

Waldo Township

Zoning Resolution

Proposed by the Waldo Trustees

March 13, 1991

Adopted

November 5, 1991

Updated

1994

November 11, 1998

May 10, 2001

June 14, 2005

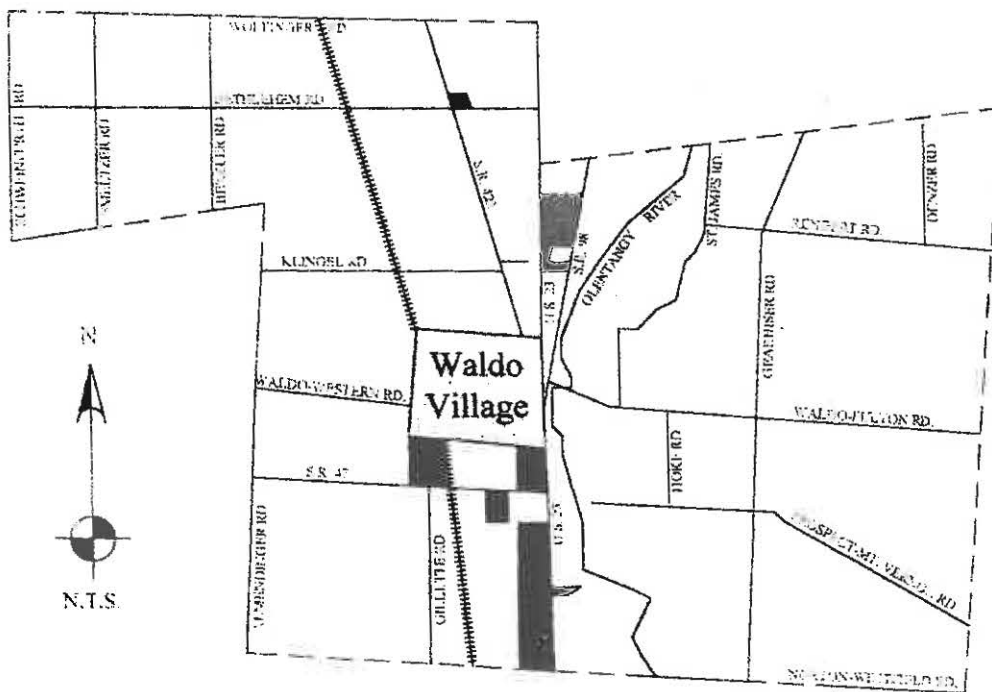
~~December XX, 2012~~

November 13th, 2012







WALDO TOWNSHIP ZONING RESOLUTION

Whereas, the Board of Trustees of Waldo Township, deems it in the interest of the public health, safety, morals and general welfare of said township and its residents to establish a general plan of zoning for said township. Now, Therefore, Be it resolved by the Board of Trustees of Waldo Township that such zoning resolution is hereby created.

WALDO TOWNSHIP GENERALIZED ZONING MAP



ZONING DISTRICT LEGEND

-  R/R, RURAL RESIDENTIAL DISTRICT
-  R, RESIDENTIAL DISTRICT
-  LC, LIMITED COMMERCIAL - OFFICE DISTRICT
-  SC, SPECIAL COMMERCIAL DISTRICT
-  B-I, BUSINESS - INDUSTRIAL DISTRICT
-  FP, FLOOD PLAIN DISTRICT

Note: See the Waldo Village Zoning Inspector for zoning information in Waldo Village.

Map Source: 1977 RPC Marion County Highway Map

Date: 5.8.01

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SECTION I

JURISDICTION, PURPOSE, INTERPRETATION

1.01 Jurisdiction

The provisions of this Resolution shall apply to the unincorporated territory of Waldo Township in which a majority votes is recorded at the next election or at any subsequent election.

1.02 Purpose

This zoning resolution is adopted to promote the public health, safety, morals, comfort and general welfare; to protect and conserve property and property values; to secure the most appropriate uses of land; and to promote the adequate but economical provision of public improvements, all in accordance with a comprehensive plan. More specific purposes are:

1. To aid in preserving agricultural land in Waldo Township.
2. To provide adequate light, air, privacy and convenience of access to property.
3. To lessen or avoid congestion on the streets and highways of Waldo Township.
4. To aid in limiting future flood damages.

1.03 Interpretation

1.031 Minimum Requirements and Conflict

- A. The provisions of this resolution shall be construed as minimum requirements. They do not prevent other more restrictive requirements, if approved by the Electors (eligible votes) of the Township, at any general, primary or special elections.
- B. Where this Resolution imposes greater restrictions upon the use of land or buildings or upon the bulk of buildings and where it requires higher standards than are required by other laws, ordinances, rules or regulations, this Resolution shall prevail, and where other laws, ordinances, rules or regulations are more restrictive, they shall prevail.
- C. Where a particular use is not specifically provided for in the Resolution, nor reasonably construed to be included within a use otherwise specifically provided for, the particular use shall not be permitted. Zoning Boards and the Board of Trustees will, when appropriate, refer to all plans, master plans, studies and treatises affecting the Township area and may require inclusion of recommendations in plans or proposals as submitted or approved. Specific reference is made to plans or studies dealing with thoroughfare matters and with the designation of the Olentangy River as a Scenic River.

1.032 Agricultural Exemption

Land in any district may be used for agricultural purposes. Buildings incident to agricultural purposes are not subject to the provisions of this Resolution and do not require a zoning permit. However, a dwelling occupied by person (s) engaged in agricultural operations is not defined as being incident to agricultural purposes and is therefore subject to the provisions of this Resolution. (Amended 2005)

SECTION II

OFFICIAL ZONING MAP AND ZONING DISTRICT

2.01 Official Zoning Map

The Township of Waldo is hereby divided into Districts which are shown on a map entitled "Official Zoning District Map of Waldo Township". This Official Zoning Map shall be identified by the signatures of the Waldo Township Trustees and Waldo Township Clerk. The Official Zoning District Map shall remain on file in the office of the Waldo Township Trustees.

2.02 Official Zoning Map as Part of this Resolution

The official Zoning Map and all notations, references and other matters thereon are hereby made a part of this Code.

2.03 Determination of District Boundaries

Except where referenced and noted on the Official Zoning District Map by a clearly designated line and/or written dimensions, the district boundary lines are intended to follow property lines, lot lines or the centerlines of streets, alleys or streams as they existed at the time of adoption of this Code. The Zoning Inspector shall interpret the location of boundary lines as shown on the Zoning District Map. When the Zoning Inspector's interpretation is questioned, the boundary lines shall be determined by the Board of Zoning Appeals as prescribed in Section XII.

2.04 Zoning District Classification

All parts of the unincorporated township shall be designated on the Official Zoning District Map as being located in one of the following zoning districts:

"FP"	Flood Plain District
"R-R"	Rural - Residential
"R"	Residential
"LC"	Limited Commercial - Office
"SC"	Special Commercial
"B-I"	Business - Industrial

2.05 Degree of Restrictiveness

Whenever, in this Code, the order of districts as to the degree of restrictiveness is referred to, the order shall be as listed above, with the "FP" District being the most restricted and the "B-I" District being the least restricted.

2.06 SUBDIVISION DEVELOPMENT (Section added 2005)

Jurisdiction

In accordance with Chapter 711, Revised Code of Ohio, the Marion County Regional Planning Commission has the jurisdiction over the review and approval of Subdivisions as set forth in the October, 1966 Subdivision Regulations for Marion County and the City of Marion.

Zoning

Whereas the Waldo Township Trustees have adopted the following zoning ordinance under the provisions of Section 519 and Section 303 of the Ohio Revised Code, all proposed subdivisions within the area affected shall meet the requirements of this zoning ordinance.

Basic Requirements

In order to obtain zoning approval, a proposed subdivision development shall comply with the following requirements;

- (1) Subdivision plans shall be submitted to the Township Zoning Commission at the same time as submitted to the Marion County Regional Planning Commission.
- (2) Subdivisions shall be in conformity with the Marion County Comprehensive Plan or any portion thereof.
- (3) All lots shall front by their full width on improved roads or streets. No lots shall be permitted at streets or road dead ends unless an approved cross street or cul-de-sac is constructed in accordance with the Subdivision Regulations for Marion County and the City of Marion.
- (4) Subdivision Lot Width - The horizontal distance across the lot between side lot lines, continuous and uninterrupted, measured at right angles to the lot depth; provided that the minimum lot widths required by this resolution shall be so measured at the point where both side lot lines meet a public road or street. All lots shall front by their full width on a public road or street and maintain this width for a distance of 150 feet from the public road or street. This rule shall not apply to recorded, platted subdivisions.

SECTION III

"FP" FLOOD PLAIN DISTRICT

3.01 Purpose

The purpose of the Flood Plain District is to regulate development on flood prone land in order to reduce future potential loss of life, and damages to property.

3.02 Flood Plain District Overlay

The Flood Plain District shall be an over-lapping zone with regulations in addition to any other underlying Zoning District as established in Section II.

3.03 Use Regulations

Any uses permitted in the underlying Zoning District shall be allowed with the exception of the storage of potentially hazardous materials which, if subject to flooding, may become flammable, explosive, or otherwise injurious to human, animal, or plant life.

3.04 Development Standards

All structures within the Flood Plain District shall meet the existing county Flood Plain Development Standards as enforced by Marion County.

3.05 Establishment of Flood Plain Zone Boundary

The boundaries of the Flood Plain District shall be based on the Flood Insurance Rate Map provided from the Federal Emergency Management Agency pursuant to the National Flood Insurance Program. Should this map be revised, the Flood Plain District boundaries shall likewise be revised.

3.06 Disclaimer of Responsibility

This Code does not imply that areas outside the Flood Plain District or land uses permitted with such district will be free from flooding or flood damages. This Code shall thus not create liability on the part of Waldo Township or officer or employee thereof for any flood damages that result from reliance on this Code.

SECTION IV

"R-R" RURAL- RESIDENTIAL DISTRICT

4.01 Purpose

The purpose of the "R-R" Rural-Residential District is to preserve land currently used for agricultural purposes.

4.02 Use Regulations

4.021 Principal Permitted Uses

Agricultural
Storage and/or Sale of Fertilizer and Agri-chemicals
Public Uses Semi-Public Uses
Single Family Dwellings
Temporary Living Spaces (See Section 9.03)
Petroleum and Gas Drilling and Extraction
Nurseries, Lawn and Garden Centers
Advertising Signs (See Section 9.045)
Veterinary Clinics or Hospital
Mineral, Sand and Gravel Extraction (See Section 9.09)
Seasonal Dwellings
Private Cemeteries
Top Soil Removal
Nursery Schools and Day Nurseries
Sanatoriums, Convalescent Homes and Rest Homes
Rooming or Boarding
Recreation Facilities, Private

4.022 Conditional Permitted Uses (Subject to Approval by the Board of Appeals)

Airports
Recreational Facilities, Limited
Commercial

4.023 Accessory Permitted Uses and Structures

Private Garages
Private Swimming Pools
Garden Houses, Tool Houses, Playhouses
Living Quarters of Persons Employed on the Premises
Home Occupations (See Section 9.01)
Required Off-street Parking Space
Permanent Roadside Stands on Farms (See Section 9.02)
Accessory Signs (See Section 9.043)
Dirt Bike / A.T.V. Tracks (See Section 9.17) (Added 2005)

4.03 Area And Dimensional Standards*

	Minimum Lot Size***		Minimum Yard Dimension			Maximum Coverage of Lot (Percent)
	Width ** (Ft.)	Area ** (Sq. Ft.)	Front****	Side	Rear	
Dwellings	150	1 Acre	90	20	50	NA
All other uses	Sufficient to comply with yard & lot coverage requirement					20%

* See Section 10.02 for non-conforming lots.

** Also see 9.06 - Frontage requirements for deep lots within the Rural-Residential District.

*** The lot area shall be computed to include the right-of-way.

**** The front-yard setback shall be measured from the center of the right-of-way.

4.04 Number of Lots

Purpose: Recognizing the growing concerns relating to farm land preservation and the need to control premature development, the following restrictions shall apply within the Rural Residential District.

4.041 Any parcel or lot of record on the effective date of this Resolution may be subdivided, if also in accordance with the Marion County Subdivision Regulations, to provide only up to five (5) residential lots.

4.042 A residential lot is defined as any lot under five(5) acres which a home either in use, planned, or potential use.

4.043 This restriction on the number of residential lots shall apply for a period of twenty (20) years commencing on the 1st day of January 2011 and running until the 31st day of December 2031.. At that time, or before, this Resolution may be amended to delete this section or to renew it. If it is renewed parcels of land on record shall be then considered as of the effective date of the amendment, not as of the original effective date of this Resolution.

SECTION V

"R" RESIDENTIAL DISTRICT

5.01 Purpose

The purpose of the Residential District is to encourage residential development at appropriate locations and at suitable densities for the provision or potential provision of public services and facilities.

5.02 Use Regulations

5.021 Principal Permitted Uses

Agriculture
Single Family Dwellings
Two Family Dwellings
Multi-Family Dwellings
Public Uses
Semi-Public Uses
Temporary Living Spaces (See Section 9.03)

5.022 Conditional Permitted Uses (Subject to Approval by the Board of Appeals)

Mobile Home Parks
Nursery Schools and Day Nurseries
Sanatoriums, Convalescent Homes, Rest Homes
Rooming, Boarding or Lodging Houses
Private Clubs, Lodges, Fraternity or Sorority Houses
Recreation Facilities, Private
Funeral Homes or Mortuary
Business, Professional, and Industrial Offices in Buildings having the external appearance of residential structures, not including the manufacture, sale or storage of goods.

5.023 Accessory Permitted Uses and Structures

Private Garages
Swimming Pools, Garden Houses, Tool Houses, Playhouses
Home Occupations (See Section 9.01)
Accessory Signs (See Section 9.043)
Living Quarters for Persons Employed on the Premises
Roadside Stands on Farms (See Section 9.02)
Dirt Bike / A T.V. Tracks (See Section 9.18) (Added 2005)

5.03 Area Dimension Standards*

	Minimum Lot Size**		Minimum Yard Dimension			Maximum Coverage of Lot (Percent)
	Width (Ft.)	Area (Sq. Ft.)	Front***	Side	Rear	
<u>Single-Family Dwellings</u>						
Without Public Sewer or Water	150	25,000	90	10	5	NA
With Public Sewer or Water	100	18,400	90	10	5	NA
<u>Two-Family Dwellings</u>						
Public Sewer & Water Required	100	18,000	90	10	5	NA
<u>Multi-Family Dwellings</u>						
Public Sewer & Water Required	100	7,000 Per Unit	90	10	5	NA
All Other Uses	Sufficient to Comply with yard, parking, and lot coverage requirements		80	20	5	20%

* See Section 10.02 for non-conforming lots.

** The lot area shall be computed to include the right-of-way.

*** The front-yard setback shall be measured from the center of the right-of-way.

No structure or building shall exceed 60 feet in height. The height limitation may be appealed to the Waldo Township Board of Zoning Appeals. Telecommunication or cellular communication towers exceeding 60 feet in height shall be subject to the requirements of Section 9.05.

SECTION VI

"LC" LIMITED COMMERCIAL - OFFICE DISTRICT

6.01 Purpose

To designate areas in Waldo Township where less intensive commercial, office and related land uses may be developed in a complimentary manner, so as not to conflict with surrounding agricultural land and residential development.

6.02 Use Regulations

6.021 Principal Permitted Uses.

Any principal use permitted in the "RR" Rural Residential District.

Agriculture

Public Uses

Semi-Public Uses

Museums

Recreational facility, limited commercial

Library

Offices in which goods or merchandise are not produced, displayed, stored, exchanged or sold of the following types:

Medical and dental offices and clinics.

Legal, engineering, architectural, accounting, balancing, and similar professional offices.

Accounting, bookkeeping and auditing services.

Real Estate and Insurance Offices.

Offices of organizations and associations (such as civic, Charitable, and professional organizations).

Retail sales, personal services and office establishments strictly limited to the types listed hereunder, but not including drive-in facilities. **NO OUTSIDE STORAGE OR DISPLAY, WITH THE EXCEPTION OF PLANTS OR MUSEUM ITEMS.***

Grocery store, Food market, dairy store, delicatessen

Open air produce markets

Bakery, with production of bakery goods sold on the premises, sold for catering, or sold to the local area.

Drug store

Hardware store, limited primarily to retail sales

Flower shops

Barber and beauty shops

Dry cleaning and laundry pickup services

Self-service laundry and services

Shoe repair

Toy/Hobby Shop

Doll repair

Clothing/Jewelry Store

Tailor and dressmaking shop

Gift and Card Shop

Repair- services (related only to household goods) Music Shop

Fabric Store

Locksmith

Interior Household Furnishing

Bookstore *
Photography
Dance/Aerobic Studio *
Printing
Antique Gallery
Funeral Homes and Mortuary
Restaurants, not including drive-in or drive-through facilities:
Children's theater, or similar activities
Meeting, banquet room
Production, display and sale of arts and art crafts such as painting,
sculpture, doll making, woodcraft's, etc.
The handcrafting and sale of articles related to agriculture or Early American
Occupations for display or sale. (See definition of Early American Occupations).
Advertising signs (See Section 9.045)

6.022 Conditional Permitted Uses (Subject to approval by Board of Zoning Appeals)

A. Mini-warehouse:

Storage and warehousing in enclosed buildings provided, however, that such buildings shall be limited to one story in height which one story shall not exceed twelve (12) feet in height from floor to ceiling and provided that the use of any building or buildings in this use district or the purposes herein set forth shall be conditioned upon and subject to the approval of the Board of Zoning Appeals before such use shall commence. Such storage and/or warehousing shall be restricted to the interior of such buildings and no outside storage or warehousing of any land or nature shall be permitted.

B. Auction Facility

The use of a building and/or land for the temporary storage and sale, on-premises, of new and/or used goods by means of request or invitation for bids. Sale of motor vehicles shall be limited to vehicles licensed to operate in the state of Ohio. Temporary storage shall mean for eight (8) weeks or less for items intended for sale that are not stored in enclosed buildings.

In considering whether to approve an application for an auction facility on an "LC" zoned property, the following conditions must be met:

1. **Parking:** shall be maintained in a designated parking area and is not in any manner permitted on the public roadway, in the public right of way, or within 50 feet of the public right of way. A plan for overflow parking elsewhere on the property shall also be required. The board of zoning appeals must approve all access points to and from the parking lot and overflow parking area. Ingress or egress points onto narrow secondary roads will not be permitted. Outside display of vehicles or machinery must not be visible to any neighboring residences nor from the frontage roadway.

2. Area of use and buildings: the board may limit the area to be used for buildings, auction offices, auction proceedings, and auction storage so as to be away from existing residences and other uses that could be impacted. This will include, but not be limited to, minimum setbacks for the above auction activities, buildings, and storage from other uses of at least 500 feet from an existing adjoining residence.
3. Hours When Auctions Are Permitted: Auctions shall not begin before 9:00am Monday through Saturday, 11:30 am on Sunday and shall not extend beyond 9:00pm at night.
4. There will be a sound and vision barrier shielding all adjoining residences and the part of the frontage roadway with adjoining residence. The sound and vision barrier must be sufficient to keep stored vehicles, machinery, and equipment from view. This sound and vision barrier will be of an earthen dike/berm construction, sufficient height and flora landscaping to ensure sound and vision abatement.
5. Sound: sound through speakers shall not be directed toward residential areas and shall not exceed 50 dBA at the property boundaries.
6. Landscaping and drainage: shall be reviewed by the board with site specific approvals.
7. Other requirements: the board may add other requirements or alter the above. For example, on a specific site, the board may require sound decibels be limited and metered, driveways be enclosed by rails to prevent autos from parking outside of designated parking areas, etc.

C. Other businesses similar in nature and character to the above.

6.023 Accessory Permitted Uses and Structures

Accessory signs (See Section 9.044)
 Off-street parking and loading
 Dirt Bike / A.T.V. Tracks (See Section 9.17) (Added in 2005)
 Any use customarily incidental to an allowed use

6.024 Prohibited Uses

Adults Only Entertainment Establishments

6.03 Area and Dimension Standards

All structures shall comply with the dimensional requirements hereunder:

6.031 Minimum Front- Yard Setback shall be ninety (90) feet. The front-yard setback shall be measured from the center of the right-of-way.

6.032 Minimum Side and Rear Yard:

- A. If both the side- or rear-lot line abuts land which is within the Limited Commercial - Office District, no minimum side or rear yard is required.
- B. If either the side- or rear-lot line abuts land within a different zoning district, that yard (or both) shall have a setback equal to the height of the

building but not less than twenty-five (25) feet.

***NOT INCLUDING ANY USE FIRST PERMITTED IN THE "SC" SPECIAL COMMERCIAL DISTRICT**

SECTION VII

"SC" SPECIAL COMMERCIAL DISTRICT

7.01 Purpose

Recognizing the potential need for commercial uses, which if located near residential or other commercial development could conflict because of noise, traffic, signage, hours of operation and lighting influence. It is the intent that zoning of land for this district shall be no closer than one (1) mile from the May, 1994 Corporation Limit of the Village of Waldo and one (1) mile from the right-of-way of U.S. 23.

7.02 Use Regulations

7.021 Principal Permitted Uses

Any principal use permitted in the Limited Commercial - Office District
Public Uses
Semi Public Uses
Recreational facilities, private
Recreational facilities, limited commercial
Recreational facilities, general commercial
Race tracks
Motocross tracks
Amphitheaters

7.022 Conditional Permitted Uses (Subject to approval by Board of Zoning Appeals)

Other businesses similar in nature and character to the above.

7.023 Accessory Permitted Uses and Structures

Accessory signs (See Section 9.044)
Off street parking and loading
Dirt Bike / A. T.V. Tracks (See Section 9.17)
Any use customarily incidental to an allowed use

7.024 Prohibited Uses

Adults Only Entertainment Establishments

7.03 Area and Dimension Standards

All structures shall comply with the dimensional requirements hereunder:

7.031 Minimum Front- Yard Setback depth shall be ninety (90) feet. The front-yard setback shall be measured from the center of the right-of-way.

7.032 Minimum Side and Rear Yard:

A. If both the side- or rear-lot line abuts land which is within the "SC" District, no minimum side or rear yard is required.

- B If either the side- or rear-lot line abuts land within a different district, the yard (or both) shall have a setback equal to the height of the building but not less than twenty-five (25) feet.

7.04 Time Limitations Following Re-Classification to "SC"

Following the granting of any appealed variance to "SC" by the Township Board of Zoning Appeals, the applicant and/or any subsequent owners, will have a period of 365 days from the date of the decision to commence site construction or implementation of the variance or changed use, or the decision will be rescinded and the property(s) revert to its (their) previous classification. Further, the applicant and/or any subsequent owners, will have a period of 1,095 days (3 years) from the date of the decision to achieve substantive accomplishment of the intended variance or changed use or the decision will be rescinded and revert to its (their) previous classification.

SECTION VIII

"B-I" BUSINESS-INDUSTRIAL DISTRICT

8.01 Purpose

The purpose of the "B-I" Business-Industrial District is to provide for various types of commercial and industrial development at appropriate locations.

8.02 Use Regulations

8.021 Principal Permitted Uses

Agriculture

Public Uses

Semi-public Uses

Lodging, including Motels

Retail business whose principal activity is the sale of new or used merchandise if not elsewhere prohibited.*

Service establishments such as barber shops, photography studios, dry cleaning, restaurants, taverns, cafes, etc.*

Workshop types of services such as electrical repair, locksmiths, or repair of other goods permitted to be sold within the district.

Professional, business or industrial offices

Gasoline service stations

Blending, packaging and storage of previously manufactured products, such as chemical, products, feed, grain and industrial compounds.

Manufacturing of household, business, or industrial products if not elsewhere prohibited or regulated.

Non-manufacturing activities such as transportation terminals, warehousing, research testing laboratories, fuel dealers, etc.

Advertising signs (See Section 9.045)

8.022 Conditional Permitted Uses (Subject to approval by Board of Zoning Appeals)

Commercial or Industrial uses (determined by the Board of Zoning Appeals) to be of the same general character as the above principally permitted uses.

The fabrication of structural steel, heavy machinery and transportation equipment

Punch presses and stamping operations

The processing or manufacturing of food products

Sawmills, mixing of cement, bituminous or asphaltic concrete

Topsoil removal

*** NOT INCLUDING ANY USE FIRST PERMITTED IN THE "SC" SPECIAL COMMERCIAL DISTRICT.**

The following uses, which shall not be located within one thousand feet of any existing residence or residential district.

- A. Chemical and/or fertilizer manufacturing plant
- B. Distilling of bones, fat or glue, or gelatin manufacturing
- C. Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals
- D. Refining or processing crude petroleum
- E. Sanitary landfills
- F. Bulk storage of flammable liquids
- G. Manufacturing explosives, ammunition, fireworks, matches
- H. Airports
- J. Junk or salvage yards if surrounded by screened fence six (6) feet high.

8.023 Accessory Permitted Uses

- A. Accessory Signs (See Section 9.044)
- B. Off-street parking and loading
- C. Any use customarily incidental to an allowed use

8.024 Prohibited Uses

Adults Only Entertainment Establishments

8.03 Area and Dimension Standards

All structures shall comply with the dimensional requirements hereunder:

8.031 Minimum Front-Yard setback shall be ninety (90) feet. The front-yard setback shall be measured from the center of the right-of-way.

8.032 Minimum Side and Rear Yard:

- A. If both the side- or rear-lot line abuts land which is within the Business Industrial District no minimum side or rear yard is required.
- B. If either the side- or rear-lot line abuts land within a different zoning district, that yard (or both) shall have a setback equal to the height of the building but not less than twenty-five (25) feet.

8.04 Time Limitations Following Re-Classification to "B-I"

Following the granting of any appealed variance to "B-I" by the Township Board of Zoning Appeals, the applicant and/or any subsequent owners, will have a period of 365 days from the date of the decision to commence site construction or implementation of the variance or changed use, or the decision will be rescinded and the property(s) revert to its (their) previous classification. Further, the applicant and/or any subsequent owners, will have a period of 1,095 days (3 years) from the date of the decision to achieve substantive accomplishment of the intended variance or changed use or the decision will be rescinded and revert to its (their) previous classification.

SECTION IX

SUPPLEMENTARY DISTRICT REGULATIONS

9.01 Home Occupations

Any person may maintain an office or carry on a customary home occupation in the dwelling used as the person's private residence provided the following conditions are met:

- 9.011 The home occupation does not involve any extension or modification of the dwelling which will alter its outward appearance as a dwelling other than a sign as permitted under Section 9.043.
- 9.012 There is a maximum of one (1) non-resident employee engaged in the home occupation.
- 9.013 The space devoted to such home occupation shall not exceed twenty five (25) percent of the gross floor area of the principal building.
- 9.014 No mechanical equipment shall be installed or used which will create excessive noise interference with radio or television transmission or reception.

9.02 Roadside Stands on Farms

Roadside stands consisting of a removable structure used only for the display and sale of agricultural products, produced on the premises are permitted accessory uses provided that:

- 9.021 Adequate facilities are provided and maintained for off-street parking.
- 9.022 That such stand is removed during the seasons when it is not actually used.
- 9.023 The stand shall be set back at least five (5) feet from the right-of-way.

9.03 Temporary Living Space

Temporary living spaces or those spaces used until the main dwelling is completed (generally located in basements, garages, or structures such as travel or vacation trailers) shall be permitted for a period not to exceed one (1) year. The Board of Zoning Appeals may grant an extension to this time limit if it is determined that the persons are hampered by conditions beyond their control.

9.031 Accessory Buildings

A manufactured home can be used as an accessory building, or a recreational vehicle can be used as an accessory use, if it is temporary living space (with permit) in the case of a hardship. Hardships of a medical nature, including the care of an ill or aged relative or relatives (no more than two people) or the need for a temporary living space during construction of a new, permanent dwelling unit.

9.032 Requirements for Accessory Manufactured Homes or Recreational Vehicles as Temporary Living Spaces

- A. All accessory manufactured homes OR recreational vehicles shall comply with Marion County Health Department regulation regarding sanitary disposal and water supply.
- B. No accessory manufactured home OR recreational vehicles shall be used as a rental unit for the general public.
- C. The Board of Zoning Appeals may grant a conditional use permit for a temporary living space in an accessory manufactured home. The Board may approve such a permit for a period of (5) years or less.
- D. If after that time period, the use of the accessory manufactured home is still needed, the applicant must apply to the Board of Zoning Appeals for an extension beyond the initially approved time period. The Board must specify a time for any extension.
- E. Location of all accessory manufactured homes OR recreational vehicles shall be determined by the Board of Zoning Appeals based upon individual site considerations. The approved location shall be reflected in the zoning permit.
- F. All manufactured homes or mobile homes without permanent foundations shall have skirting installed along the perimeter of the unit.
- G. Upon expiration of the zoning permit, the accessory manufactured home shall be immediately removed from the property. A recreational vehicle may remain, not to be used as temporary living space OR as an accessory use.
- H. Whenever the Board of Zoning Appeals approves a conditional use for a temporary living space, the applicant must sign a written statement listing the conditions of approval and the agreed upon exit strategy for removing the manufactured home or discontinuing the residential use of an recreational vehicle.

9.04 Signs

9.041 Exempted Signs

The following signs are not subject to the provisions of this Resolution:

- A. Signs relating to the agricultural operations of a particular farm. Signs relating to general commercial products which are not produced on the farm are not exempt.
- B. Governmental signs for control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public utility companies for the purpose of safety.

9.042 General Provisions

No sign shall be erected in such a manner as to obstruct free and clear vision, or at any location where, by reason of position, shape or color it may obstruct the view of motorists or pedestrians.

Any illuminated sign shall be so shaded so as not to interfere with the vision of motorist or pedestrians and so as not to direct light on a neighboring residential property.

Any sign that is not maintained shall be removed.

9.043 Accessory Signs in Agricultural and Residential Districts

- A. A home occupation or professional office may have one (1) unlighted sign, not more than four (4) square feet in area.
- B. Any other permitted non-residential use may have one (1) sign with not more than thirty-six (36) square feet per face.

9.044 Accessory Signs in the Commercial and Business-Industrial Districts

- A. Wall signs on the building shall be permitted and not regulated as to size. In addition, up to two (2) free standing signs for each commercial or industrial use shall be permitted with a maximum of three hundred (300) square feet of total free standing sign size.

9.045 Advertising Signs

- A. Advertising signs shall be deemed to be a principal use.
- B. There shall be no more than one (1) advertising sign on any lot having less than two hundred (200) feet of unbroken frontage on a single street. A lot having two hundred (200) or more feet of unbroken frontage may have two (2) advertising signs.
- C. The maximum individual sign area shall be two hundred (200) square feet of area per face. (Amended 2005)

9.046 Local Standards

A. Accessory Signs

- a. No accessory sign shall be located in the required front or side yards.
- b. No accessory sign shall be located within one hundred and fifty (150) feet of any road intersection unless affixed to the principal structure.

B. Advertising Signs

- a. An advertising sign shall comply with the yard requirements for the principal uses in the district in which it is to be located.
- b. No advertising sign shall be located within one hundred and fifty (150) feet of any road intersection.

9.05 Public Utilities

- 9.051 Telecommunication or cellular communication towers and any supporting structures shall be a minimum of 1 000 feet from any residential property line on which property there is a dwelling unit.
- 9.052 Telecommunication or cellular communication towers shall be a minimum of 5280 feet from any public or private airport.
- 9.053 Telecommunication or cellular communication towers shall be a minimum of one and one-half (1/2) tower heights (including base height if applicable) from any buildings, roads, alleys, utility lines, etc.

9.06 Frontage Requirements for Deep Lots Within the Rural-Residential District

This section of the zoning code was eliminated in 2005

9.07 Accessory Structures

- 9.071 Attached garages or other accessory structures connected with the main building by a breezeway or other permanently constructed shall be considered to be part of the principal structure for the purposes of this resolution.
- 9.072 Accessory structures shall be located not less than twenty (20) feet to the rear of the principal structure and not less than five (5) feet from a side or rear lot line.
- 9.073 On comer lots, an accessory structure may not be constructed within twenty (20) feet of any existing residence.

9.08 Corner Lots

In all districts, a comer lot shall have a minimum side yard on the side street equal to the required front yard depth required in the district in which it is located.

9.09 Natural Resources

The mining of rocks, minerals, sand and gravel shall be permitted in accordance with the district regulations and provided the following conditions are met:

- 9.091 Such operations are at least two thousand (2000) feet from a residential district.
- 9.092 Such operations are at least one thousand (1000) feet from an existing residence (excluding the residence of the owner or operator).
- 9.093 An application for such operation shall be made to the zoning inspector who shall issue a permit. The fee for the permit shall be ten (10) dollars. And the permit shall expire at the end of one (1) year. A new permit and fee shall be required annually as long as the operation continues or as long as equipment is located at the site of operation.
- 9.094 Upon termination of operation, land shall revert to the original use, all buildings

and structures shall be removed at the expense of the operator within six (6) months of the termination date.

9.10 Minimum Residential Dwelling Unit Requirements

Manufactured homes which have a manufacture date prior to January 1, 1995 are permitted only within existing manufactured-home parks or new manufactured-home parks developed in accordance with the provisions of this Resolution, except where provided for in Sections 9.101 and 9.102. The terms manufactured home and mobile home are equivalent.

All single-family, two-family, and multi-family dwelling units, including permanently sited manufactured homes with a manufacture date of January 1, 1995 or later located on individual lots, must meet the following requirements which shall be construed to be the minimum building requirements. The terms manufactured home and mobile home are equivalent.

- 9.101 Minimum building width of 24 feet at the narrowest point exclusive of breezeways porches, terraces, and garages or attachments
- 9.102 Minimum building length of 24 feet at the narrowest point exclusive of breezeways porches, terraces, and garages or attachments.
- 9.103 The minimum ground floor area for a single- or two-family dwelling unit shall be 900 square feet if the residential structure has one-story, and 700 square feet of ground floor area if the residential structure has more than one-story.
- 9.104 The minimum ground floor area for multi-family residential structure shall be 900 square feet per dwelling unit in the residential structure.
- 9.105 All dwelling units must be affixed to a permanent foundation and connected to appropriate utilities (water, sewer, electric, etc.).
- 9.106 All dwelling units must have a pitched roof (HOD approved for manufactured homes), conventional siding, and a six inch minimum eave overhang including appropriate guttering.

9.107 Replacement of Non-conforming; Mobile or Manufactured Homes

A nonconforming mobile home, lawfully existing prior to the effective date of this Resolution outside of a mobile or manufactured home park, may be voluntarily replaced by another mobile or manufactured home with a manufacture date prior to January 1, 1995 provided it is replaced within six months of removal. However, if a mobile home has been voluntarily removed from a site for more than six months, the replacement dwelling must meet the minimum residential dwelling standards listed in Section 9.10.

9.108 Repair of Non-Conforming Mobile or Manufactured Homes

A non-conforming mobile home, lawfully existing prior to the effective date of this Resolution outside of a mobile or manufactured home park, which is damaged by fire or the elements, may be reconstructed, replaced or restored provided the same is done within one (1) year from the date of said destruction. Commence within 6 months

9.104 Mobile or Manufactured Home Parks

A. Application

The owner of a tract of land twenty (20) acres or more in area, located within a residential district may submit a plan for development and use of such tract as a mobile home park under the provisions of this Section.

B. Development Standards

a. Ohio Department of Health

All mobile home parks shall meet the requirements of the Ohio Sanitary Code adopted by the Ohio Department of Health under the authority of the Ohio Revised Code Section 3733.02.

b. Subdivision Regulations

All mobile home parks shall meet the requirements of the Subdivision Regulations for Marion County and the City of Marion under the authority of the Ohio Revised Code Section 711 (Explained in O.A.G. 72-020).

c. Board of Zoning Appeals

All applications and plans for mobile home parks shall be reviewed by the Board of Zoning Appeals. In reviewing such application and plans for a mobile home park the Board shall determine whether the following requirements are met:

1. The proposed park is twenty (20) acres or more in size.
2. The front yard depth for the park as a whole is at least ninety (90) feet.
3. The side yards and rear yard for the park as a whole are each fifty (50) feet from the interior lot line. If the park abuts more than one existing public road, then the side or rear yard on a public road shall be ninety (90) feet measured from the center of the road.
4. The minimum floor area of any mobile home used as a dwelling shall be seven hundred twenty (720) square feet.
5. The mobile homes within the park shall be limited to single family occupancy, not including transient or vacationing families or persons, and not including the storage, display, or sale of mobile homes on the premises.
6. The park will be located to assure maximum compatibility with other types of residential development.
7. The park will not be detrimental to the neighborhood.

As a condition to determining that the park is compatible to nearby residential development, the Board of Zoning Appeals may set conditions including, but not limited to, a requirement of screening

by plants to obscure the view of the tract, limitations on signs allowed, and assurance of adequate recreation facilities.

d. Board of Zoning Appeals Approval

If after review of the application and plans for a mobile home park, the Board finds that all requirements have been met, the Board may grant approval. Such approval may however, be conditioned on the compliance with Sections 9.104-B -a and -b.

9.11 Sanitary Landfills. Junk Yards. Chemical Manufacturing Plants and Similar Uses

These uses are prohibited in any district except in the Business-Industrial District and only then if:

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9.111 More than one thousand (1000) feet from any residence or residential district.

9.112 Approved by the Board of Zoning Appeals after a public hearing. See Section 8.022 (Conditional Permitted Uses) and Section 12.022 (Application for Conditional Uses).

9.12 Fences

Required or permitted fences, walls and landscaping shall conform to the following locational and maximum height limitations, except as otherwise specified in this Code.

YARD	LOCATION	MAXIMUM HEIGHT (Ft.)
Rear	If within ten (10) feet of the side or rear lot line	6
	If ten (10) feet or more from the side or rear lot line	10
Side	At any location	6
Front	At any location	3 1/2

No fence, wall, or landscaping shall be within the road right-of-way.

9.13 Dangerous, Exotic And Wild Animals (Section added in 2005)

9.131 No person shall own, harbor, keep or breed any dangerous exotic animal or dangerous wild animals within 1000 feet of any residential district, single-, two- or multi-family dwelling, church, park, preschool or school. For the purpose of this Resolution, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the enclosure of the animal to the nearest (1) Residential District boundary line, or (2) property line of the premises or a single, two or multi-family dwelling, church, park, preschool or school.

9.14 Site Plan (Section added in 2005)

9.141 Site Plan Purpose and Procedure

This Site Plan Procedure is to insure that the provisions of this Chapter and other Chapters are carried out in an integrated fashion for a development. Any proposed use of Commercial, Industrial, or Residential uses, where ten (10) or more parking spaces are planned, a Site Plan is required. Consideration must be given to protecting the health, safety, welfare, and values of surrounding residents and property. The Site Plan may be reviewed in stages or at one time. Five (5) copies shall be submitted to the Waldo Township Zoning Commission by the owner or developer for each review. An Interim or Final Review will be accomplished within thirty (30) days. At any time The Zoning Commission may also seek a recommendation from The Marion County Regional Planning Commission. Items that pass an interim review may require additional detail for final approval. After the Final review, The Zoning Commission will give a written report to the Owner/Developer and Zoning Inspector as to the approval or denial of the Site Plan. If not approved, the Zoning Commission will specify in the report what is needed for re-submittal and approval. If approved, the Zoning Inspector will sign all copies of the Site Plan and return a copy to the owner or developer. If the owner/developer requires more signed copies, they shall supply the additional Final Plan copies to the Zoning Inspector. Any changes made after the Final Plan approval, would require a Site Plan Change Review.

9.142 Preparation of the Site Plan, Guidelines and Requirements

- A. The Site Plan and Surveys must be prepared by Professional Surveyors, Engineers, and / or Architects registered in the State of Ohio.
- B. Scale - Drawn to not more than a 100': 1 "scale with all locations, distances, dimensions and other features legibly marked. Show scales (written and graphic) and north point.
- C. Title Block
 - a. Name of the development
 - b. Type of Business (es)
 - c. Name (s) of the owner or developer
 - d. Name (s) of the architect/engineer/surveyor
 - e. Show completion date of the Site Plan
- D. Give projected construction starting date.
- E. Give projected construction finish date.
- F. All distances shall be based on a survey of the outer property lines.
- G. Show Adjacent Land Parcels - with names of recorded owners.
- H. Show Zoning District Boundaries - transgressing or adjacent to the site.
- I. Show On-Site and Adjacent Easements and Rights-of-Way; including name, location, dimension and purpose.
- J. Show Parking Area - number and size of parking spaces

- K. Show Internal Access Flow.
- L. Driveways - show location, width, and setbacks.
- M. Buildings - show size, location, setback lines and dimensional distance to street.
- N. Trees and Landscaping - show location and whether existing or proposed.
- O. Outside Lighting - show location and type
- P. Illustrate Drainage - include water in poundments (see Section 9.16)
- Q. Drainage Systems - certificates of approval needed from a licensed engineer showing location, size, and adequacy of proposed drainage plans.
- R. Buffer Zones - showing location, dimensions, landscaping, and any other construction details. Buffers are necessary to protect Residential Districts when bordering different types of zoning districts.

9.15. Site Plan Maintenance

9.151 Any change from the currently approved Site Plan, regarding construction or business operations must be submitted to the Zoning Commission for review (following Section 9.142 requirements). Submit prior to making the change.

A. Change in Construction and / or Lot Size

Show additions or deletions from the current drawing with a modified current or a new drawing, giving the date of change and the starting date.

B. Change in any Business Operations

Submit in writing a description of the change, including start-up and / or shut-down dates.

9.152. The Zoning Inspector will inspect the site periodically before, during and after construction to insure compliance with the Site Plan, permits and all other applicable Waldo Township zoning regulations.

9.16 Water Impoundments (Section added in 2005)

All water impoundments such as ponds, lakes, or swimming pools shall be constructed and developed in compliance with the following standards:

9.161 No impoundment shall be located closer than ninety (90) feet from the centerline of any adjacent county or township right-of-way. No impoundment shall be located closer than thirty (30) feet from any side or rear property line. No impoundment on a state highway shall be located closer than one-hundred-thirty (130) feet from the highway right-of-way line.

9.162 The outer perimeter line of the embankment, spoil pile or the high water elevation

shall meet all of the above setback requirements.

9.163 No impoundment shall be located in the front yard in any district except upon issuance of a conditional use permit pursuant to Chapter 11 of this resolution, or as approved in plans of development or approved subdivision plat.

9.164 All installed swimming pools, or the entire property upon which it is located, shall be walled or fenced to prevent uncontrolled access by individuals from the street or from adjacent properties. Said fence or wall shall be not less than five (5) feet in height and shall be maintained in good condition with a gate and lock.

9.17 Drainage (Section added in 2005)

All construction within this township shall be accomplished in a manner consistent with maintenance of good surface drainage. In all improvements or uses where submittal of drainage plans is not specifically required every reasonable effort shall be made to insure that proper drainage on the subject property and adjacent or servant properties is maintained or improved. In no event, shall any person interdict or interfere with any existing tile for surface drain channel unless it is determined that such tile or channel can be removed or relocated without interfering with the drainage on adjacent properties.

9.18 Dirt Bike / A.T.V. Tracks (Section added in 2005)

A dirt bike / A.T.V. track must be located at least five hundred (500) feet from any existing residential dwelling on any neighboring properties. Tracks must be screened from view of adjacent properties. Riders may ride only from sun up to one half (1/2) hour after sun down. No more than two (2) riders who are not residents of the property at a time.

SECTION X

NON-CONFORMING USES AND STRUCTURES

10.01 Intent

Within the districts established by this Resolution or subsequent amendments there exists lots, uses of land and structures which individually or in combination were lawful before this resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution. It is the intent of this Resolution to permit these non-conformities to continue until they are voluntarily removed. It is also the intent of this Resolution that non-conformities shall not be enlarged upon, expanded or extended, nor be used as ground for adding other structures or uses prohibited elsewhere in the same district.

10.02 Non-conforming Lots

In a district in which dwellings are permitted, a dwelling and accessory structures may be constructed on a lot which is non-conforming as to width and or area provided the following conditions are met:

- A. The lot was a lot of record at the effective date of this Resolution.
- B. The lot is in separate ownership and not of continuous frontage with adjacent lots of the same ownership.
- C. That all applicable setback requirements are met.

10.03 Non-conforming Uses of Land

A non-conforming use may be continued subject to the exceptions and conditions hereunder.

10.031 Change of Non-conforming Uses

No non-conforming use may be changed to another non-conforming use except with prior approval from the Board of Zoning Appeals, in accordance with Section 12.022 of this Code.

10.032 Abandonment

No building, structure or premises where a non-conforming use has ceased for two (2) or more years shall again be put to a non-conforming use.

10.04 Non-conforming Structures

10.041 Structural Alteration, Extension or Repair

A non-conforming structure may be altered, extended or repaired without prior approval from the Board of Zoning Appeals if such alteration, extension or repair does not increase the degree of non-conformity. For example, if the yard requirements are non-conforming as to the

dimensions, such dimensions shall not be further decreased.

10.042 Expansion of Use

No structure in which a non-conforming use occurs may be expanded or changed to provide for an expansion of its non-conforming use without prior approval from the Board of Zoning Appeals. Examples of such expansion include increasing the number of dwelling units in a housing structure or increasing the floor space of a commercial or industrial establishment.

10.043 Repairing Damaged Non-conforming Structure

A non-conforming structure in which a non-conforming use occurs which is damaged or destroyed by fire, flood, winds, acts of God, or other causes beyond the control of the owner may be repaired or reconstructed and the non-conforming use, if any, may be continued provided that such repair or reconstruction is begun within a period of one (1) year and carried on diligently.

SECTION XI

ZONING INSPECTOR AND ZONING PERMITS

11.01 Township Zoning Inspector Position

The position of Township Zoning Inspector is hereby created. He shall be appointed by the Board of Township Trustees and shall receive such compensation as the Trustees shall provide. He shall keep records of all applications for Zoning certificates and the action taken thereon.

11.02 Zoning Permit Application Requirement

Before constructing any building, (excluding buildings incident to agricultural purposes), changing the use, or altering any building or structure (including accessory buildings, signs, or changing the use of any premises), application shall be made to the Township Zoning Inspector for a zoning permit. The applicant shall submit a description of the proposed construction, alteration, change of use. Such a description shall include when applicable, drawings to scale showing relevant dimensions and any other information necessary for the enforcement of this Resolution.

11.03 Zoning Permit May Be Revoked

A zoning permit shall be revocable, if among other things, the actual use, construction or alteration does not conform to the terms of the application and permit granted thereon.

11.04 Zoning Permit Expiration

A zoning permit shall expire three hundred–sixty-five (365) days after issuance unless the construction, alteration or change of use permitted by its issuance has been substantially begun and is thereafter pursued to completion. The permit's period of validity will follow the wording and intent of paragraph 12.04 of this document.

11.05 Fees Charged For Permits

The fees to be charged for all permits required by this Zoning Resolution along with the fees required for matters to come before the Zoning Commission or Board of Zoning Appeals shall be set forth in a separate Resolution adopted by the Waldo Township Trustees. Failure to obtain a permit prior to undertaking a project subject to this Resolution shall result in the doubling of the required zoning fee.

11.06 Permit Not Required If Floor Area Not Enlarged

No zoning permit shall be required for alterations, remodeling or repairs on any building, provided that the gross floor area is not enlarged.

11.07 Permit Not Required For Construction Buildings

No zoning permit shall be required for temporary removable structures erected as part of a

construction project, nor for the construction of roads, sewers, service lines, utility lines or driveways.

SECTION XII

BOARD OF ZONING APPEALS

12.01 Establishment and Organization

The Board of Township Trustees shall appoint a Township Board of Zoning Appeals consisting of five (5) members who shall be residents of the unincorporated territory of the township. The terms of all 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. Members shall be removable for the same causes and in the same manner as provided by Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by appointments made by the Board of Township Trustees and shall be for the unexpired term.

12.02 Powers of the Board of Zoning Appeals

12.021 Interpretation of this Resolution

Upon appeal from a decision of the Zoning Inspector, the Board may hear and decide any question involving the interpretation of the test of this Resolution or zoning map.

12.022 Applications for Conditional Uses

The Board of Zoning Appeals shall have original jurisdiction and shall hear and decide upon application filed for conditional uses. In considering such an application the Board shall give due regard to the nature and condition of all adjacent uses and structures, and consistency therewith of the proposed use and development. Before authorizing a conditional use, the Board shall determine whether the proposed use would be hazardous, harmful, noxious, offensive or a nuisance to surrounding neighborhoods.

A. Contents of Application

1. Each application for a conditional use shall contain the following information:
 - a. the name, address, and telephone number of the applicant;
 - b. name, address and telephone number of owner, if not applicant;
 - c. a brief narrative description of the proposed conditional use of the property;
 - d. a site plan, drawn at an appropriate scale, showing the following:
 - 1) base map of the property, indicating all existing and proposed structures, lot lines, general topography, drainageways, bodies of water, and relationship to adjoining properties;
 - 2) locations of the nearest public rights-of way and locations of all access points to the site, existing or proposed;
 - 3) locations of any easements, existing or proposed;
 - 4) locations of any existing utilities and an indication of intent to provide any utility connections that may be required;

- 5) locations of any existing or proposed sidewalks, parking areas, and driveways showing intent to comply with all parking requirements specified by these regulations;
- 6) proposed treatment of existing topography, drainageways, and tree cover;
- 7) building plans, including floor plans and exterior elevations;
- 8) proposed landscaping and lighting plans, if applicable;
- 9) compliance with all provisions and conditions contained in other applicable parts of this resolution.

B. Notice

Notice of the application for a conditional use and the hearing thereon shall be given to all property owners within two hundred (200) feet of the premises on which the use is planned. Notice shall be given by ordinary mail.

C. Revocation Of Permit

The board of zoning appeals may revoke approval of a conditional use for failure to comply with the conditions of that approval. The board shall notify the holder of that approval by certified mail of its intent to revoke same and of the holder's right to a hearing before the board, within thirty (30) days of the receipt of said notice, if he/she so requests. In lieu of said certified mail service, service may be made personally by the zoning inspector by written document with holder's written acknowledgement, in which case the hearing shall be requested within thirty (30) days after such service. If the holder requests a hearing, the board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person or be represented by his/her attorney or other representative, or he/she may present his/her position in writing. He/she may present evidence and may examine witnesses appearing for or against him/her. If no hearing is requested the board may revoke approval without a hearing. The authority to revoke approval is in addition to any other means of zoning enforcement provided by law.

D. Abandonment or Change of Owners

Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of BZA approval or are discontinued for a period in excess of two (2) years. The applicant may ask the BZA for a reasonable extension of these times if progress is being made.

Approval of a conditional use may run with the land, but only if subsequent new owners notify the zoning inspector either within six (6) months of taking ownership or before any alterations of the site or operations at the site, the board of appeals may require the new owner to meet with the board to go over the use and /or any operations on the site. This designation that the conditional use permit may run with the land **does not** affect the right of the

board of zoning appeals to revoke the permit for failure to comply with conditions imposed.

12.023 Variances

The Board may authorize upon appeal in specific cases, variances from the provisions of this Resolution as will not be contrary to the public interest. However, nothing contained herein shall authorize the Board to affect changes in the zoning map or to add to the uses permitted in any zoning district. In order to grant a variance, the Board must find:

- A. That there are special circumstances or conditions applying to the land or buildings for which the variance is sought. These circumstances or conditions shall be such that the strict applications of the provisions of this Resolution would result in practical difficulties and unnecessary hardship and deprive the applicant of the reasonable use of land or building.
- B. That the granting of the variance will be in harmony with the general purpose and intent of this Resolution and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

- C. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make it more practicable to consider an amendment to the resolution according to the procedure set forth in Section XIV.

12.03 Procedures

The Township Board of Zoning Appeals shall organize and adopt rules in accordance with this Resolution. Meetings of the Board shall be held at the call of the Chairman, or in his absence, the Acting Chairman. The Chairman or Acting Chairman may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its actions, all of which shall immediately be filed in the office of the Board of Township Trustees. Three (3) members of the Board shall constitute a quorum to conduct business. The Board shall act by resolution and the concurring vote of three (3) members of the Board shall constitute a quorum to conduct business. The Board shall act by resolution and the concurring vote of three (3) members shall be necessary to decide on any matter of which the Board has jurisdiction to decide upon. In the absence of three (3) members, one (1) member shall be a quorum for the purpose of establishing a date and time for the continuance of the meeting, after this is accomplished, such meeting shall adjourn.

12.031 Applications and Appeals

An application for a decision or an appeal to the Board may be made by any person or organization affected by the provisions of this Resolution. Appeals to the Board shall be taken within twenty (20) days after a decision of the Zoning Inspector by filing a form approved by the Board, specifying the grounds therefore.

When an application or appeal has been filed in proper form and with required data, the Secretary of the Board shall place within sixty (60) days said application on appeal upon the calendar for a hearing and cause notices to be served stating the time, place and object of the hearing. Such notices shall be served personally or by mail at least ten (10) days prior to the day of such hearing to all parties of interest and specified in the Board's rules and regulations. The Board shall also publish a notice of such hearing in a newspaper of general circulation in Waldo Township at least ten (10) days prior to the public hearing.

The Board shall decide upon an application or appeal within thirty (30) days after the hearing. Any person may appear at such hearings in person or by agent or attorney.

12.04 Limitation of Time to Implement

Following the granting of any appealed variance by the Township Board of Zoning Appeals, the applicant and/or any subsequent owners, will have a period of 365 days from the date of the decision to commence site construction or implementation of the variance or changed use, or the decision will be rescinded and the property(s) revert to its (their) previous classification. Further, the applicant and/or any subsequent owners, will have a period of 1,095 days (3 years) from the date of the decision to achieve substantive accomplishment of the intended variance or changed use or the decision will be rescinded and revert to its previous classification.

SECTION XIII

ZONING COMMISSION

13.01 Organization

The Zoning Commission shall be composed of five (5) members, appointed by the Township Trustees who shall be residents of the unincorporated territory of Waldo Township. The terms of all members shall be of such length and so arranged that the term of one member shall expire each year. Each member shall serve until his successor is appointed. Members shall be removable for the same causes and the same manner as provided by Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by appointments made by the Board of Township Trustees.

13.02 General Procedures

The Township Zoning Commission shall meet at least one (1) time each year and as necessary, and shall also adopt rules to govern its activities in accordance with this Resolution. All meetings of the Commission shall be 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 such fact, and shall keep records of its examination and other official actions, all of which shall be filed immediately in the office of the Township Trustees and shall be a public record. Three (3) members of the Commission shall constitute a quorum.

13.03 Powers and Duties

13.031 The Zoning Commission may initiate proposed amendment to this Resolution.

13.032. The Zoning Commission shall review all proposed amendments to this Resolution and make recommendations to the Board of Township Trustees pursuant to Section XIV.

SECTION XIV

AMENDMENTS

14.01 Amendments

It shall be the policy of the Waldo Township Government to consider this Zoning Resolution, together with its Zoning District Map, to be subject to amendment from time to time, in order to recognize changing conditions of Land Use and Development, and to utilize proved practices in zoning. The following copy of Section 519.12 Ohio Revised Code is current at the time of the November XX, 2012 Revision of this Resolution and is included for reference only. Verification of the most current Ohio Revised Code revisions should be made to assure current compliance. The most current version can be found at <http://codes.ohio.gov/orc/519.12> (The numbering system is that of Section 519.12 Ohio Revised Code.)

519.12 Zoning amendments.

(A)(1) Amendments to the zoning resolution may be initiated by motion of the township zoning commission, by the passage of a resolution by the board of township trustees, or by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the township zoning commission. The board of township trustees may require that the owner or lessee of property filing an application to amend the zoning resolution pay a fee to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. If the board of township trustees requires such a fee, it shall be required generally, for each application. The board of township trustees, upon the passage of such a resolution, shall certify it to the township zoning commission.

(2) Upon the adoption of a motion by the township zoning commission, the certification of a resolution by the board of township trustees to the commission, or the filing of an application by property owners or lessees as described in division (A)(1) of this section with the commission, the commission shall set a date for a public hearing, which date shall not be less than twenty nor more than forty days from the date of the certification of such a resolution, the date of adoption of such a motion, or the date of the filing of such an application. Notice of the hearing shall be given by the commission by one publication in one or more newspapers of general circulation in the township at least ten days before the date of the hearing.

(B) If the proposed amendment intends to rezone or redistrict ten 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 township zoning commission, by first class mail, at least ten days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from the area proposed to be rezoned or redistricted to the addresses of those owners appearing on the county auditor's current tax list. The failure of delivery of that notice shall not invalidate any such amendment.

(C) If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing and include all of the following:

(1) The name of the township zoning commission that will be conducting the hearing;

(2) A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;

(3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the county auditor's current tax list;

(4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;

(5) The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing;

(6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;

(7) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action;

(8) Any other information requested by the commission.

(D) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:

(1) The name of the township zoning commission that will be conducting the hearing on the proposed amendment;

(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;

(3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing;

(4) The name of the person responsible for giving notice of the hearing by publication;

(5) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action;

(6) Any other information requested by the commission.

(E) Within five days after the adoption of the motion described in division (A) of this section, the certification of the resolution described in division (A) of this section, or the filing of the application described in division (A) of this section, the township zoning commission shall transmit a copy of it together with text and map pertaining to it to the county or regional planning commission, if there is such a commission.

The county or regional planning commission shall recommend the approval or denial of the proposed amendment or the approval of some modification of it and shall submit its recommendation to the township zoning commission. The recommendation shall be considered at the public hearing held by the township zoning commission on the proposed amendment.

The township zoning commission, within thirty days after the hearing, shall recommend the approval or denial of the proposed amendment, or the approval of some modification of it, and submit that recommendation together with the motion, application, or resolution

involved, the text and map pertaining to the proposed amendment, and the recommendation of the county or regional planning commission on it to the board of township trustees.

The board of township trustees, upon receipt of that recommendation, shall set a time for a public hearing on the proposed amendment, which date shall not be more than thirty days from the date of the receipt of that recommendation. Notice of the hearing shall be given by the board by one publication in one or more newspapers of general circulation in the township, at least ten days before the date of the hearing.

(F) If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:

(1) The name of the board of township trustees that will be conducting the hearing;

(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;

(3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the county auditor's current tax list;

(4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;

(5) The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing;

(6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;

(7) Any other information requested by the board.

(G) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:

(1) The name of the board of township trustees that will be conducting the hearing on the proposed amendment;

(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;

(3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing;

(4) The name of the person responsible for giving notice of the hearing by publication;

(5) Any other information requested by the board.

(H) Within twenty days after its public hearing, the board of township trustees shall either adopt or deny the recommendations of the township zoning commission or adopt some

modification of them. If the board denies or modifies the commission's recommendations, a majority vote of the board shall be required.

The proposed amendment, if adopted by the board, shall become effective in thirty days after the date of its adoption, unless, within thirty days after the adoption, there is presented to the board of township trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than eight per cent of the total vote cast for all candidates for governor in that area at the most recent general election at which a governor was elected, requesting the board of township trustees to submit the amendment to the electors of that area for approval or rejection at a special election to be held on the day of the next primary or general election that occurs at least ninety days after the petition is filed. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in section 3501.38 of the Revised Code.

The form of a petition calling for a zoning referendum and the statement of the circulator shall be substantially as follows:

"PETITION FOR ZONING REFERENDUM

(if the proposal is identified by a particular name or number, or both, these should be inserted here)

A proposal to amend the zoning map of the unincorporated area of Township, County, Ohio, adopted(date).... (followed by brief summary of the proposal).

To the Board of Township Trustees of Township, County, Ohio:

We, the undersigned, being electors residing in the unincorporated area of Township, included within the Township Zoning Plan, equal to not less than eight per cent of the total vote cast for all candidates for governor in the area at the preceding general election at which a governor was elected, request the Board of Township Trustees to submit this amendment of the zoning resolution to the electors of Township residing within the unincorporated area of the township included in the Township Zoning Resolution, for approval or rejection at a special election to be held on the day of the primary or general election to be held on(date)...., pursuant to section 519.12 of the Revised Code.

Signature	Street Address or R.F.D.	Township	Precinct	County	Date of Signing
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.....

STATEMENT OF CIRCULATOR

"I,(name of circulator)....., declare under penalty of election falsification that I am an elector of the state of Ohio and reside at the address appearing below my signature; that I am the circulator of the foregoing part petition containing(number)..... signatures; that I have witnessed the affixing of every signature; that all signers were to the best of my knowledge and belief qualified to sign; and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

.....

(Signature of circulator)

.....

(Address of circulator's permanent residence in this state)

.....

(City, village, or township, and zip code)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE."

The petition shall be filed with the board of township trustees and shall be accompanied by an appropriate map of the area affected by the zoning proposal. Within two weeks after receiving a petition filed under this section, the board of township trustees shall certify the petition to the board of elections. A petition filed under this section shall be certified to the board of elections not less than ninety days prior to the election at which the question is to be voted upon.

The board of elections shall determine the sufficiency and validity of each petition certified to it by a board of township trustees under this section. If the board of elections determines that a petition is sufficient and valid, the question shall be voted upon at a special election to be held on the day of the next primary or general election that occurs at least ninety days after the date the petition is filed with the board of township trustees, regardless of whether any election will be held to nominate or elect candidates on that day.

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

Within five working days after an amendment's effective date, the board of township trustees shall file the text and maps of the amendment in the office of the county recorder and with the county or regional planning commission, if one exists.

The failure to file any amendment, or any text and maps, or duplicates of any of these documents, with the office of the county recorder or the county or regional planning commission as required by this section does not invalidate the amendment and is not grounds for an appeal of any decision of the board of zoning appeals.

Amended by 128th General Assembly File No. 29, HB 48, § 1, eff. 7/2/2010. Effective Date: 08-28-2001; 12-20-2005; 06-01-2006; 2008 HB562 09-22-2008

SECTION XV

ENFORCEMENT

15.01 Violating These Provisions Is Unlawful

It shall be unlawful to construct, reconstruct, enlarge, change, maintain or use any building or to use any land in violation of any provision of this Resolution or any amendment thereto. Any person, firm or corporation violating this Resolution or any regulation, provision or amendment thereto shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars (\$100.00), each day and every day during which such illegal erection, construction, reconstruction, enlargement, change, maintenance or use continues, may be deemed a separate offense.

15.02 Violation Is An Actionable Cause

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of law or of this Resolution or any amendment thereto, the Board of Township Trustees, the Prosecuting Attorney of the County of Marion, the Township Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction mandamus, abatement, or other appropriate action, action proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use. The Board of Township Trustees may employ special counsel to represent it in any proceedings or to prosecute any actions brought under this Section.

15.03 No Open Space May Be Reduced To Achieve Compliance

No lot, yard, parking area or other open space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required by this Resolution. No part of a yard, parking area or other space provided for any building in compliance with this Code shall be included as a part of a yard, parking area or other open space required for another building.

SECTION XVI

EFFECT OF INVALIDITY OF ONE SECTION

16.01 Severability Clause

Should any section or provision of this Resolution be decided by the Courts to be unconstitutional or invalid, such decisions shall not affect the validity of the Resolution as a whole, or any part thereof other than the part so held unconstitutional or invalid.

SECTION XVII

EFFECTIVE DATE

17.01 Effective Date

This Resolution shall take effect and be in force within thirty (30) days following certification by the Board of Elections, if the Resolution is so approved by a majority vote cast by the electors of Waldo Township.

SECTION XVIII

DEFINITIONS

18.01 Intent Of Key Terms

The following terms shall have the meaning given herein for the purpose of this Resolution:

The word "shall" is to be interpreted as mandatory and not directive.

The word "may" is permissive.

All words used in the singular shall include the plural, and all words used in the present tense shall include the future tense, unless the context clearly indicates the contrary.

The word "Township" shall mean Waldo Township, Marion County, Ohio.

The term "Commission" shall mean the Waldo Township Zoning Commission.

The term "Board" shall mean the Waldo Township Board of Zoning Appeals. The term "Trustees" shall mean the Waldo Township Trustees.

18.02 Definitions

Agriculture

The use of land for farming including dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal or poultry husbandry. Agriculture includes farming; ranching; aquaculture, apiculture, horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing livestock; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod or mushrooms; timber, pasturage; any combination of the foregoing; the processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with, but secondary to, such husbandry or production.

Accessory Buildings

Buildings located on the same lot with a principal building, the use of which is customarily incident to that of the principal building.

Accessory Use

A use subordinate to the principal use of a building or premise, and customarily incidental thereto.

Adults Only Establishment

An establishment which may only admit persons eighteen years of age or older and which features or sells adults-only materials and services or which feature exhibitions of persons totally nude, or topless, bottomless, or persons with less than full opaque covering of private parts of the body, erotic dancers, strippers, male or female impersonators, or similar entertainment which constitutes adult material.

Adults Only Material

Any book, magazine, newspaper, pamphlet, poster, print, slide, transparency, figure, image, description, motion picture film, phonograph record or tape, other tangible thing or any service

capable of arousing interest through sight, sound, or touch, or is characterized by an emphasis on sexual excitement.

Airport

Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage and tie down areas, hangars and other necessary buildings, and open spaces.

Building

Any structure having a roof supported by columns or walls used for shelter or enclosure of persons or property.

Building or Structure Height

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building or structure to the highest point (where roofs are involved a flat roof is considered the highest point, the deck line of a mansard roof is considered the highest point, and for gable, hip, and gambrel roofs the mean height between eaves and ridge is considered the highest point).

Comprehensive Plan

The Comprehensive Plan for Marion County or parts thereof: as and when adopted or amended by the Marion County Regional Planning Commission.

Dangerous Exotic Animals

Any animal, amphibian, reptile, mammal, bird or fowl which is carnivorous, venomous or possesses other characteristics which may constitute a danger to human life and is not indigenous to the State of Ohio.

Dangerous Wild Animals

Any animal, amphibian, reptile, mammal, bird or fowl which is carnivorous, venomous or possesses other characteristics which may constitute a danger to human life and generally lives in its original, natural state and habitat and is not normally domesticated.

District Zoning

A portion of the land within Waldo Township for which certain uniform regulations and requirements are in effect.

Dwelling

Any building or portion thereof designed or used as the home of one or more persons or families, including modular dwellings but not including a tent, cabin, hotel, motel, recreation vehicle or mobile home.

Dwelling Modular

A fixed dwelling constructed with preassembled or partially preassembled modules or units, built using the same type of materials used in conventional construction, brought to a building site by temporary means of transport, assembled and permanently fixed to the ground. A mobile home as separately defined shall not be deemed to be a modular dwelling.

Dwelling Seasonal

A summer cottage, winter lodge, or similar lodging occupied less than six (6) months during a year.

Early American Occupations

Basket weaving, pottery making, glass blowing, blacksmith shop, candle making and related crafts that were practiced in the 17th, 18th, and 19th century rural America, such as would be found in

recreated museum villages.

Floor Area

The measurement of floor area for the purposes of this Resolution shall be the sum of the area of the first floor, as measured to the inside of exterior walls plus that area, similarly measured, of all other stories having eighty-four (84) or more inches of headroom. For residential uses, the floor area of uninhabitable basements, cellars, garages, attics, breezeways, and unenclosed porches shall be excluded.

Home Occupation

An occupation which is carried on in the home, clearly incidental and secondary to the residential use, meeting the requirements of Section 9.01 of this Resolution.

Junk Yard

Any premises, whether inside or outside any building or structure, where junk is bought, sold, exchanged, baled, packed, disassembled, stored or handled, including, but not limited to, scrap metals and wood, used bottles and cans, wrecked or disassembled vehicles or equipment, or parts thereof, old and used machinery and used construction materials.

Lot

A single tract or unit of land having frontage on a dedicated public or approved private street, occupied or intended to be occupied by a principal building or group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with the minimum open space as required in this Resolution.

Lot, Corner

A lot abutting two streets or roads at their intersections, where the interior angle is not more than 135 degrees.

Lot, Area

The computed area within the lot lines.

Lot, Width

The mean horizontal distance across the lot between side lot lines, measured at right angles to the lot depth, provided that the minimum lot widths required by this Resolution shall be so measured at a distance from the front lot line equal to the required depth of the front yard.

Mobile Home & Manufactured Home

Any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such a manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other foundation and constructed as to permit it being conveyed upon public streets and highways and exceeding a gross weight of four thousand five hundred (4,500) pounds and overall length of 30 feet. This includes units which are now inspected by HUD. This definition shall not include a travel or vacation vehicle self-propelled or non-self-propelled.

Principal Building

A building or structure in which is conducted the principal use of the lot on which it is situated.

Principal Use

The primary or chief purpose for which a lot or structure is used.

Public Uses

All lands, other than streets and highway, owned by and officially designated for continuing public use by a municipality, Township, County, school district, State of Ohio, United States Government or any other duly constituted agency of government, such as parks, schools and administrative, recreation, cultural and service buildings.

Recreation Facilities. Private

Privately owned recreation facilities which are not operated for the general public for profit, including private country clubs, golf courses, riding clubs, fishing or hunting clubs, game preserves, ski slopes, swimming pools and other similar non-commercial recreation areas or facilities.

Recreation Facilities. Limited Commercial

Recreation areas and facilities open to the public, established and operated for profit, limited to enterprises serving vacationing and/or one way customers, including picnicking, camping, fishing and boating, miniature golf: ice/roller skating rinks, playgrounds, etc. with the sale of goods and services limited to food, beverages, boating, fishing and camping supplies, boat docking and launching, tent and recreational vehicle parking.

Recreation Facilities. General Commercial

Recreation areas and facilities open to the public, established and operated for profit, including commercial golf courses, ski lodges and slopes, swimming pools, riding stables, race tracks, amusement parks, carnivals and similar commercial enterprises.

Semi-Public Uses

Land owned by a non-profit organization or agency which is open to general public use, including but not limited to a cemetery, church, Sunday school, parochial school, college, hospital, site occupied by an auditorium, museum, art gallery or other institutions of an educational, religious, charitable or philanthropic nature but not including any private or semi-private club, lodge, fraternity or other similar activity.