need of adult supervision and are provided service and supervision in accordance with their individual needs. This category includes foster or boarding homes for children, group homes, and family homes.

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.

Farm: 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 however, that the land is to be considered a farm hereunder, shall include a continuous parcel of five (5) acres or more in area, 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. (Article 100- 8.2 [2])

Fence: Enclosures composed of any substance that will present an adequate blockade around a field, yard, or other such expanse of land for the purpose of prohibiting intrusions from outside.

Filling: Shall mean the depositing or dumping of any matter onto, or into the ground, except common household gardening. (Article 100-5.2 [14])

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 enclosed 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 the 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 wall. 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): The 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 of 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, 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 ($\frac{3}{4}$) 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 Swancreek Township Zoning Inspector. (Article 100-5.2[5])

Group Care Facility: Is a non-secure facility providing resident services to five (5) or more individuals of whom one (1) or more are unrelated. These individuals are handicapped, aged, or disabled, are

undergoing rehabilitation, and are provided services to meet their needs. This category includes uses licensed or supervised by any Federal, State or County Health/Human Services agency, such as group homes (all ages), halfway houses, resident schools, resident facilities, and foster or boarding homes. Such a facility is headed by an agency approved staff and functions as a single housekeeping unit.

Group Care Home: Means any dwelling, building or other place, occupied by one (1) to ten (10) persons, including resident staff, whether operated for profit or not, which provides for a period exceeding twenty-four (24) hours, one (1) or more personal services for persons not related to the owner or administrator by law, blood, marriage or adoption, and not in foster care, who requires such services. The personal assistance, in addition to housing and good services, may include but not be limited to personal assistance with bathing, dressing, housekeeping, adult supervision, emotional security and other related services but not including medical services. Group care homes shall not be deemed to include rooming or boarding homes, group housing, clubs, hotels, emergency shelters and nursing homes.

Group Home: A facility wherein a) the operator is not legally related to the individuals supervised and is licensed by a Federal, State or County agency and wherein: b) one (1) or more individuals is 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.

Historical Motor Vehicle: Any motor vehicle that is over twenty-five (25) years old and is owned solely as a collector's item and for participation in club activities, exhibitions, tours, parades, and similar uses, but that in no event is used for general transportation.

Home Occupation: Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Provided further that no article or service is sold or offered for sale on the premises except as such as is produced by such occupation; that such occupation shall not require internal or external alterations or construction features, equipment, machinery, or signs not customary in residential areas. Regulated pursuant to Article 100-5.8.

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 offices.

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 non-ferrous 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, salvage areas, scrap metal processing facilities, garbage dumps, 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 17.3[1])

Kennel: Any lot or premises on which three (3) or more domestic dogs or exotic pets, four (4) months of age or more, are kept for the purpose of breeding, permanently or temporarily boarded, or for commercial sale. (Article 100-8.3[1])

Kennel, Private: Any lot, building or premises on which three (3) or more domestic or exotic pets, being more than four (4) months of age, are kept and belong to the owner of the principal use for the purpose of show, hunting or as pets.

Lake: Natural or artificial bodies of water of two or more acres.

Laboratory: A place devoted to experimental, routine study or basic study such as testing and analytical operation 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, exclusive of the road right-of-way. (Article 100-18)

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 Coverage: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures. (Article 100-18)

Lot Depth: The mean horizontal distance from the front lot line to the rear lot line.

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 lot, 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 Frontage: The front of a lot shall be construed to be the continuous non-interrupted frontage portion nearest the street and contain the entrance to the property. 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, Interior: A lot other than a corner lot with only one (1) lot line fronting on a street.

Lot Lines: The property lines bounding 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 that street which is designated as the front street in the plat and in the request for a zoning compliance permit. (See Lot, Double Frontage)
- 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 Planning Commission shall designate the rear lot line. (See Lot, Double Frontage)
- 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)

Major Thoroughfare: A main traffic artery designated on the Fulton County Comprehensive Development Plan as a major thoroughfare.

Manufactured Home

ORC 3781.06 (c)(4) "Manufactured home" means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "manufactured Housing Construction and Safety Standards Act of 1974".

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. 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 Development: A general category of development that includes manufactured home subdivisions and manufactured home parks.

Manufactured Home Park: Any site or tract of land under single ownership, upon which two (2) or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway building, structures, vehicle, or enclosure used or intended for use as a part of the facilities of such park. (Article 100-12A)

Manufactured Home Site: A plot of ground within a manufactured home park designed for the accommodation of one (1) mobile home.

Manufactured Home Subdivision: A subdivision designed and/or intended for the sale of lots for siting manufactured homes.

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 Planning Commission, with the exception of units for use of the manager and/or caretaker. (Article 100-15.2[2])

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

Nonconforming Building: A nonconforming 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)

Noise: Any noise or sound that emanates in such manners and/or volume and is of such intensity, character and duration to be offensive or disturbing to a person of ordinary sensibilities.

Nonconforming Use: A nonconforming use is a use which lawfully occupied 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 100-16)

Nursing Home: A facility licensed and regulated by the State of Ohio, which provides lodging and long-term skilled nursing care for aged, chronically ill or convalescent patients. This term does not include hospitals, clinics, or similar institutions.

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.

Nuisance Factor: Is an offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a containing or repeating invasion 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 or congregation of people, particularly at night; n) passing traffic; o) invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.

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)

Open Air Business Uses: Open-air business uses not conducted from a wholly enclosed building, if operated for 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. (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.

Outdoor Furnace: 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.

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 (9½) 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 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 permanent or temporary body of open water, which is more than one-half (1/2) acre in size and less than two (2) acres in size.

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 of commission duly authorized to furnish and furnishing, under Federal, State, or municipal regulations, to the public, electricity, gas, steam, communication, telegraph, transportation, or water services. (Article 100-5.2[15])

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[7])

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.

Recycling Center: A building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

Residential Social Service Facility (RSSF): A facility which provides shelter and/or rehabilitation for resident clients who are dependent on others for their basic care and other services due to handicap, age, disability, etc. This term includes group care facilities, emergency shelters, and treatment and recovery facilities; but does not include families, boarding houses or lodging houses, nursing homes, hospitals, child or day care centers, or family day care homes.

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.

Self-Serve Storage Facility: A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractor's supplies.

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.

Septic Permit: Contact Fulton County Health Department.

Setback: The minimum horizontal distance between the front of the building, including steps and unenclosed porches and the front lot line or right-of-way line. (Article 100-18)

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, names 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. Regulated pursuant to Article 100-5.3.

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 purpose 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 uppermost 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 on the ground or attachment to something having such location.

Structural 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)

Swan creek Corridor Plan: This Plan is for local consideration of land use for the area surrounding the SR 2/US 20A corridor, located between the Villages of Delta and Swanton in Fulton County, Ohio. This Plan focuses on important considerations, specific to this area, which may contribute to the harmonious development of the land located within the study area.

Swimming Pool: An open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager for the purpose of swimming.

- 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[8])

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 six (6) months. (Article 100-8.3[9])

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 twenty-eight (28) 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.

Warehouse: A building used primarily for the storage of goods and materials.

Watercourse: Any natural drainage course or source of water. A permanent or intermittent body of surface water, carrying or holding surface water, whether natural or man-made.

Water Permit: Contact Fulton County Health Department.

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 the 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)

ARTICLE 100-24 REPEAL OF PRIOR RESOLUTION

In the interpretation and application, the provisions of this Resolution shall be held to be 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 law or resolution other than the above described Zoning Resolution, or with any rules, regulations, or permit previously adopted or issued or which shall be adopted or issued pursuant to the law 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.

ARTICLE 100-25 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 100-26 ENFORCEMENT, PENALTIES, AND OTHER REMEDIES

100-26.1 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) for each separate offense.

100-26.2 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 order of any court of competent jurisdiction.

100-26.3 Fines, Imprisonment

The owner of any building, structure 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 thereof shall be liable to the fines herein provided.

100-26.4 Each Day a Separate Offense

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

100-26.5 Rights and Remedies are Cumulative

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

**ARTICLE 100-27
SEVERANCE CLAUSE**

100-27.1

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 100-28
EFFECTIVE DATE OF REVISION**

100-28.1

This resolution shall take immediate effect, pursuant to the provisions of Chapter 519, the Ohio Revised Code.

Made and passed by this Board of Township Trustees of Swancreek Township, Fulton County, Ohio, on this 15th day of July, A.D. 2019.

Date of Public Hearing: July 15, 2019

Date of Adoption by Township Trustees: July 15, 2019

Date and Time Resolution Shall Take Effect: Aug. 12, 2019 at 12:01 a.m.

Township Fiscal Officer

ARTICLE 100-29
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 Swancreek Township, Fulton County, Ohio.