

ZONING RESOLUTION OF  
HARRIS TOWNSHIP OTTAWA COUNTY,  
OH

# ZONING RESOLUTION OF HARRIS TOWNSHIP OTTAWA COUNTY, OH

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ASSISTED BY:

OTTAWA REGIONAL PLANNING COMMISSION  
315 Madison Street - Room 208 Port Clinton, Ohio 43452

HARRIS TOWNSHIP OTTAWA COUNTY, OHIO

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**HARRIS TOWNSHIP \*\* OTTAWA COUNTY, OHIO**

Be it resolved by the Board of Township Trustees of Harris Township, Ottawa County, Ohio, in order to promote the public health, safety, morals, comfort or general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; or to facilitate adequate but economical provision of public improvements, all in accordance with a comprehensive plan, that:

**SECTION I - DISTRICTS AND GENERAL REQUIREMENTS**

**A. DISTRICTS**

Harris Township is hereby divided into nine (9) districts as follows:

SYMBOL	NAME
A	Agricultural District
R-1	Low Density Residential District
R-4	High Density Residential District
R-5	Manufactured Home Park District
PUD	Planned Unit Development District
C-2	Community Commercial District
C-3	Entertainment Commercial District (8/6/98)
C-4	Turnpike Service District
M-1	Restricted Manufacturing District
M-2	Heavy Manufacturing District

The location and boundaries of the districts shall be as shown on the map entitled Harris Township Zoning Plan. A copy of this map is on file in the office of the Board of Harris Township Trustees and said map and all notations, dimensions and designations shown thereon are hereby declared to be a part of this Resolution.

Where there is uncertainty as to the boundaries of any of the districts shown on the aforesaid map, the following shall apply:

1. The district boundary lines are intended to follow street, alley, lot or property line as they existed at the time of the passage of this Resolution unless otherwise indicated by dimensions on the Zoning Map. In case of the vacation of a street, alley, water course or other right-of-way, the abutting zoning classification on each side thereof shall automatically be extended to the center-line of said vacated street, alley, water course or right-of-way.
2. Where boundaries appear to approximately follow such aforesaid lines, and are not more than ten (10) feet distant therefrom such lines shall be construed to be the boundary unless specifically shown otherwise.

## SECTION 2 - GENERAL REGULATIONS

1. Except as hereinafter provided, it shall be unlawful to locate, erect, construct, reconstruct, enlarge or structurally alter any building except in conformity with the regulations of the District in which such building is located.
2. Except as hereinafter provided, it shall be unlawful to use any land or building for any purpose other than is permitted in the District in which such land or building is located.
3. No open space provided about any building for the purpose of complying with the provisions of this Resolution shall be considered as providing open space for any other building.
4. No parcel of land held under one ownership, with or without buildings, at the time this Resolution became effective, shall be reduced, nor shall any such parcel be subdivided in any manner below the minimum lot width and lot area required by this Resolution.
5. Exceptions to these regulations in specific cases may be authorized by the Board of Zoning Appeals where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this Resolution provided such exception is in harmony with the general purpose and intent of the Resolution, and in accordance with the procedures specified in Section 9. Hardship shall be based on physical limitations of the land and does not encompass financial considerations.
6. Sanitary landfills, the dumping and/or burying and/or spreading, in any manner, of sewer and/or sewer sludge and/or industrial waste is fully prohibited in all nine (9) zoning classifications herein.
7. In all districts, minimum lot areas have been established for dwelling lots. It should be noted that in some cases, the Board of Health or other agencies such as the Regional Planning Commission, Building Inspector, etc. may require greater lot areas than the minimum required herein, provided on whether the lots are served by municipal water and/or community sewage treatment facilities.
8. Every residence hereafter erected or structurally altered shall be located on a lot as herein defined, and in no case, shall there be more than one (1) residence on one (1) lot except as specifically provided herein.
9. Two or more parcels, or record of platted lots, when contiguous and when held in common ownership, may be treated together as a single lot for purposes of this Resolution provided such lots are located in the same district.



## **SECTION 2 - GENERAL REGULATIONS (continued)**

### 10. Uses exempted from provisions of this Resolution:

- a. This zoning resolution is effective to the full extent allowed by law. Certain laws limit the effect of zoning resolutions. These laws are contained in Sections 519.21 and 519.211 of the Ohio Revised Code.
- b. However, these code sections have exceptions wherein zoning resolutions are effective. These exceptions are noted at Sections 519.211 (B), 519.211 (C), and 519.21 (B) of the Ohio Revised Code. This zoning resolution is effective in all of the noted exception areas and they are incorporated herein by reference.
- c. Exceptions, authorized by future amendments to these sections by the Ohio legislature, shall also be effective for purposes of this zoning resolution.
- d. In general, Sections 519.21 and 519.211 prohibit regulations of certain agricultural uses, public utilities, railroads, liquor sales, oil and gas production, and telecommunication towers. (8/04/03)

### SECTION 3 - DEFINITIONS

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

The words “used for” includes “designed for” and vice-versa; words used in the present tense include the future; words in the singular number include the plural number and vice-versa; the word “building” includes the word structure; “lot” includes the “plot” and the word “shall” is mandatory and not directory.

**Accessory Use, Structure, or Building:** Accessory means a use, object, structure, or building constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, structure, or building, and which is subordinate to or serves the principal use, object, structure, or building, is subordinate in area to the principal use, object, structure, or building, and is customarily incidental to the principal use, object, structure or building. Accessory includes, but is not limited to fences, walls, sheds, garages, parking, decks, poles, poster panels, billboards, and windmills. An accessory meeting this definition shall be a permitted use unless otherwise stipulated herein. (11/05)

Semi-Trailers cargo boxes, truck cargo boxes, utility trailer cargo boxes, intermodal container boxes, trucks, automobiles, trailers, mobile homes, and modular or mobile offices (on or off trailer chassis) are not permitted to be used as accessory buildings. (6/2018)

**Adult Arcade:** Any place to which the public is permitted and or/charged an admittance fee wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displaced are distinguished or characterized by the depicting or describing of nudity or sexual or genital areas.(8/6/98)

**Adult Bookstore:** Any establishment which utilizes ten (10) percent or more of its retail selling area for the purpose of retail sale or rental or for the purpose of display by coin-operated or slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, books, magazines, periodicals, films, tapes, and cassettes which are distinguished

by their emphasis on adult materials or characterized by the depicting or describing of nudity or genital areas.(8/6/98)

**Adult Cabaret:** A nightclub, bar, restaurant, or similar establishment in which persons appear in a state of nudity in the performance of their duties.(8/6/98)

**Adult Health Club:** Any establishment that provides equipment and facilities for exercising and improving physical fitness where employees and/or patrons appear in a state of nudity.(8/6/98)

**Adult Material:** Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure image, description, motion picture film, phonographic record or tape, other tangible thing, or any service, capable of arousing interest through sight, sound, or touch, and which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.(8/6/98)

### **SECTION 3 - DEFINITIONS (continued)**

**Adult Motion Picture Theatre:** A commercial establishment, where for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified anatomical areas or specified sexual activities, nudity, or sexual or genital areas.(8/6/98)

**Agriculture:** The use of land for farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry; including but not limited to the care and raising of livestock, equine, and fur bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.(8/6/98)

**Airport or Aircraft Landing Field:** Any land area, runway, or other facility designed, used, or intended to be used either publicly or by any person or persons, for the landing and taking off of aircraft, including all necessary buildings and open spaces.

**Alley:** A minor street used primarily for vehicular service access to the rear, the back, or side of property abutting on other streets.

**Alteration, Structural:** Any change which would tend to prolong the life of supporting members of a building or structure, such as bearing walls, columns, beams, and girders.

**Apartment:** Same as dwelling unit.

**Apartment Hotel:** A building or portion thereof designed for or containing both individual guest rooms or suites of rooms.

**Apartment House:** Same as dwelling, multiple family.

**Automobile, Recreational Vehicle, Utility Trailer, and Yard & Farm Implement Sales Area:** An open area, other than a street, used for the display or sale of new or used automobiles, utility trailers, yard and farm implements, and the following recreational vehicles.

Recreational Vehicle: Defined as and including the following:

- a. Travel Trailer (including 5th wheels): A vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreation, and vacation use.
- b. Truck Camper: A structure designed primarily to be mounted on a truck and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreation and vacation uses.
- c. Motor Home: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle which is more than seven (7) feet high and/or more than sixteen (16) feet long.
- d. Folding Tent Trailer: A canvas folding structure mounted on wheels and designated for travel and vacation use.

No repair work shall be undertaken except for minor incidental repair of the vehicles being displayed or sold on the premises. 8/6/98)

### **SECTION 3 - DEFINITIONS (continued)**

**Automobile Service Station:** Any premises used for supplying gasoline and oil, at retail direct to the customer, including minor accessories and services for automobiles.

**Automobile Wrecking Yard:** Any place where two (2) or more motor vehicles not in running condition or parts thereof, are stored in the open and are not restored to operation, or any land, building, or structure used for wrecking or storing of such motor vehicles or parts thereof, and including any used farm vehicles, farm machinery, trailers, parts thereof, stored in the open and not being restored to operating condition.

**Automotive Repair:** The repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

**Basement:** A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story where more than one-half of its height is above the average level of the adjoining ground.

**Bed and Breakfast Inn:** An owner-occupied, single-family residential dwelling in which rooms are rented to paying guests on an overnight basis and breakfast only is provided; the entire service to be included in one (1) stated price.

**Billboard:** Any sign used as an outdoor display for the purpose of making anything known; the origin or point of sale of which is not on the property on which the billboard is located. See Section 7.F.8: Commercial Outdoor Advertising.

**Board:** Shall mean the Board of Zoning Appeals.

**Boarding House:** A building or portion thereof, other than a hotel, where meals, or lodging and meals for five (5) or more persons are provided for compensation.

**Building:** A structure (A building is a “structure” but not all structures are buildings) having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattel. When separated by division walls from the ground up without openings, each portion of such building shall be deemed a separate building.

**Building, Boat Repair or Storage:** A building designed or used for the care, repair, or equipping of boats, or parking or storage of same for remuneration or sale.

**Building, Community:** A building for social, educational, and recreational activities of a neighborhood or community, provided any such use is not operated for commercial gain.

**Building Height:** The vertical distance measured from the adjoining curb grade to the highest point of the roof surface if a flat roof, to the deck- line of a mansard roof, and to the mean height level between eaves and ridges for a gable, hip, or gambrel roof; provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building.

**Building, Main:** A building or structure in which is conducted the principal use of the lot on which it is located.

### **SECTION 3 - DEFINITIONS (continued)**

**Business, Community:** Retail and service establishments which, in addition to catering to the community’s daily needs for convenience goods and services, also include establishments offering comparative type shopping facilities. Community businesses include, but are not limited to supermarkets, drug stores, stores for the sale of hardware, appliances, furniture, apparel, footwear, etc., business and personal services, professional services, offices, and other similar or related activities which can be grouped by design into a unified shopping area.

**Business, Highway:** Commercial uses requiring locations on major thoroughfares and at their principal intersections. Highway uses include motels, gas stations, restaurants, drive-in establishments, automobile, trailer and farm implement sales and service, building trades and services, commercial recreation and similar commercial activities.

**Campground or Trailer Camp:** An area of land on which three (3) or more travel trailers, campers, motor homes, tents, or similar recreational vehicles are accommodated with or without charge. Such facility shall include any building, structure, or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

**Cemetery:** Land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

**Child Day Care Center:** Any commercial building, residential building, or other building or place administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours, by persons other than their parents or guardians, custodians or relatives by blood, marriage, or adoption, for any part of the twenty-four (24) hour day in a building, place, or residence other than the child's own home. (8/6/98)

**Club:** A building or portion thereof or premises owned or operated by a corporation, association, person, or persons for a social, educational, or literary purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

**Commercial Truck or Trailer:** A motor vehicle or trailer that is licensed/registered as a commercial vehicle or trailer.

**Commission:** Shall mean the Zoning Commission of Harris Township. (8/6/98)

**Composting Facility:** A facility for the controlled process of degrading organic matter by organisms. The facility must meet the guidelines of and be registered or licensed by the Ohio Environmental Protection Agency (OEPA). (8/6/98)

**Conditional Use:** A use which is subject to conditional approval by the Board of Zoning Appeals. A conditional use may be granted by the Board only when there is a specific provision for such use.

**Condominium:** A dwelling unit which is a part of the condominium property consisting of one or more rooms on one or more floors of a building and designated as a dwelling unit in the condominium declaration and delineated on the drawings provided in Section 5311.07 of the Ohio Revised Code.

### **SECTION 3 - DEFINITIONS (continued)**

**Condominium Unit:** A part of the condominium property consisting of one or more rooms on one or more floors of a building and designated as a unit in the declaration and delineated on the required drawings.

**Court:** An open, unoccupied space other than a yard on the same lot with a building or group of buildings and bounded on two or more sides by such building.

**Curb Grade:** The elevation of the established curb in front of a building measured at the center of such front. Where no curb grade has been established, the County Engineer shall establish such a curb grade for the purpose of this Resolution.

**Density:** The number of dwelling units per acre of land.

**Dwelling:** A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family, and multiple-family dwellings including HUD approved manufactured homes, but not including hotels, boarding and rooming houses, motels, tents, tent trailers, trailer coaches, automobile trailers, recreational vehicles, and other structures designed for and/or constructed with wheels, whether or not said wheels remain attached to the structure or are separated therefrom. The requirements in Section 7-I shall be met for all dwellings. (8/6/98)

**Dwelling, One-Family:** A detached building designed for permanent occupancy by one (1) family.

**Dwelling, Multi-Family:** A building or portion thereof, designed for permanent occupancy by three or more families living independently of each other.

**Dwelling, Two-Family:** A building designed for permanent occupancy by two families living independently of each other.

**Dwelling Unit:** One or more rooms in a dwelling or apartment hotel designed for permanent occupancy by one (1) family for living purposes and having cooking facilities.

**Easement:** Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

**Essential Service:** The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, and other similar equipment and accessories in conjunction therewith and reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety, or general welfare, but not including buildings.

**Family:** Up to five (5) persons above the age of eighteen (18) and up to six (6) persons below the age of eighteen (18) who are related by blood, adoption, marriage, or guardianship to any of the first five (5) above eighteen (18) years of age.(8/6/98)

**Farm Pond or Retention Pond:** A pond, pool, or basin used for permanent storage of water runoff, but not including structures using water for landscaping purposes and containing less than 400 square feet of area.

### SECTION 3 - DEFINITIONS (continued)

**Farm Vacation Enterprise:** Farms adapted for use as vacation farms, picnicking and sport areas, fishing waters, camping scenery and nature recreation areas, hunting areas, hunting preserves, and watershed projects.

**Fence:** A barrier intended to prevent intrusion or escape, or to mark a boundary; constructed of post and wire, boards, metal, and/or plastic or similar durable material.

**Floor Area, Ground:** The area of a building in square feet, as measured in a horizontal plane at the ground floor level within its largest outside dimension, exclusive of open porches, breezeways, terraces, garages, and exterior stairways.

**Floor Area, Total:** The total area, including ground floor area and areas of half stories available as living space in a dwelling; provided that only that area in a half story where side walls are five (5) feet or higher are included, and the average height of the ceiling is seven (7) feet.

**Frontage:** All of the property on one side of a street between two (2) intersecting streets (crossing or terminating), measured at the set-back building line - or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

**Garage, Private:** An accessory building or a portion of the main building, designed or used for the storage of motor vehicles owned and used by the occupants of the building to which it is accessory.

**Garage, Public:** A building designed or used for the care, repair or equipment of automobiles, commercial vehicles or trucks, or where such vehicles are parked or stored for remuneration or sale.

**Hazardous Waste:** Solid, hazardous or other waste as defined by the Ohio Revised Code Section 3734.

**High Impact Wind Powered Electric Generator/Windmill:** A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a rated capacity greater than 100 kW. (11/05)



### SECTION 3 - DEFINITIONS (continued)

**Home Occupation:** An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no person employed other than residents of said dwelling, provided:

- a. Such occupation is conducted wholly within the dwelling or an accessory building containing six hundred (600) square feet or less; (8/6/98)
- b. Floor area devoted to such use does not exceed twenty-five (25) percent of the total ground area occupied by buildings on the lot and is clearly incidental and subordinate to its use for residential purposes by its occupants.(8/6/98)
- c. Such use is not objectionable due to noise, hours of operation, traffic generation, or hazardous or noxious processes.
- d. There shall be no change in the outside appearance of the building or premises or other visible evidence of conduct of such home occupation other than one (1) sign as permitted in Section 7 of this Resolution;
- e. Sufficient off-street parking shall be provided based on the type of home occupation; and
- f. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence.

**Home Office:** An accessory use in which work for compensation is undertaken within the primary residential structure, including but not limited to, receiving or initiating correspondence such as phone calls, mail, faxes, or e-mails; preparing or maintaining business records; word and data processing; and telephone, mail order, and off-premise sales. No customer/client on-site visitations shall occur. There shall be no non-resident employees and no more than twenty-five (25) percent of the residential floor area shall be used in the conduct of the home office. Delivery trucks used to deliver necessary supplies are limited to passenger vehicles, mail carriers, and express carriers such as UPS. (11/05)

**Hotel or Motel:** A building or group of buildings having units containing sleeping accommodations which are available for temporary occupancy for 30 days or less.

**Industrial Unit or Dwelling:** A constructed unit that is approved by the Ohio Department of Industrial Relations and meets the requirements of Section 4101:2-98 of the Ohio Basic Building Code. Verification of whether the unit is an industrial unit or dwelling as approved by the State of Ohio can be made by the Ottawa County Building Inspection Office. A mobile/manufactured home is not an approved industrial unit.  
(8/6/98)

**Institution:** A building occupied by a non-profit corporation or a non-profit establishment for public use.

**Institutional Home:** A place for the care of babies, children, pensioners, or old people, except those for correctional or mental cases.

### SECTION 3 - DEFINITIONS (continued)

**Junk Yard:** An open area where scrap metal, paper, rags or similar materials are bought, sold, exchanged, stored, packed, recycled, reclaimed, or handled including building wrecking yards.

**Kennel/Cattery:** Any lot or premises on which five (5) or more domesticated dogs and/or cats, more than four (4) months of age, are kept, housed, groomed, bred, boarded, trained, or sold and which offers provisions for minor medical treatment.(8/6/98)

**Loading Space:** An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street or other appropriate means of access.

**Lot:** A parcel of land of sufficient size to meet the minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street or on an approved private street and may consist of:

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

**Lot Area:** The total horizontal area within the lot lines of a lot.

**Lot, Corner:** A lot adjacent to two (2) or more streets at their intersection.

**Lot Coverage:** Percentage of lot coverage shall be the ratio of enclosed ground floor area of all buildings to the horizontally projected area of the lot, expressed as a percentage.

**Lot Depth:** The horizontal distance between the front and rear lot lines, measured from the center of the road right-of-way and along the median between the two (2) side lot lines.

**Lot, Interior:** A lot other than a corner lot.

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

**Lot, Minimum Area of:** The area of a lot is computed from the center of the road right-of-way.

**Lot of Record:** Any lot which individually or as a part of a subdivision has been recorded in the Office of the Recorder of Deeds of Ottawa County.

**Lot, Reversed Corner:** A corner lot the side street line of which is substantially a continuation of the front lot line of the lot to its rear.

**Lot, Through:** An interior lot having frontage on two (2) or more streets.

### **SECTION 3 - DEFINITIONS (continued)**

**Lot Width:** The horizontal distance between the side lot lines measured at right angles to the lot depth at the legally established building setback line.

**Low Impact Wind Powered Electric Generator/Windmill:** A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power. (11/05)

**Major Street:** A dedicated street within Ottawa County which has been classified as a dual highway, a dominant major street, a major street, a secondary major street, a main county road, or State highway by the Ottawa Regional Planning Commission on an Official Highway Plan.

**Manufactured Home:** Any non-selfpropelled vehicle transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a structure are based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and outer projections containing interior space, but do not include bay windows.

**Manufactured Home Park:** Any tract of land upon which three (3) or more manufactured homes used for

habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used/intended for use as part of the facilities of said park. A tract of land which is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots is not a manufactured home park even though three (3) or more manufactured homes are parked thereon if the roadways are dedicated to the local government authority.

**Manufacturing:** Any production or industrial process including food processing which combines one or more raw materials or components into a product or which changes the nature of the materials entering the process.

**Manufacturing, Restricted:** Any industrial use which is conducted entirely within an enclosed, substantially constructed building or buildings; involving the use of only light machinery and equipment; does not use the open area about the buildings for the storage of materials and equipment other than for the unloading or loading operations at the rear or within an enclosure which abuts a building. Restricted manufacturing shall include the manufacture of drugs, jewelry, musical instruments, sporting goods; the processing and assembly of small glass products; small household appliances; small electronic products; scientific instruments and parts for the production of finished equipment; office, computing and accounting machines; research and laboratory testing; printing, publishing, and engraving plants; and other similar products and operations.

### SECTION 3 - DEFINITIONS (continued)

**Manufacturing, Heavy:** An industrial use which requires buildings and open areas for manufacturing, fabricating, processing, heavy repair, dismantling, storage or disposal of raw materials, manufactured products or wastes, which is not injurious to the health and safety of humans or animals. Heavy manufacturing shall include primary metal industrial operations involving the use of blast furnaces, the rolling and finishing of ferrous and nonferrous metals, iron and steel foundries, primary and secondary smelting and refining facilities, metal plate and sheet fabricating facilities for metal plates and sheets and any other operation which shall be deemed to be of a similar nature. Heavy manufacturing shall also include the manufacture of food and meat products; chemicals and allied products, including plastic materials, synthetic rubber, soaps and detergents, and agricultural chemicals; stone, clay and glass products and any other products of a similar nature.

**Massage:** Any method of exerting pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating, the external soft tissue of the body with the hands, or with the aid of any mechanical or electrical apparatus or appliance.(8/6/98)

**Massage Establishment:** Any fixed place of business where a person offers massages to patrons for a fee

which may be in connection with the provision of another legitimate service.(8/6/98)

**Masseur or Masseuse:** Any individual who performs massages at a massage establishment. (8/6/98)

**Mineral Extraction and Storage:** Any mining, quarrying, or storage of coal, limestone, clay, or other mineral resources.

**Modular Home:** Factory built housing certified as meeting the State building code as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site-built homes.

**Motel:** A building or group of buildings having units containing sleeping accommodations which are available for temporary occupancy for 30 days or less.

**Non-Conforming Building:** A building or structure or portion thereof lawfully existing at the time this Resolution becomes effective which was designed, erected, or structurally altered for a use that does not conform to the use regulations of the District in which it is located.

**Non-Conforming Use:** A use which lawfully occupied a building or land at the time this Resolution and/or amendments thereto became effective and which does not conform with the use regulations of the District in which it is located.

**Nonresidential Planned Unit Development:** An area of land intended to achieve a convenient location for desirable commercial uses and services; to preserve and utilize natural topography and geologic features, scenic vistas, trees and other vegetation; to prevent the disruption of natural drainage patterns, to conserve and protect the groundwater supplies; and to develop an efficient use in harmony with land use density, transportation facilities, connecting open space, and community facilities. (12/13)

### **SECTION 3 - DEFINITIONS (continued)**

**Nude or Nudity:** Showing of either the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering or the female breast with less than a full opaque covering on any part of the nipple. (8/6/98)

**Nursing Home:** A home for the aged or chronically ill persons in which three (3) or more persons not of the immediate family are received, kept, and provided with food, shelter, and care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick.

**Parking Space, Automobile:** Space within a building for the private or public parking of one (1) automobile.

**Parking Area, Private:** An open area, other than a street or alley used for the parking of the automobiles of the occupants of a building.

**Parking Area, Public or Customer:** An open area, other than a private parking area, street, or alley, used for the parking of automobiles and available for public or quasi-public use.

**Permanent Residence:** A building or group of buildings having units containing living and or sleeping accommodations which are available for more than 30 days.

**Planned Unit Development:** An area of land in which a variety of housing types and subordinate or supportive commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot size and setbacks, than those restrictions that would normally apply under this Resolution.

**Public Park:** Land owned by a governmental entity which has been designated for park or recreational activities, including, but not limited to, a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball or tennis court, pedestrian/bicycle path, open space, wilderness area, or similar public land within the township which is under the control, operation, or management of the township, county, or state.(8/6/98)

**Recreational Vehicle:** Defined as and including the following:

- a. Travel Trailer (including 5th wheels): A vehicular portable structure built on a chassis designed to be use as a temporary dwelling for travel, recreation, and vacation use
- b. Truck Camper: A structure designed primarily to be mounted on a truck and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreation and vacation uses.
- c. Motor Home: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle which is more than seven (7) feet high and/or more than sixteen (16) feet long.
- d. Folding Tent Trailer: A canvas folding structure mounted on wheels and designated for travel and vacation use.: Defined as and including the following:

**Recycling Center:** A recycling facility or program operated by a nonprofit corporation, association, or government agency where materials can be returned to productive reuse rather than discarded. Recyclable materials shall only include paper and paperboard, glass containers, aluminum and steel cans, and plastic.

### **SECTION 3 - DEFINITIONS (continued)**

**Right-of-Way:** A strip of land taken or dedicated for use as a public or private way. In addition to the roadway, it normally incorporates the curb, lawn strips, sidewalks, lighting, and drainage facilities and may include special features required by the topography or treatment such as grade separation, landscaping, viaducts, and

bridges.

**Sanitary Land Fill:** A site for solid waste disposal.

**School:** Any public or private educational facility, including, but not limited to, child day care facilities, nursery schools, pre-schools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, colleges, junior colleges, and universities. School includes the school ground.(8/6/98)

**Screen:** A material object intended to provide shelter, protection, or concealment; constructed of wood, metal, plastic, or plant materials.

**Setback Line:** A line established by the zoning resolution, generally parallel with and measured from the center of the pavement for the front yard and from the lot lines for the side and rear yards, defining the limits of a yard in which no building, other than an accessory building, or structure may be located above ground, except as may be provided in said resolution.

**Sexual or Genital Area:** Includes the genitalia, pubic area, anus, perineum of any person, and the breasts of a female.(8/6/98)

**Sexually Oriented Business:** Any of the following: adult arcade, adult bookstore, adult cabaret, adult health club, adult motion picture theater.(8/6/98)

**Specified Anatomical Areas:** Means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.(8/6/98)

**Specified Sexual Activities:** Includes any of the following: 1) the fondling or other erotic touching of human genital, pubic region, buttock, anus, or female breasts; 2) sex acts, actual or simulated, including intercourse, oral copulation or sodomy; 3) masturbation, actual or simulated; or 4) excretory functions as part of or in connection with any of the activities 1-3 above.(8/6/98)

**Sewers, Central or Group:** An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

**Sewers, On-Site:** A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials.

**Shadow Flicker:** The on-and-off flickering effect of a shadow caused when the sun or other light source passes behind the rotor of a wind turbine. (7/09)

**Sign:** Any words, numerals, figures, devices, designs, or trademarks by which anything is made known, such as are used to designate an individual, firm, profession, business, or commodity and which are visible from any public or private street.

### SECTION 3 - DEFINITIONS (continued)

**Sign - Electronic Message Center / Video signs:** A sign that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means.

- a. Message Hold Time - How long a single message is visible.
- b. Transition Method (a.k.a. the "Frame Effect") - How the message transitions to another (fade, slide in, scroll, etc.) The visual effect used to allow one message to disappear while it is simultaneously being replaced by another.
- c. Transition Duration - How long the Transition Method takes.

**Small Wind Farm:** A wind powered electric generating facility, consisting of one (1) or more wind turbines, whose main purpose is to supply electricity with a single interconnection to the electrical grid, and designed for or capable of operating at an aggregate capacity of less than five megawatts. (7/09)

**Solid Waste:** Solid, hazardous or other waste as defined by the Ohio Revised Code Section 3734.

**Special Event:** An event that is in existence at a fixed location for a temporary fixed period of time with the intent to discontinue such event upon the expiration of that time period. Special events shall include, but not be limited to, carnivals, circuses, public exhibitions, revivals, and the like.

**Story:** That portion of a building included between the surface of any floor and the surface of the next floor above it, or, if there be no floor above it, then the space between such floor and the ceiling next above it.

**Story, Half:** A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

**Street:** A public or private thoroughfare, other than an alley. For the purposes of this Resolution, the word street shall include the words road and highway.

**Street Width:** The horizontal distance between the side lines of a street, measured at right angles to the side lines.

**Structure:** Anything constructed, erected, or placed, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including but not limited to advertising signs, billboards, and other similar structures.

**Structural Alterations:** Any change which would tend to prolong the life of a supporting member of a structure such as bearing walls, columns, or girders.

**Swimming Pool:** A pool or open tank containing at least 1 1/2 (1.5) feet of water at any point and maintained by



the owner or manager. Swimming pools shall be one of the following:

1. Private: Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; or
2. Community: Operated with a charge for admission.

### **SECTION 3 - DEFINITIONS (continued)**

**Temporary Occupancy:** of any building is 30 days or less.

**Unnecessary Hardship:** Whether the zoning resolution, when viewing the property in the setting of its environment, is so unreasonable as to constitute an arbitrary and capricious interference with the basic right of private property. (8/6/98)

**Use:** The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained. (8/6/98)

**Variance:** A variance is a relaxation of requirements where such variation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this resolution would result in unnecessary and undue hardship or a practical difficulty. (8/6/98)

**Warehouse:** A storage building which is used for the storage of goods, wares, food, beverages, merchandise, or other chattels, and includes a building used for the storage of unused new automobiles or aircraft, but does not include a garage or hanger as regulated under Article 2, Section 206, 210, 211, and 212 of the Ohio Basic Building Code.

**Warehouse, Mini:** A building not over twenty (20) feet high, measured to the peak, providing one or more separate storage spaces of not over 300 square foot area each, with individual outside access, for rental to the public for storage of non-hazardous personal goods.

**Waste:** Solid, hazardous or other waste as defined by the Ohio Revised Code Section 3734.

**Yard:** An open space other than a court on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward.

**Yard, Front:** A yard extending across the full width of the lot, between the nearest front main building and the center of the road pavement; the depth of the required front yard shall be measured horizontally from the nearest part of a main building to the center of the road pavement.

**Front Yard (each district):** There shall be a front yard of not less than 80 feet in depth along roads with a

pavement width equal to or less than 30 feet; along roads with a pavement width of 30.01 to 40 feet the front yard shall be a minimum of 85 feet in depth; along roads with pavement widths of 40.01 or greater the minimum front yard shall be 90 feet. All front yards are to be measured from the center of the pavement.

**Yard, Rear:** A yard extending across the full width of the lot between the nearest rear main building and one (1) rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of a main building toward the nearest point of the rear lot line.

**Yard, Side:** A yard between a main building and the side lot line extending from the front yard, or front lot line where no such front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point on the side lot line toward the nearest part of the main building.

**SECTION 3 - DEFINITIONS (continued)**

**Zoning Certificate/Permit:** The document issued by the Zoning Inspector authorizing the use of the land or buildings.

**Zoning Inspector:** The Zoning Inspector or his authorized representative appointed by the Board of Township Trustees.

**Zoning Map of Districts:** The Zoning District Map or maps of the Township together with all amendments subsequently adopted.

## SECTION 4 - DISTRICTS

### A. "A" AGRICULTURAL DISTRICT

The following regulations shall apply in the "A" District.

1. **USES PERMITTED:** After obtaining a valid zoning certificate, in accordance with Section 11, the following uses are permitted:
  - a. Agriculture
  - b. One-family dwellings
  - c. Roadside stands, for sale of agricultural and plant nursery product, provide a minimum of fifty (50) percent of the total value of all products sold are raised on the premises.
  - d. Churches or other places of worship.
  - e. Public schools, elementary and high, and private schools having a curriculum similar to the public school.
  - f. Parks, playgrounds, public or government buildings owned or operated by public agencies.
  - g. Riding stables.
  - h. Home occupations, as defined in Section 3.
  - i. Accessory buildings, structures, or uses.
  - j. Automobile parking spaces shall be provided as required in Section 5.
  - k. Nurseries or greenhouse
  - l. Ponds or retention ponds on lots of two (2) acres or more shall be built as required in Section 7.
  - m. Home office. (11/05)
2. **CONDITIONAL USES:** Subject to approval as provided for in Sections 6 and 9 of this Resolution.
  - a. Golf course to include associated amenities such a swimming pool, etc. which may be granted by the Board of Appeals or practice driving tee, but not a miniature course.
  - b. Airport or aircraft landing field.

- c. Cemeteries or mausoleums.
- d. Nursing Homes.
- e. Veterinary animal hospital or clinic.
- f. Radio or television broadcasting tower or station.
- g. Hospitals or institutions, provided the site is five (5) acres or more in size, the building does not occupy more than twenty (20) percent of the total lot area, and a setback from all yard lines of at least two (2) feet foreach foot of building height is provided.
- h. Privately operated community building or recreation field and swimming pools, and community facilities owned and operated by neighborhood organizations.
- i. Kennels/catteries and/or boarding kennels/catteries.(8/6/98)
- j. Warehouse, Mini
- k. Oil wells, but not within three hundred (300) feet of any residence.
- l. Farm vacation enterprise.
- m.Composting facility (8/6/98)
- n. Low impact wind powered electric generator/windmill as regulated in Section 6 of these regulations. (11/05)
- o. High impact wind powered electric generator/windmill as regulated in Section 6 of these regulations. (11/05)
- p. Small wind farms as regulated in Section 6. (7/09)
- q. Bed and Breakfast Inn (5/2018)

**SECTION 4 - DISTRICTS**

**A. "A" AGRICULTURAL DISTRICT (continued)**

**3. OFF-STREET PARKING:** Shall be provided as required by Section 5.

**4. HEIGHT LIMIT:** No building, except those for agricultural purposes, shall be erected or enlarged to exceed thirty-five (35)feet in height.

**5. LOT AREA, WIDTH AND DEPTH:** Every lot shall have a minimum width of one hundred fifty (150) feet and a minimum area of not less than one (1) acre. However, in no case shall the depth of the lot be less than one hundred and twenty (120) feet.

**6. FRONT YARD:** There shall be a front yard of not less than 80 feet in depth along roads with a pavement width equal to or less than 30 feet; along roads with a pavement width of 30.01 to 40 feet the front yard shall be a minimum of 85 feet in depth; along roads with pavement widths of 40.01 or greater the minimum front yard shall be 90 feet. All front yards are to be measured from the center of the pavement.

**7. SIDE YARD:** There shall be a side yard of not less than twenty (20) feet.

**8. REAR YARD:** There shall be a rear yard of not less than forty (40) feet.

**9. DWELLING SIZE:** Shall be provided as required by Section 7.

## **SECTION 4 - DISTRICTS**

### **B. "R-1" RESIDENTIAL DISTRICT**

The following regulations shall apply in the "R-1" District:

- 1. USES PERMITTED:** After obtaining a valid zoning certificate in accordance with Section 11, the following uses are permitted:
  - a. Agriculture.
  - b. One-family dwellings.
  - c. Churches or other places of worship.
  - d. Public schools, elementary and high, and private schools having a curriculum similar to the public school.
  - e. Parks, playgrounds, public or government buildings owned or operated by public agencies.
  - f. Home occupations as defined in Section 3.

- g. Accessory buildings, structures, or uses.
- h. Automobile parking spaces shall be provided as required in Section 5.
- i. Home office. (11/05)

**2. CONDITIONAL USES:** Subject to approval as provided for in Sections 6 and 9 of this Resolution.

- a. Privately operated community buildings or recreation field and swimming pools, and community facilities owned and operated by neighborhood organizations.
- B. Bed and Breakfast Inn (5/2018)

**3. OFF-STREET PARKING:** Shall be provided as required by Section 5.

**4. HEIGHT LIMIT:** No building shall be erected or enlarged to exceed thirty-five (35) feet in height. (8/6/98)

**5. LOT AREA, WIDTH AND DEPTH:** Every lot shall have a minimum width of one hundred twenty-five (125) feet and a minimum area of not less than twenty eight thousand one hundred twenty-five (28,125) square feet. However, in no case shall the depth of a lot be less than one hundred twenty (120) feet.

**6. FRONT YARD:** There shall be a front yard of not less than 80 feet in depth along roads with a pavement width equal to or less than 30 feet; along roads with a pavement width of 30.01 to 40 feet the front yard shall be a minimum of 85 feet in depth; along roads with pavement widths of 40.01 or greater the minimum front yard shall be 90 feet. All front yards are to be measured from the center of the pavement.

**7. SIDE YARD:** There shall be a side yard of not less than fifteen (15) feet.

**8. REAR YARD:** There shall be a rear yard of not less than thirty-five (35) feet.

**9. DWELLING SIZE:** Shall be provided as required by Section 7.

## **SECTION 4 - DISTRICTS**

### **C. "R-4" RESIDENTIAL DISTRICT**

The following regulations shall apply in the "R-4" District.

**I. USES PERMITTED:** After obtaining a valid zoning certificate in accordance with Section 11, the following uses are permitted:

- a. Agriculture.

- b. One-family dwellings.
- c. Two-family dwellings.
- d. Multi-family dwellings.
- e. Public schools, elementary and high, and private schools having a curriculum similar to public schools.
- f. Parks, playgrounds, public or governmental buildings owned or operated by public agencies.
- g. Home occupations as defined in Section 3. h. Accessory buildings, structures, or uses.
- i. Home office (11/05)

**2. CONDITIONAL USES:** Subject to approval as provided by Sections 6 and 9 of this Resolution.

- a. Privately operated community buildings or recreation fields and swimming pools, and community facilities owned and operated by neighborhood organizations.

**3. OFF-STREET PARKING:** Shall be provided as required by Section 5.

**4. HEIGHT LIMIT:** No building shall be erected or enlarged to exceed thirty-five (35) feet in height.

**5. LOT AREA, WIDTH, AND DEPTH:**

- a. One-family dwellings: Minimum lot width of eighty (80) feet and a minimum lot area of not less than ten thousand, five hundred (10,500) square feet with a minimum depth of one hundred and twenty (120) feet.
- b. Two-family dwellings: Minimum lot width of ninety (90) feet and a minimum lot area of not less than twelve thousand (12,000) square feet with a minimum depth of one hundred and twenty (120) feet.
- c. Multi-family dwellings: Minimum lot width of one hundred (100) feet and a minimum lot area of not less than six thousand (6,000) square feet per unit with a minimum depth of one hundred and twenty (120) feet.

**6. FRONT YARD:** There shall be a front yard of not less than 80 feet in depth along roads with a pavement width equal to or less than 30 feet; along roads with a pavement width of 30.01 to 40 feet the front yard shall be a minimum of 85 feet in depth; along roads with pavement widths of 40.01 or greater the minimum front yard shall be 90 feet. All front yards are to be measured from the center of the pavement.

**7. SIDE YARD:** There shall be a side yard of not less than ten (10) feet per side, except for multi-family dwellings, which shall provide fifteen (15) feet per side.

**8. REAR YARD:** There shall be a rear yard of not less than 35'.

**9. DWELLING SIZE:** Shall be provided as required by Section 7.

## **SECTION 4 - DISTRICTS**

### **D. "R-5" RESIDENTIAL DISTRICT**

The following regulations shall apply in the "R-5" District:

1. **USES PERMITTED:** After obtaining a valid zoning certificate in accordance with Section 11, the following use is permitted.
  - a. Manufactured home park.
2. **GENERAL STANDARDS:** The proposed development shall meet the following minimum requirements:
  - a. The proposed site shall contain not less than ten (10) acres and it shall have not less than twenty- five (25) manufactured home spaces available at first occupancy.
  - b. The minimum width of the manufactured home park development shall not be less than two hundred and fifty (250) feet. The ratio of width to depth shall not exceed a one to five (1:5) ratio.
  - c. The minimum floor area of each manufactured home shall be at least seven hundred (700) square feet.
  - d. The manufactured homes must be completely skirted with materials which prohibited uncontrolled access under the unit. Said skirting must be well maintained and aesthetically similar to the manufactured home in color and material.
  - e. The maximum building height shall be thirty (30) feet.
  - f. A greenbelt planting strip of not less than fifteen (15) feet shall be placed along the entire perimeter of the park. The greenbelt shall be developed with a mixture of deciduous and coniferous plant material not less than four feet in height when planted. In lieu of a greenbelt planting, a solid wall or fence not less than five (5) feet in height may be used.
  - g. No commercial sales of any type shall be permitted to occur within the park.
  - h. All other requirements established by the Ohio Public Health Council, through the Ohio Administrative Code shall be met.
  - i. The plans shall be submitted to the zoning inspector for his review and approval. Any plans not meeting all of these requirements will be disapproved. Incomplete plans will not be accepted or reviewed. The zoning inspector will have thirty (30) days in which to review the plans and either authorize or deny the zoning permit. An appeal of the zoning inspector's decision must be made to the Board of Zoning Appeals within fifteen (15) days.
  - j. A single identification sign not exceeding sixteen (16) square feet in area identifying the name and/or address of the park shall be permitted. Said sign must be set back a minimum of thirty (30) feet from the edge of the pavement of the road.



## **SECTION 4 - DISTRICTS**

### **E. "PUD" PLANNED UNIT DEVELOPMENT DISTRICT**

The following regulations shall apply in the "PUD" District:

- 1. ESTABLISHMENT:** The establishment of a Planned Unit Development District may occur in accordance with the provisions of Section 11 and in accordance with the requirement established herein.
- 2. REGULATIONS:** Regulations pertaining to the use of land and/or structures and the physical development thereof are hereby established and adopted.
- 3. RULES OF APPLICATION:** The following rules of application shall apply:
  - a. **Identification of Uses:** Listed uses are to be defined by their customary names and identification, except where they are specifically defined or limited within the Resolution.
  - b. **Permitted Uses:** Only uses designated as a permitted use shall be allowed as a matter of right in a Planned Unit Development, and any use not so designated, shall be prohibited except when in character with the proposed development and then said use may be approved as a part of the development plan.
  - c. **Procedures:** The procedures and conditions set forth for the determination of the Planned Unit Development District and development therein, shall be followed except that a written statement by the applicant shall clearly show that such procedures or conditions do not apply in the specific case. Such statement shall accompany the application and is subject to approval by the Board of Trustees.
  - d. **Development Standards:** The development standards set forth shall be the minimums allowed for development in a Planned Unit Development District.

## **SECTION 4 - DISTRICTS**

### **E. "PUD" PLANNED UNIT DEVELOPMENT DISTRICT (continued)**

#### **4.PURPOSE**

- a. General: The Planned Unit Development District is provided as an option to the requirements of the standard residential district. It is intended to promote imaginative, well-designed developments which preserve open space, respect the physical qualities and limitations of the land, and provide improved living environments. Opportunities to reduce development costs also may be realized within the District.
- b. Benefits of the Planned Unit Development District: To achieve these goals, the District provides the potential for public zoning approval of the following:
  1. Flexibility in required yard areas immediately
  2. Adjacent to Flexibility structures. in structural types.
  3. Flexibility in minimum lot frontage requirements
  4. Privately maintained streets, open spaces, and other amenities or improvements.
  5. Consideration of other unique design features.
- c. Responsibilities of the Applicant: In order to be eligible for consideration under the provisions of the Planned Unit Development District, the applicant is required to provide all information listed herein. If an applicant does not provide all the required information or meet standards established within this Resolution, it shall be interpreted as forfeiture of the applicant's option to consideration under the terms of the Planned Unit Development District. The applicant retains the option to seek zoning map amendment subject to all requirements of the applicable standard District in which he is located.

#### **5. PERMITTED USES**

- a. Land and buildings in the Planning Development District shall be limited to one or more of the following uses:
  1. Detached single family residence.
  2. Zero lot line, attached twin single, townhouse, or other innovative form of residential development, provided all density criteria and applicable requirements are met.

3. Home occupations as described in Section 3.
4. Public or private schools offering general educational courses and having no rooms used for housing or sleeping of students.
5. Parks, playgrounds, and play fields open to the public without fee.
6. Public or private golf courses or other similar outdoor recreational facilities and normal accessory buildings, and uses, provided all uses and functional characteristics are specifically included in the approved development plan.
7. Churches or other places of worship.
8. Other residentially-oriented uses, which in the opinion of the Township Zoning Commission and Township Trustees, meet the purpose and intent of the Planned Unit Development District and are adequately designed, located, or otherwise provided for by the development plan and other required documents.
9. Accessory buildings and uses in association with a permitted residential use

## **SECTION 4 - DISTRICTS**

### **E. "PUD" PLANNED UNIT DEVELOPMENT DISTRICT (continued)**

#### **6. TRACT AND DENSITY CRITERIA**

- a. The owners of a tract of land containing eight (8) or more acres of land may request that the zoning district map be amended to include such tract of land in the Planned Unit Development District.
- b. The density of development within the Planned Unit Development District shall not exceed a total of three (3) dwelling units per acre.

#### **7. PROCEDURE**

- a. Sketch Plan: In exchange for flexibility, the Planned Unit Development District requires that the applicant provide some details which are traditionally found in the subdivision stage of development approval. It is therefore suggested that the applicant informally discuss his plans with the County Engineer, County Board of Health, and County Planning Commission prior to submitting a formal application. This sketch plan phase is mandatory if public streets are proposed.
- b. Development Plan Submission: Seven (7) copies of a development plan, signed by a registered engineer, surveyor, or architect, shall be submitted with the application to amend the Zoning District Map. Such development plan shall conform to the following:
  1. The plan include topographical contours at one (1) foot or two (2) foot intervals, soils information for the site, information on any natural area such as wooded areas, floodplains, and engineering plans for water, sewer, and storm water systems.
  2. The proposed location and size of areas of residential use, indicating dwelling unit densities, dwelling unit types, and total number of dwelling units for each density area, and the total number of dwelling units proposed in the overall plan.
  3. The proposed size, location, and use on nonresidential portions of the tract, including usable open areas, parks, playgrounds, school sites, and other areas and spaces with the suggested ownership of

such areas and spaces.

4. Architectural design concepts to be utilized, landscaping plans, street views of typical improvements, and other information relating to the architectural and landscape themes.
5. The proposed traffic circulation patterns, including public and private streets, parking areas, walks, access ways, including their relationship to topography, existing streets, or other evidence of reasonableness.
6. The proposed schedule of site development, construction of structures, and associated facilities including sketches and other materials indicating design principles and concepts to be followed in site development, construction, landscaping, and other features. Such schedule shall include the proposed use or reuse of existing features such as topography, structures, streets, and easements.
7. The relationship of the proposed development to existing and future land use in the surrounding area, the street system, the community facilities, services, and other public improvements.
8. Evidence that the applicant has sufficient control over the land to effectuate the proposed development plan. Evidence of control includes property rights and the engineering feasibility data which will be required.
9. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development, and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained.
10. Other information, as may be required by the township zoning commission or trustees, in order to determine compliance with this Resolution.

#### **SECTION 4 - DISTRICTS**

#### **E. "PUD" PLANNED UNIT DEVELOPMENT DISTRICT**

#### **7. PROCEDURE (continued)**

- c. Basis of Approval: The basis for approval of the Planned Unit Development District application shall be as follows:
  1. That the proposed development is consistent in all respects with the purpose, intent, and applicable standards of the Resolution.
  2. That the proposed development is in conformity with a comprehensive plan or portion thereof as it may apply.
  3. That the proposed development advances the general welfare of the township and the immediate vicinity.
  4. That the benefits, improved arrangements, and the design of the proposed development justify the deviation from standard residential development requirements included in this Resolution.
- d. Effect of Approval: The development plan as approved by the trustees shall constitute an amendment to the zoning district map as it applies to the land included in the approved amendment.

The approval shall be for a period of two (2) years to allow the preparation of the required subdivision plat. Unless the required subdivision plat is submitted and recorded within the two (2) year time limit, the approval shall be voided and the land shall revert to its last previous zoning district, except if an

application for time extension is approved in accordance with the following section.

- e. Extension of Time or Modification: An extension of the time limit of the approved development plan may be approved by the township trustees. Modifications may be approved according to the normal rezoning procedure. Such approval shall be given upon a finding of the purpose and necessity for such extension or modification and evidence of reasonable effort toward the accomplishment of the original approve extension or modification is not in conflict with the general health, safety, and welfare of the public or the development standards of the Planned Development District.

#### **SECTION 4 - DISTRICTS**

##### **E. "PUD" PLANNED UNIT DEVELOPMENT DISTRICT (continued)**

**8. DEVELOPMENT STANDARDS:** The following standards for arrangement and development of land and buildings apply to the Planned Unit Development District. When not specifically supplanted by the following standards, the development standards contained in this Resolution shall also apply.

- a. Open Space: At least twenty (20) percent of the gross area of the tract included in the development plan shall be designated as open space. Such land shall either be preserved in its natural state or developed for recreational purposes. Up to one-third of any land within the tract devoted to public school sites or within the one hundred year floodplain may be included in the open space calculation. The open space shall be of a size, shape, topography, and location to be usable and accessible.
- b. Lot and Yard Areas: The minimum lot area shall be 14,520 square feet per dwelling unit except in cluster developments where the minimum lot area for each dwelling unit may be reduced to any size

which is justified in the approved development plan. However, the overall density of the tract of land covered by the development plan may not exceed three units per acre. Yard areas may also be adjusted accordingly. However, yards abutting the boundaries of the entire tract included in the development plan shall not be less than the minimum requirements for the abutting zoning district. Additionally, the front yard setback for all lots abutting an existing public street shall conform to the requirements of the abutting district along that street or the average if two districts apply for the entire length of the frontage on that street.

- c. Private Streets: Private streets may be allowed if the requirements of the County Engineer and Ottawa County Subdivision Regulations are met for the streets. Maintenance plans must be identified.
- d. Parking: Off-street parking shall be provided in accordance with Section 5 of the Resolution for all uses proposed within the development plan. Group garages or parking lots may be utilized within two hundred (200) feet of the dwellings served.

## **SECTION 4 - DISTRICTS**

### **F. "C-2" COMMERCIAL DISTRICT**

The following regulations shall apply in the "C-2" District:

**I. USES PERMITTED:** After obtaining a valid zoning certificate in accordance with Section 11, the following uses are permitted:

- a. Agriculture.
- b. Self-service laundry and/or dry cleaning establishments.

- c. Retail bakeries.
- d. Delicatessens.
- e. Grocery stores, meat markets, and drug stores.
- f. Banks, businesses, and professional offices.
- g. Barber and beauty shops.
- h. Shops: hobby, bicycle, shoe repair, upholstery, sign painting, plumbing, etc. if conducted within an enclosed building
- i. Community businesses as defined herein and other uses of a similar nature and meeting the requirements of a community business as defined in Section 3.(8/6/98)
- j. Lodges or fraternal organizations. (8/6/98)
- k. Restaurants.(8/6/98)
- l. Meeting/banquet hall. (8/6/98)
- m. Drive-thru facility. (8/6/98)
- n. Accessory buildings, structures, or uses.

#### **SECTION 4 - DISTRICTS**

##### **F. "C-2" COMMERCIAL DISTRICT (continued)**

**2. CONDITIONAL USES:** Subject to approval as provided for in Sections 6 and 9 of this Resolution.

- a. One-family dwellings.

- b. Home occupations as defined in Section 3.
- c. Funeral homes and mortuaries.
- d. Automobile service station, provided that activities other than the pumping of gasoline are in an enclosed building. No area used for the pumping of gasoline shall be nearer than two hundred (200) feet from any Residential District boundary at the time of its creation.
- e. Cemeteries or mausoleums.
- f. Privately operated community buildings or recreational fields and swimming pools, and community facilities owned and operated by neighborhood organizations.
- g. Special events.
- h. Automobile, recreational vehicle, utility trailer, and yard and farm implement sales area. (8/6/98)
- i. Laundry and dry cleaning shops. (8/6/98)
- j. Taverns. (8/6/98)
- k. Theatres. (8/6/98)
- l. Trade or commercial schools. (8/6/98)
- m. Hotel/motel. (8/6/98)
- n. Car Wash. (8/6/98)
- o. Warehouse, mini. (8/6/98)
- p. Recycling center. (8/6/98)
- q. Kennels/catteries. (8/6/98)
- r. Amusement enterprises including skating rinks, bowling alleys, dance halls, games of skill, etc. if conducted wholly within an enclosed building. (8/6/98)



## **SECTION 4 - DISTRICTS**

### **F. "C-2" COMMERCIAL DISTRICT (continued)**

- 3. OFF-STREET PARKING:** Shall be provided as required by Section 5.
- 4. HEIGHT LIMIT:** No buildings shall be erected or enlarged to exceed thirty-five (35) feet in height.
- 5. LOT AREA, WIDTH, AND DEPTH:** Every lot shall have a minimum width of eighty (80) feet and a minimum area of not less than twelve thousand (12,000) square feet. However, in no case shall the depth of a lot be less than one hundred and twenty (120) feet. Buildings used exclusively or partly for dwelling purposes shall meet the requirements of the R-4 District.
- 6. FRONT YARD:** There shall be a front yard of not less than 80 feet in depth along roads with a pavement width equal to or less than 30 feet; along roads with a pavement width of 30.01 to 40 feet the front yard shall be a minimum of 85 feet in depth; along roads with pavement widths of 40.01 or greater the minimum front yard shall be 90 feet. All front yards are to be measured from the center of the pavement.
- 7. SIDE YARD:** There shall be a side yard of not less than ten (10) feet per side.
- 8. REAR YARD:** There shall be a rear yard of not less than thirty-five (35) feet.
- 9. DWELLING SIZE:** Shall be provided as required by Section 7.

## **SECTION 4 - DISTRICTS**

### **G. "C-3" COMMERCIAL DISTRICT**

The following regulations shall apply in the "C-3" District:

- 1. USES PERMITTED:** After obtaining a valid zoning certificate in accordance with Section 11, the following uses are permitted:
  - a. Amusement enterprises including skating rinks, bowling alleys, dance halls, games of skill, etc. if conducted wholly within an enclosed building. (8/6/98)
  - b. Theatres. (8/6/98)
  - c. Privately operated community buildings or recreational fields and swimming pools, and community facilities owned and operated by neighborhood organizations.(8/6/98)
  - d. Accessory buildings, structures, or uses.
- 2. CONDITIONAL USES:** Subject to approval as provided for in Sections 6 and 9 of this Resolution.
  - a. Outdoor amusement enterprises including go-cart or other race tracks, drag strips, snowmobile tracks, and other noise creating enterprises. Restricted hours of operation from 11:00 a.m. to 8:00 p.m. may apply. (8/6/98)
  - b. Adult oriented sexual businesses as regulated in Section 6.(8/6/98)
  - c. Special events as regulated in Section 6. (8/6/98)
- 3. OFF-STREET PARKING:** Shall be provided as required by Section 5.
- 4. HEIGHT LIMIT:** No building shall be erected or enlarged to exceed thirty-five (35) feet in height.
- 5. LOT AREA, WIDTH, AND DEPTH:** Every lot shall have a minimum width of one hundred (100) feet and a minimum area of not less than twenty thousand (20,000) square feet. However, in no case shall the depth of a lot be less than one hundred and twenty (120) feet. Buildings used exclusively or partly for dwelling purposes shall meet the requirements of the "R-4" District.
- 6. FRONT YARD:** There shall be a front yard of not less than 80 feet in depth along roads with a pavement width equal to or less than 30 feet; along roads with a pavement width of 30.01 to 40 feet the front yard

shall be a minimum of 85 feet in depth; along roads with pavement widths of 40.01 or greater the minimum front yard shall be 90 feet. All front yards are to be measured from the center of the pavement.

**7. SIDE YARD:** There shall be a side yard of not less than ten (10) feet per side.

**8. REAR YARD:** There shall be a rear yard of not less than thirty-five (35) feet.

**9. DWELLING SIZE:** Shall be provided as required by Section 7.

#### **SECTION 4 - DISTRICTS**

##### **H. "C-4" TURNPIKE SERVICE DISTRICT & NON RESIDENTIAL PLANNED UNIT DEV. (Revised 7/09)**

The following regulations shall apply in the "C-4" District:

**1. INTENT:** The "C-4" Turnpike Service District is intended to serve the needs of automobile highway traffic in proximity to the interchange of State Route 51 and the Ohio Turnpike. Its purpose is to provide for commercial services generally used by the motoring public as well as industrial uses preferring a location near major thoroughfares. The District is designed to reduce traffic congestion on State Route 51 by promoting smooth traffic flow in the interchange area and protecting adjacent properties from the possible adverse influences of traffic.

**2. USES PERMITTED:** After obtaining a valid zoning certificate, in accordance with Section 11 of this resolution, the following uses are permitted.

a. Nonresidential Planned Unit Development, if applied for by the owner as provided for herein, and as approved by the Zoning Commission and Board of Township Trustees. (12/13) (See Section 9 below)

**3. OFF-STREET PARKING:** Shall be provided as required by Section 5.

**4. HEIGHT LIMIT:** Structures, except in a nonresidential planned unit development, shall not exceed thirty-five (35) feet in height.

**5. LOT AREA, WIDTH, AND DEPTH FOR USES OTHER THAN NONRESIDENTIAL PLANNED UNIT DEVELOPMENTS:** Every lot shall have a minimum width of ninety (90) feet and a minimum area of not less than sixteen thousand (16,000) square feet. However, in no case, shall the depth of a lot be less than one hundred and twenty (120) feet.

**6. YARD REQUIREMENTS FOR USES OTHER THAN NONRESIDENTIAL PLANNED UNIT DEVELOPMENTS:** Yard setbacks of seventy-five (75) feet shall be provided in the front, side, and rear yards. Off-street parking shall be permitted to occupy a required yard, provided there shall be maintained, a minimum setback of ten (10) feet between the nearest point of the off-street parking area and the nearest right-of-way or property line.

**7. SIGNS FOR USES OTHER THAN NONRESIDENTIAL PLANNED UNITS DEVELOPMENTS:**

Shall be permitted as specified in Section 7.

**SECTION 4 - DISTRICTS**

**H. "C-4" TURNPIKE SERVICE DISTRICT & NON RESIDENTIAL PLANNED UNIT DEV. (Revised 7/09)**

**(continued)**

**8. OTHER REQUIRED CONDITIONS FOR USES OTHER THAN NONRESIDENTIAL PLANNED UNIT DEVELOPMENTS:** The following additional conditions shall be observed.

- a. Barriers: All developments shall be physically separated from State Route 51 by a curb and planting strip. Such barrier shall effectively eliminate unchanneled vehicle ingress or egress except for authorized access ways.
- b. Access ways: Each separate use, group of buildings, or grouping of uses as a part of a single development shall not have more than two access ways from State Route 51. Each access way shall not be located closer than three hundred (300) feet to the point on intersection with the entrance/exit ramp of the turnpike. If the properties fronting on the State Route 51 are of such width or are in multiple ownerships, and access ways to the properties cannot be provided in accordance with the minimum three hundred (300) feet distance from the intersection of State Route 51 and the entrance/exit ramp, a marginal access road shall be provided to serve such properties.

**9. REQUIREMENTS FOR A NONRESIDENTIAL PLANNED UNIT DEVELOPMENT:** Harris Township will permit development of land using a nonresidential planned unit development concept in order to achieve the following:

- a. A more useful pattern of open space areas and, as part of the project, more convenience in the location of desirable commercial and industrial uses and services.
- b. A development pattern which preserves and utilizes natural topography and geologic features, scenic

vistas, trees and other vegetation, prevents the disruption of natural drainage patterns, and conserves and protects the groundwater supplies.

- c. A more efficient use of land than is generally achieved through conventional development, which may result in substantial savings through shorter lengths of utilities and streets.
- d. A development pattern in harmony with land use density, transportation facilities, connecting open space, and community facilities.
- e. A development, that in the opinion of the trustees, is advantageous to the community at large.  
In order to facilitate the hearing process, the township will require a preliminary development plan to be submitted with the rezoning request that adequately identifies the general development design proposed for all of the property included in the nonresidential planned unit development and portrays the proposed type and location of the commercial and industrial uses contemplated, buffers, open space areas, and parking areas.

#### **SECTION 4 - DISTRICTS**

##### **H. "C-4" TURNPIKE SERVICE DISTRICT & NON RESIDENTIAL PLANNED UNIT DEV. (Revised 7/09)**

**(continued)**

**10. TYPES OF USES PERMITTED:** The following types of uses are permitted after recommendation by the zoning commission and approval by the board of township trustees. Each use shall be a part of an overall development plan with common parking areas, common points of ingress and egress, landscaping, and buffering requirements from adjoining lots and the proposed nonresidential planned unit development shall not adversely affect adjacent property values and/or the public's health, safety, and general welfare.

- a. Land and buildings in the nonresidential planned unit development shall be limited to one or more of the following uses:
  - 1. Commercial uses listed in the "C-4" District;
  - 2. Professional offices.
  - 3. Medical facilities such as clinics, hospitals, and research laboratories and facilities.
  - 4. Industrial uses conducted entirely within an enclosed, substantially constructed building or buildings involving the use of only light machinery and equipment with no outside storage of materials or

equipment permitted or required around the buildings other than for the unloading and loading operations at the rear of the building or within an enclosure that abuts the building.

5. Warehousing for the storage of goods, wares, food, beverage, or merchandise.
  6. Wholesaling activities with no direct sales to the general public.
  7. Transportation facilities including motorfreight and distribution centers.
  8. Accessory buildings and uses in association with a permitted use as provided herein.
- b. Only uses designated in the approved nonresidential planned unit development as a permitted use shall be allowed as a matter of right at each location in a nonresidential planned unit development, and any use not so designated will be prohibited unless specifically authorized during the hearing process.

## **SECTION 4 - DISTRICTS**

### **H. "C-4" TURNPIKE SERVICE DISTRICT & NON RESIDENTIAL PLANNED UNIT DEV. (Revised 7/09)** **(continued)**

#### **11. DEVELOPMENT STANDARDS**

##### **a. Lot Area, Width, and Depth**

1. The gross lot area of the tract to be developed under the nonresidential planned unit development approach shall contain a minimum of fifteen (15) contiguous acres of land. The area of a nonresidential planned unit development must be an integral tract. It cannot be a collection of isolated pieces of land, except that roads, streets, or waterway may lie between portions of the tract.
2. The minimum lot width of a nonresidential planned unit development shall be two hundred (200) feet.

3. Each lot to be sold within a nonresidential planned unit development shall have a minimum width of one hundred (100) feet and a minimum lot area of one (1) acre of land.

b. Density

1. The density of a nonresidential planned unit development shall be limited to not more than sixty (60) percent lot coverage of the total acreage included within the development.
2. Each phase submitted for approval shall not exceed the lot coverage requirements for the acreage included in that phase. If a phase is approved with less than the maximum lot coverage allowed for that phase, a subsequent phase of the nonresidential planned unit development may be permitted to include the allowed lot coverage not incorporated in that previous phase.
3. Aggregating or clustering of buildings is permitted, but there shall be no more than ten (10) units permitted per aggregation or cluster.
4. For purposes of calculating the maximum density, the acreage of the tract of land included as part of the nonresidential planned unit development, or phase thereof, shall be multiplied by the permitted sixty (60) percent lot coverage.

**SECTION 4 - DISTRICTS**

**H. "C-4" TURNPIKE SERVICE DISTRICT & NON RESIDENTIAL PLANNED UNIT DEV. (Revised 7/09)**

**11. DEVELOPMENT STANDARDS (continued)**

c. Common Open Space

1. Common open space is land within the development, not dedicated for a specific use like roads or easements, that is designed and intended for the common use or enjoyment of the owners and their employees within the development and may include complementary structures, such as a shelter house, and improvements as are necessary and appropriate.

2. At least fifteen (15) percent of the total area included in each phase shall be set aside as common open space in a nonresidential planned unit developments. At least two-thirds (2/3) of the required fifteen (15) percent common open space for each phase must be dry land not located within areas subject to flooding.
3. Such common open space land reserved under a nonresidential planned unit development shall be held in corporate ownership by the owners of the project area for the use of each owner who buys property within the development.
4. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan and shall be included in deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development, and maintenance of the land and the improvements thereon, including those areas which are to be commonly owned and maintained.
5. Common open space shall be of a size, shape, topography, and location to be usable and accessible to the employees of the nonresidential planned unit development.

d. Building Height

1. The maximum height for all buildings and structures in the nonresidential planned unit development shall be thirty-five (35) feet, unless approved at a greater height by the township trustees during the review process. (12/13)

**SECTION 4 - DISTRICTS**

**H. "C-4" TURNPIKE SERVICE DISTRICT & NON RESIDENTIAL PLANNED UNIT DEV. (Revised 7/09)**

**11. DEVELOPMENT STANDARDS (continued)**

e. Building Yards



1. All principal buildings shall have a minimum front yard setback of sixty (60) feet. Corner lots shall have the front yard setback on both streets. For internal lots, there will be no minimum side or rear yard setback.
2. The required front yard shall consist entirely of landscaping except for access ways and signage.
3. For lots where at least one lot line also serves as the outer perimeter of the nonresidential planned unit development, a minimum eighty (80) foot setback shall be maintained on that lot line.
4. No accessory building/structure of any type may be located within twenty-five (25) feet of any side or rear lot line and may not be located in the front yard.
5. Units with a common wall or that are contiguous because of an authorized zero setback are considered one building. There shall be a minimum twenty (20) foot separation between buildings of this type.
6. In areas where aggregation or clustering is proposed, the township trustees shall have the flexibility to reduce these setbacks when appropriate.

f. Off-Street Parking and Loading Berth Requirements

1. Approved uses shall provide one (1) parking space for each employee at maximum employment on a single working shift.
2. All other requirements of Section 5 of this Resolution shall apply.

g. Traffic Circulation

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

## SECTION 4 - DISTRICTS

### H. "C-4" TURNPIKE SERVICE DISTRICT & NON RESIDENTIAL PLANNED UNIT DEV. (Revised 7/09)

#### 11. DEVELOPMENT STANDARDS (continued)

##### h. Signs Permitted in the Nonresidential Planned Unit Development

1. One sign shall be permitted at the entrance(s) of the nonresidential planned unit development that identifies the name of the development and its address. Each entrance sign shall not exceed one hundred (100) square feet and the cumulative total of all entrance signs shall not exceed two hundred (200) square feet. The entrance sign shall not be located in a location that will cause a traffic hazard or obstruction to visibility. The location of the sign shall be shown on the plans submitted to the township.
2. Each business occupying a lot within the nonresidential planned unit development shall be entitled to a total of one hundred (100) square feet of signage. If attached to the building, the sign shall not project more than forty two (42) inches from the building and the bottom of the sign shall be not less than nine (9) feet above the finished grade.
3. All other requirements of Section 7 of this resolution shall apply.

##### i. Fences

1. Fences or hedges must be approved as part of the nonresidential planned unit development. Fences may not exceed four (4) feet in height in the front yard and seven (7) feet in all other locations. No barbed wire fence shall be constructed except in areas where such fencing is necessary for public health and/or safety.
2. At street and/or highway intersections, no wall, fence, hedge, shrubbery, or other structure or planting which obstructs the view of motorists and thereby creates a traffic hazard shall be erected, placed, planted, or maintained within the triangular area formed by connecting with a straight line, two (2) points located at the respective right-of-way lines, twenty-five (25) feet distance from their point of intersection.

## SECTION 4 - DISTRICTS

### H. "C-4" TURNPIKE SERVICE DISTRICT & NON RESIDENTIAL PLANNED UNIT DEV. (Revised 7/09)

#### 11. DEVELOPMENT STANDARDS (continued)

##### j. Additional Development Standards

1. All community facilities (water and sanitary sewer) proposed for public dedication shall be installed according to the community's standards and the size, shape, location, and construction shall be coordinated with the appropriate community representative.
2. All other utilities (electrical, telephone, etc.) shall be underground unless the township determines that underground installation is not feasible.
3. Each building within the nonresidential planned unit development shall provide space for the loading and unloading of vehicles off the right-of-way of any street or alley. Such space shall be arranged so that no vehicle is required to back onto a street in order to access or leave the premises.
4. Plantings shall be provided around all buildings, structures, loading areas, etc. within eight months of the building being occupied. Diseased or dead plants shall be removed and replaced in a timely manner.
5. No building or other structure of a temporary nature shall be allowed on any lot at any time except that of an owner's contractor or subcontractor during the period of construction or repair to structures.
6. No use of the lots shall be permitted which emits dust, sweepings, dirt, or cinders into the atmosphere or discharges liquid, solid wastes, or other harmful matter into any stream, river, pond, lake, or other body of water.
7. All roads and driveways shall be surfaced with bituminous paving or concrete paving at an adequate thickness for their use.
8. All lights for purposes of illuminating parking lots shall not exceed thirty (30) feet in height. Lighting shall not adversely impact adjoining lots outside of the boundaries of the nonresidential planned unit development and should be directed inwards.
9. Facilities that generate vibrations that can be detected without the use of instruments at or beyond the property lines of the nonresidential planned unit development shall be prohibited.

10. All oversized/overhead doors shall be located on the side of the building opposite any adjacent residential structure.
11. The maximum coverage of all buildings including accessory buildings, and all impervious areas such as parking and loading areas, shall not exceed seventy (70) percent of the gross lot area.
12. No old buildings or structures shall be moved onto or upon any lot or premises within the nonresidential planned unit development. Pole type buildings are not acceptable building design.

## **SECTION 4 - DISTRICTS**

### **H. "C-4" TURNPIKE SERVICE DISTRICT & NON RESIDENTIAL PLANNED UNIT DEV. (Revised 7/09)**

#### **11. DEVELOPMENT STANDARDS**

##### **j. Additional Development Standards (continued)**

13. No used or salvage material shall be used on the exterior of the building.
14. Buildings shall be of an earth tone color scheme. Brick or stone accents on the front façade of the building is preferred.
15. Outside garbage/rubbish disposal containers shall be screened from view and their locations designated on the plans.

##### **k. Approval Process of Each Phase of a Nonresidential Planned Unit Development**

1. During the rezoning process, the developer shall provide a preliminary proposal to the zoning commission and township trustees for the parcel of land proposed to be rezoned to the "C-4" Turnpike Service District. This preliminary proposal shall be sufficient in detail to assist the zoning officials and the general public in understanding the conceptual layout of the nonresidential planned unit development, including prescribed lot coverage and open space calculations, clustering of buildings, setbacks, and types of possible uses.
2. Suggestions offered concerning the preliminary proposal, by the zoning officials and the general public, should be given strong consideration by the developer when the final development plan is prepared.
3. Once the property is rezoned by the township trustees to the "C-4" Turnpike Service District, as provided for in Section 10 C of this Resolution, the following procedure shall be followed.

##### **l. Application to the Zoning Inspector**

1. An application for a nonresidential planned unit development phase shall be submitted to the zoning inspector. The application shall be executed by or on behalf of all of the owners of all of the land to be included in the nonresidential planned unit development. A filing fee, as determined by the trustees, shall be submitted with the application.

#### **SECTION 4 - DISTRICTS**

#### **H. "C-4" TURNPIKE SERVICE DISTRICT & NON RESIDENTIAL PLANNED UNIT DEV. (Revised 7/09)**

#### **11. DEVELOPMENT STANDARDS (continued)**

##### **m. Data Required with Application**

1. The application for approval of a nonresidential planned unit development phase shall include two (2) copies of a development plan, drawn at a scale of 1"= 100' and shall include the following information:
  - a. The location and the size of the area involved and the nature of the landowner's interest in the land proposed to be developed should be identified. A legal description of the area involved in the planned unit development phase is required.
  - b. The lot coverage percentage of land use to be developed, the proposed uses, and the location of the required open space shall be presented in tabular form and also clearly shown on the plans.
  - c. The location, function, ownership, and manner of maintenance of common open space areas shall be shown.
  - d. The use, general outline, location, and maximum height of all buildings and other structures shall be identified. The plan shall list and show, if possible, the exact use, height, floor area, and the proposed outline and location of all buildings and structures, including any accessory buildings.
  - e. The land to be dedicated to each use and the areas of common open space shall be listed and displayed and the exact areas of common open space used to justify the lot coverage proposed.

- f. Conceptual plans for drainage, landscaping, preservation of vistas, natural features, groundwater supply and aquifer shall be included.
- g. Conceptual plans for the disposal of sanitary wastewater and storm water, and for the supply of all other utilities, including water shall be submitted.
- h. The proposed schedule of site development, construction of structures, and associated facilities including sketches showing the design principles and concepts to be followed shall be identified. Required buffering and other activities intended to protect adjoining property owners shall be undertaken as early in the construction process as possible.
- i. The provisions for parking of vehicles and the location and width of proposed streets and existing streets abutting the property shall be shown. Proposed intersection improvements shall be shown. The zoning commission and township trustees may dictate such improvements as part of their review.
- j. The location and size of walkways, plazas, public areas, fences and signs, and of landscaping and planting shall be identified.

## **SECTION 4 - DISTRICTS**

### **H. "C-4" TURNPIKE SERVICE DISTRICT & NON RESIDENTIAL PLANNED UNIT DEV. (Revised 7/09)**

#### **11. DEVELOPMENT STANDARDS**

##### **m-1. Data Required with Application (continued)**

- k. The substance of covenants, deed restrictions, grants, or easements or other restrictions to be imposed upon the use of land, buildings and structures, including proposed easements for public utilities, and for maintenance of common open space, common facilities, private streets, drives and other infrastructure of the nonresidential planned unit development shall be filed.
- l. A plan for landscaping/buffering features and the plan for maintenance of all areas not immediately developed must be identified.
- m. Other information, as may be required by the township zoning commission or township trustees, in order to determine compliance with this resolution will be provided.
- n. An overall plan of the entire planned unit development delineating each phase so that the township

can understand the interrelationships between the various phases.

- o. To guarantee that the construction of the required improvements continues on the schedule identified in number 8 above, the developer may be required to provide a performance guarantee in one or a combination of the following arrangements: performance bond or escrow agreement. The performance guarantee will be in an amount as determined by the township and the developer. Portions of the performance guarantee may be released as activities are completed.
2. Upon initial review, any additional information, as may be required by the township zoning commission or township trustees in order to determine compliance with this resolution, shall be provided.

#### **SECTION 4 - DISTRICTS**

#### **H. "C-4" TURNPIKE SERVICE DISTRICT & NON RESIDENTIAL PLANNED UNIT DEV. (Revised 7/09)**

#### **11. DEVELOPMENT STANDARDS (continued)**

##### **n. Basis of Approval**

1. The township zoning commission shall review and hold public hearings on the application. It shall base its review of the nonresidential planned unit development on the following considerations:
  - a. The proposed development will be initiated within two (2) years from the date of approval.

- b. Each individual unit of the development, as well as the total development, can exist as a independent unit capable of creating an environment of sustained desirability and stability, and that adequate assurance is provided that such objective will be attained.
- c. The uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect.
- d. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic in such amounts as not to overload the street network outside the nonresidential planned unit development. Studies required for intersection improvements shall be completed and preliminary approvals obtained in advance of the submission of the proposed development. All required street improvements shall be made prior to any construction occurring, unless otherwise negotiated with the township.
- e. The appropriateness of the nonresidential development at the locations proposed shall be reviewed.
- f. Any exception from standard district requirements is warranted by the design and other amenities to be incorporated in the nonresidential planned unit development and is in accord with the adopted policy of the zoning commission and the board of township trustees.
- g. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
- h. The nonresidential planned unit development is compatible with the overall land use plan of the township and can be reasonably integrated into the long range plan.
- i. The existing and proposed utility services are adequate for the proposed density and the nonresidential uses being proposed. Any required utility improvements or upgrades shall be negotiated with the appropriate utility agency with the necessary authorizations and/or permits obtained prior to any on- site construction occurring.
- j. The benefits, improved arrangements, and the design of the proposed nonresidential planned unit development justify the deviation from the standard development requirements included in this resolution.

#### **SECTION 4 - DISTRICTS**

#### **H. "C-4" TURNPIKE SERVICE DISTRICT & NON RESIDENTIAL PLANNED UNIT DEV. (Revised 7/09)**

#### **11. DEVELOPMENT STANDARDS**



## **n-1. Basis of Approval (continued)**

- k. The zoning commission may require such changes or modifications in the nonresidential planned unit development, as are needed to achieve conformity to the standards as herein specified.
  - l. The township may establish a schedule of meeting dates with the developer to monitor the progress and activities associated with the construction of the development. The first meeting will occur just prior to the initial groundbreaking activities and subsequent meetings will be scheduled, but should occur at least quarterly.
3. Upon the finding by the zoning commission that all of the standards as herein specified have been met, it may recommend approval of the nonresidential planned unit development to the township trustees. It shall also, where it deems appropriate and necessary, recommend those conditions to be imposed upon the project, its operation, or both, that are needed to assure adherence to the aforesaid standards.
  4. A public hearing by the board of township trustees shall be held within thirty (30) days after receipt of the recommendation of the zoning commission. The board of township trustees shall review the application. It shall base its approval of a nonresidential planned unit development, or phase thereof, on the same criteria as listed for the zoning commission.
  5. Within twenty (20) days after such hearing is concluded, the board of township trustees shall either adopt or deny the recommendations of the township zoning commission, or adopt some modification thereof.
  6. The nonresidential planned unit development approved as a result of the application is to be a binding plan, not subject to change by the owner or developer after its approval and acceptance, except for minor deviations permitted herein.
  7. Unless a deviation from a regulation in the township's zoning resolution, otherwise applicable to the property, is shown in the approved nonresidential planned unit development, such regulation shall not be assumed to be waived.

## **SECTION 4 - DISTRICTS**

### **H. "C-4" TURNPIKE SERVICE DISTRICT & NON RESIDENTIAL PLANNED UNIT DEV. (Revised 7/09)**

#### **11. DEVELOPMENT STANDARDS (continued)**

##### **o. Election by Property Owner**

1. The property owner shall elect, and shall so notify the township trustees within thirty (30) days after approval of the nonresidential planned unit development by the board of trustees, to have the nonresidential planned unit development regulations and plan that was approved apply to the property included in the nonresidential planned unit development.
2. Limitations and restrictions on uses of some lands and buildings as compared to others in this or another nonresidential planned unit development are accepted and are not a basis for appeals for variances.
3. Such election shall be irrevocable and binding on the property owner, his successors and assigns. Failure to so elect and notify the township trustees in the timeframe noted shall revoke the nonresidential planned unit development approval, and all the land contained in it shall be governed by the zoning regulations in the "C-4" Turnpike Service District.

##### **p. Other Approvals**

1. For such parts of the nonresidential planned unit development that are proposed to be subdivisions, the Ottawa County requirements must also be met, including specifications and performance bonds or escrow funds for construction of water, sewer, streets, roads, and drainage.
2. The approval of the nonresidential planned unit development by the township trustees does not imply approval by any other agency with jurisdiction over the development of the property. Approvals by county, state, and federal agencies must be obtained before proceeding with the nonresidential planned unit development.

## **SECTION 4 - DISTRICTS**

### **H. "C-4" TURNPIKE SERVICE DISTRICT & NON RESIDENTIAL PLANNED UNIT DEV. (Revised 7/09)**

#### **11. DEVELOPMENT STANDARDS**

##### **q. Minor Deviations**

1. Minor changes in the location or siting of buildings, structures, streets, or parking areas, or in the areas of open space, after approval of a nonresidential planned unit development by the board of township trustees, shall not be made without approval by the board of township trustees.
2. The board of township trustees may hear and may approve by majority vote such change at any public meeting if such change is made necessary by engineering or other circumstances not foreseen at the time the nonresidential planned unit development was approved. No change approved by the board of township trustees or cumulative change resulting from a series of changes may cause any of the following:
  - a. An increase in percentage of lot coverage.
  - b. A reduction in common open space or in visual open space
  - c. An increase in problems of vehicular or pedestrian traffic circulation or safety, or of utilities.
  - d. A reduction of off-street parking or loading space.
  - e. A reduction in approved pavement widths.
  - f. A reduction of more than five (5%) percent in structural setbacks from the nonresidential planned unit development's boundary.
3. All other changes or cumulative changes not meeting the above standard shall require a public hearing with notification to the adjoining property owners. The changes must be requested through the submission of a formal written request identifying the area affected.

r. Default

1. If no significant construction has begun within two (2) years after approval of a nonresidential planned unit development, it shall be void, unless an extension of the time limit of the approved nonresidential planned unit development is approved by the board of township trustees, after submission of a written request identifying the basis for the time extension, and a finding by the board of township trustees that such extension is not in conflict with the public interest.
2. If construction is started but amenities, roads and drives, sewer, water, drainage, utilities, and landscaping are not done in accordance with the approved nonresidential planned unit development, the board of township trustees may require of the owner that it be done forthwith.

**SECTION 4 - DISTRICTS**

**I. "M-1" RESTRICTED MANUFACTURING DISTRICT**

The following uses shall apply in the "M-1" District:

**I. USES PERMITTED:** After obtaining a valid zoning certificate in accordance with Section 11, the following uses are permitted:

- a. Agriculture
- b. Contractor's establishments and construction equipment dealers.
- c. Printing plants, shops, or publishers.
- d. Bottling works.
- e. Radio or television broadcasting stations and towers.
- f. Research laboratories.
- g. Warehouses, wholesaling activities, and mini-warehousing.
- h. Industrial plants manufacturing or assembling the following: boats; small metal products such as bolts, nuts, screws, washers, rivets, nails, etc.; clothing; drugs and medicines; electrical equipment; glass products from previously manufactured glass; furniture and wood products; and plastic products for production of finished equipment.
- i. Carpenter or cabinet shop.

- j. Building material sales.
- k. Wholesaling activities with no direct sales to the general public.
- l. Restricted manufacturing (see definition).
- m. Accessory buildings, structures, and uses.

**2. CONDITIONAL USES:** Subject to approval as required by Sections 6 and 9 of this Resolution.

- a. Automobile painting, upholstering, rebuilding, reconditioning, body and fender work, truck repairing and overhauling, tire retreading or recapping, battery manufacturing, and the like.

**3. OFF STREET PARKING:** Shall be provided as required by Section 5.

**4. HEIGHT LIMIT:** No building shall be erected or enlarged to exceed seventy-five (75) feet in height.

**5. LOT AREA, WIDTH & DEPTH:** Every lot shall have a minimum width of one hundred fifty (150) feet, and a minimum area of not less than one (1) acre. However, in no case, shall the depth of the lot be less than one hundred and twenty (120) feet.

**SECTION 4 - DISTRICTS**

**I. "M-1" RESTRICTED MANUFACTURING DISTRICT (continued)**

**6. FRONT YARD:** There shall be a front yard of not less than 80 feet in depth along roads with a pavement width equal to or less than 30 feet; along roads with a pavement width of 30.01 to 40 feet the front yard shall be a minimum of 85 feet in depth; along roads with pavement widths of 40.01 or greater the minimum front yard shall be 90 feet. All front yards are to be measured from the center of the pavement.

**7. SIDE YARD:** There shall be a side yard of not less than fifteen (15) feet, but where such side yard is adjacent to an "A" or "R" District, it shall be used for landscape purposes only.

**8. REAR YARD:** There shall be a rear yard of not less than twenty-five (25) feet and where such yard abuts an "A" or "R" District, it shall be used for landscape purposes only.

**9. BUILDING SIZE:** As specified in Section 7.

## **SECTION 4 - DISTRICTS**

### **J. "M-2" HEAVY MANUFACTURING DISTRICT**

The following regulations shall apply in the "M-2" District:

**I. USES PERMITTED:** After obtaining a valid zoning certificate in accordance with Section 11, the following uses are permitted:

- a. Acetyline gas manufacture.
- b. Automobile manufacture.
- c. Brick, tile, terra cotta, or clay products manufacture.
- d. Cement or cinder block manufacture.
- e. Blast furnace.
- f. Boiler works.
- g. Emery cloth or sandpaper manufacture.
- h. Forge plant.

- i. Glass manufacture.
- j. Gas (illuminating or heating) manufacture.
- k. Iron, steel, brass, or copper foundry.
- l. Metal stamping.
- m. Oil cloth or linoleum manufacture.
- n. Printing ink manufacture.
- o. Rock crusher.
- p. Rolling mills.
- q. Sauerkraut or pickle manufacture cannery operation.
- r. Sausage manufacturing.
- s. Shoe polish manufacture.
- t. Soap manufacture.
- u. Stone mill or quarry.
- v. Tobacco products manufacture.
- w. Vinegar manufacture.
- x. Yeast plant.
- y. Heavy manufacturing (see definition).
- z. Accessory buildings, structures, and uses.

**SECTION 4 - DISTRICTS**

**J. "M-2" HEAVY MANUFACTURING DISTRICT (continued)**

**2. CONDITIONAL USES:** Subject to approval as provided for in Sections 6 and 9 of this Resolution.

- a. Abbatoirs or slaughterhouses.
- b. Ammonia, bleaching powder, or chlorine manufacture.
- c. Automobile wrecking yard.
- d. Crematory.

- e. Dyestuff manufacture.
- f. Fireworks or explosive manufacture or storage, or the loading of explosives.
- g. Fish smoking or curing.
- h. Gas manufacture or storage (other than illuminating or heating).
- i. Gunpowder manufacture or storage.
- j. Incineration or reducing of garbage.
- k. Junk yard or the baling of rags or junk.
- l. Match manufacture.
- m. Fertilizer plant.
- n. Smelters.
- o. Solid, hazardous or other waste as defined by the Ohio Rev. Code Sect. #3734
- p. Trucking terminals.

**3. OFF STREET PARKING:** Shall be provided as required in Section 5.

**4. HEIGHT LIMIT:** No building shall be erected or enlarged to exceed seventy-five (75) feet in height.

**5. LOT AREA, WIDTH & DEPTH:** Every lot shall have a minimum width of one hundred fifty (150) feet, and a minimum area of not less than one (1) acre. However, in no case shall the depth of the lot be less than one hundred twenty (120) feet.

**6. FRONT YARD:** There shall be a front yard of not less than 80 feet in depth along roads with a pavement width equal to or less than 30 feet; along roads with a pavement width of 30.01 to 40 feet the front yard shall be a minimum of 85 feet in depth; along roads with pavement widths of 40.01 or greater the minimum front yard shall be 90 feet. All front yards are to be measured from the center of the pavement.

#### **SECTION 4 - DISTRICTS**

##### **J. "M-2" HEAVY MANUFACTURING DISTRICT (continued)**

**7. SIDE YARD:** There shall be a side yard of not less than fifteen (15) feet, but where such side yard is adjacent to an "A" or "R" District, it shall be a minimum of twenty-five (25) feet and shall be used for landscaping purposes only.



**8. REAR YARD:** There shall be a rear yard of not less than twenty-five (25) feet, and where such yard abuts an “A” or “R” District, it shall be used for landscape purposes only.

**9. BUILDING SIZE:** Shall be provided as required by Section 7.

**SECTION 5 - PARKING AND LOADING REQUIREMENTS**

## **A. AUTOMOBILE PARKING REQUIREMENTS.**

**1. QUANTITY:** There shall be provided at the time of the erection or enlargement of any main building or structure, the following off-street parking spaces, with a minimum area of two hundred (200) square feet per parking space exclusive of driveways or alleys, and with adequate provision made for ingress and egress to the parking spaces:

- a. Dwelling: One parking space per motor vehicle owned by the residents.
- b. Auditorium, Theatres, Churches, Schools, and other similar places of assembly: One parking space for each five seats in the main auditorium.
- c. Hospitals or Institutions: One parking space for each eight hundred (800) square feet of floor area.
- d. Clubs and Lodges: One parking space for every five members.
- e. Commercial Buildings: One parking space for every two hundred (200) square feet of floor area.

## **2. RULES:**

- a. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses.
- b. No building shall be enlarged, rebuilt, or structurally altered to the extent of more than a fifty (50) percent addition in floor area unless there shall be provided the total number of off-street parking spaces required for the original use and its enlargement.
- c. All parking spaces required herein shall be located on the same lot with the building or use served except that spaces may be located within three hundred (300) feet of the lot on which the main building is located or within six hundred (600) feet in the case of required spaces for the uses of employees, if this property has a similar zoning classification as the use they are serving.

**SECTION 5 - PARKING AND LOADING REQUIREMENTS (continued)**

**B. OFF-STREET TRUCK LOADING BERTHS**

**I. QUANTITY:** Every building of the type described below which is hereafter built, relocated, or expanded more than fifty (50) percent in floor area, shall provide an off-street loading berth or berths in accordance with the following schedule with each berth having a minimum area of seven hundred fifty (750) square feet.

- a. A building whose dominant use is handling and selling goods at retail shall provide berths in relation to the floor area used for retail purpose as follows:

5,000 to 10,000 sq. ft. One berth required

10,000 to 20,000 sq. ft. Two berths required

Over 20,000 sq. ft. Three berths required

- b. A manufacturing, repair, wholesale, trucking terminal, or warehouse use shall provide berths in relation to the total floor area as follows:

5,000 to 40,000 sq. ft. One berth required

Over 40,000 sq. ft. Two berths required

- c. Other buildings not listed above, but having more than 10,000 square feet in floor area, shall provide one berth. This would include offices, hotels, mortuaries, etc.

## **SECTION 5 - PARKING AND LOADING REQUIREMENTS (continued)**

### **C. IMPROVEMENTS TO PARKING AND LOADING AREAS**

1. All parking and loading areas shall be surfaced with gravel or crushed stone with adequate dust treatment or with permanent surfacing.
2. Where the parking area adjoins lots in an "A" or "R" District, such lots shall be protected by the erection and maintenance of a permanent fence, screen, and or planting approved by the Commission. Such protection shall not extend into the front yard required on the lot on which the parking area is located.
3. Any lights used to illuminate parking areas shall be so arranged as to reflect the light away from the adjoining premises in an "A" or "R" District.
4. Bumper Guards shall be provided for proper operation of the parking areas and to protect any fence, screen, or planting from damage.
5. When a parking area is located wholly or partly in an "A" or "R" District, the following regulations shall apply in addition to the above:
  - a. No commercial enterprise of any kind shall be established on the area;
  - b. No fee shall be charged for parking thereon; and
  - c. No signs of any kind shall be erected, except those necessary for the orderly parking thereon.
6. When a parking area will be used for purposes of commercial gain, the following standards will be required:
  - a. The parking area shall surfaced with gravel or crushed stone with adequate dust treatment or with permanent surfacing;
  - b. Where the parking area adjoins lots in an "A" or "R" District, such lots shall be protected by the erection and maintenance of a permanent fence, screen, or planting approved by the Commission. Any lighting used to illuminate the parking area shall be so arranged to reflect light away from the adjoining premises

in an “A” or “R” District;

c. The area shall be kept clean and orderly; and

d. The owner or operator will be responsible for the orderly control and parking of vehicles within the area.

## **SECTION 5 - PARKING AND LOADING REQUIREMENTS (continued)**

### **D. PARKING/STORAGE OF MOTOR VEHICLES AND TRAILERS (6/2018)**

#### **1. UNLICENSED PERSONAL/NON-COMMERCIAL VEHICLES, TRAILERS OR WATERCRAFT:**

Only one (1) motor vehicle, recreational vehicle, trailer or watercraft of any type without current license plates and/or registration shall be parked or stored on any land used or zoned for residential purposes other than in a completely enclosed building. This limit is for one (1) total - not one of each of the above named kinds of vehicles or watercraft. Parking or storage outside of a building must be in the rear yard.

#### **2. COMMERCIAL VEHICLES:** Only one (1) motor vehicle (car or truck) used for commercial purposes may be parked outside on land used for residential purposes. Said vehicle:

a. Shall be currently licensed / registered.

#### **3. COMMERCIAL TRAILERS:** Only one (1) commercially used trailer (either flat bed, open, or enclosed cargo type) may be parked outside on land used for residential purposes. Said trailer:

a. Shall be currently licensed / registered

#### **4. CONSTRUCTION EQUIPMENT:** E.g.: excavating equipment, bulldozers, graders, skid-loaders, front-end loaders, track-hoes, back-hoes, and any other tracked or wheeled heavy equipment, etc... may only be parked or stored outside in an area zoned “M-1” or “M-2” or parked and stored on agricultural zoned land <sup>2</sup>

#### **5. INSIDE STORAGE:** Commercial vehicles and/or trailers in excess of the above limits as well as construction equipment may be parked or stored inside permitted accessory buildings on residential properties.

## **SECTION 6 - CONDITIONAL USE REGULATIONS**

### **A. PURPOSE**

1. In addition to uses specifically classified and permitted in various Districts in this Resolution, there are certain additional uses which may be necessary to allow because of their unusual characteristics or the services they may provide the public. These “conditional uses” require particular consideration as to their proper location in relation to adjacent established or intended uses, or the planned development of the community. The conditional uses fall into two (2) categories as follows:
  - a. Uses either municipally operated, or uses traditionally affected by public interest.
  - b. Uses entirely private in character, which because of their peculiar locational needs or the nature of the service they offer to the public, may have to be established in a District or Districts in which they cannot reasonably be allowed as a permitted use under the zoning regulations.

### **B. PROCEDURE**

1. The procedure for notices, public hearings, passage, etc. for conditional uses is described in Section 9.

### **C. VACANCY**

1. In the event that a conditional use authorized for any building, structure, or land is voluntarily discontinued for a period of one year, the use of the same shall thereafter conform to the uses permitted in the District in

which it is located.(8/6/98)

**D. EXISTING CONDITIONAL USES**

1. Conditional uses existing at the time of adoption of this Resolution may be continued and shall be considered as uses conforming to the Resolution.

**E. ADDITIONS**

1. Additions to existing conditional uses shall go through the regular conditional use procedure.

**SECTION 6 - CONDITIONAL USE REGULATIONS (continued)**

**F. GENERAL REQUIREMENTS**

1. The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that such use in the proposed location:
  - a. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area.
  - b. Will not be hazardous or disturbing to existing or future neighboring uses.
  - c. Will not be detrimental to property in the immediate vicinity or to the community as a whole.
  - d. Will be served adequately by essential public facilities and services.
  - e. Will have vehicular approaches to the property which shall be so designed as not to create an interference

with traffic on surrounding public streets or roads

## **G. SPECIFIC REQUIREMENTS**

In addition to satisfying the requirements of this Section the following conditions shall be met for the listed uses:

### **1. SPECIAL EVENT**

a. Requirements: All special events shall meet the following requirements:

1. The special event shall not last longer than fourteen (14) days.
2. The special event will not create a level of noise which will interfere with the normal living conditions of adjoining property owners.
3. The required and necessary facilities for the special event such as restrooms, parking and the like are available in adequate amounts for the type of special event planned.
4. The special event will not interfere with the traffic flow and the public's safety.
5. Other conditions which the Board of Zoning Appeals feels are necessary to protect the public's health, safety and welfare shall be imposed.

## **SECTION 6 - CONDITIONAL USE REGULATIONS**

### **G. SPECIFIC REQUIREMENTS (continued)**

#### **2. BED AND BREAKFAST INN**

a. Requirements: All bed and breakfast inns shall meet the following requirements in addition to those identified in its definition in Section 3.

1. The Inn must be owner occupied, it must be the principal residence of the owner, and occupied by the owner.
2. One (1) individual not residing in the Inn may be employed in the operation of the Inn.
3. No more than four (4) rooms shall be offered for rent.



4. Each room shall contain a minimum of one hundred (100) square feet. No rented room shall have independent outside entrance (but emergency fire exits are permitted).
5. Neither any rented room nor the owner's dwelling space be located in an accessory structure.
6. No cooking facilities of any type shall be permitted in the rented rooms.
7. A minimum of one (1) on-site parking space per room offered for rent and two (2) spaces for the owner shall be required.
8. No change to the outside appearance of the dwelling shall occur.
9. One (1) sign not exceeding four (4) square feet in area shall be permitted identifying the dwelling as a Bed and Breakfast Inn.
10. Any other condition or safeguard deemed appropriate by the Board of Zoning Appeals.

### **3. ADULT ORIENTED SEXUAL BUSINESS**

- a. This requirement establishes reasonable and uniform regulations to prevent any deleterious location and concentration of adult sexually oriented businesses within the township. This requirement has neither the purpose or effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this requirement to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors or exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this requirement to condone or legitimize the distribution of obscene materials.

## **SECTION 6 - CONDITIONAL USE REGULATIONS**

### **G. SPECIFIC REQUIREMENTS**

#### **3. ADULT ORIENTED SEXUAL BUSINESS (continued)**

- b. Such uses shall be permitted subject to the following conditions as well as those addressed in Section 6.

1. The applicant shall file in writing a report containing the following information:

- a. The address where the adult sexually oriented business is operated or is to be operated.
- b. The status of the applicant as an individual, partnership, or limited partnership, domestic or foreign corporation, or other entity; the full name, residence address, date of birth, and social security number of the applicant or the person applying on behalf of a partnership, corporation or other entity. If the applicant is a partnership or limited partnership, the name of the partnership, the status of the partnership as a general or limited partnership; the state or other jurisdiction under which it is organized; the address of its principal office in Ohio; its federal identification number; the name and address, date of birth, and social security number of each partner; and the status of each partner as a general or limited partner. If the applicant is a corporation, the name of the corporation; the state or other jurisdiction under which it is organized; the address of its principal office; the address of its principal office in Ohio; its federal identification number; the name and address of its statutory agent in Ohio; and the full name, residence address, date of birth, and social security number of each stockholder holding more than two (2) percent of the applicant's stock. If any shareholder is a corporation or a general or limited partnership, the same information shall be included for such shareholder as is required for an applicant that is a corporation or general or limited partnership.
- c. The application must contain the address where the adult sexually oriented business is to be located and shall be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
- d. Applicants for a permit under this section shall have a continuing duty to promptly supplement application information required by this section in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within thirty (30) days from the date of such change, by supplementing the application on file with the township, shall be grounds for revocation or non-renewal of a permit.
- e. Any other information determined by the Board to be necessary.

## **SECTION 6 - CONDITIONAL USE REGULATIONS**

### **G. SPECIFIC REQUIREMENTS**

#### **3. ADULT ORIENTED SEXUAL BUSINESS (continued)**

- c. Adult sexually oriented business uses shall be located at least one thousand five hundred (1,500) feet

from any church, child day care center, library, public park, public or private school, social service facility, neighborhood center, or amusement arcade.

- d. Adult sexually oriented business uses shall be located at least one thousand (1,000) feet from any boundary of any residential district including those in an abutting local unit of government.
- e. Adult sexually oriented business uses shall be located at least one thousand five hundred (1,500) feet from any other adult entertainment uses.
- f. Adult sexually oriented business uses shall be located at least one thousand (1,000) feet from a bar, tavern, or other business serving or selling liquor, beer, wine, or other alcoholic beverages.
- g. A permit or license issued under this section to an adult sexually oriented business shall expire one (1) year after the date of issuance. An application for a renewal permit shall be filed not later than forty-five (45) days of the expiration of the permit. An application for renewal shall be acted upon within thirty (30) days of receipt of the application. The information contained with the initial application for a permit and supplementary information required by Item B.1.d. above shall be used to determine whether or not to renew a permit. Each permit for an adult sexually oriented business shall contain the name of the applicant, the address of the adult sexually oriented business and the expiration of the permit. (8/6/98)

#### **4. MINI - WAREHOUSING (STORAGE)**

- a. The parcel on which the mini-warehouse (storage) building will be located must contain a minimum of one acre of land and have frontage upon a public highway.
- b. The maximum lot coverage by buildings shall be sixty (60) percent.
- c. The land area providing access to the mini-warehouse (storage) building and individual units shall be stoned or paved and have adequate drainage.
- d. Any lighting used on the site shall be directed away from the adjoining properties.
- e. If adjacent to a residential structure, the side yard setback shall be increased to fifty (50) feet with a screen, planting, or solid fence erected on or near the lot line, prior to the construction of the mini-warehouse (storage) building.
- f. The mini-warehouse (storage) building and units shall not be used for the storage of flammable, hazardous, or chemical materials, potentially dangerous to the general public.
- g. No outside storage shall be allowed.(8/6/98)

**SECTION 6 - CONDITIONAL USE REGULATIONS**

**G. SPECIFIC REQUIREMENTS (continued)**

**5. COMPOSTING FACILITY**

The following requirements shall be met for a composting facility:

- a. The site must contain a minimum of two (2) acres and have adequate frontage along a State highway.
- b. If the site adjoins a residential use, a fifty (50) foot buffer strip in which no composting activity occurs must be maintained adjacent to the residential use and a permanent view-hiding fence must be erected and maintained.
- c. Approval and/or licensing must be obtained from the Ohio EPA.
- d. Only material from the State of Ohio may be composted on the site. (8/6/98)

**6. LOW IMPACT WIND POWERED ELECTRIC GENERATOR/WINDMILL (11/05)**

- a. The proposed wind powered electric generator/windmill shall be a distance of at least 125% of the height of the total structure to any property line, residence, building, and public or private road or right-of-way.
- b. The maximum lighting used for or on the structure is a low intensity red light as defined by the Federal Aviation Administration.
- c. The wind powered electric generator/windmill shall have a rated capacity of not more than 100 kW.
- d. The wind powered electric generator/windmill shall service only one residence.

**7. HIGH IMPACT WIND POWERED ELECTRIC GENERATOR / WINDMILL (11/05)**

- a. The proposed wind powered electric generator/windmill shall be a distance of at least 150% of the height of the total structure to any property line, residence, building, and public or private road or right-of-way.
- b. The maximum lighting used for or on the structure is a low intensity red light as defined by the Federal Aviation Administration.
- c. The wind powered electric generator/windmill shall have a rated capacity of more than 100 kW.
- d. All high impact wind powered electric generator/windmill locations must be pre-approved by the U.S. Department of Fish and Wildlife and the Ohio Department of Natural Resources based upon their determination of the impact that the proposed windmill will have on eagles, wildlife and migratory birds.

## **SECTION 6 - CONDITIONAL USE REGULATIONS**

### **G. SPECIFIC REQUIREMENTS (continued)**

#### **8. SMALL WIND FARM (7/09)**

A small wind farm shall be subject to the following conditions:

- a. The aggregate output of electricity that can be generated by the small wind farm shall be less than five (5) megawatts.
- b. A letter shall be submitted from the owner of the electrical grid agreeing to accept the output generated by the small wind farm.
- c. A site plan showing the planned location of each wind powered electric generator, property lines, setback lines, roads (public and private), substations and other accessory buildings required by the small wind farm, a lighting plan, associated transmission lines, the area that will be impacted by shadow flicker, and other pertinent information shall be submitted with the conditional use application.
- d. The small wind farm shall conform to all construction, design safety, electrical standards, and other applicable industry standards. The appropriate warning signs shall be displayed.
- e. All wind powered electric generators part of the small wind farm shall be equipped with a redundant braking system including both aerodynamic over-speed controls and mechanical brakes.
- f. The wind powered electric generators, including the blades, shall be a non-obtrusive color such as white, off-white, silver, or gray and contain no advertising display or message on any of its parts.
- g. The small wind farm and the wind powered electric generators located within it shall not be artificially lighted except to the extent required by the Federal Aviation Administration.
- h. On-site transmission and power lines shall be placed underground to the maximum extent possible.
- i. Access to the wind powered electric generators, electrical equipment, and any accessory structures shall be controlled using appropriate fencing. Climbable access to the generators shall begin no less than fifteen feet off the ground.
- j. A wind powered electric generator shall be setback a distance of not less than 125% of the height of the tower

supporting the generator from the nearest off-site residence, public road, and any school, church, or other building used for public gathering. The setback distance shall be measured from the center of the base to the nearest point of the foundation of the structure.

- k. The small wind farm shall be designed and all reasonable efforts shall be made to minimize or eliminate shadow flicker to any occupied building on a non-participating property.

## **SECTION 6 - CONDITIONAL USE REGULATIONS**

### **G. SPECIFIC REQUIREMENTS**

#### **8. SMALL WIND FARM (7/09) (continued)**

- l. If a non-participating landowner, adjacent to the small wind farm, agrees to waive the setback requirement and shadow flicker established above, such waiver shall be recorded in the Ottawa County Recorder's Office. The waiver shall describe the property benefited and burdened and advise all subsequent purchasers of the burdened property that the setback waiver shall run with the land and may forever burden the subject property.
- m. The anticipated audible sound from the small wind farm shall be provided to the Board of Zoning Appeals for their review.
- n. There shall be maintained a general liability insurance policy covering bodily injury and property damage with limits of at least \$1 Million per occurrence and \$1 Million in the aggregate with certificates of insurance submitted annually to the township.
- o. The facility owner and operator shall, at its expense, complete the decommissioning of the small wind farm within twelve months of the facility no longer functioning as intended. All equipment and structures shall be removed and the site returned to an appearance similar to the surrounding property.

The small wind farm conditional use shall be reviewed every three years by the Board of Zoning Appeals to insure all of the requirements established by the approval are being complied with.

## **SECTION 7 - SUPPLEMENTAL REGULATIONS**

### **A. YARD REQUIREMENTS**

#### **1. FRONT YARD:** The following shall apply to front yards in all Districts:

- a. Interior lots having a frontage on two (2) streets shall provide the required front yard on both streets.
- b. For residential uses shall be required to on corner lots, only one front yard meet the requirements of the District in which the property is located with the other front yard established at twenty-five (25) feet.
- c. Where a lot is situated between two (2) lots, each of which has a main building which projects beyond the established front yard line and has been so maintained since this Resolution became effective, the front yard requirement of such lot may be the average of the front yards of said existing buildings.
- d. Where a lot adjoins one lot having the conditions described above, the front yard requirement of such lot may be the average of the front yard of the existing building and the established front yard requirement of the District in which it is located.
- e. Where a lot is situated between two (2) undeveloped lots, the average front yard established by the other existing buildings on the same side of the street between the nearest intersecting streets may be used as the front yard requirement of the lot.

#### **2. SIDE YARD:** The following shall apply to side yards of existing lots of record prior to the adoption of the Resolution:

Existing Lot Width    Minimum Side Yard Requirement

50' or less.....	5'
50.01'- 60' .....	6'
60.01'- 70' .....	7'
70.01'- 80' .....	8'
80.01' or more .....	10'

**SECTION 7 - SUPPLEMENTAL REGULATIONS**

**A. YARD REQUIREMENTS (continued)**

**3. BUILDING PROJECTIONS INTO REQUIRED YARDS:**

- a. Every part of a required yard shall be open to the sky, unobstructed by a building, except for accessory buildings in a rear yard, and except for the ordinary projection of sills, cornices, eaves, ornamental features and other such items.
- b. Terraces, uncovered porches, and ornamental features which do not extend more than three (3) feet above the ground may project into a required yard, provided these projections shall be at least two (2) feet from the adjacent side lot lines.
- c. Balconies, fire escapes, porches, or awning may project into a required rear yard for a distance not exceeding ten (10) feet.

**4. PARKING IN REQUIRED YARDS:** Parking shall be permitted in all required yards except as follows:

- a. Whenever any "C" or "M" District adjoins an "A" or "R" District, the off-street parking for the commercial or industrial development shall not be located within the required front yard for a distance of



not less than fifty (50) feet from the boundary of the "A: or "R" Districts, nor shall the off-street parking be located within seven (7) feet of the boundary of the side yard of the District.

b. Unlicensed Vehicles or Trailers - See Section 5, Part D, Item #1

## SECTION 7 - SUPPLEMENTAL REGULATIONS (continued)

### B. ACCESSORY BUILDINGS AND USES

- 1. GENERAL REGULATIONS:** For lots with a principal building, the following shall apply: Such buildings shall not exceed twenty (20) feet in height, shall be no closer to the front lot line than a principal building may be, shall not be closer than five (5) feet to the principal building and shall not be closer than five (5) feet to the side or rear lot line. The maximum floor area permitted for all accessory buildings located on the lot may not exceed the maximum square footage allowed for the District in which they are located as shown below or fifty (50) percent of the floor area contained within the residential structure, **whichever is less (8/6/98)**

NOTE - A zoning permit is NOT required for an accessory building of forty-eight (48) square feet or less - Per Section 11.B.4. Said building must still comply with all set-back regulations.

**NOTE: NOT PERMITTED AS ACCESSORY BUILDINGS:** Semi-Trailers cargo boxes, truck cargo boxes, utility trailer cargo boxes, intermodal container boxes, trucks, automobiles, trailers, mobile homes, and modular or mobile offices (on or off trailer chassis) are not permitted to be used as accessory buildings. (See definitions in the front of this document) {6/2018}

**NOTE:** Short term (six {6} months or less) rented or leased on-site storage units (E.g. "P.O.D.S.") ARE permitted to be on a residential property - for no more than six (6) months and do not require a permit.

<u>District</u>	<u>Maximum Square Footage of For an Accessory Bldg.</u>	<u>% of Floor Area of the Residential Structure Allowed For an Accessory Building</u>
A (1-3 acres) .....	1,500	50% (12/13)
A (3+ - 10 acres) .....	2,000	50% (12/13)
A (10+ acres) .....	2,500	50% (12/13)
R-1.....	1,200	50%
R-4.....	1,200	50%
C-2.....	1,200	50%
C-3.....	1,200	50%
C-4.....	1,200	50%

**SECTION 7 - SUPPLEMENTAL REGULATIONS (continued)**

**C. FENCES AND HEDGES**

**1. HEIGHT:** Fences or hedges shall not exceed the following height in the specified yard unless otherwise restricted:

<u>District</u>	<u>Front Yard</u>	<u>Other Location</u>
A .....	7	7
R-1 & R-4 .....	5	7
C-2 & C-3 .....	5	7
M-1 & M-2.....	10	10

2. **OBSTRUCTION OF LINE-OF SIGHT:** On property located at street and/or highway, intersections in any District established by the Resolution; no fence, wall, hedge, shrubbery or other structure or planting which obstructs the view of motorists and thereby creates a traffic hazard shall be erected, placed, planted or maintained within a triangular area formed by connecting with a straight line two (2) points located on the respective right-of-way, twenty-five (25) feet distant from their point of intersection.
3. **PRIVATE PET ENCLOSURES:** A fence of 75 linear feet or less used to create a pet enclosure for a private pet kennel does not require a permit.
4. **PRIVATE SWIMMING POOL FENCING:** Required fencing for private swimming pool that is ten (10) feet or less from the edge of said pool does not require a separate fence permit. A permit will be required when fencing is more than ten (10) feet from any edge of the pool.
5. **PERMIT IS REQUIRED:** No fence shall be erected without first securing a permit from the zoning inspector.

## **SECTION 7 - SUPPLEMENTAL REGULATIONS (continued)**

### **D. PRIVATE RESIDENCE SWIMMING POOLS (6/2018)**

1. Private swimming pools (above ground or in the ground) greater than one hundred (100) square feet of surface area in size, or holding water deeper than one and one-half (1-1/2) feet shall be permitted with any residential use but subject to the following requirements:
  - a. Private swimming pools shall be permitted only as accessory uses.

- b. Private swimming pools shall be intended for the use and enjoyment of the owners and guests of the property on which it is located.
- c. Private swimming pools and accessory structures associated with the pool shall be located no closer than ten (10) feet to any property line.
- d. The ~~private in-ground~~ swimming pool, or the entire property on which it is located, shall be so walled or fenced so as to prevent uncontrolled access from the street or from adjacent properties. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition. (12/13) Above ground pools four feet (4') tall or more may use a removable ladder instead of a separate fence or wall.
- e. No private swimming pool shall be constructed or erected without first securing a zoning permit from the zoning inspector.
- f. If the required fence for an in-ground pool is no more than ten (10) feet from the edge of the pool along all sides/edges of the pool a separate fence zoning permit is not required. If the fence is greater than ten (10) feet from any edge a fence permit is required. (same as sect. 7.C.4 on previous page)

## **SECTION 7 - SUPPLEMENTAL REGULATIONS (continued)**

### **E. PONDS AND/OR RETENTION PONDS**

The following requirements for ponds/retention ponds shall be met:

1. The pond shall be eight (8) feet deep over 25% of the pond area unless nonpenetrating matter is in the area;
2. A minimum of 1/2 acre surface area is required:
  - a. Ponds with 1/2 acre surface area shall have a minimum lot area of 2 (two) acres.
  - b. Only one pond is permitted per lot, and in no case shall the pond surface area be greater than 50% of the total lot area or be more than two (2) acres, **whichever is less.** (6/2018)
3. There shall be a minimum three (3) foot horizontal to one (1) foot vertical slope;
4. For the beach area, the slope shall be a minimum five (5) foot horizontal to one (1) foot vertical;
5. A water source is available;
6. The soil is verified as conducive to ponds/retention ponds prior to any excavation work beginning.
7. There shall be a minimum setback of fifty (50) feet in the front yard and ten (10) feet in the side and rear yard. Measurement of the setback shall be from the property line to the water's edge, if no mounded area is present, and to the outer base of the mound areas where one is present;
8. No water shall be directed to flow onto existing streets or adjoining property as a result of the construction and design of a pond/retention pond;
9. All plans relating to the location of the pond shall be approved by the Ottawa County Board of Health and the County Engineer prior to application for zoning permit. These approvals are meant to meet the requirements of the particular office and the remaining conditions listed above must be met.

## SECTION 7 - SUPPLEMENTAL REGULATIONS (continued)

### F. SIGNS

1. **INTENT:** The purpose of this section is to protect property values, create a more attractive economic business climate, enhance and protect the physical appearance of the community and preserve the scenic and natural beauty of the township.
2. **TEMPORARY SIGNS:** Signs of a temporary nature such as election signs, garage sale or signs and the like shall be removed within a period of seven (7) days after the identified event is completed or concluded.
3. **EXCLUDED SIGNS:** Traffic, governmental, legal, railroad and danger signs are not restricted. In addition, signs such as memorial tablets and names of buildings built into the walls of the building as an integral part of the building and signs erected within buildings, whether visible to the public or not are also not included.
4. **GENERAL REGULATIONS:**
  - a. No sign shall be erected or maintained at any location where it may obstruct or impair traffic in any manner.
  - b. No illuminated signs shall be permitted in residential districts.
  - c. Any illuminated sign shall employ only a source which emits a light of constant intensity; no sign shall be illuminated by or contain flashing intermittent, rotating, or moving lights.
  - d. For purposes of determining the number of signs, a sign with two (2) facades (double-faced sign) used for display shall be counted as one sign. (6/2018)
    1. Double-faced signs shall be so constructed that the perimeter of both faces coincide and are parallel and not more than twenty- four (24) inches apart.

## **SECTION 7 - SUPPLEMENTAL REGULATIONS**

### **F. SIGNS (continued)**

#### **5. AGRICULTURAL DISTRICT SIGN REQUIREMENTS:**

- a. Not to exceed forty-eight (48) square feet for advertising of roadside stands as permitted in Section 4, or directory signs indicating services, commodities, or facilities available within a distance of ten (10) miles.
- b. For one-family dwellings, one (1) name plate not exceeding one and one-half (1-1/2) square feet in area, indicating the name and address of the occupant and one (1) sign not exceeding nine (9) square feet in area indicating the name of the permitted home occupation of the occupant.
- c. For churches, one (1) church bulletin board not exceeding fifteen (15) square feet in area and one (1) identification sign not exceeding forty-eight (48) square feet in area, including the supporting structure.
- d. Directional signs not exceeding nine (9) square feet in area.
- e. One sign not exceeding twelve (12) square feet in area pertaining to the sale or rent of the property on which the sign is located.

#### **6. RESIDENTIAL DISTRICTS:** In "R" Districts, non-illuminated signs may be erected as follows:

- a. For one-family dwellings, one (1) name plate not exceeding one and one-half (1-1/2) square feet in area, including the name and address of the occupant and one (1) sign not exceeding nine (9) square feet in area indicating the name and permitted occupation of the occupant.
- b. Multiple-family dwellings and for buildings other than dwellings, a single identification sign not exceeding twelve (12) square feet in area and indicating only the name and address of the building and the name of the management thereof.
- c. For churches, one (1) church bulletin board not exceeding fifteen (15) square feet in area and one (1) identification sign not exceeding forty-eight (48) square feet in area, including the supporting structure.
- d. Directional signs not exceeding nine (9) square feet in area.

- e. One sign not exceeding twelve (12) square feet in area pertaining to the sale or rent of the property on which the sign is located.

## **SECTION 7 - SUPPLEMENTAL REGULATIONS**

### **F. SIGNS (continued)**

#### **7. COMMERCIAL AND MANUFACTURING DISTRICTS:** The following shall apply in the “C” and “M” Districts:

- a. Advertising signs located at the place of business may be erected provided they do not exceed two (2) square feet in area for each lineal foot of frontage occupied by the business for which the sign is erected, and provided they do not exceed two hundred (200) square feet in total area.
- b. Non-commercial advertising signs for businesses not located at the place of business shall not exceed two hundred (200) square feet in total area and the bottom of the sign shall be not less than nine (9) feet above the finished grade.
- c. Signs suspended from any building shall not project more than forty-two (42) inches from the building and the bottom of such sign shall be not less than nine (9) feet above the finished grade.
- d. On lots abutting an “R” District, signs may not be located closer to the side lot lines than the required side yard for the specific “R” District.

#### **8. COMMERCIAL OUTDOOR ADVERTISING:** The following shall apply to commercial outdoor advertising signs and their structures:

- a. Commercial outdoor advertising signs and their structures may occur in the “A”, “C”, or “M” Districts.
- b. Where permitted, commercial outdoor advertising signs and their structures shall be set back from the established right-of-way line of any street or highway at least as far as the specific front yard requirement of the District in which it is located except for the modifications of c and d below.



- c. For every square foot by which the commercial outdoor advertising sign and its structure exceeds fifty (50) square feet, the setback shall be increased one (1) foot, but need not exceed one hundred (100) feet.
- d. At the intersection of any state highway with an arterial or collector street, the setback of any commercial outdoor advertising sign and its structure shall not be less than fifty (50) feet from the established right-of-way of each highway or street.
- e. There shall be a minimum distance of two hundred fifty (250) feet between commercial outdoor advertising signs. Existing signs located closer together will be considered non-conforming uses subject to Article 8.

**SECTION 7 - SUPPLEMENTAL REGULATIONS**

**F. SIGNS (continued)**

**9. ELECTRONIC MESSAGE CENTER SIGNS / VIDEO SIGNS:** Signage that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means for permanent, on- premises advertising. (6/2018)

- a. Number Permitted: One (1) per development site
- b. Type: Ground Mounted or Wall.
- c. Square Footage: 24 sq.ft.
- d. Maximum Dimensions: 4' in height and 6' in width.
- e. Illumination: Internal
- f. Message Hold Time: 8 static seconds minimum
- g. Transition Method: Instant. No fading, scrolling, sliding, flashing or other forms of transition animation are permitted.

h. Transition Duration: 1 second

i. Other:

1. No electronic message center shall display video or animation.
2. All electronic message centers shall be equipped with automatic dimming capabilities, which automatically adjust the brightness of the light emitted from the sign to the ambient light.
3. Such message center may be used in combination with a permanent on-premises identification sign in accordance with Section 7.F.7.a or as a stand-alone sign, but in no case shall the electronic message board exceed 24 square feet in size.
4. Gas stations that typically utilize electronic means to display gas prices are permitted to have one ground or pole sign and may provide one (1) electronic price display in addition to wall signage permitted. The cumulative square footage of all gas prices displayed electronically may exceed 24 square feet but shall be no more than 36 cumulative sq.ft..

## SECTION 7 - SUPPLEMENTAL REGULATIONS (continued)

### G. DWELLING SIZE

1. The following table establishes the minimum floor area for dwellings:

DISTRICT	FIRST FLOOR 1 story sq. ft.	PER FLOOR 1.5 story sq. ft.	PER FLOOR two story sq. ft.	PER FLOOR multi-story sq. ft.
A	1,400	1,000	950	950
R-1	1,200	1,000	750	1,200
R-4 (SFDU)*	900	650	576	750
R-4 (2-family)	650/Unit	650/Unit	650/Unit	650/Unit
R-4 (MF)*	650/Unit	650/Unit	650/Unit	650/Unit

R-5 .....	See Section 4 "R-5" MHP District			
PUD .....	See Section 4 "PUD" District			
C-2.....	1,000 .....	800 .....	500.....	1,000
C-3 .....	1,000 .....	800 .....	500.....	1,000
		*	(SFDU) Single Family Dwelling Unit	
		*	Multi-Family Dwelling Unit	

The minimum floor area shall be exclusive of garages, open or enclosed porches, patios, breezeways, basements or areas not used for permanent occupancy or use. (8/6/98)

**H. TEMPORARY STRUCTURES, TRAILERS, ETC. FOR PROJECT DEVELOPMENT**

1. Requirements: Temporary buildings, structures, manufactured offices, or trailers for transport, storage, or conversion of materials may be specifically permitted in a District where they would not normally be permitted, but only if all of the following conditions are met.
  - a. The land is already zoned to permit the project development.
  - b. The structure is necessary and is used only for the project development on the same parcel of land.
  - c. No structure shall be placed closer to property lines than an accessory building could be in that District.
  - d. Each structure shall be in active use for its permitted purpose. If inactive, it shall be removed promptly. No mere storage of such structures is permitted.
  - e. No structure shall be used as a dwelling.
2. A zoning certificate shall be issued for each project location and shall be valid for one year. The boundaries of the project and the number and character of temporary structures shall be zoning certificate. annually and issued designated on the application for the A new certificate may be applied for if restrictions are still met

**SECTION 7 - SUPPLEMENTAL REGULATIONS**

**I. DWELLING STANDARDS**

1. A dwelling shall have a minimum width of primary livable floor space of twenty-three (23) feet for a minimum length of twenty-three (23) feet and the minimum floor area (dwelling bulk)required in its District.
2. A dwelling shall be firmly attached to a permanent foundation constructed on the site and shall have a continuous and complete frost protection perimeter foundation for the main body of the building.
3. If the dwelling or its parts have been constructed with tow bars, wheels, axles, or other equipment for moving

the building or its parts, such wheels shall be removed and all other such equipment shall be completely concealed or removed.

4. The exterior siding of a manufactured home and any attachments thereto must be residential in appearance, consist of materials customarily used on conventional dwellings constructed on site, and extend to the top of the foundation.
5. The roof must be pitched so there is at least a two inch vertical rise for each twelve inches of horizontal run with shingles or other materials customarily used for conventional dwellings constructed on site, and
6. A dwelling shall meet the Ottawa County Building Code. All manufactured homes shall meet current HUD standards or applicable Ohio Building Codes. (8/6/98)

## **SECTION 8 - NON-CONFORMING BUILDINGS AND USES**

### **A. NON-CONFORMING BUILDINGS AND USES**

1. **CONTINUANCE OF USE:** Any lawfully established use of a building or land established prior to the effective date of the Resolution, as amended, that does not conform to the use regulations for the District in

which it is located shall be deemed to be a legal non-conforming use and may be continued, except as otherwise provided herein.

2. **REPAIRS AND ALTERATIONS:** Normal maintenance of a building or other structure containing a non-conforming use is permitted including necessary non-structural repairs which do not tend to prolong the life of the supporting members of the building or structure, such as bearing walls, columns, beams, or girders. Incidental alterations are permitted which do not extend or intensify the non-conforming use.
3. **BUILDINGS UNDER CONSTRUCTION:** Any non-conforming structure that is under construction whenever this Resolution was adopted or amended may be completed and occupied.
4. **CHANGE OF USE:** If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or a more restrictive classification, but shall not thereafter be changed back to a less restrictive use.
5. **VACANCY:** In the event that a non-conforming use of any building, structure, or land is voluntarily discontinued for a period of one (1) year, the use of the same shall thereafter conform to the uses permitted in the District in which it is located.
6. **ENLARGEMENT OF BUILDINGS:** The addition to or enlargement of a non-conforming building may be permitted, provided such addition or enlargement complies with the height and area regulations of the District in which it is located and that the total aggregate floor area included in all such separate enlargements does not exceed twenty (20) percent of the floor area contained in said building on the effective date of this Resolution, as amended.
7. **RESTORATION OF DAMAGED BUILDINGS:** A non-conforming building or structure which is damaged by explosion, fire, Act of God, or the public enemy to the extent of not more than seventy-five (75) percent of its value at the time of its damage, may be restored and the same use or occupancy continued, provided that such restoration is started within a period of six (6) months. In the event that such damage exceeds seventy-five (75) percent of the value at the time of the damage, no repairs or construction shall be made unless every portion of the building is made to conform to all regulations for new buildings in the District in which it is located.
8. **USES OF LAND:** A non-conforming use of land, where no permanent main building is involved, shall not be extended or expanded into any other portion of a lot or adjoining property, nor shall the use be changed except to a conforming use.

## **SECTION 9 - BOARD OF ZONING APPEALS**

### **A. MEMBERSHIP**

1. The Board of Zoning Appeals, hereinafter called the Board, shall be appointed by the Board of Township Trustees and shall consist of five (5) members (none of whom shall be concurrently appointed as a member of the Township Zoning Commission) who are residents of the unincorporated area of the Township.
2. The members of the Board shall serve the same length of terms, and appointments shall be staggered in the same manner as provided for the Township Zoning Commission in Section 10. The Board of Township Trustees may remove any member for cause, after public hearing, in accordance with the provisions of Section 519.04, Ohio Revised Code. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant.

### **B. RULES OF THE BOARD**

1. The Board shall by majority vote of its members elect a Chairman, Vice Chairman, and a Secretary who shall occupy such offices until their successors are duly elected at the next annual meeting of the Board, which shall be held during the month of January of each year.
2. If any member of the Board is absent for four (4) consecutive meetings, he may be considered, at the option of the Chairman, to have resigned, and the Chairman may request the Board of Township Trustees to appoint a replacement.
3. Quorum: A quorum shall consist of three (3) members of the Board which shall be the minimum number permitted to conduct business. An affirmative vote of a majority of the members in attendance shall be required for action. Failure of an item to receive a majority vote shall constitute disapproval. When a quorum is lacking, the Board shall postpone or cancel items requiring a vote and may proceed with items presented for information only. (8/6/98)

## **SECTION 9 - BOARD OF ZONING APPEALS (continued)**

### **C. JURISDICTION**

**1. APPEALS:** To hear and decide appeals where it is alleged there is an error in any interpretation, order, requirement, decision or determination by the enforcement officer in the administration and enforcement of the provisions of this resolution.

**2. VARIANCES:** There are two types of variances which the township may grant: An AREA VARIANCE and a USE VARIANCE

- a. **Area Variance:** An area variance is a departure from the provisions of the zoning resolution usually relating to setbacks, height, frontage/lot width, and lot size. These variances relate to the physical characteristics of the property. Strict enforcement of the zoning requirements for the specific lot would present "practical difficulties," basically making the property unusable.

The factors or standards to be considered and weighed for an area variance include, but are not limited to the following:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
2. Whether the variance is substantial.
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
4. Whether the variance would adversely affect the delivery of governmental services (for example, water, sewer, garbage).
5. Whether the property owner purchased the property with knowledge of the zoning restriction.
6. Whether the property owner's predicament feasibly can be prevented through some method other than a variance.
7. Whether the spirit and intent behind the zoning requirements would be observed and substantial

justice done by granting the variance.

## **SECTION 9 - BOARD OF ZONING APPEALS**

### **C. JURISDICTION**

#### **2. VARIANCES (continued)**

- b. Use Variance: A use variance involves the development or conversion of land for a use not permitted in the specific zoning district. The factors or standards applied to a use variance are those related to the concept of “unnecessary hardship.” A use variance must not be contrary to the public interest and the board of zoning appeals must insure that the spirit of the zoning resolution is observed. In other words, the use requested is consistent and harmonious to the existing uses. In addition, all of the following conditions must also be found to exist:
1. The special circumstances or conditions applying to the building or land in question are peculiar to such lot or property and do not apply generally to other land or buildings in the vicinity and were not created by the applicant.
  2. The granting of the application is necessary for the preservation and enjoyment of a substantial property right and not merely to serve a convenience to the applicant.
  3. The authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas, or in any way impair the health, safety, convenience, or general welfare of the inhabitants of the Township.
- c. Summary: In either type of variance request, the variance as granted shall be the minimum variance necessary to accomplish the reasonable use of the land or building. The granting of a variance runs with the land and is not approved for the present landowner only. (8/6/98)



d. Conditional Use Permits: As provided in Section 6 of this Resolution.

e. Exceptions: To authorize, upon application, the following exception:

1. Permit in districts limiting the heights to thirty-five (35) feet or under, schools, hospitals, sanitariums institutions, churches, and other similar uses allowed under the use regulations of this Resolution, to be erected to a height not exceeding six (6) stories or seventy-five (75) feet, provided that the front and side yard requirements for such buildings are complied with and fire-fighting equipment is available.

## **SECTION 9 - BOARD OF ZONING APPEALS (continued)**

### **D. PROCEDURES**

- 1. MEETINGS:** Meetings of the Board shall be at the call of the Chairman and at such other times as the Board may determine. 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, and of each member's absence or failure to vote, and shall keep records of every official action. Every rule or regulations, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Board shall be filed in the office of the Board of Township Trustees, and shall be a public record.
- 2. APPEALS:** Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or affected, or by any officer of the Township, regarding any decision of the zoning administrative officer. Such appeal shall be taken within twenty (20) days after the decision by filing with the officer from whom the appeal is taken, and with the Board, a notice of appeal specifying the grounds. A fee as established by the Board of Township Trustees shall be paid upon the filing of the appeal. A written receipt shall be issued to the person making such payment, and records thereof shall be kept in such a manner as prescribed by law. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- 3. PUBLIC HEARINGS AND DECISIONS:** The Board shall fix a date for a public hearing of an appeal, variance, conditional use, or special exception application within thirty (30) days from the date of filing, and shall give at least ten (10) days notice in writing, by first-class mail, to the parties in interest, and to all owners of property within, contiguous to and directly across the street from the property involved in the

application; this notice shall be mailed to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list. The applicant shall supply the necessary names and addresses to the Township Zoning Inspector. The failure of delivery of such notice shall not invalidate any action taken by the Board of Zoning Appeals. The Board shall also give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the County at least ten (10) days before the date of such hearing. Upon the hearing, any individual may appear in person or by attorney and the Board may administer oaths to all those testifying. The Board shall decide the appeal, variance, conditional use, or special exception within thirty (30) days after the date of the public hearing. Every decision of the Board shall be based upon a finding of fact. In addition, the Board shall forthwith transmit a copy of its decision to the applicant and the property owners who were notified of the application. (8/6/98)

## **SECTION 9 - BOARD OF ZONING APPEALS (continued)**

### **D. PROCEDURES (continued)**

4. APPLICATION REQUIREMENTS: Every appeal, variance, conditional use, special exception application(s) shall be accompanied by a plot plan and such other plans as may be necessary to show the location and type of buildings to be erected or to be made.

a. Each plan shall show:

1. The street providing access to the lot and the exact location of the lot in relation to the nearest cross street.
2. The name of the concerned lot plan, if any, and the lot numbers of the concerned and abutting properties.
3. The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure thereon.

4. The location and size of the proposed structure(s) and/or the proposed enlargement of the existing structure(s).
  - b. Where complete and accurate information is not readily available from existing records, the Board may require the applicant to furnish a survey of the lot by a registered engineer or surveyor.
  - c. Each property owner or authorized agent may be required to attest to the correctness of the statements and data furnished with the application.
- 5. FEES:** A fee as established by the Board of Township Trustees shall be paid upon the filing of an appeal, variance, conditional use, or special exception application. A written receipt shall be issued to the person making such payment, and records thereof shall be kept in such a manner as prescribed by law.

## **SECTION 10 - ZONING COMMISSION**

### **A. MEMBERSHIP**

1. The Zoning Commission, hereafter called the Commission, shall be appointed by the Board of Township Trustees and shall consist of five (5) members (none of whom shall be concurrently appointed as a member of the Board of Zoning Appeals) who are residents of the unincorporated area of the Township.
2. Of the five (5) members of the Commission, one (1) shall serve until the first Monday of the second January following the appointment; one (1) until the first Monday of the third January thereafter; one (1) until the first Monday of the fourth January thereafter; one (1) until the first Monday of the fifth January thereafter; one (1) until the first Monday of the sixth January thereafter. Their successors shall be appointed on the expiration of their respective terms to serve five (5) years. Each member shall serve until his successor is appointed and qualified. The Board of Township Trustees may remove any member for cause, after public

hearing, in accordance with the provisions of Section 519.04, Ohio Revised Code. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant.

## **B. RULES OF THE COMMISSION**

1. The Commission shall by majority vote of its members elect a Chairperson, a Vice Chairperson and a Secretary, who shall occupy such offices until their successors are duly elected at the next annual meeting of the Commission, which shall be held during the month of January of each year.
2. Meetings of the Commission shall be at the call of the Chairperson and at such other times as the Commission may determine. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, and of each member's absence or failure to vote, and shall keep records of every official action. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Commission shall be filed in the office of the Commission and shall be a public record.
3. If any member of the Commission is absent for four (4) consecutive meetings he may be considered, at the option of the Chairperson, to have resigned and the Chairperson may request the Board of Township Trustees to appoint a replacement.
4. Quorum: A quorum shall consist of three (3) members of the Commission which shall be the minimum number permitted to conduct business. An affirmative vote of a majority of the members in attendance shall be required for action. Failure of an item to receive a majority vote shall constitute disapproval. When a quorum is lacking, the Commission shall postpone or cancel items requiring a vote and may proceed with items presented for information only. (8/6/98)

## **SECTION 10 - ZONING COMMISSION (continued)**

### **C. POWERS AND DUTIES OF THE COMMISSION**

1. Prepare the Zoning Resolution recommended for the unincorporated area of the Township and hold the required public hearings as required by Section 519.06.

### **2. CHANGES AND AMENDMENTS:**

- a . Authority: All provisions of current State Laws pertaining to township zoning shall be complied with. Whenever the public necessity, convenience, general welfare or good zoning practice require, the Board of Trustees may, by resolution, after report thereon by the Commission and subject to the procedure provided in this article, and/or current State Law, amend, supplement or change the regulations, district boundaries, or classification of property, now or hereafter established by the Resolution.
- b. Initiation: Amendments or supplements to the Zoning Resolution may be initiated as follows:
1. By motion of the Township Zoning Commission.
  2. By passage of a resolution therefore by the Board of Township Trustees, and certification of same to the Commission.
  3. By the filing of an application by one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Township Zoning Commission.
- d. Application: Applications initiated by private owners or lessees for any change of district boundaries or reclassification of districts as shown on the zoning map shall be filed with the Zoning Commission upon forms and accompanied by such data and information prescribed for that purpose by the Commission.
- e. Fee: A fee as determined by the Board of Township Trustees shall be paid upon the filing of each application. A written receipt shall be issued to the person making such payment, and records thereof, shall be kept in such manner as prescribed by law. No fee shall be charged for actions initiated by the Board of Trustees or the Commission.
- f. Transmittal to Regional Planning Commission: Within five (5) days after the adoption of such motion, or the certification of such resolution, or the filing of such applications, the Commission shall transmit a copy thereof, together with text and map, to the Regional Planning Commission. The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof, and shall submit such recommendation to the Commission. Such recommendation shall be considered at the public hearing held by the Commission on such proposed amendment or supplement.

**SECTION 10 - ZONING COMMISSION**

**C. POWERS AND DUTIES OF THE COMMISSION**

**2. CHANGES AND AMENDMENTS: (continued)**

g. Hearing and Notice by Zoning Commission: Upon the adoption of such motion, or the certification of such resolution, or the filing of such application, the Township Zoning Commission shall hold a public hearing thereon. The Commission shall set a date for the public hearing not less than twenty (20) nor of the certification more than forty (40) days from the date of such resolution, or the date of the filing of such application. Notice of such hearing shall be given as follows:

1. A notice shall be published in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing.

2. If the proposed amendment or supplement intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within, contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list. The applicant shall supply the necessary names and addresses to the Township Zoning Inspector. The failure of delivery of such notice shall not invalidate any such amendment or supplement.

h. If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land 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 shall include all the following:

1. The name of the zoning commission that will be conducting the public 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 the owners of these 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 such 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 (10) days prior to the public hearing.

6. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail.

7. Any other information requested by the zoning commission.

8. A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.

## **SECTION 10 - ZONING COMMISSION**

### **C. POWERS AND DUTIES OF THE COMMISSION**

#### **2. CHANGES AND AMENDMENTS: (continued)**

- i. If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the County Auditor's current tax list, the published notice shall set forth the time, date and place of the public hearing, and shall include all of the following:

1. The name of the zoning commission that will be conducting the public 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 (10) days prior to the public hearing.
4. The name of the person responsible for giving notice of the public hearing by publication.
5. A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.
6. Any other information requested by the zoning commission.

- j. Records: The Commission shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of its examination and other official action, all of which shall be filed in the office of the Board of Township Trustees and shall be a public record.

- k. Decision by Commission and Submittal to Board of Township Trustees: The Commission shall study the proposed change in the terms of public necessity, convenience, general welfare and good zoning practice. The Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof, and submit recommendation together with such application or resolution, the text and map pertaining thereto, and the recommendation of the Regional Planning Commission thereon, to the Board of Township Trustees.

- l. Hearing and Notice by Board of Township Trustees: The Board of Township Trustees, upon receipt of such recommendation from the Township Zoning Commission, shall hold a public hearing thereon. The

Board of Township Trustees shall set a time for the public hearing on the proposed amendment or supplement not more than thirty (30) days from the date of the receipt of such recommendation from the Commission. Notice of such public hearing shall be given by the Board of Township Trustees by one (1) publication in one (1) or more newspapers of general circulation in the Township, at least ten (10) days before the date of such hearing.

## **SECTION 10 - ZONING COMMISSION**

### **C. POWERS AND DUTIES OF THE COMMISSION**

#### **2. CHANGES AND AMENDMENTS: (continued)**

m. If the proposed amendment intends to rezone or redistrict ten (10) 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 shall include all of the following:

1. The name of the board that will be conducting the public 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 these 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 such 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 (10) days prior to the public hearing.
6. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail.
7. Any other information requested by the Board.

n. If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:



1. The name of the board that will be conducting the public 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 (10) days prior to the public hearing.
4. The name of the person responsible for giving notice of the hearing by publication.
5. Any other information requested by the Board.

## **SECTION 10 - ZONING COMMISSION**

### **C. POWERS AND DUTIES OF THE COMMISSION**

#### **2. CHANGES AND AMENDMENTS: (continued)**

- o. Action by Board of Township Trustees: Within twenty (20) days after such public hearing, the Board of Township Trustees shall either adopt or deny the recommendations of the Commission, or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, the majority vote of the Board of Township Trustees shall be required to override the recommendation of the Commission. The action by the Board of Trustees shall be sent to the Ottawa Regional Planning Commission. (7/09)
- p. Effect and Referendum: Such amendment or supplement adopted by the Board of Township Trustees shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township, or part thereof included in the zoning plan, equal to and not less than eight (8) percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.
- q. No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

## **SECTION 11 - ADMINISTRATION**

### **A. ZONING INSPECTOR**

1. The Board of Township Trustees shall appoint a Township Zoning Inspector, provide him with a job description, and affix his compensation. It shall be the duty of the Township Zoning Inspector to:
  - a. Enforce the provisions of this Resolution by informing the Zoning Commission of possible violations for their review and recommendation.
  - b. Issue certificates as provided by the Resolution, and keep a record of all certificates issued with a notation of any special conditions involved.
  - c. File and safely keep copies of all plans submitted, and the same shall form a part of the records of the office.
  - d. Make such records available for the use of the Board of Township Trustees, the Zoning Commission, the Board of Zoning Appeals, and the public.

### **B. ZONING CERTIFICATES / PERMITS**

1. The Board of Township Trustees shall adopt a system of Zoning Certificates, and may establish and collect reasonable fees therefore, and may amend such fees or adopt new fees, from time to time when necessary.

- a. Requirements: No person shall locate, erect, construct, convert, add to, move or structurally alter any building or structure within the Township, or make any change of a non-conforming use, without obtaining a zoning certificate. No zoning certificate shall be issued unless the plans for the proposed building or structure fully comply with the zoning regulations.
- b. Applications: Written application for a zoning certificate shall be made to the Township Zoning Inspector. Accurate information shall be supplied by the applicant, with regard to size and location of the lot, the size and location of the buildings and structures proposed or existing on the lot, the dimensions of all yards and open spaces; also, other information necessary for the enforcement of this Resolution, as requested.
- c. Certificate: Every zoning certificate shall state that the building, or the proposed use of a building or of land, complies with all provisions of this Resolution. If all of these provisions are met, the Zoning Certificate shall be issued within ten (10) days of the date of application. A zoning certificate shall be valid for eighteen (18) months from the date of issue. An extension may be granted if due cause is shown.
- d. No zoning certificate shall be required for any accessory building containing less than forty-eight (48) square feet of floor area. Setback requirements shall apply, however.
- e. Alterations that do not change the use or increase the height or foundation size of the building shall be exempt, providing the change does not violate the permitted use.
- f. If a variance has been granted, requestor will still need to apply for (and pay the fee for) a permit. (6/2018)

**SECTION 11 - ADMINISTRATION (continued)**

**B. ZONING CERTIFICATES / PERMITS 1.f.-h (continued)**

- g. if a permit has been denied, the permit fee is NOT refundable (6/2018)
- h. If, due to an initially denied permit a variance has been sought and granted, requestor will NOT need to apply (and pay the fee for) another permit. Said permit shall be issued as part of the variance process. However - See "h" below (6/2018)
- i. If a variance is sought prior to the effort to secure a permit, (for example in a situation where it is certainly clear according to the zoning code that a variance WILL be needed) and said variance is granted, requestor will still need to apply (and pay the fee for) the appropriate permit. (6/2018)

**C. ENFORCEMENT AND PENALTIES**

**1. ENFORCEMENT:** This Resolution shall be enforced by the zoning Inspector and the Board of Township

Trustees. In no case shall a Zoning Certificate be issued if the building or use would be in violation of any of the provisions of this Resolution.

- 2. REVOCATION OF ZONING CERTIFICATE:** Any Zoning Certificate issued upon a false statement shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Board of Township Trustees, the Zoning Certificate shall be revoked by notice in writing to be delivered to the holder of the void Certificate upon the premises concerned, or if such holder be not found there, by posting the said notice of revocation in some conspicuous place upon the said premises. Any person who shall proceed thereafter with such work or use without having obtained a new Zoning Certificate, in accordance with this Resolution, shall be deemed guilty of violation thereof.
- 3. VIOLATION:** In case any building is, or is proposed to be located, erected, constructed, converted, added to, moved, changed, maintained or used, or any land is, or is proposed to be used in violation of this Resolution, the Board of Township Trustees, the County Prosecuting Attorney, the Township Zoning Inspector, or any neighboring property owner who would be damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, or use.
- 4. FINE:** Any person, firm, or corporation violating any provision of this Resolution shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense. (7/09)