

ZONING RESOLUTION

MOOREFIELD TOWNSHIP
HARRISON COUNTY
OHIO

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SECTION I

RESOLUTION & GENERAL PROVISIONS

A RESOLUTION

Providing for the Zoning of the Unincorporated Area of MOOREFIELD TOWNSHIP, Harrison County, Ohio, by regulation the location and the use of buildings and structures, and the use of lands, all in accordance with a comprehensive plan as authorized and provided by Sections 519.01 to 519.99 of the Revised Code of Ohio, as amended.

1.01 TITLE

The Resolution shall be known and may be cited as the "Zoning Resolution of MOOREFIELD TOWNSHIP, Harrison County, Ohio."

1.02 GENERAL PURPOSE

The Board of Trustees find it necessary, advisable, and of great benefit to the residents of MOOREFIELD TOWNSHIP to provide for the division of the unincorporated area of MOOREFIELD TOWNSHIP into districts or zones for the purpose of promoting and protecting the public health, safety, comfort, morals, and general welfare; to regulate the area and dimensions of land and open spaces so as to secure adequate light, air and safety from fire and other dangers; to protect the physical environment of MOOREFIELD TOWNSHIP from contamination; to protect the character of existing uses and to assure their orderly development; to provide for the orderly growth and development of lands.

1.03 APPLICABILITY

The regulations set forth in this Zoning Resolution shall be applicable to all buildings, structures, and uses of land within MOOREFIELD TOWNSHIP, Harrison County, Ohio.

1.04 MINIMUM STANDARDS

The provision of this Resolution shall be held to be minimum requirements in their interpretation and application. The provisions of this Resolution shall govern wherever this Resolution imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions.

1.05 ZONING DISTRICT MAP

All land in the unincorporated area of MOOREFIELD TOWNSHIP, Harrison County, Ohio, within the scope of this Zoning Resolution, as is shown on the zoning district map of MOOREFIELD TOWNSHIP, is hereby adopted and declared to be a part of this Zoning Resolution. The zoning district map, as amended from time to time, shall be the final authority for the current zoning district status of land under the jurisdiction of this Zoning Resolution.

1.06 SEVERABILITY

The invalidation of any clause, sentence, paragraph or section of the Resolution by a court of competent jurisdiction shall not affect the validity of the remained of the Resolution either in whole or in part.

SECTION II

DEFINITIONS

Words used in these Resolutions in the present tense shall be interpreted to include the future tense; words used in the singular number shall include the plural number, and the plural number shall include the singular number. The word "SHALL" as used in the Resolution is mandatory and not directory. The word "STRUCTURE" shall include the word "BUILDING". The masculine gender as used in these Resolutions shall include the feminine and neuter gender, and vice-versa.

2.01 INTERPRETATION

Certain terms and words are defined as found in this Section for the purposes of this Zoning Resolution.

2.02 DEFINITIONS

Accessory; Accessory Use - means a use that is subordinate, secondary, incidental to, and customary in connection with the principal building, structure, or use location on the same as the principal building, structure, or use.

Accessory Building or Structure - means a building or structure occupied by an accessory use.

Administrative and Business Office - means offices which carry on no retail trade with the public and maintain no stock of goods for sale to customers.

Adult Book Store - an establishment which utilizes any of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes, cassettes, and DVD Cd's, which are distinguished by their emphasis on adult materials as defined in this section.

Adult Entertainment Business - an adult book store, adult motion picture theater, adult drive-in motion picture theater, or an adult only entertainment establishment as further defined in this section.

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

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

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

Adult Motion Picture Theater - an enclosed motion picture theater which is regularly used or utilized for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section.

Adult Motion Picture Drive-In Theater - an open air drive-in theater which is regularly used or utilized for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section.

Adult Only Entertainment Establishment - an establishment where the patron directly or indirectly is charged a fee where the establishment features entertainment or services which constitute adult material as defined in this section, or which features exhibitions, dance routines, gyration choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material.

Affected Area - the area affected as referred to in ORC 519.12, Amendments, shall mean an area having a radius of one-half (1/2) miles from the proposed change, unless the reason for the proposed change, is of such magnitude as to reasonably affect the whole Township, then said Township shall be the affected area.

Agriculture - means the use of land for agriculture purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agriculture activities.

Alley - for the purpose of these Resolutions is defined as a narrow public way, located, designed and dedicated for public use and usually abutting on the rear lot lines.

Apartment - means a suite of rooms or a room in a multi-family building arranged and intended as a place of residence of a single individual or a group of individuals living together as a single housekeeping unit.

Apartment House - wherever mentioned in these Resolutions is a multi-family unit, an independent principal structure, arranged, intended, designed, and constructed or reconstructed to be occupied by three (3) or more families.

Approved Sewage Disposal Plant - is a plant approved by State and County Sanitary Officers giving primary and secondary treatment to sewage and operated and maintained by assessments against the property served; said assessment being collected by the County of Harrison.

Automobile or Motor Vehicle Repair - means the general repair, engine rebuilding, rebuilding reconditioning of motor vehicles; collision service such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

Automobile or Motor Vehicles Sales - means an open area, other than a street, used for the display, sale, or rental of new or used motor vehicles or trailers in operable condition and where only incidental repair work is done.

Bar - means a business establishment whose primary business is the sale of alcoholic beverages by the glass, with or without food, for consumption on the premises.

Basement - means a story all or partly underground, but having at least one-half of its height below the average level of the adjoining ground.

Bathroom - wherever mentioned in these Resolutions is a room within the structure containing at least a wash basin and water basin and water closet and a permanently installed tub or shower bath.

Buffer - wherever mentioned in these Resolutions means a strip of land reserved for the purpose of blocking the view from a residential use of the abutting commercial or industrial use by landscaping material (trees, shrubs, etc.) or a fence to a height of at least six (6) feet. If a fence is utilized, it must be of a material or design sufficient to obscure a view of the abutting commercial or industrial use, and the side facing the residential use must be finished so as to provide a good cosmetic appearance. Such a fence must also conform to all regulations in this Resolution for "Fences". The landscaping material or fence must be located along the inside edge of the buffer strip and not on the property line. The buffer strip shall be clear of any structures or driveways, and no parking or other uses related to the commercial or industrial use shall be permitted within the strip. The regulation for fences within the set-back area is modified to allow for a six (6) foot minimum fence, but shall not be located any closer than thirty (30) feet from the right-of-way of the street along the front property line.

Building - means any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind.

Building Line or Front Setback Line - means the line generally parallel with and measured perpendicular from the front lot line. Such lines define the limits of a front yard in which no building or structure may be located.

Business Service - means any profit-making activity which renders services primarily to other commercial, institutional or industrial enterprises, or which services and repairs' appliances and machines used in other businesses.

Clinic - means an establishment where patients who are not lodged overnight are admitted for examination and/or treatment by a physician.

Conditional Use - means an uncommon or infrequent use which may be permitted in specific zoning districts subject to compliance with certain standards and conditions, and the granting of a conditional use and zoning certificate.

Construction - wherever mentioned in these Resolutions shall be deemed begun when ground is broken for the purpose of the erection of any building falling under the jurisdiction of these Resolutions.

Convalescent Facility or Nursing Home - means a structure with sleeping rooms where persons are housed or lodged and are furnished with meals and nursing and/or limited medical care.

Dangerous Pets - refers to any animal, reptile, bird, fish, or insect, which is trained, restrained, confined, and cared for in a way which demonstrates ownership and which poses a threat of physical harm to humans or which creates a nuisance to the neighborhood.

Driveway - refers to that area of a lot reserved for ingress and egress to the main structure and consisting of a hard surface of gravel, asphalt, concrete, brick or stone.

Dwelling or Residence - means any building or portion thereof which is designed or used for residential purposes, but not including motor homes or house trailers defined by Ohio Revised Code 4501.01 and not including a cabin, hotel, motel room or other such accommodations.

Dwelling, Multi-Family - means a permanent building consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-Family housing may include public housing.

Dwelling, Single Family - means a permanent building consisting of a single dwelling unit only, separated from other dwelling units by open space.

Dwelling, Two-Family - means apartment building consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having separate or combined entrance or entrances.

Effective Date - wherever mentioned in these Resolutions means: the date at which time these MOOREFIELD TOWNSHIP Zoning Resolutions were initially adopted, and any dates of Amendments thereto, as adopted by the MOOREFIELD TOWNSHIP Trustees.

Erected or Constructed - means built, constructed, altered, reconstructed, or moved open. Any physical operations on the premises which are required for construction such as excavation, fill, drainage, and the like, shall be considered a part of erection. Any substantial relocation or deposition of fill or like material shall also be considered erection.

Family - means a person living alone, or two (2) or more persons live together as a single housekeeping unit, in a dwelling unit.

Floor Area - of a building means the sum of the gross horizontal areas of the building floors, measured from the exterior faces of the exterior walls. Floor area shall not include basements, elevator and stair bulkheads, unfinished attic spaces, terraces, breezeways, uncovered steps, garages.

Frontage or Lot Frontage - means that portion of the lot that directly abuts the street or road, and has direct access thereto.

Garage, Private - means an accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is necessary.

Green Areas - wherever mentioned in these Resolutions mean an area of the parcel or lot that shall be set aside for grass or vegetation to be maintained, exclusive of driveways, parking areas and structures. Whenever parking areas, as required by these Resolutions, create a large area, it is requested that they be broken up with small planter areas, including trees. These planter areas will be included in the mandated green area.

High Use - wherever mentioned in these Resolutions is a more restricted area and "lower use" is a less restricted use.

Home Occupation - means any occupation or profession conducted by immediate resident family members, which is clearly incidental and secondary to the dwelling's residential use, and does not change the character thereof; provided, that no article or service is sold or offered for sale on the premises, except such as is produced by such occupation; that such occupation shall not require internal or external or external alterations or construction features, equipment, machinery, outdoor storage or signs not customary in residential areas.

Hospital - means a building or structure containing beds for at least four (4) patients allowing for overnight or continuous care, diagnosis and treatment of human ailments.

Hotel, Motel or Inn - means a building in which lodging is provided or offered to the public for compensation and which is open to transient quests.

Institution - means an organization providing social, cultural, educational, or health services to member agencies, organizations and individuals or to the general public.

Intersection - for the purpose of these Resolutions shall be the junction of any two or more dedicated and accepted public roads MOOREFIELD TOWNSHIP.

Junk Yard - means a place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, and places or yards for storage of salvaged house wrecking and structural steel materials, and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase for storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations. The term junk yard includes all waste facilities, as defined in Ohio Revised Code Chapter 3734, but does not include any hazardous facility as defined by Ohio Revised Code Chapter 3734.

Landowner - means the holder of title, the holder of an option or contract to purchase, a lessee having a remaining term of not less than forty years, or any other person having an enforceable proprietary interest in land.

Lot - means a parcel of land occupied or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto as are required under the provisions of this Resolution. A lot may or may not be specifically designed as such on public records.

Lot Area - means the total horizontal area within the lot lines of the lot.

Lot Lines - means the lines bounding a lot as defined herein:

- a. **Front Lot Line**: In the case of an interior lot, is that line separating said lot from the street right-of-way. In the case of a through lot, is that line separating said lot from either street. In the case of a corner lot, is that line separation said lot from that street right-of-way which is designated as the front street in the plat, or, if not platted, the street which the owner designates.
- b. **Rear Lot Line**: That lot line opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
- c. **Side Lot Lines**: Any lot line other than the front lot or rear lot line.

Lot of Record - means a parcel of land, the dimensions of which are shown on a document or map on file with the County Recorder of Deeds or in common use by Township or County Official, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Manufacturing - means any production or industrial process which combines one (1) or more raw materials or components into a product, or which changes the nature of the materials entering the process, and which by the nature of the materials, equipment, and/or process utilized is not objectionable by reason of odor, noise, vibration, dust, smoke, refuse, or water-carried wastes. Manufacturing does not include sanitary landfills, or solid waste facilities as defined by Ohio Revised Code Chapter 3734.

Manufactured Mobile Home - means a manufactured, re-locatable, single-family dwelling unit, suitable for year-round occupancy, containing a water supply, waste disposal and heating system, and electrical conveniences.

Manufactured Home Park - is a tract of land which has been zoned, planned, improved and developed for the placement of manufactured mobile homes.

Mining - means a pit of excavation from which minerals, ores, precious stones, coal, etc. are taken by digging. Mining in this document refers to both surface and underground mines.

Mobile Home - means a portable unit designed and built to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed without a permanent foundation for year-round living. A unit may contain parts that may be folded, collapsed or telescoped when being towed and expanded later to provided additional cubic capacity as

well as two or more separately tow able components designed to be joined into one integral unit capable of being again separated in the components for repeated towing. Mobile units can be designed to be used for residential, commercial, educational or industrial purposes, excluding, however, travel trailers, motorized homes, pick up campers and camping trailers.

Motor Vehicle Storage or Salvage Yard - means a place where unlicensed and/or inoperable motor vehicles are stored, handled or disassembled, and where component parts from those motor vehicles are sold and exchanged, but not including such places where such operations are conducted entirely within an enclosed building.

Non-conforming Building or Structure - means a building or structure or portion thereof, for which all required permits, licenses and approvals have been obtained from all governmental and regulatory agencies and authorities, and which was lawfully existing, prior to the effective date of this Resolution, and that does not conform to the provisions of the Resolution in the district in which it is located.

Non-Conforming Use - means a use for which all required permits, licenses and approvals had not been obtained from all governmental and regulatory agencies and authorities, and which was lawfully and actively being made as part of this Resolution, or a building, structure or land that does not conform to the use regulations of the district in which it is located.

Nursery or Day Care Center - means a facility which temporarily assumes responsibility for children in their parent/guardians absence.

Personal Services - means any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, retail dry cleaning, barber or beauty shops, and related activities.

Porch - wherever mentioned in these Resolutions is a roofed open structure projecting from front, side or rear wall of the building.'

Premises - means a lot including buildings and structures thereon.

Principal Building - means a building in which is conducted the main use of the property on which the building is located.

Professional - as referred to in Section 4: Classification of Uses; includes a doctor of medicine, doctor of osteopathy, dental surgeon, oral surgeon, orthodontist, periodontist, optometrist, doctor of veterinary medicine, chiropractor, podiatrist, audiologist, speech pathologist, psychologist, attorney, architect, accountant, professional engineer, and such other persons who can, upon proper appeal to the MOOREFIELD TOWNSHIP Board of Zoning Appeals, clearly establish that they practice a profession as opposed to an occupation which is predominately commercial or mechanical in nature.

Professional Office - means offices which engage in the provision to the general public or services of a professional nature such as legal, engineering, medical, accounting and architectural services.

PUD (A Planned Unit Development) - Ohio Revised Code 519.021 - A Planned Unit Development means a development which is planned to integrate residential use with collateral uses, and in which lot size, set-back lines, yard areas, and dwelling types may be varied and modified to achieve particular design objective and make provisions for open spaces, common areas, utilities, public improvements, and collateral non-residential uses.

Recreational Facilities - means public or privately operated uses such as country clubs, golf courses, swimming pools or other areas maintained for the purpose of providing active or passive recreation.

Recreational Vehicle - means a vehicular-type structure, primarily designed as temporary living quarters for recreation, camping or travel use which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered, including boats and boat trailers.

- a. A travel trailer is a vehicular portable structure mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a stock passenger automobile, primarily designed and constructed to provide temporary living quarters for recreation, camping or travel use.
- b. A camping trailer is a vehicular portable structure mounted on wheels, constructed with collapsible partial side walls of fabric, plastic or other pliable materials for folding compactly while being drawn by another vehicle, and when unfolded at the site location, providing temporary living quarters, and whose primary design is for recreation, camping or travel use.
- c. A truck camper is a portable structure, designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreation, camping or travel use.
- d. A motor home is a structure built on and made an integral part of a self-propelled motor vehicle chassis other than a passenger car chassis, primarily designed to provide temporary living quarters for recreation, camping or travel use.

Repair Garage - for the purpose of these Resolutions is a building or space for the storage of motor vehicles at which repairs of any kind of motor vehicle is permitted or at which the sale of accessories and filling station service is permitted.

Rest Home - wherever mentioned in these Resolutions is a structure operated for a profit for the care of the aged or infirm persons.

Restaurant - means any business establishment where food and/or beverages are prepared and presented for human consumption on the premises.

Retail Business - means a store primarily engaged in selling merchandise for personal or household consumption and in rendering service incidental to the sale of goods.

Right-of-way - means the strip of land between property lines of a street, highway, road or easement, dedicated or otherwise acquired for use by the public.

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

Setback - means the distance required to meet minimum front, side or rear yard open space provisions of this Resolution. Setbacks from a public street shall be measured from the existing or proposed center line.

Signboard or Billboard - including both permanently installed and portable, for the purpose of these Resolutions is any structure of part thereof on which lettered or pictorial matter is displayed for publicity or advertising purposes.

Structure or Building - for the purpose of these Resolutions is anything erected, constructed or reconstructed on a foundation, posts, piles, blocks, skids, sills, or any other support, whether such foundation, posts, piles, blocks, skids, sills, or other supports is or is not permanently located in, or attached to, the soil.

Structural Alteration - means any change to any supporting member of a structure, such as bearing walls, floors, columns, beams, or girders.

Structural Change - wherever mentioned in these Resolutions means any change in the supporting members of a building such as bearing walls or partitions, columns, beams, or girders, excepting such structural change as may be required for the safety of the building.

Substantial Improvement - means any repair, reconstruction, or improvement of a building or structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair has commenced.

Township - means the Township of MOOREFIELD, Harrison County, Ohio.

Use - means the specific purpose for which land, building or structure is designated, arranged, intended or for which it is or may be occupied or maintained.

Vehicle - for the purpose of these Resolutions shall mean any auto, truck, bus, van, trailer, camper, boat secured to a trailer, and that which is mobile and has wheels, tracks, etc., for mobility.

Zoning Certificate - means an official statement certifying that a proposed structure or use complies with all the provisions of this Zoning Resolution.

Zoning District - means a portion of the unincorporated area of the Township within which zoning regulations and requirement or various combinations thereof apply under the provisions of this Resolution.

Zoning Resolution - shall mean the Zoning Resolution for MOOREFIELD TOWNSHIP dated as amended.

SECTION III

ADMINISTRATIVE BODIES AND THEIR DUTIES

3.01 TOWNSHIP RURAL ZONING COMMISSION

3.01.01 ESTABLISHMENT

The commission shall be made up of five members who reside in any unincorporated area of MOOREFIELD TOWNSHIP, to be appointed by the Board of Township Trustees, and the terms of the members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the zoning commission shall be removable for nonperformance of duty, misconduct in office, or other cause, by the Board of Township Trustees, upon written charges being filed with the Board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board of Township Trustees and shall by for the unexpired term.

3.01.02 DUTIES OF THE ZONING COMMISSION

The Commission shall adopt rules necessary to carry out its affairs in keeping with the provisions of this Resolution. Meetings shall be called by the chairman and at such other times as the Commission may determine. All meetings are open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote, indicating this fact, and shall be a public record and be filed in the office of the Commission. The concurring vote of three (3) members of the Commission shall be necessary for the purpose of taking official action.

The Commission shall have the following duties for the purpose of this Resolution:

- a. Review all proposed amendments to this Resolution in accordance with Section VI and make recommendations to the Board o MOOREFIELD TOWNSHIP Trustees.
- b. Review all proposed new zoning resolutions and make recommendations to the Board of MOOREFIELD TOWNSHIP Trustees.

3.02 BOARD OF ZONING APPEALS

3.02.01 FORMATION

There is hereby created a Board of Zoning Appeals, which shall have the powers and duties required thereof by the provisions of Sections 519.13 through 519.15 of the Ohio Revised Code, subject, however, to such rules of a procedural nature as the said Board

may from time to time adopt and promulgate for the purpose of expeditiously disposing of matters properly before it.

The Board shall be made up of five members who reside in the unincorporated area of MOOREFIELD TOWNSHIP, to be appointed by the Board of MOOREFIELD TOWNSHIP Trustees, and the terms of the members shall be of such length and so arranged that the term of one member will expire each year. However, each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by resolution of the Board of MOOREFIELD TOWNSHIP Trustees for the unexpired term of the member affected.

The Board shall be authorized to hire, retain, or contract for services of any consultant, experts or professional or technical assistants as it deems necessary to carry out its duties as specified in this Resolution, where the Board of Zoning Appeals deems appropriate and as authorized by the MOOREFIELD TOWNSHIP Trustees.

3.02.02 PROCEEDINGS

The MOOREFIELD TOWNSHIP Board of Zoning Appeals shall organize and rules in accordance with the Resolution. Meetings shall be held at the call of the Chairman and at such other times as the Board determines. The Board may compel the attendance of witnesses and the Chairman, or in his absence the acting Chairman, may administer oaths. All Board meetings shall be open to the public. Minutes of the Board proceedings shall be kept 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 MOOREFIELD TOWNSHIP Trustees and be a public record.

3.03.03 DUTIES OF THE BOARD OF ZONING APPEALS

The Board may reverse or affirm partly or wholly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken, as long as such action is in conformity with the terms of this Resolution. The concurring vote of three (3) members of the Board shall be necessary for the purpose of taking official action, except that for the purpose of granting a variance, authorizing a conditional use, or authorizing the substitution of a non-conforming use, the concurring vote of four (4) members of the Board shall be necessary. The Board has the following specific responsibilities:

- a. To grant or deny variances in accordance with the provisions of this Resolution.
- b. To grant or deny conditional use certificates in accordance with this Resolution and, where such certificate is granted, to impose such safeguards as will uphold the intent of this Resolution.
- c. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Inspector.

3.03 ZONING INSPECTOR

3.03.01 OFFICE

The office of Zoning Inspector is hereby created. The MOOREFIELD TOWNSHIP Trustees shall appoint the Zoning Inspector for an indefinite term, and may remove him for nonperformance of duty, misconduct in office, or other cause, upon written charges being filed with the MOOREFIELD TOWNSHIP Trustees, after public hearing has been held regarding such charges, and after a copy of the charges has been served upon the Zoning Inspector so charged at least ten (10) days prior to the hearing either personally, by registered mail, or by leaving such copy at his usual place of residence. The Zoning Inspector shall be given an opportunity to be heard and answer all such charges.

3.03.02 DUTIES

The Zoning Inspector shall have the following duties for the purpose of this Resolution:

- a. Receive and keep adequate records of all applications, plans, permits, complaints, notifications, correspondence and any other information pertinent to the administration and enforcement of this Resolution.
- b. Take action on all zoning certificates in accordance with procedures as established by this Resolution.
- c. Provide copies of such records and information to the MOOREFIELD TOWNSHIP Trustees as required.
- d. Upon finding that any of the provisions of the Resolution are being violated, notify in writing the person responsible for such violation, ordering the action necessary to correct such violation.
- e. Order the discontinuance of illegal uses of land, buildings or structures
- f. Order removal of illegal buildings or structures or illegal additions or structural alterations.
- g. Take any other action authorized by this Resolution to ensure compliance with or to prevent violation of this Resolution.

Section IV

ENFORCEMENT

4.01 ZONING CERTIFICATE REQUIRED

It shall be unlawful for an owner or other person to use or to permit the use of any non-agricultural structure, building or land, or part thereof, hereafter created, erected, change, structurally altered, converted or enlarged, wholly or partly, until a zoning certificate shall have been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a certificate, provided that the structure, building or premises and the proposed use thereof conforms to all the requirements of this Resolution. No zoning certificate shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this Resolution.

Any zoning certificate issued or other action taken in conflict with the provisions of this Resolution shall be null and void.

A zoning certificate shall be required for any of the following except as herein provided:

- a. Construction, structural alteration, or enlargement, or any non-agricultural building or structure, including accessory buildings.
- b. Change in use of an existing building or structure to a use of a different classification, excepting agricultural use.
- c. Occupancy and/or use of land, excepting agricultural use.
- d. Change in the use of land to a use of a different classification, excepting agricultural use.
- e. A conditional use when specified in this Resolution.
- f. Any change in the use of a non-conforming use.

4.02 APPLICATION FOR ZONING CERTIFICATE CONTENTS

Four (4) copies of an application for Zoning Certificate shall be signed by the applicant attesting to the truth and exactness of all information supplied on the application. At a minimum, the application shall contain the following:

- a. Name, address, and telephone number of the applicant and, if different, the owner.
- b. Legal description of the property.
- c. Existing use and proposed use.
- d. Proposed use.

- e. Zoning district in which the property is located.
- f. 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 enlargement(s).
- g. Number of dwelling units.
- h. A certified copy of a permit relative to the disposal of sanitary waste as provided by the Harrison County Health District, or the appropriate state body.
- i. Such other material as may be necessary to determine conformance with, and provide for the enforcement of this Resolution.

4.03 ZONING CERTIFICATE

The Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution within thirty (30) days after the receipt of an application. Zoning certificates issued on the basis of plans and applications approved by the Zoning Inspector shall authorize only the use and arrangement set forth in such approved plans and applications of approved amendments thereto. All zoning certificates shall be conditional upon the commencement of work within one year and substantial completion within three years. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. Two copies of plans, similarly marked, shall be retained by the Zoning Inspector. One copy retained by the Zoning Inspector shall be forwarded to the County Auditor. The Zoning Inspector shall post a placard or copy of the approved zoning certificate, in a conspicuous place on the property in question, attesting to the fact that a zoning certificate has been issued.

4.04 COMPLAINTS

Whenever a violation of this resolution occurs, or is alleged to have occurred, any person may file a signed complaint with the Zoning Inspector, stating the causes and basis thereof. The Zoning Inspector shall record such complaint, as is provided by this Resolution.

4.05 PENALTIES

Violation of the provisions of this Resolution or the terms of any certificate issued hereunder shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100 and, in addition, shall pay all costs and expenses incurred in the case. Each day such violation continues after receipt of violation notice shall be a separate offense. The owner or tenant of any building, structure, premise, or part thereof, and any architect, builder contractor, agent, or other person, who commits, participates in, assists in, or maintains such violation shall each be found guilty and suffer the penalties herein provided. Nothing contained herein shall prevent the Township, the County Prosecutor, or any adjacent or neighboring property owner who is, or would be likely to be damaged by such

violation from taking such other action authorized by law as is necessary to prevent or remedy any violations.

4.06 SCHEDULE OF CHANGES, FEES, AND EXPENSES

The Board of MOOREFIELD TOWNSHIP Trustees shall establish a schedule of charges, fees and expenses and a collection procedure for applications, appeals, and other matters pertaining to this Resolution. The schedule of fees shall be posted in the office of the MOOREFIELD TOWNSHIP Trustees, 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.

SECTION V

NON-CONFORMING USES

5.01 INTENT

The intent of this Resolution is to permit non-conforming uses to continue until they are removed, discontinued, or abandoned, but not to encourage their survival.

5.02 SUBSTITUTION

With the approval of the Board of Zoning Appeals, and subject to such terms and conditions as it may impose, a non-conforming use may be changed to another non-conforming use, provided that the use to which it is changed is a permitted use in any zoning district established by this Resolution, and provided further that the use to which it is changed will not have any significant additional adverse impact upon other premises in the zoning district.

5.03 EXTENSION

Any lawful, non-conforming use which has been discontinued or abandoned shall not thereafter be returned to a non-conforming use. A non-conforming use shall be considered discontinued or abandoned whenever any one of the following conditions exists:

- a. When the intent of the owner to discontinue or abandon the use is apparent.
- b. When the use has been discontinued for a period of two (2) years.
- c. When the non-conforming use has been replaced by a conforming use.
- d. When it has been changed to another non-conforming use under permit from the Board of Zoning Appeals.

5.04 REPAIRS

Repairs and maintenance work may be done on a non-conforming building or structure only as are necessary to keep it in sound condition, provided, however, that no structural alterations shall be made except as required by law.

SECTION VI

DISTRICT CHANGES AND RESOLUTION AMENDMENTS

6.01 INTENT

This section is to paraphrase and describe the requirements of the Ohio Revised Code for amending the Zoning Resolution. The provisions of the Ohio Revised Code shall govern if and to the extent that the provisions of this Resolution are inconsistent with those prescribed by the Ohio Revised Code.

6.02 INITIATION OF AMENDMENTS OR SUPPLEMENTS

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

6.03 APPLICATION

Applications for amendments or supplements to this Resolution shall be submitted to the Zoning Commission upon such forms, and shall be accompanied by such data and information, as may be prescribed for that purpose by the Zoning Commission, so as to provide for the fullest practicable presentation of facts. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be changed or affected, attesting to the truth and correctness of all facts and information presented with the application.

6.04 NAMES AND ADDRESSES OF PROPERTY OWNERS

Any person or persons desiring amendments or supplements to this Zoning Resolution shall file with the application for such change a statement giving the names of all owners of property within and contiguous to, and directly across the street from the area proposed to be reclassified or redistricted, and the addresses of such owners appearing on the current Harrison County Auditor's tax list. If the proposed amendments intends to re-zone or re-district ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, this requirement shall be waived.

6.05 PUBLIC HEARING BY ZONING COMMISSION

Upon the adoption of such motion or the certification of such resolution or the filing of such application, the Zoning Commission shall set a date for a public hearing thereon which date shall not be less than twenty (20) days, nor more than forty (40) days from the date of filing of such application or the adoption of the motion or certification of the resolution. Notice of such hearing shall be given by the Zoning Commission by one (1) publication in one (1) or more newspapers of general circulation in MOOREFIELD TOWNSHIP at least

fifteen (15) days before the date of such hearing, and shall set forth such information as is required by Section 519.12 of the Ohio Revised Code.

6.06 WRITTEN NOTICE

If the proposed amendment intends to re-zone or re-district ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, written notice of the hearing shall be mailed by the Zoning Commission to all owners of property within, contiguous to, or directly across the street from the area proposed to be reclassified or redistricted by first class mail twenty (20) days before such hearing to the addresses of such owners appearing on the County Auditor's current tax list. The failure of delivery of such notice shall not invalidate any amendment or supplement. The notice shall contain the information required by Section 519.12 of the Ohio Revised Code.

6.07 TRANSMITTAL TO REGIONAL PLANNING COMMISSION

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

6.08 ACTION BY REGIONAL PLANNING COMMISSION

The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment or supplement.

6.09 RECOMMENDATION BY ZONING COMMISSION TO TOWNSHIP TRUSTEES

The Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof, and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the Regional Planning Commission hereon to the MOOREFIELD TOWNSHIP Trustees.

6.10 PUBLIC HEARING BY TOWNSHIP TRUSTEES

The MOOREFIELD 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 Zoning Commission. Notice of such public hearing shall be given by the Trustees by one (1) publication in one (1) or more newspapers of general circulation in MOOREFIELD TOWNSHIP at least fifteen (15) days before the date of such hearing. The published notice shall contain the information required by 519.12 of the Ohio Revised Code.

6.11 VOTE BY TOWNSHIP TRUSTEES

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

6.12 EFFECTIVE DATE OF AMENDMENT OR SUPPLEMENT RESOLUTION

Such amendment or supplement adopted by the Trustees shall become effective 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 MOOREFIELD TOWNSHIP Trustees a petition, signed by a number of registered electors residing in the unincorporated area of MOOREFIELD TOWNSHIP equal to not less than 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 MOOREFIELD TOWNSHIP Trustees to submit an amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

6.13 REFERENDUM RESULT

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

SECTION VII

APPEALS

7.01 APPEALS

Any official action of the Zoning Inspector may be appealed by any person aggrieved or by any officer of the legislative authority of MOOREFIELD TOWNSHIP affected by the decision of the Zoning Inspector.

7.02 NOTICE OF APPEAL

A notice of appeal shall be filed with the clerk of MOOREFIELD TOWNSHIP Trustees within thirty (30) days from the date of the action by the Zoning Inspector from which appeal is sought. Such notice of appeal shall be in writing and signed by the appellant, setting forth the grounds of the appeal. A copy of the action by the Zoning Inspector shall be attached to the notice of appeal. Within ten (10) days from the date of receipt of such notice of appeal, the clerk of MOOREFIELD TOWNSHIP Trustees shall transmit said notice to the Board of Zoning Appeals.

7.03 ACTION BY BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall hold a hearing on the said appeal within sixty (60) days from transmittal of the notice of appeal to the Board. Notice of the date and location of the hearing shall be given by the Board of Zoning Appeals to the Appellant and the Zoning Inspector by first class mail at least twenty (20) days before the date of such hearing. The Board may give notice of the hearing by one (1) publication in one (1) or more newspaper of general circulation in MOOREFIELD TOWNSHIP, and may allow persons interested in the appeal to be heard.

SECTION VIII

VARIANCES

8.01 AUTHORIZATION

Recognizing that on any particular property or premises, extraordinary circumstances may exist under which a strict enforcement of the applicable zoning resolution standards would result in a substantial hardship to the owner or user of land, the following variance procedure is provided to allow the flexibility necessary to adopt to such circumstances. However, no variance shall be granted to allow a use that is not a permitted use in the zoning district in which the premises for which the variance sought is located.

8.02 APPLICATION FOR VARIANCE

Application for any variance shall be written on forms prescribed for that purpose by the Board of Zoning Appeals. The application shall include the following information:

- a. The nature of the variance sought, including the specific provisions of the zoning resolution from which the variance is requested.
- b. An accurate, legal description of the property and appropriate maps and drawings showing said property and its location within the township zoning area.
- c. A clear and concise statement of the special circumstances or conditions applying to the land, building or structure which do not apply generally throughout the zoning district and which would warrant the issuance of a variance from the applicable zoning standards.
- d. An explanation of the special circumstances and conditions, which demonstrates that these special conditions and circumstances are not attributable to the applicant, or the operation of the applicant's facilities.

8.03 ACTION BY THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall take action on the application for a variance within sixty (60) days following receipt of application for same. The Board of Zoning Appeals shall hold a public hearing on the application. The notice for 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 MOOREFIELD TOWNSHIP at least twenty (20) days before the date of such hearing. In deciding the request for a variance, the Board of Zoning Appeals may seek a recommendation for the Regional Planning Commission. If such a recommendation is received by the Board of Zoning Appeals in sufficient time, such recommendation shall be considered in taking action on the variance.

8.04 STANDARDS FOR VARIANCE

The Board of Zoning Appeals shall approve a variance only if it finds:

- a. That special conditions and circumstances exist which are peculiar to the land, buildings, or structures involved and which are not applicable to other lands, buildings or structures in the same zoning district.
- b. That a literal interpretation of the provisions of the zoning resolution would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the zoning resolution.
- c. That the special conditions and circumstances applicable to the applicant's property or facility are not attributable to the actions or operations of the applicant or the applicant's agents or assigns.
- d. That granting the variance requested will not adversely affect the health or safety of persons residing or working in or in the vicinity of the property for which the variance is sought, will not be materially detrimental to the public welfare, will not be injurious to private property or public improvements in the vicinity, will not unreasonably hinder or discourage the appropriate development, use and enjoyment of other land, buildings and structures, nor will the granting of the variance pose a threat to the environment, nor the health, safety, welfare, or morals of the residents of MOOREFIELD TOWNSHIP.

SECTION IX

CONDITIONAL USES

9.01 AUTHORIZATION

Specifically listed Conditional Uses are provided within the Zoning District regulation that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the Principal Permitted Uses of such Zoning District.

The intent of the procedure for authorizing a Conditional Use is to set forth the development standards and criteria for locating and developing a Conditional Use in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans.

Conditional Uses shall only be authorized by the Board of Zoning Appeals consistent with the procedures outlined in the Section of this Resolution.

9.02 PROCEDURE

An application for a conditional use certificate shall be in writing on forms prescribed for that purpose by the Board of Zoning Appeals. The Board may require such other and such additional information including, but not limited to, detail, engineering, or construction plans and such other technical information as the Board shall deem necessary to properly review and consider said application.

Prior to the issuance of any conditional use certificate, the Board shall fix a reasonable time for a public hearing on such application. The Board shall give at least ten (10) days notice of such hearing, in writing, to the parties in interest and shall give notice of such public hearing by no less than one (1) publication in one(1) or more newspapers of general circulation in MOOREFIELD TOWNSHIP, no less than ten (10) days before the date of such hearing. Within fifteen (15) days after any such hearing, the Board shall grant or deny, in writing, the conditions as it deems appropriate.

9.03 STANDARDS AND CONDITIONS FOR CONDITIONAL USE

The Board of Zoning Appeals, in considering an application for a Conditional Use Certificate, shall consider the nature and condition of all uses, lands, buildings, and structures that may be affected by the proposed conditional use, and may impose such conditions, requirements and terms with respect to location, duration, construction, maintenance, operation and other aspects of the conditional use as the Board may deem necessary for the protection of adjacent properties and the public health, safety, morals, and general welfare.

The Board shall not grant a Conditional Use Certificate unless it finds that:

- a. The proposed Conditional Use will comply with applicable provisions of this Resolution, including lot size requirements, development standards, and use limitations.
- b. Adequate utility, drainage, and other necessary facilities have been or will be provided.
- c. Adequate access roads or entrance and exit drives will be provided and will be so designed as to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys.
- d. All necessary permits, licenses and approvals for the use and operation of the Conditional Use have been obtained, or evidence has been submitted that such permits, licenses and approvals are obtainable for the proposed Conditional Use on the subject property.
- e. All exterior lights are so shaded as to avoid causing direct light upon any property located in an R - District.
- f. The location and size of the Conditional Use, the nature and intensity of the operation involved or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets given access to it, shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
- g. The location, nature, and height of buildings, structures, walls, and fences on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not unreasonably hinder or discourage the appropriate development, use and enjoyment of adjacent land, buildings, and structures.
- h. The Conditional Use desired will not adversely affect the public health, safety, and welfare.

9.04 JUNKYARD CONDITIONAL USE

If the proposed conditional use is a junkyard, then, in addition to such other conditions and restrictions as the Board, under the particular facts, may impose, it shall impose the following restrictions:

- a. The junkyard may operate only from 7 a.m. to 6 p.m. during Monday through Saturday.
- b. Mere compliance with a condition or restriction set forth in this subsection shall not alone suffice for the board to determine that the conditions set forth in subsection 9.03, above, has been satisfied. If the Board is to authorize a junkyard, it also must ascertain that, under the facts and circumstances that subsection 9.03 has been satisfied.

Notwithstanding its strict compliance with state and federal environmental laws, unless a junkyard also strictly complies with the conditions and restrictions imposed by the Board of

Zoning Appeals pursuant to this section and unless it also strictly complies with county health department rules and regulations, it shall constitute a nuisance.

The Zoning Ordinance shall not be construed to prevent a junkyard from being declared a nuisance under the Common Law.

SECTION X

ZONING DISTRICTS

10.01 DISTRICTS

In order to classify and regulate the use and location of buildings designed for specified non-agricultural uses and to regulate and limit the bulk of non-agricultural buildings; the unincorporated area within MOOREFIELD TOWNSHIP, Harrison County, Ohio, is hereby divided into the following districts:

- A - Agricultural District
- C - Commercial
- CR - Commercial Restricted
- M - Manufacturing District
- MH - Manufactured Home Parks
- MI - Mining District
- OI - Office/Institutional
- PUD - Planned Unit Developments
- R - Single and Two-Family Residential District

10.02 ZONING MAP

The boundaries of these districts are hereby established as shown on the Zoning Map of MOOREFIELD TOWNSHIP, Harrison County, Ohio. Said Zoning Map along with all notations, dimensions, and references shown thereon, shall be and are hereby incorporated and made a part of this Resolution. Such Zoning Map shall be and remain on file in the office of the Board of MOOREFIELD TOWNSHIP Trustees.

10.03 DISTRICT BOUNDARIES

Except where referenced and noted on the Zoning Map by a designated line and/or dimension, the district boundary lines are intended to follow property lines, lot lines, or center lines of streets, alleys, streams, or railroads as they existed at the time of the passage of this Resolution, or the extension of such lines.

SECTION XI

AGRICULTURAL DISTRICT ("A")

11.01 INTENT

The intent of the Agricultural District is to provide for and maintain large tracts of land for present agricultural activity and to protect this land from urban encroachment and other uses which may adversely affect or impact existing and future agricultural activity.

11.02 PERMITTED USES

The following uses and no other shall be permitted in all "A" Districts:

- a. Agriculture and the usual agricultural buildings and structures.
- b. Family dwellings and buildings accessory thereto including a mobile home with a floor area between 700 and 1,100 square feet provided the following additional conditions are met:
 1. The mobile home shall be placed on a foundation suitable to support the dwelling unit. A suitable foundation includes a basement structure, cement slab, or cement pillars as deemed appropriate by the installer and approved by the Zoning Board.
 2. The mobile home shall be provided with anchors and tie downs such as cast-in-place concrete "dead men" eyelets imbedded in concrete, screw augers, arrowhead anchors, or other devices for securing the stability of the mobile home.
 3. The mobile home shall be skirted entirely enclosing the bottom section within ninety (90) days after its placement.
 4. All requirements for Agricultural Districts shown in the Schedule of Regulations shall be complied with.
 5. The mobile home shall have its system for the disposal of sanitary wastes as approved by the Harrison County Health District.
- c. Customary "home occupations", as defined in Section II of this Resolution.
- d. Public and private parks, golf courses and country clubs, cemeteries established prior to this Resolution.

11.03 CONDITIONAL USES

The following conditional use shall be allowed in the "A" District, subject to the approval of the Board of Zoning Appeals as provided in Section IX of this Resolution:

- a. Churches and places of public worship.
- b. Junk yards.
- c. Campers or Recreational Vehicles that are to be placed on the property for less than ninety continuous days. The Campers or Recreational Vehicles must meet all of the Harrison County, State of Ohio and Federal Health Code Standards. Further, outhouses are not permitted unless a variance is granted by the Zoning Board.

11.04 LOT AREA AND MINIMUM YARD SETBACKS

Lot area shall be as provided in Section XXXII of this Resolution.

SECTION XII

SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT ("R")

12.01 INTENT

The Single and Two Family Residential District is intended to provide for an environment suitable for residential living and to allow for additional uses and facilities compatible with such environment, which serve the residents of the district.

12.02 PERMITTED USES

The following uses and no other shall be permitted in the R - District:

- a. Single-Family dwellings and buildings accessory thereto.
- b. Two-Family dwelling units.
- c. Customary "home occupations", as defined in Section II of this Resolution.

12.03 CONDITIONAL USES

The following conditional uses shall be allowed in the R - District, subject to the approval of the Board of Zoning Appeals as provided in Section IX of this Resolution:

- a. Churches and places of public worship.
- b. Public parks, golf courses, and country clubs.
- c. Cemeteries.

12.04 LOT AREA AND MINIMUM YARD SETBACKS

Lot area shall be as provided in Section XXXII of this Resolution.

SECTION XIII

MH DISTRICT (MANUFACTURED HOME PARKS)

13.01 INTENT

The Manufactured Home Park District is intended to provide for an environment suitable for residential living and to allow for additional uses and facilities compatible with such environment, which serves the residents of the district.

13.02 PERMITTED USES

The following uses and no other shall be deemed "MH" District uses and shall be permitted in all "MH" Districts. Reference Rules of Ohio Department of Health, Public Health Council, which are also applicable; whichever is more stringent applies.

A. Manufactured Home Parks and accessory uses, subject to the following regulations:

1. No Manufactured Home Park classification shall be granted for a tract of land having a total of less than twenty (20) acres.
2. The maximum number of Manufactured Homes permitted on a tract of land classified as "MH" District shall be six (6) units per acre, exclusive of land area required and used for streets, walks, recreation, common parking, sales displays, resident management, etc.
3. A minimum of eight percent (8%) of the total area of the Manufactured Home Park shall be reserved for recreation area for the use of the residents within the park, and generally provided in a central location. The main recreation area shall consist of no less than ten thousand (10,000) square feet of area with a length-to-width ratio of three (3) to one (1).
4. No Manufactured Home Park lot shall be less than five thousand (5,000) square feet in area; and no manufactured home shall be placed on such lot until an appropriate concrete pad is constructed. Tie-downs shall be placed at the corners of each pad and each tie-down shall be able to sustain a minimum load of four thousand eight hundred (4,800) pounds.
5. Each manufactured home lot shall have a minimum width, at the set-back line, of forty (40) feet.
6. Each manufactured home shall be placed upon the lot so as to provide not less than twenty (20) feet distance between the sides of manufactured homes, fifteen (15) feet distance between the end of any manufactured home and the side of any manufactured home, and a ten (10) foot distance between manufactured homes placed end to end. In computing these distance requirements, lean-to's, auxiliary rooms, and similar accessories connected to the manufactured home, but not including temporary porches and canopies which are open on two or more sides, shall be considered as part of the manufactured home.

7. No manufactured home or accessory building thereto shall be placed closer than five (5) feet to any side lot line that is not a property line.

If a lot line is also a property line, then Item 10 below shall apply.

8. No manufactured home shall be permitted in the manufactured home park if it has less than five hundred (500) square feet of living area.
9. At least one (1) paved access-way of not less than thirty-six (36) feet in width shall be provided as a means of ingress and egress to the manufactured home park from a public thoroughfare. Manufactured Home Parks shall meet the rules and regulations as stipulated in the "RULES OF OHIO DEPARTMENT OF HEALTH, PUBLIC HEALTH COUNCIL, MANUFACTURED HOME PARKS CHAPTER 3701-27"; whichever is more stringent shall apply.
10. All manufactured homes within a manufactured home park shall be located at least fifty (50) feet from any public road or street right-of-way.

Wherever a use permitted in the "MH" District is adjacent to any Residential Use including those permitted in "R" or "MH", a sixty (60) foot park boundary line set-back with a thirty (30) foot buffer shall be required along the park boundary line so abutting any use as defined in the above zone districts. This "Buffer" shall provide a screen or mask or otherwise block the view of the "MH" use from the residential use.

If "MH" abuts "M", "CR", "C", or "I", then a forty (40) foot park boundary line set-back shall be required and provide screening, such as fences or natural growth along the manufactured home park boundary line.

11. All manufactured home parks shall meet the rules and regulations as set forth under "STREETS, WALKWAYS, AUTO PARKING" of the "RULES OF THE OHIO DEPARTMENT OF HEALTH, PUBLIC HEALTH COUNCIL, MANUFACTURED HOME PARKS CHAPTER 3701-27-09", as amended.
12. The following accessory uses and buildings shall be permitted within the manufactured home park:
 - a. A permanent dwelling for one (1) family, office and maintenance facilities for management of the manufactured home park.
 - b. Manufactured Homes offered for sale by the operator of the manufactured home park, provided no more than three (3) manufactured homes are displayed, in a designated sales display area.
 - c. Not more than two (2) free-standing auxiliary buildings shall be placed on any mobile home lot.

13. Water Supply:

The rules and regulations of the "RULES OF THE OHIO DEPARTMENT OF HEALTH, PUBLIC HEALTH COUNCIL, MANUFACTURED HOME PARKS", as amended, are applicable.

14. Sewage System:

The rules and regulations of the "RULES OF THE OHIO DEPARTMENT OF HEALTH, PUBLIC HEALTH COUNCIL, MANUFACTURED HOME PARKS", as amended, are applicable.

15. An adequate method of handling surface and storm water shall be provided in all manufactured home parks, so as to reasonably eliminate the possibility of flooding.

16. Solid Waste, Collection and Storage: Disposal of Waste:

The rules and regulations of the "RULES OF THE OHIO DEPARTMENT OF HEALTH, PUBLIC HEALTH COUNCIL, MANUFACTURED HOME PARKS", as amended, are applicable.

17. Whenever an area is set aside outside of any structure to be used for the temporary storage of waste materials, garbage, etc., that storage area must be enclosed or screened from view by a wall, fence or other structure to a height of at least six (6) feet, and shall not be located in the front yard area, nor closer than thirty (30) feet to any adjoining property lines.

18. The first ten (10) feet from the property line, shall be reserved as a green area (except from access or driveways) to be planted and maintained with grass and/or vegetation. The area between the road pavement and the property line (right-of-way line) shall also be planted and maintained as a green area. In addition, there shall be a minimum of fifteen percent (15%) of the total land area reserved for green area, and that fifty percent (50%) of the green area shall be located within the front yard area (from the front of the structure to the front property line). When required, the side yard or rear yard "buffer" shall be included in the fifteen percent (15%) green area.

B. The OPERATOR (reference definition of "Operator" in the rules and regulations of the "RULES OF THE OHIO DEPARTMENT OF HEALTH, PUBLIC HEALTH COUNCIL, MANUFACTURED HOME PARKS CHAPTER 3701-27) to whom a Zoning Permit has been issued under this use classification, shall provide adequate supervision to maintain the manufactured home park, its grounds, facilities, and equipment - in good repair and in a clean and sanitary condition. They shall notify all residents in writing of the regulations set forth in these Resolutions together with their duties and responsibilities hereunder.

C. The enlargement of any manufactured home park, which was in existence as a non-conforming use at the time of the enactment of these MOOREFIELD TOWNSHIP

Zoning Resolutions, shall be subject to the provisions of this use classification wherever applicable.

D. No OPERATOR (reference definition "Operator" in Chapter 3701-27 of "OHIO DEPARTMENT HEALTH - MANUFACTURED HOME PARKS") shall begin construction on, or alteration of, a tract of land classified as "MH" District unless a valid Zoning Permit has been issued by the MOOREFIELD TOWNSHIP Zoning Inspector. A Zoning Permit application must contain the following information:

1. Name and address of owner, and legal capacity of person filing the application.
2. Location and legal description of the proposed Manufactured Home Park, or enlargement or alteration of existing park.
3. Complete engineering plans and specifications of the proposed Manufactured Home Park, alteration or enlargement, indicating the following:
 - a. The area and dimensions of the tract of land.
 - b. The number, location and size of all manufactured home lots.
 - c. The location and width of streets and walkways.
 - d. The location and dimensions of recreation area, public parking areas, the resident management area, and the sales display area.
 - e. Working drawings showing the location of sanitary and surface water sewer lines, water supply lines and risers. An "OCCUPANCY PERMIT" obtained through the Harrison County Board of Health and LICENSING obtained through the State of Ohio is a required part of this criteria.
 - f. The plans and specifications of all buildings to be constructed within the manufactured home park.
 - g. The location and details of lighting and electrical systems.
 - h. The names of all streets within the park and the proposed methods, if any, of numbering of the manufactured home lots on such streets for location in case of fire or other emergency.

E. Transfer of ownership of an individual manufactured home lot from a tract of land zoned as "MH" District shall cause the zoning use classification of the transferred lot to revert to a "R" District and, thereafter, the transferred lot shall be subject to all regulations of these Resolutions pertaining to "R" District Residential use. The existence of a manufactured home, manufactured home pad, or other facility designed to serve a manufactured home, on such a transferred lot, shall not constitute a non-conforming use for the intent and purposes of this paragraph.

SECTION XIV

PLANNED UNIT DEVELOPMENTS (PUD)

14.01 INTENT AND PURPOSE

A. It shall be the policy of the Township of MOOREFIELD to promote progressive development of the land and construction thereon by encouraging Planned Unit Development(s) (PUD) to achieve:

1. A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre of lots that are to be developed, while maintaining the overall density per acre for the entire Planned Unit Development (PUD) and a reduction in lot dimensions, yards, building setbacks and area requirements as set forth elsewhere in these Resolutions.
2. A more useful pattern of open space and recreational areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services.
3. A development pattern which preserves and utilizes natural topographical and geological features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.
4. A more efficient use of land than is generally achieved through conventional development, resulting in substantial savings through fewer requirements for utilities and streets.
5. A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the Comprehensive Land Use Plan.

B. The Township of MOOREFIELD is also prepared to accept a greater population density in undeveloped areas of the total project, provided the population density does not exceed that provided and regulated in other sections of these Resolutions for the total project, and provided the developer can demonstrate that any increment of public cost, clearly attributable to increased densities, will be compensated for by the private amenities and public benefits to be achieved by the plan for development.

1. Provisions Governing Planned Unit Development(s):

Because of the special characteristics of Planned Unit Developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict of difference between the provisions of this Article and those of the other Articles of these Resolutions, the provisions of this Article shall prevail. Subjects not covered by this Article shall be governed by the respective provisions found elsewhere in these Resolutions.

2. Application and Procedure:

Upon approval by the MOOREFIELD TOWNSHIP Zoning Commission and the MOOREFIELD TOWNSHIP Board of Trustees, a Planned Unit Development District may be applied to any existing agricultural or residential district. Upon approval of a final development plan, the Official MOOREFIELD TOWNSHIP Zoning Map shall be annotated for the land use involved, so that the district name includes the notation, "PUD". Planned Unit Development Districts shall be approved by the MOOREFIELD TOWNSHIP Zoning Commission and the MOOREFIELD TOWNSHIP Board of Trustees in the manner provided in this Section and Ohio Revised Code 519.12.

3. Uses Permitted:

Compatible R Residential District, OI Office Institutional Districts, CR Commercial Restricted Districts, C Commercial Districts, public and quasi-public uses may be combined in "PUD" Districts, provided that the proposed location of the OI Office Institutional, CR Commercial Restricted and C Commercial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare of MOOREFIELD TOWNSHIP residents. Lot area and other yard requirements of the Residential Districts established in Section 32.01: Classification of Uses shall apply, except as modified in Paragraph B-9 - Minimum Lot Sizes and B-11 - Height Requirements of this Section (PUD).

The amount of land and type of commercial activities devoted to OI Office Institutional, CR Commercial Restricted and C Commercial uses in a Residential-Commercial development shall be determined by the MOOREFIELD TOWNSHIP Zoning Commission and approved by the MOOREFIELD TOWNSHIP Board of Trustees.

4. Minimum Project Area:

The gross area of a tract of land to be developed in a Planned Unit Development (PUD) District shall be a minimum of twenty (20) acres, provided, however, that small parcels may be considered on the basis of their potential to satisfy the objectives of this Section: Planned Unit Development as stated in "Objectives for Planned Unit Developments".

When the Planned Unit Development proposes a mixture of residential uses with office institutional, commercial restricted and/or commercial uses, the MOOREFIELD TOWNSHIP Zoning Commission may limit the development of not more than eight percent (8%) of the tract to non-recreational commercial uses.

5. Project Ownership:

The project land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation.

6. Common Open Space:

A minimum of twenty percent (20%) of the land developed in any Planned Unit Development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The commercial recreational activities may not be included in the common open space area. The open space shall be disposed of as required in Paragraph B-7 - Disposition of Open Space of this Section of these Resolutions.

7. Disposition of Open Space:

The required amount of common open space land reserved under a Planned Unit Development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development, or be dedicated to MOOREFIELD TOWNSHIP Park District and retained as common open space for parks, recreation, and related uses. All land dedicated to MOOREFIELD TOWNSHIP must meet the MOOREFIELD TOWNSHIP Zoning Commission's requirements as to size, shape, and location. Public utility and similar easements and right-of-ways for water courses and other similar channels are not acceptable for common open space dedication to MOOREFIELD TOWNSHIP unless such land or right-of-way is usable as a trail or other similar purpose and approved by the MOOREFIELD TOWNSHIP Zoning Commission.

The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

8. Utility Requirements:

Underground utilities, including telephone and electrical systems, are required within the limits of all Planned Unit Developments. Appurtenances to these systems which can be effectively screened may be exempted from this requirement if the MOOREFIELD TOWNSHIP Zoning Commission finds that such exemption will not violate the intent or character of the proposed

Planned Unit Development.

9. Minimum Lot Sizes:

a. Lot area per dwelling unit may be reduced by not more than forty percent (40%) of the minimum lot area required in the Official Schedule of District Regulations. A Planned Unit Development need not conform to the density requirements of Section 32.01: Classification of Uses, for residential areas that can be developed of the total project, provided the overall project density is not exceeded as provided elsewhere in these Resolutions. A diversification of lot sizes is encouraged.

b. Lot widths may be varied to allow for a variety of structural designs. It is also recommended that set-backs be varied.

10. Lots to Abut Upon Common Open Space:

Every property developed under the Planned Unit Development approach should be designed to abut upon common open space or similar areas. A clustering of dwellings is encouraged. In areas where townhouses are used, there shall be not more than eight (8) townhouse units in any contiguous group or structure.

11. Height Requirements:

For each foot of building height over the maximum height regulations specified in Classification of Uses, the distance between such buildings and the side and rear property lines of the Planned Unit Development project area shall be increased by one (1) foot addition to the side and rear yard as required in that district or districts.

12. Parking:

Off-street parking, loading, and service areas shall be provided in accordance with Parking Facilities, of these Resolutions. However, off-street parking and loading areas shall not be permitted within twenty (20) feet of any residential use.

13. Perimeter Yards:

Notwithstanding the provisions of this Section: PUD, every lot abutting the perimeter of the Planned Unit Development District shall maintain all yard requirements specified in Section 4: Classification of Uses, of these Resolutions for the applicable conventional zoning district.

14. Arrangement of Commercial Uses:

When Planned Unit Development Districts include commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planning screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas.

The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding non-commercial areas.

All areas designed for future expansion or are not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the MOOREFIELD TOWNSHIP Zoning Commission.

15. Pre-Application Meeting:

The developer shall meet with the MOOREFIELD TOWNSHIP Zoning Inspector prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of these Resolutions, and the criteria and standards contained herein, and to familiarize the developer with the comprehensive development plan and the parks and public open space plan as may be developed and adopted, the Harrison County Subdivision Regulations, and the drainage, sewer, and water systems that exist with MOOREFIELD TOWNSHIP.

16. Application for Approval of PUD District:

An application for approval of PUD District shall be filed with the MOOREFIELD TOWNSHIP Zoning Inspector pursuant to provisions of the Ohio Revised Code 519.12. At the time of such filing, such developer shall provide ten (10) copies of the development plan for the PUD which shall contain the following information:

- a. Name, address, and phone number of applicant;
- b. Name, address, and phone number of registered surveyor, registered engineer and/or urban planner assisting in the preparation of the preliminary development plan;
- c. Description of existing use;
- d. Zoning district (s);
- e. A vicinity map at a scale approved by the MOOREFIELD TOWNSHIP Zoning Commission showing property lines; street, existing and proposed zoning, and such other items as the Zoning Commission may require to show the relationship of the Planned Unit Development to the Comprehensive Plan and to existing schools and other community facilities and services;
- f. A preliminary development plan at a scale approved by the MOOREFIELD TOWNSHIP Zoning Commission showing topography at two (2) foot intervals; location and type of residential, commercial land uses; layout, dimensions, and names of existing and proposed streets, right-of-ways, utility easements, parks and community spaces; layout and dimensions of lots and building set-back lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone, and natural gas; and such other characteristics as the MOOREFIELD TOWNSHIP Zoning Commission deems necessary;
- g. Proposed schedule for the development of the site;
- h. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within five (5) years and

development plan is consistent with MOOREFIELD TOWNSHIP's statement for PUD's.

The application for preliminary Planned Unit Development shall be accompanied by a written statement by the developer setting forth the reasons why, in his opinion, the Planned Unit Development would be in the public interest, and would be consistent with MOOREFIELD TOWNSHIP's statement of objectives for Planned Unit Developments in "Objectives for Planned Unit Developments" of this Section: PUD, of these MOOREFIELD TOWNSHIP Zoning Resolutions.

17. Expiration and Extension of Approval Period:

The approval of a final development plan for a Planned Unit Development District shall be for a period not to exceed five (5) years to allow for preparation and recording of the required subdivision plat and the development of the project. If no construction has begun within five (5) years after approval is granted, the approved final development plan shall be void and the land shall revert to the district regulations in which it is located. An extension of the time limit or modification of the approved final development plan may be approved if the MOOREFIELD TOWNSHIP Zoning Commission finds that such extension or modification is not in conflict with the public interest.

No zoning amendment passed during the time period granted for the approved final development plan shall in any way affect the terms under which approval of the Planned Unit Development was granted.

SECTION XV

COMMERCIAL RESTRICTED DISTRICT ("CR")

15.01 INTENT

The intent of the CR Commercial Restricted District is to provide for and maintain tracts of land for certain commercial activity and to protect adjoining land from the uses within this district.

15.02 PURPOSE

A. Any use permitted in any Residential District and "OI" District shall be permitted in a "CR" District.

B. Commercial Restricted Districts shall be those uses:

1. Which are not engaged in business specifically covered by "C" Commercial or "M" Manufacturing Zoning District use.
2. Which are not engaged in activities which result in noxious, dangerous, or offensive fumes, odors, dusts, flames, vibration, or noise.
3. Which are not engaged in activities involving the storage of materials, chemicals, waste, junk, or objects to be repaired, which pose a danger to adjacent property, or create offensive views, or which pose an accessible hazard to persons.
4. For which the building area does not exceed a building area to land area ratio of one (1) to three (3), (one square foot of building area to three square feet of land area), and that an individual business unit shall not exceed ten thousand (10,000) square feet of floor area.
5. For which any individual use is not engaged in a business that is characterized by sub-units under the same ownership, such as a Department Store, Super Market Store, etc.
6. For which any business or permitted use shall be limited to the hours of operation to the public from 7:00 a.m. to 12:00 a.m.
7. The first ten (10) feet from the front property line, shall be reserved as a green area (except for access or driveways) to be planted and maintained with grass and/or vegetation. The area between the road pavement and the property line (right-of-way) shall, also, be planted and maintained as a green area. In addition, there shall be a minimum of fifteen percent (15%) of the total land area reserved for green area, exclusive of parking, driveways or building area, and that fifty percent (50%) of the green area shall be located within the front yard area. When required, the side yard or rear yard "Buffer" shall be included in the fifteen percent (15%) green area.

8. Whenever an area is set-aside outside of any structure to be used for the temporary storage of waste materials, garbage, etc., that storage area must be enclosed or screened from view by a wall, fence or other structure to a height of at least six (6) feet, and shall not be located in the front yard area, nor closer than ten (10) feet to any adjoining property line.
9. Set-back building line: a minimum of eighty (80) feet from the right-of-way side line of any road or street.
10. Outdoor Advertising shall be modified for the "CR" Commercial Restricted District in that only one "Free Standing" sign shall be permitted and shall be limited to a maximum seventy (70) square feet total of display area and no more than thirty-five (35) square feet per side. A wall sign shall not exceed forty (40) square feet of display area. The maximum ground level height allowed is twelve (12) feet.

C. Examples of Commercial Restricted establishments are indicated as follows:

1. Drug Stores and Gift Shops;
2. Barber Shops and Beauty Salons;
3. Grocery Stores, Dairy Stores, Meat Markets, and Bakeries;
4. Funeral Home;
5. Dry Cleaning and/or Laundry Establishments (deposit and pick-up only), and Self Service Laundries;
6. Carpet Cleaning, Upholstery Shops, Interior Decorating;
7. Hardware, Jewelry, Hobby Shops, Shoe Stores, Clothing Stores, Video Stores (sales), and Shoe Repair Shops;
8. Restaurants, provided the entity is located within a permanent building, not a free-standing structure in that it shall be a unit within a structure containing two (2) or more units, and further provided with space and accommodations wherein, in consideration of the payment of money, hot meals are habitually prepared, sold and served at noon and evening, as the principal business of the place, and does not include "Drive-Thru" or carry-out, and alcoholic beverages shall only be served at a table.

D. A "Zoning Use" permit is required for the commencement of any of the specific uses set forth above and such "Zoning Use" permit is, also, required for a change of existing permitted use to another permitted use.

E. Wherever a use permitted in the "CR" District is adjacent to any Residential Use including those permitted in "R" or "MH" Residential Districts, a ten (10) foot "Buffer" shall be required along the side yard so abutting any residential use. This "Buffer" shall

provide a screen or mask or otherwise block the view of the "CR" use from the residential use.

SECTION XVI

COMMERCIAL DISTRICT ("C")

16.01 INTENT

The intent of the "C" Commercial District is to provide for and maintain tracts of land for certain commercial activity and to protect adjoining land from the uses within this district.

16.02 PURPOSE

The following uses, and no other, shall be deemed COMMERCIAL:

- A. Any use permitted in "CR" Commercial Restricted District shall be permitted in "C" Commercial District.
- B. Commercial establishments as specified below:
 1. Assembly Halls;
 2. Bars, lounges, drive-in fast-food service, drive-thru beverage centers;
 3. Hotels, motels and tourist accommodations;
 4. Variety discount stores;
 5. Dry cleaning and laundry plants;
 6. Repair garages, gasoline and petroleum sales or storage;
 7. Repair shops for furniture, tools, appliances;
 8. Automobile, truck and tractor sales (new or used);
 9. Indoor theater, bowling alley, dance hall, roller skating rink, recreational parks which do not have power-driven rides accommodating four (4) persons as a part of their recreational facilities, outdoor theaters, arcades and residential type buildings for permanent display purposes;
 10. Job printing and newspaper printing plant;
 11. Plumbing, electrical or heating supply;
 12. Retail or wholesale lumber and building supply company;
 13. All other commercial services and mercantile establishments not specifically mentioned above.

- C. The above shall be permitted only providing such use is not noxious, dangerous or offensive by reason of emission of odor, dust, smoke, gas fumes, noise, flame or vibration; and adequate facilities for the temporary storage of refuse, waste, junk, objects to be repaired and disposed of are provided and the same screened from view.
- D. A "Zoning Use" permit is required for the commencement of any of the specific uses set forth above and such "Zoning Use" permit is, also, required for a change of existing permitted use to another permitted use.
- E. Wherever a use permitted in the "CR" District is adjacent to any Residential Use including those permitted in "R" or "MH" Residential Districts, a ten (10) foot "Buffer" shall be required along the side yard so abutting any residential use, and a thirty (30) foot "Buffer" shall be required along the rear yard so abutting any residential use. This "Buffer" shall provide a screen or mask or otherwise block the view of the "C" use from the residential use.
- F. Whenever an area is set-aside outside of any structure to be used for the temporary storage of waste materials, garbage, etc., that storage area must be enclosed or screened from view by a wall, fence or other structure to a height of at least six (6) feet, and shall be located in the front yard area, not closer than ten (10) feet to any adjoining property lines.
- G. The first ten (10) feet from the property line, shall be reserved as a green area (except for access of driveways) to be planted and maintained with grass and/or vegetation. The area between the road pavement and the property line (right-of-way line) shall also be planted and maintained as a green area. In addition, there shall be a minimum of fifteen percent (15%) of the total land area reserved for green area, exclusive of parking, driveways or building area, and that fifty percent (50%) of the green area shall be located within the front yard area. When required, the side yard or rear yard "Buffer" shall be included in the fifteen percent (15%) green area.
- H. Set-back building line: a minimum of eighty (80) feet from the right-of-way side line of any road or street.
- I. Outdoor Advertising shall be modified for the "C" Commercial District in that only one "Free Standing" sign shall be permitted and shall be limited to a maximum one hundred (100) square feet total of display area and no more than fifty (50) square feet per side. A wall sign shall not exceed sixty (60) square feet of display area. The maximum ground level height allowed is fifteen (15) feet.

SECTION XVII

OFFICE/INSTITUTIONAL DISTRICT ("OI")

17.01 INTENT

The Office/Institutional District is to provide suitable areas for a range of business activities while protecting the character of nearby agricultural and residential areas.

17.02 USES

- A. Any use permitted in any Residential District shall be permitted in an "OI" District.
- B. Office/Institutional Districts shall be those uses:
 1. Which are not engaged in activities involving the out-of-doors storage of any material, objects, or vehicles which pose or create an offensive view, other than a properly approved disposal container, and which are not engaged in the retailing of products, repairing of objects, storing or warehousing of products or objects, nor prepare or process any products upon the property.
 2. For which the building area does not exceed a building area to land area ratio of one (1) to three (3) (one square foot of building area to three square feet of land area), and that no building shall exceed ten thousand (10,000) square feet of floor area.
 3. For which professional or business hours or any permitted use shall be limited to the hours of operation to the public from 7:00 AM to 9:00 PM.
 4. Wherever a use permitted in the "OI" District is adjacent to any Residential Use including those permitted in "R" or "MH" Residential Districts, a ten (10) foot "Buffer" shall be required along the side yard so abutting any residential use, and a thirty (30) foot "Buffer" shall be required along the rear yard so abutting any residential use. This "Buffer" shall provide a screen or mask or otherwise block the view of the "OI" use from the residential use.
 5. Outdoor Advertising shall be modified for the "OI" Office Institutional District in that only one "Free Standing" sign shall be permitted and shall be limited to a maximum of forty (40) square feet total of display area and no more than twenty (20) square feet per side. A wall sign shall not exceed twenty-five (25) square feet of display area. The maximum ground level height allowed is ten (10) feet.
 6. The first ten (10) feet from the front property line, shall be reserved as a green area (except for access or driveways) to be planted and maintained with grass and/or vegetation. The area between the road pavement and the property line (right-of-way) shall, also, be planted and maintained as a

green area. In addition, there shall be a minimum of fifteen percent (15%) of the total land area reserved for green area, exclusive of parking, driveways or building area. Fifty percent (50%) of the green area shall be located within the front yard area (from the front of the structure to the front property line). When required, the side yard or rear yard "Buffer" shall be included in the fifteen percent (15%) green area.

7. Whenever an area is set aside outside of any structure to be used for the temporary storage of waste materials, garbage, etc., that storage area must be enclosed or screened from view by a wall, fence or other structure to a height of at least six (6) feet, and shall not be located in the front yard area, nor closer than ten (10) feet to any adjoining property lines.
8. Set-back building line: a minimum of eighty (80) feet from the right-of-way side line of any road or street.

C. Office Institutional establishments shall be:

1. Banks
2. Savings and Loan Companies
3. Credit Unions
4. Finance Companies
5. Professional Offices
6. Business Offices

D. A "Zoning Use" permit is required for the commencement of any of the specific uses set forth above and such "Zoning Use" permit is, also, required for a change of existing permitted use to another permitted use.

SECTION XXX

MANUFACTURING DISTRICT ("M")

30.01 INTENT

The Manufacturing District is to provide suitable areas for a range of industrial activities while protecting the character of nearby agricultural, residential and business areas.

30.02 PERMITTED USES

The following uses and no other shall be permitted in all "M" Districts:

- a. Manufacturing, compounding, processing, assembling, packaging or treatment of goods, materials and products, consistent with the intent of the M District.
- b. Contractor, distribution and related uses, including truck and transfer terminals.
- c. Warehousing, distribution and related uses, including truck and transfer terminals.
- d. Administrative and business offices associated with and incidental to another permitted use.

30.03 PROHIBITED USES

The following uses shall be prohibited in all Districts:

1. Manufacturing or storage of explosives, gun powder, or fireworks.
2. Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, toxic wastes, medical wastes, or wastes from soil contaminant plants, rubbish, offal and dead animals. (This section shall not be applicable to the normal care of individual lawns or gardens or pursuits incidental to agriculture purposes.)
3. Raising mink.
4. The parking or storing of an abandoned, dismantled, wrecked, inoperable, and/or unlicensed motor vehicle, unless parked or stored in garage, barn, or other structure, and not exposed to public view.
5. The parking or storing of a motor vehicle over one ton capacity, utility trailer, aircraft, or piece of farm equipment, or any accumulation or combination thereof within any Residential District (R or MH) or any residential property in OI, CR, or M Districts, unless parked or stored in a garage, barn, or other structure, and not exposed to public view.
6. Any other use that constitutes a health hazard, safety hazard or general nuisance to the general public.

30.04 CONDITIONAL USES

The following conditional uses shall be allowed in the "M" District, subject to the approval of the Board of Zoning Appeals as provided in Section IX of the Resolution.

- a. Motor Vehicles storage and salvage yards, provided those uses meet applicable state requirements related to fencing and other standards.
- b. Amusement park.
- c. Aviation field.
- d. Brewery.
- e. Bulk petroleum station with tanks above ground, distilling or cracking plants or plants used in refining of gasoline and oil products.
- f. Distilling of bones, fat or glue, glue or gelatin manufacturing.
- g. Junk yards, automobile grave yards or places for the collection or sale of scrap metal, salvaged automotive parts, paper, rags, glass, salvage or junk for salvage or storage purposes, storing old tires, except where this use is an integral part of the manufacturing purposes.
- h. Commercial zoos or zoological parks.
- i. Slaughter houses.
- j. Privies or outside toilet facilities.
- k. Any other uses that constitutes a health hazard, safety hazard or general nuisance to the general public.

30.05 PROHIBITED IN ALL DISTRICTS

A. The following uses shall be prohibited in all Districts except in "C" Commercial or "M" Manufacturing Districts, where these uses may be permitted with the issuance of a "Conditional Zoning Certificate" as may be granted by the MOOREFIELD TOWNSHIP Zoning Appeals. Such uses are also prohibited on any property or lot abutting "R", "MH" and "OI" Districts.

1. The operation, maintenance, storage or housing of school buses, buses or similar vehicles.
2. Adult Entertainment Businesses (see Definitions).

30.06 LIGHTING

Any lighting system used to illuminate the area used for parking and/or loading, and adjoining a residential district must be arranged so as to reflect light away from adjoining premises in said residential district.

30.05 LOT AREA AND HEIGHT LIMITS

Lot areas and height limits shall be as provided in Section XXXII of this Resolution.

SECTION XXXI

MINING DISTRICT ("MI")

31.01 INTENT

The Mining District is to provide suitable areas to support surface or underground mining activities while protecting the character of nearby agricultural, residential and business areas. All federal, state and local mining regulations and laws must be met. Mining District zoning shall be for the period of time required to extract the mineral and restore the surface area.

31.02 PERMITTED USES

The following uses and no other shall be permitted in all "MI" Districts:

- a. Surface mining with necessary structures and storage areas.
- b. Underground mine openings, air shafts, necessary mining structures and storage areas.

31.03 LONG WALL MINING

No long wall mining shall be permitted in the unincorporated area of MOOREFIELD TOWNSHIP.

SECTION XXXII

LOT AREA

32.01 SCHEDULE OF DISTRICT REGULATIONS

The minimum lot area, lot width, and minimum setbacks for buildings and structures in the Zoning District Regulations which is hereby made a part of this Resolution. All lots shall have approved water and sewage systems by the appropriate Board of Health before any person shall occupy a dwelling.

Zoning District	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Feet)		Minimum Setbacks (Feet)		
				Front (3)	Side	Rear (4)
A	40,000	150	(2)	60	16	35
R	10,000	90	(1)	60	16	35
	40,000	150	(2)			
M	10,000	90	(1)	60	16	35
	40,000	150				
MI	40,000	150	(2)	60	16	35

(1) With Central/Public Sewage System.

(2) With Private Sewage System.

(3) Measured to the Center of Road Pavement

(4) Applies to the Main Building only. Accessory Structures may be placed as far back as the rear lot line.

SECTION XXXIII

SPECIAL REGULATIONS

33.01 CONVERSION OF DWELLINGS

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Resolution. The occupancy resulting from such conversion shall comply with the requirements governing new construction in such district with respect to minimum lot width.

33.02 PRIVATE CEMETERIES

The cemetery property may be transferred to MOOREFIELD TOWNSHIP for fencing and maintenance.

A private cemetery must be completely constructed before put into use. A private cemetery will contain less than five (5) plots being in size fifteen (15) feet by eighteen (18) feet. The cemetery will be three hundred (300) feet from all property lines, wells, homes, or other buildings.

The cemetery will be fenced and gated. The road to the cemetery will be thirty (30) feet wide and be well maintained. Lots in a private cemetery cannot be sold to the public and must be used for family members only. The grave markers will be ground level markers. The private cemetery will be mowed a minimum of two times a year by the landowner.

The private cemetery must be registered by applying to the Division of Real Estate in the Department of Commerce, in Columbus, Ohio. The private cemetery will also be recorded at the Harrison County Recorders Office to be put on the deed of the landowner. A private cemetery permit fee of twenty five thousand dollars (\$25,000.00) must be deposited with MOOREFIELD TOWNSHIP before construction of the cemetery may begin. Thirty percent (30%) of the permit fee may be used for development of the private cemetery. The remainder of the permit fee will be deposited into the MOOREFIELD TOWNSHIP Trustee's Cemetery Fund, MOOREFIELD TOWNSHIP, Harrison County, State of Ohio.

The private cemetery may be transferred to MOOREFIELD TOWNSHIP for fencing and maintenance by deeding the property and road right of way to MOOREFIELD TOWNSHIP.

33.03 POLLUTION BY LANDFILL OR ANY OTHER MEANS

Landfills and/or disposal facilities of any type are not permitted in MOOREFIELD TOWNSHIP. The emission of gases, smoke, dust, and dirt, or dumping of effluents, purified or non-purified matter, shall in no manner be unclean, destructive, unhealthy, hazardous, or deleterious to the general welfare.

Moorefield Township Zoning Map

- A** Agricultural
- Blue** Mining
- Orange** Residential
- Green** Commercial
- Pink** Residential & Commercial

