

SALEM TOWNSHIP ZONING RESOLUTION

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ZONING RESOLUTION

SALEM TOWNSHIP, OTTAWA COUNTY, OHIO

BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF SALEM TOWNSHIP, OTTAWA COUNTY, OHIO, UNDER THE AUTHORITY PROVIDED BY CHAPTER 519 OF THE OHIO REVISED CODE, IN ORDER TO PROMOTE THE PUBLIC HEALTH, SAFETY, COMFORT, AND/OR GENERAL WELFARE; TO CONSERVE AND PROTECT PROPERTY AND PROPERTY VALUES; TO SECURE THE MOST APPROPRIATE USE OF LAND; AND/OR FACILITATE ADEQUATE BUT ECONOMICAL PROVISION OF PUBLIC IMPROVEMENTS, ALL IN ACCORDANCE WITH A COMPREHENSIVE PLAN, THAT

SECTION 1 - DISTRICTS

1. Salem Township is hereby divided into ten (10) Districts as follows: (2000)

<u>SYMBOL</u>	<u>NAME</u>
A	Agricultural District
R-1	Residential District
R-2	Residential District (2000)
R-3	Residential District
R-5	Manufactured Home Pk. District
C-1	Commercial District
C-3	Commercial District
C-5	Commercial District
M-1	Manufacturing District
M-3	Manufacturing District

2. The location and boundaries of the Districts shall be as shown on the map entitled "Salem Township Zoning Plan - 1985, Readopted, 1990" as amended. A copy of this map is on file in the office of the Board of Salem Township Trustees and said map and all notations, dimensions and designations shown thereon are hereby declared to be a part of this Resolution.

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

- a. The district boundary lines are intended to follow street, alley, lot, or property lines as they exist at the time of the passage of the Resolution unless otherwise indicated by dimensions on the Zoning Map. In case of the vacation of a street, alley, watercourse, 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, watercourse, or right-of-way.
- b. 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. No building or structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building or land be used, except for a purpose permitted in the district in which the building or land is located.
2. No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height and bulk limit herein established for the district in which it is located, except that parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks, stage towers or scenery lofts, and necessary mechanical appurtenances shall be permitted to exceed the maximum height provision when erected in accordance with all other laws of the township and county.
3. No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the yard and lot area regulations of the district in which the building is located.
4. No building shall be erected or structurally altered to the extent specifically provided hereinafter, except in conformity with the off-street parking and loading requirements of the district in which such building is located.
5. The minimum yard, parking space, and other open space including lot area per family, required by this Resolution for any building thereafter erected or structurally altered, shall not be encroached upon or considered as parking yard or open space or lot area requirement for any other building, nor shall any lot area be reduced beyond the district requirements of this Resolution.
6. Every building hereafter erected or structurally altered shall be located on a lot as herein defined, and in no case, shall there be more than one main building on one lot except as specifically provided hereinafter.
7. Two or more parcels or lots of record, 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. Contiguous parcels or lots within a platted subdivision will be treated as separate lots.
8. 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 governmental agencies may require greater lot areas than the minimums provided herein.
9. Uses exempted from the provisions of this Resolution include:

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.

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.

Exceptions, authorized by future amendments to these sections by the Ohio legislature, shall also be effective for purposes of this zoning resolution.

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. (2003)

10. Landfills for solid waste disposal or for any other waste material shall be fully prohibited in all ten (10) classifications listed herein. (2003)

11. A lot of less area or width which was so recorded at the time of the adoption of this Resolution or any amendment thereto, and the owner thereof owns no adjoining land, may be occupied by a permitted use in the district in which it is located, if all other district requirements are met. (2000)

SECTION 3 - DEFINITIONS

For the purposes 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"; the word "dwelling" includes the word "residence"; the word "lot" includes the word "plot" or "parcel"; and the word "shall" is mandatory and not directory.

Accessory Use (or Structure): Accessory use means a use, object, or structure constructed or installed on, above, or below the surface of a parcel and is customarily incidental to the principal use, object, or structure. Among other things, accessory use include such things as fences, walls, sheds, garages, parking places, decks, poles, poster panels, and billboards. Structures or vehicles intended or designed to be used as a temporary or permanent residence, such as mobile homes and recreational vehicles, and other vehicles designed or intended to be used for the movement of materials over the highways, such as truck trailers, **shipping containers** shall not be used as an accessory structure. Except as otherwise required in this Resolution, an accessory use shall be a permitted use. (2017)

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 or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of nudity or sexual or genital areas. (1997)

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. (1997)

Adult Cabaret: A nightclub, bar, restaurant, or similar establishment in which persons appear in a state of nudity in the performance of their duties. (1997)

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. (1997)

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. (1997)

Adult Motion Theater: 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. (1997)

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. (1997)

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 taxi-ways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open space.

Alley: A public or private thoroughfare designed to provide access to the rear or side of property or lots and generally less than thirty (30) feet in width.

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

Attorney: Ottawa County Prosecuting Attorney or the Township's legal advisor.

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

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, Utility Trailer and Farm and Yard Implement Sales: The sale or rental of new and used automobiles, utility trailers, and farm and yard implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises. (1997) (2000)

Automobile Wrecking: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

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

Balcony: A railing enclosed platform projecting from the outer wall of a building.

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 (1/2) of its height is above the average level of the adjoining ground.

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

Billboard or Poster Panel: Any sign or advertisement used as an outdoor display for the purpose of making anything known, the origin or point of sale of which is remote from said display.

Board: Shall mean the Board of Zoning Appeals.

Board of Township Trustees: Shall mean the duly elected and/or duly appointed Salem Township Trustees.

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 having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels when separated by division walls from the ground up without openings, each portion of such buildings shall be deemed a separate building.

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

Building Width: The shorter or shortest dimension of a dwelling unit consisting of enclosed living spaces, but not including enclosed porches and breezeways, attached garages and the like.

Business, General: Retail and service establishments which, in addition to catering to the community residents and workers daily needs for convenience goods and services, also include establishments offering comparative type shopping facilities. General business includes but is not limited to supermarkets, stores for the sale of drugs, hardware, appliances, furniture, apparel, footwear, business and personal services, professional services, offices, and other similar or related activities which can be grouped by design into a unified shopping center.

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

Business, Neighborhood: Retail and service establishments which cater to and can be located in close proximity to or within residential districts without creating noise or other objectionable influence. To prevent congestion, local retail and service uses include only those enterprises which normally employ less than ten (10) persons. Permitted uses include drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pick-up facilities, hardware, and grocery stores if less than 10,000 square feet of floor area.

Business Services: Any activity conducted for gain which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes or businesses.

Campsite or Trailer Camp: An area of land on which three (3) or more travel trailers, campers, motor homes, tents, or other similar recreational vehicles are accommodated with or without charge. Such camp 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 human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery.

Child Care Clinic: An establishment where patients up to and including the age of twelve (12) are not lodged overnight but are admitted for examination and treatment by or under the direction of a physician or a group of physicians practicing medicine.

Child Day Care Center: Any commercial building, residential building, or other building or place administering to the needs of seven or more 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 hour day in a building, place, or residence other than the child's own home. (1997) (2003)

Clinic: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians practicing medicine together or professionals licensed to practice the healing art.

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

Commission: Shall mean the Zoning Commission of Salem Township.

Composting Facility: A facility for the controlled process of degrading organic matter by microorganisms. The facility must meet the guidelines of and be registered or licensed by the Ohio EPA. (1997)

Conditional Use (Special Exception): 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 special exception made in this Resolution. A conditional use is not considered to be a non-conforming use.

Conditional Use Permit: A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

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

Day-Care Center: Same as "Nursery School".

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

Directional Sign: Any sign which directs attention to a business, commodity, service, or entertainment conducted at a location other than the premises on which the sign is located, but within five miles of the sign's location. (2014)

Disabled Vehicle: An inoperable vehicle or extensively damaged vehicle, such damage including but not limited to missing wheels, tires, motors, or transmission.

District, Zoning District: Administrative tracts designating the uses to which land can legally be utilized. Boundaries of districts are shown on the "District Map" which is part of this Resolution.

Dwelling: A building or portion thereof built on a permanent foundation, designed exclusively for permanent residential occupancy, including one-family, two-family, multiple-family, and manufactured homes as herein defined and subject to the regulations contained in Section 7, but not including hotels, motels, boarding or rooming houses, recreational vehicles, mobile homes as herein defined, and other similar structures originally designed for and/or constructed with wheels, whether or not said wheels remain attached to the structure or are separated therefrom.

Dwelling, Industrialized Units: An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit but not a mobile or manufactured home.

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

Dwelling, Two-Family: A building designed exclusively for occupancy by two (2) families living independently of each other, including a duplex, (one dwelling unit above the other) or a semi-detached dwelling, (one dwelling unit beside the other).

Dwelling, Multiple-Family: A building or portion thereof designed for occupancy by three (3) or more families living independently of each other.

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

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

Factory-Built Housing: Factory-built housing means a factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Resolution, "factory-built housing" shall include the following:

1. Manufactured Home. A building unit or assembly of closed construction that is fabricated in an off site facility and constructed in conformance with federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974", 88 Stat. 700, 42 U.S.C.A. 5401, 5403 and has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards. (2000)
2. Modular Home. Factory-built housing certified as meeting the Ohio Basic Building Code. Once certified by the state, modular homes shall be subject to the same standards as site-built homes. Also known as an industrialized unit.
3. Mobile Home. A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

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 above eighteen (18) years of age. (1997)

Fence: An artificially constructed barrier of any material or combination of materials, excluding sheet metal and barbed wire, erected to enclose, screen, or separate areas. Decorative structures not designed for the purposes of enclosure, screening, or separation shall be exempt from meeting fencing requirements, but can not be made of sheet metal or barbed wire. (2000)

Floor Area: The sum of the gross horizontal area of all floors, excluding basement areas not used for living quarters and other areas not used for permanent occupancy or use.

Frontage: All of the property on one side of a street between two intersecting streets (crossing or termination), measured at the setback 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: A detached accessory building or portion of a main building for the parking or temporary storage of automobiles of the occupants of the premises and wherein (a) not more than one space is rented for parking to persons not a resident of the premises; (b) not more than one commercial vehicle per dwelling unit is parked or stored; and (c) the commercial vehicles permitted do not exceed five (5) tons capacity.

Garage, Public: A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles for a fee, and in which no service shall be provided for remuneration.

Guest House: Living quarters constructed within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises; such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

High Impact Wind Powered Electric Generator: A wind energy conversion system consisting of a wind turbine, a tower, and associated controls or conversion electronics which has a rated capacity of more than 100 kW. (2007)

Highway, Major: A street or road of considerable continuity and used primarily as a traffic artery for interconnection among larger areas.

Home Occupation: The use of a part of a single-family dwelling containing 600 square feet or less for pursuits compatible with a domestic household. Such uses include, but are not limited to the following: offices for professionals such as architects, doctors, insurance agents, accountants, lawyers, real estate agents, etc.; personal services including barber shops, beauty parlors, manicure & pedicure shops, pet grooming, etc.; instructional services such as music, dance, arts & crafts, etc.; studios for artists, musicians, photographers, etc.; workrooms for tailors, dressmakers, carpenters, etc.; and repair services including watch & clock, small appliance, computers, lawnmowers, etc. All of the following conditions must be met:

- a. No person other than members of the family residing on the premises shall be engaged in such occupation conducted in the dwelling containing 600 square feet or less;
- b. Permitted activities shall include the making, servicing or repairing of goods, wares, or merchandise or the providing of goods or services for hire or gain.
- c. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the total floor area of the dwelling unit shall be used in the conduct of the home occupation;
- d. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one (1) sign as permitted in Section 7(c) of this Resolution;
- e. No external storage of goods or materials outside of the dwelling shall be permitted;
- f. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of the home occupation shall be met using off-street parking;
- g. 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;
- h. The home occupation shall not create or become a public nuisance; and
- i. After due process, including at a minimum an investigation

by the zoning inspector, the zoning inspector shall have the authority to revoke the authorization of the single-family dwelling containing 600 square feet or less as a home occupation if any of the above conditions are violated. (2017)

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. (2003)

Hotel: Any building or portion thereof which contains guest rooms which are designed or intended to be used, let, or hired out for occupancy by, or which are occupied by ten (10) or more individuals for compensation, whether the compensation be paid directly or indirectly.

Identification Sign: Any sign giving the nature, logo, trademark, or other identification symbol, address, or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where the building, business, development, or establishment is located. (2014)

Institution: Buildings or land occupied by a non-profit corporation or a non-profit establishment for public use.

Institutional Home: A home or institutional facility for the care of babies, children, pensioners, or elderly people, except those for correctional or mental cases.

Junk: Shall mean worn-out, castoff, stored, or discarded articles or material which is or may be salvaged for reuse, resale, reduction, or similar disposition, or which is possessed, transported, owned, collected, accumulated, dismantled, or assorted for the aforementioned purposes. Any article or material which, unaltered or unchanged, and without further reconditioning can be used for its original purpose as readily as when new, shall not be considered junk.

Junk Yard: The use of more than 200 feet of the area of any lot, whether inside a building, or the use of any portion of that half of any lot that joins any street, for the storage, keeping or abandonment of junk, of scrap materials, or the dismantling, demolition, or abandonment of machinery or parts thereof.

Kennel: Any lot or premises on which four (4) or more dogs more than four (4) months of age are housed, groomed, bred, boarded, trained, bought, or sold.

Loading Space: An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the 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 or complete lots of record, of complete lots of record and portions 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, or portion thereof, and situated at the intersection of two (2) or more streets.

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 distance between the mid points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

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, Interior: A lot other than a corner lot.

Lot, Minimum Area of: The area of a lot is computed exclusive of any road right-of-way or easements of record.

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.

Lot Width: The continuous, uninterrupted width of a lot at the building setback line measured at right angles to its depth. The width of lots fronting on a cul-de-sac shall be the chord distance between side lot lines for the curve coinciding with the required depth of the front yard.

Low Impact Wind Powered Electric Generator: 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. (2007)

Manufactured Home: See Factory Built Housing (2000)

Manufactured Home Park: Any tract of land upon which three 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 or intended for use as a part of the facilities of such park. (2000)

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.

Marina: An area having water access, which is used for boat sales, service, docking, mooring, storage and/or including boat rebuilding and repairing.

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. (1997)

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. (1997)

Masseur Or Masseur: Any individual who performs massages at a massage establishment. (1997)

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

Mineral Processing: The processing of coal, limestone, clay, and other mineral resources except sand and gravel, provided no chemical change in the mineral is involved in the process.

Mini-Warehouse: A structure containing separate storage spaces usually containing about 30 to 400 square feet each with direct access to paved driveways and leased or rented on an individual basis.

Mobile Home: See Factory Built Housing. (2000)

Modular Home: See Factory Built Housing. (2000)

Motel: A group of attached or detached dwellings containing less than three hundred (300) square feet of floor area for each sleeping or living unit and which are provided for transient guests; including auto-courts, motels, and motor lodges.

Non-Conforming Building: A building or structure or portion thereof lawfully existing at the time this Resolution became 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: The use of land or a building or portion thereof, lawfully existing at the time this resolution or amendments thereto become effective, which does not conform with the use regulations of the district in which it is situated.

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. (1997)

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, or shelter, and care, for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick.

Nursery School: A school designed to provide day-time care and/or instruction for two (2) or more children from two (2) to five (5) years of age, inclusive, and operated on a regular basis.

Nursery, Plant Materials; Greenhouse: Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping such as yard implements and equipment intended for residential uses and incidental repair and maintenance of these implements and equipment.

Open Space: An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, any other recreational facilities deemed permissible. Streets, structures for habitation, submerged land, parking lots and the like shall not be included.

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

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.

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

Permanent Sign: Any non-movable sign affixed to a building, structure, or the ground. (2014)

Planned Unit Development: An area of land in which a variety of housing types and subordinate commercial 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.

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 four hundred (400) square feet of area. (2000) Any property that qualifies for the Lake Erie Conservation Reserve Enhancement Program or any other United States Department of Agriculture (USDA) or government program approved by the Ottawa County Soil and Water Conservation Board is exempt from the pond requirements as listed in Section 7, Q. (2010)

Portable Sign: Any sign or advertising display designed to be moved and requiring little or no permanent fixation to a building, structure, or the ground. (2014)

Professional Activities: The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.

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 trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within the Township which is under the control, operation, or management of the Township, county, or state. (1997)

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 and not exceeding thirty-five (35) feet in length.
- 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.
- e. All Terrain Vehicle (ATV): A motorized vehicle intended for off-road usage and designed to be used on a variety of topographic conditions. (2000)
- f. Personal Watercraft (Jet Ski): A motorized vehicle intended to be used on water and generally carrying one to three individuals. (2000)
- g. Snowmobile: Any of various motorized vehicles intended for travel on snow. (2000)

Resort: A mixed-used facility for transient guests where the primary attraction is recreational features and activities, but which offers lodging accommodations through cabins, cottages, rooms, mobile units, hotels, and the like.

Retail Store: A store serving a limited local area or neighborhood selling commodities, not processed on the premises, direct to the public.

Riding Stable: Any land or structure used for the care and grooming of horses or ponies for which consideration is offered or received.

Roadside Stand: A structure designed or used for the display or sale of agricultural and related products provided some of the products are raised by the owner or tenant of the property on which the stand is located.

Rooming House: A building or portion thereof other than a hotel, where lodging for five (5) or more persons is provided for compensation.

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, but does not include the facilities used primarily for another purpose and only incidentally as a school. (1997)

Setback Line: A line established by the zoning resolution generally parallel with and measured from the edge of the road right-of-way for the front yard and from the lot lines for the side and rear yards, defining the limits of the yard in which no buildings or structures may be located above ground 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. (1997)

Sexually Oriented Business: Any of the following: adult arcade, adult bookstore, adult cabaret, adult health club, adult motion picture theater. (1997)

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. (2010)

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 a commodity, and which are visible from any public or private street.

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 (5) megawatts. (2010)

Specific Anatomical Areas: Means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals. (1997)

Specific 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. (1997)

Storage Area: Any area, building, lot, or facility designed or used for the storage of more than three (3) boats, recreational vehicles, boat trailers, and/or boat cradles.

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 purpose of this Resolution, the word "street" shall include the words "road" and "highway".

Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including advertising signs, billboards, etc.

Swimming Pool: A permanent or semi-permanent structure, either above or below the surface of the ground, for the purpose of holding water for recreation or therapeutic purposes. This definition shall not apply to wading pools or other similar structures less than 18 inches in depth.

Temporary Sign: Any sign or advertising display designed or intended to be displayed for a short period of time for a specific event or election. (2014)

Tourist Camp: Land used or intended to be used by campers for camping vehicles, trailers, or tents, shall constitute a Tourist Camp.

Type A family day-care home: A permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted. (2014)

Type B family day-care home: A permanent residence of the provider in which child care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. Type B family day-care home shall be a permitted use in any district. (2014)

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.

Warehousing and Wholesale Activities: The receiving, storage, sale, and distribution of manufactured products and equipment, such storage to be within wholly enclosed structures or buildings.

Wineries & Breweries: Establishments in which beverages containing allowed limits of alcohol are produced and may be offered to the public for consumption on and/or off site. However, this definition does not include establishments where ingredients are cultivated onsite, unless the establishment is located on a lot of one acre or less as described in R.C. 519.21(B). (2014)

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, or where appropriate the right-of-way, and is unoccupied and unobstructed from the ground upward.

Yard, Front: A yard extending across the full width of a lot between the nearest front main building and the street right-of-way; the depth of the required front yard shall be measured horizontally from the nearest part of the structure towards the nearest point of the street right-of-way line.

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, Rear Required: The open space between the rear lot line and the beginning of the buildable area, established by the setback dimensions of each district. Such required rear yard is unoccupied and unobstructed from the ground upward, except for accessory buildings, which may be located in this area if they comply with the regulations established in this Resolution for accessory buildings.

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.

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 Map or maps of the Township together with all amendment 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, except for agricultural uses, in accordance with Section 10, the following uses are permitted:

- a. Agriculture.
 - b. One-family dwellings.
 - c. Roadside stands, for sale of agricultural and plant nursery products.
 - d. Churches or other places of worship.
 - e. Public schools, elementary and high, and private schools having a curriculum similar to the public school including nursery school. (2003)
 - f. Parks, playgrounds, public or government buildings owned or operated by public agencies.
 - g. Clubs or golf courses, including a driving range, however, a miniature course or a separately operated practice driving tees operated for commercial purposes shall not be permitted.
 - h. Riding stables.
 - i. Accessory buildings and uses.
 - j. Public parking areas on a lot abutting a "C" or "M" District when located and developed as required in Section 5, and provided that the parking area does not extend more than two hundred (200) feet from the boundary of the "C" or "M" District.
 - k. Oil wells, but not within three hundred (300) feet of any residence.
 - l. Nurseries or greenhouses.
 - m. Home occupations, as defined in Section 3 and as regulated in Section 7. (7/18)
 - n. Planned unit development, subject to the requirements in Section 7.
 - o. Home office. (2003)
2. Conditional Uses: Subject to approval as provided for in Section 6.
- a. Airport or landing field.
 - b. Cemetery or mausoleum.
 - c. Hospital or institution.
 - d. Nursing home.
 - e. Privately operated community building or recreation field and swimming pools, and community facilities owned and operated by neighborhood organizations.
 - f. Radio or television broadcasting tower and/or station. (2010)
 - g. Two-family dwellings.

- h. Bed and breakfast inn.
 - i. The spreading and/or dumping and/or burying of sewage sludge.
 - j. Ponds, subject to the requirements in Section 7, Q. (1997)
 - k. Composting facility, subject to the requirements in Section 7, R. (1997)
 - l. Child day care center (2003)
 - m. Low impact wind powered electric generator as regulated in Section 7. (2007)
 - n. High impact wind powered electric generator as regulated in Section 7, (2007)
 - o. Small wind farm. (2010)
 - p. Wineries & breweries (2014)
 - q. Type A family day-care home (2014)
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 forty-three thousand five hundred and sixty (43,560) square feet. However, in no case shall the depth of the lot be less than one hundred twenty-five (125) feet.
 6. Front Yard: There shall be a front yard of not less than fifty (50) feet in depth, except as provided in Section 7.
 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 thirty-five (35) feet.
 9. Dwelling Size: Every dwelling hereafter erected or structurally altered shall have a minimum total floor area of not less than twelve hundred (1,200) square feet, exclusive of floor area devoted to basements, attached garages, open and enclosed porches, and the like. (2000)
 10. Building Width: Every dwelling shall have a minimum building width of twenty-two (22) feet.

B. "R-1" RESIDENTIAL DISTRICT

The following regulations shall apply in the "R-1" District. (2000)

1. Uses Permitted: After obtaining a valid zoning certificate in accordance with Section 10, the following uses are permitted:
 - a. Agriculture.
 - b. One-family dwellings.
 - c. Churches and other places of worship.
 - d. Public schools, elementary and high and private schools having a curriculum similar to a public school including nursery school. (2003)
 - e. Parks, playgrounds, public or government buildings owned or operated by public agencies.
 - f. Clubs or golf courses excluding driving ranges, and miniature courses.
 - g. Home occupations as defined in Section 3 and as regulated in Section 7. (7/18)
 - h. Accessory buildings and uses.
 - i. Home office. (2003)
2. Conditional Uses: Subject to approval as provided for in Section 6.
 - a. Bed and breakfast inn.
 - b. Hospital or institution.
 - c. Privately operated community building or recreation field and swimming pools, and community facilities owned and operated by neighborhood organizations.
 - d. Two family dwellings.
 - e. Ponds, subject to the requirements in Section 7, Q. (2003)
 - f. Low impact wind powered electric generator as regulated in Section 7. (2007)
 - g. Type A family day-care home (2014)
3. Off-Street Parking: Shall be provided as required in Section 5.
4. Height Limit: No building shall be erected or enlarged to exceed thirty-five (35) feet.
5. Lot Area, Width and Depth: Every lot shall have a minimum width of one hundred (125) feet and a minimum area of not less than twenty-eight thousand, one hundred and twenty-five (28,125) square feet. However, in no case shall the depth of a lot be less than one hundred and twenty-five (125) feet. (1997)
6. Front Yard: There shall be a front yard of not less than fifty (50) feet, except as provided in Section 7.
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 twenty-five (25) feet.

9. Dwelling Size: Every dwelling unit hereafter erected or structurally altered shall have a minimum total floor area of not less than twelve hundred (1,200) square feet exclusive of floor area devoted to basements, attached garages, open or enclosed porches, and the like. (2000)
10. Building Width: Every dwelling shall have a minimum building width of twenty-two (22) feet.

C. "R-2" RESIDENTIAL DISTRICT (2000)

The following regulations shall apply in the "R-2" District. This district is intended to be served by either a public sanitary sewer system or a community sanitary sewer system as regulated by Chapter 6111 of the Ohio Revised Code.

1. Uses Permitted: After obtaining a valid zoning certificate, in accordance with Section 10, the following uses are permitted:
 - a. Agriculture.
 - b. One-family dwellings.
 - c. Two-family dwellings.
 - d. Churches and other places of worship.
 - e. Public schools, elementary and high and private schools have a curriculum similar to a public school including nursery school. (2003)
 - f. Parks, playgrounds, public or government buildings owned or operated by public agencies.
 - g. Home occupations as defined in Section 3 and as regulated in Section 7. (7/18)
 - h. Accessory buildings and uses.
 - i. Home office. (2003)
2. Conditional Uses: Subject to approval as provided for in Section 6.
 - a. Bed and breakfast inn.
 - b. Hospital or institution.
 - c. Nursing home.
 - d. Privately operated community buildings or recreation field and swimming pools, and community facilities owned and operated by neighborhood organizations.
 - e. Ponds subject to the requirements in Section 7, Q. (2003)
 - f. Type A family day-care home (2014)
3. Off-Street Parking: Shall be provided as required in Section 5.
4. Height Limit: No building shall be erected or enlarged to exceed thirty-five (35) feet.
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 sixteen thousand (16,000) square feet. However, in no case shall the depth of a lot be less than one hundred and twenty-five (125) feet.
6. Front Yard: There shall be a front yard of not less than fifty (50) feet.
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

twenty-five (25) feet.

9. Dwelling Size: Every dwelling hereafter erected or structurally altered shall have a minimum total floor area of not less than one thousand (1,000) square feet, exclusive of floor area devoted to basements, attached garages, open and enclosed porches, and the like.
10. Building Width: Every dwelling shall have a minimum building width of twenty-two (22) feet.

D. "R-3" RESIDENTIAL DISTRICT

The following regulations shall apply in the "R-3" District. This district is intended to be served by either a public sanitary sewer system or a community sanitary sewer system as regulated by Chapter 6111 of the Ohio Revised Code. (1997)

1. Uses Permitted: After obtaining a valid zoning certificate, in accordance with Section 10, the following uses are permitted:
 - a. Agriculture.
 - b. One-family dwellings.
 - c. Two-family dwellings.
 - d. Multiple-family dwellings.
 - e. Churches and other places of worship.
 - f. Public schools, elementary and high and private schools have a curriculum similar to a public school including nursery school. (2003).
 - g. Parks, playgrounds, public or government buildings owned or operated by public agencies.
 - h. Home occupations as defined in Section 3 and as regulated in Section 7. (7/18)
 - i. Accessory buildings and uses.
 - j. Home office. (2003)
2. Conditional Uses: Subject to approval as provided for in Section 6.
 - a. Bed and breakfast inn.
 - b. Hospital or institution.
 - c. Nursing home.
 - d. Privately operated community buildings or recreation field and swimming pools, and community facilities owned and operated by neighborhood organizations.
 - e. Ponds, subject to the requirements in Section 7, Q. (2003)
 - f. Type A family day-care home (2014)
3. Off-Street Parking: Shall be provided as required in Section 5.
4. Height Limit: No building shall be erected or enlarged to exceed thirty-five (35) feet.
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 ten thousand (10,000) square feet. However, in no case shall the depth of a lot be less than one hundred and twenty-five (125) feet. (2000)
6. Front Yard: There shall be a front yard of not less than forty (40) feet. (2000)
7. Side Yard: There shall be a side yard of not less than

ten (10) feet. (2000)

8. Rear Yard: There shall be a rear yard of not less than twenty-five (25) feet.
9. Dwelling Size: Every dwelling hereafter erected or structurally altered shall have a minimum total floor area of not less than nine hundred and sixty (960) square feet, exclusive of floor area devoted to basements, attached garages, open and enclosed porches, and the like.
10. Multiple-Family Dwelling Requirements: The requirements of Section 7 shall be met.
11. Building Width: Every dwelling shall have a minimum building width of twenty-two (22) feet.

E. "R-5" MANUFACTURED HOME PARK RESIDENTIAL DISTRICT

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

1. Uses Permitted: After obtaining a valid zoning certificate in accordance with Article 10, the following use is permitted:
 - a. Manufactured Home Park.
2. Conditional Uses: Subject to approval as provided for in Section 6.
 - a. Type A family day-care home (2014)
3. 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 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 six hundred (600) square feet.
 - d. The manufactured homes must be completely skirted with materials which prohibit 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 manufactured home park. The greenbelt shall be developed with a mixture of deciduous and coniferous plant material not less than four (4) feet in height when mature. 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 Administrative Code.
 - 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 ten (10) feet from the edge of the road right-of-way.

F. "C-1" COMMERCIAL DISTRICT

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

1. Uses Permitted: After obtaining a valid zoning certificate in accordance with Section 10, the following uses are permitted:
 - a. One and two-family dwellings.
 - b. Multiple-family dwellings.
 - c. Self-service laundry and/or dry-cleaning establishments.
 - d. Retail bakery or dairy sales.
 - e. Delicatessen.
 - f. Funeral homes or mortuaries. (2004)
 - g. Branch bank, business and professional offices.
 - h. Barber shops, beauty shops.
 - i. Hobby, upholstery, and shoe repair shops when conducted entirely within enclosed buildings.
 - j. Agriculture.
 - k. Professional activities.
 - l. Neighborhood business.
 - m. Churches and other places of worship. (2009)
 - n. Accessory buildings and uses.
2. Conditional Uses: Subject to approval as provided for in Section 6.
 - a. Automobile service station, provided that no area used shall be nearer than two hundred feet from any Residential District boundary and that activities other than the pumping of gasoline are in an enclosed building.
 - b. Privately operated community building or recreation field and swimming pools, and community facilities owned and operated by neighborhood organizations.
 - c. Bed and breakfast inn.
 - d. Ponds, subject to the requirements in Section 7, Q. (2003)
 - e. High impact wind powered electric generator as regulated in Section 7. (2007)
 - f. Wineries & breweries (2014)
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: Buildings used exclusively or partly for dwelling purposes shall comply with the lot area, lot width, lot depth, yard requirements for the "R-3" District. For non-residential buildings, the minimum lot width is eighty (80) feet, the minimum lot area is 10,000 square feet, and the depth of the lot shall not be less than 125 feet.
6. Front Yard: There shall be a front yard of not less than seventy (70) feet, except as provided in Section 7. (1997)
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 twenty-five (25) feet.
9. Dwelling Size: Every dwelling hereafter erected or structurally altered shall have a minimum total floor area of not less than nine hundred and sixty (960) square feet, exclusive of floor area devoted to basements, attached garages, open and enclosed porches, and the like.
10. Multiple-Family Dwelling Requirements: The requirements of Section 7 shall be met.
11. Building Width: Every dwelling shall have a minimum building width of twenty-two (22) feet.

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 10, the following uses are permitted:
 - a. One and two-family dwellings.
 - b. Multiple-family dwellings.
 - c. Retail stores and businesses.
 - d. Automobile, farm equipment, yard implement, utility trailer sales and service. (1997) (2000)
 - e. Bakeries, retail only.
 - f. Barber or beauty shops.
 - g. Building materials, retail sales, if within an enclosed building.
 - h. Carpenter or cabinet shops, if conducted wholly within an enclosed building.
 - i. Funeral homes or mortuaries.
 - j. Hotels or motels.
 - k. Laundry or dry cleaning shops.
 - l. Lodges or fraternal organizations.
 - m. Offices, business or professional, including clinics and laboratories.
 - n. Parking areas or garages when located as required in Section 5.
 - o. Restaurants.
 - p. Shops: hobby, bicycle, shoe repair, upholstery, sign painting, plumbing, etc., if conducted within an enclosed building.
 - q. Taverns.
 - r. Theaters.
 - s. Trade or commercial schools.
 - t. Wholesale businesses, when there is no processing fabrication, or assembly.
 - u. Business, highway.
 - v. Kennels.
 - w. Lodging houses and boarding houses.
 - x. Agriculture.
 - y. Mini-Warehousing.
 - z. Professional activities.
 - a.a. Business services.
 - b.b. Bowling alley.
 - c.c. Business, general.
 - d.d. Accessory buildings and uses.
 - e.e. Wineries & breweries (2014)
2. Conditional Uses: Subject to approval as provided for in Section 6.
 - a. Privately operated community building or recreation field and swimming pools, and community facilities owned and operated by neighborhood organizations.
 - b. Bed and breakfast inn.
 - c. Storage areas, as defined in Section 3.
 - d. Sexually-oriented businesses subject to Section 7,S. (1997)
 - e. Ponds, subject to the requirements in Section 7 Q. (2003)
 - f. Automobile service stations, provided that no area used

shall be nearer than two hundred (200) feet from any

Residential District boundary and that activities other than pumping of gasoline are in an enclosed building. (2004)

3. Off-Street Parking: Shall be provided as required by Section 5.
4. Lot Area, Width, and Depth: Buildings used exclusively or partly for dwelling purposes shall comply with the lot area, lot width, lot depth, and yard requirements of the "R-3" District. For non-residential buildings, the minimum lot width is eighty (80) feet, the minimum lot area is 10,000 square feet, and the depth of the lot shall not be less than one hundred twenty-five (125) feet.
5. Front Yard: There shall be a front yard of not less than seventy (70) feet, except as provided in Section 7. (1997)
6. Side Yard: The side yards shall not be less than twenty (20) feet.
7. Rear Yard: There shall be a rear yard of not less than twenty-five (25) feet.
8. Dwelling Size: Every dwelling hereafter erected or structurally altered shall have a minimum total floor area of not less than nine hundred and sixty (960) square feet, exclusive of floor area devoted to basements, attached garages, open and enclosed porches, and the like.
9. Multiple-Family Dwelling Requirements: The requirements of Section 7 shall be met.
10. Building Width: Every dwelling shall have a minimum building width of twenty-two (22) feet.

H. "C-5" COMMERCIAL DISTRICT

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

1. Uses Permitted: After obtaining a valid zoning certificate in accordance with Section 10, the following uses are permitted:
 - a. One-family dwellings.
 - b. Two-family dwellings.
 - c. Fishing, private or commercial and related businesses.
 - d. Marinas, boat launching, docking facilities.
 - e. Boat and/or recreational vehicle sales and service.
 - f. Golf driving range, miniature golf, golf courses.
 - g. Storage areas for the storage of more than three (3) boats, campers, recreational vehicles, boat trailers, and/or boat cradles, subject to the requirements in Section 7.
2. Conditional Uses: Subject to approval as provided for in Section 6.
 - a. Trailer camp, camping.
 - b. Resort.
 - c. Amusement enterprises which provide short-term entertainment such as arcades, game rooms, skating rinks and the like; however, go cart or other race tracks, drag strips, and similar noise creating enterprises shall be prohibited.
 - d. Bed and breakfast inn.
 - e. Ponds, subject to the requirements in Section 7, Q. (2003)
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: Buildings used exclusively or partly for dwelling purposes shall comply with the lot area, lot width, lot depth, and yard requirements for the "R-3" District. For non-residential buildings, the minimum lot width is eighty (80) feet, the minimum lot area is 10,000 square feet, and the depth of the lot shall not be less than 125 feet.
6. Front Yard: There shall be a front yard of not less than seventy (70) feet, except as provided in Section 7. (1997)
7. Side Yard: The side yards shall not be less than twenty (20) feet.
8. Rear Yard: There shall be a rear yard of not less than twenty-five (25) feet.
9. Dwelling Size: Every dwelling hereafter erected or structurally altered shall have a minimum total floor area of not less than nine hundred and sixty (960) square feet, exclusive of floor area devoted to basements, attached garages, open and enclosed porches, and the like.
10. Building Width: Every dwelling shall have a minimum building

width of twenty-two (22) feet.

I. "M-1" MANUFACTURING DISTRICT

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

1. Uses Permitted: Uses permitted in this District may, in some cases, be in close proximity to residential districts and all manufacturing, processing, or assembly of materials and products must be carried on in a manner not injurious or offensive to the occupants of adjacent premises by reason of the emission of odors, fumes or gases, dust, smoke, noise, or vibrations. After obtaining a valid zoning certificate in accordance with Section 10, the following uses are permitted:
 - a. Nurseries and greenhouses.
 - b. Contractors' 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.
 - 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 production of finished equipment.
 - i. Any other manufacturing plants and uses having performance characteristics similar to those listed in this section.
 - j. Offices, business and professional including laboratories.
 - k. Accessory buildings and uses.
 - l. Ponds, subject to the requirements of Section 7 Q. (2003)
 - m. Wineries & breweries (2014)
2. Any of the following uses provided they are first approved by the Board of Zoning Appeals including their location and development.
 - a. High impact wind powered electric generator as regulated in Section 7. (2007)
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. Front Yard: There shall be a front yard of not less than twenty-five (25) feet, but where such front yard is opposite an "A" or "R" District, it shall be a minimum of fifty (50) feet in depth and shall be used for landscape purposes only. The requirements of Section 7 shall apply.
6. Side Yard: There shall be a side yard of not less than fifteen (15) feet.
7. Rear Yard: There shall be a rear yard of not less than twenty-five (25) feet and where such rear yard abuts an "A" or "R" District, it shall be used for landscape

purposes only.

8. 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 43,560 square feet. However, in no case shall the depth of the lot be less than one hundred twenty-five (125) feet.

J. "M-3" MANUFACTURING DISTRICT

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

1. Uses Permitted: After obtaining a valid zoning certificate, in accordance with Section 10, the following uses are permitted:
 - a. Acetyline gas manufacture.
 - b. Automobile manufacturers.
 - c. Boiler works.
 - d. Brick, tile, terra cotta or clay products manufacture.
 - e. Cement or cinder block manufacture.
 - f. Emery cloth or sandpaper manufacture.
 - g. Glass manufacture.
 - h. Glucose, dextrine or starch manufacture.
 - i. Gas (illuminating or heating) manufacture.
 - j. Iron, steel, brass or copper foundry.
 - k. Metal stamping.
 - l. Nitrating process.
 - m. Oilcloth or linoleum manufacture.
 - n. Oiled rubber or leather goods manufacture.
 - o. Paint, oil, shellac, varnish or turpentine manufacture.
 - p. Paper manufacture.
 - q. Printing ink manufacture.
 - r. Rock crushers.
 - s. Rolling mills.
 - t. Rubber manufacture or treatment from crude or scrap material or the manufacture of articles therefrom.
 - u. Salt works.
 - v. Soap manufacture.
 - w. Soda manufacture.
 - x. Stone mill or quarry.
 - y. The processing of agricultural produce.
 - z. Accessory buildings and uses.
 - a.a. Ponds, subject to the requirements in Section 7 Q. (2003)
 - b.b. Wineries & breweries (2014)
2. Any of the following uses provided that they are first approved by the Board of Zoning Appeals including their location and developments.
 - a. Slaughter houses.
 - b. Ammonia, bleaching powder or chlorine manufacture.
 - c. Automobile wrecking.
 - 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 plants.
 - n. Pyroxlin or celluloid manufacture, or explosive or inflammable cellulose or pyroxlin products manufacture.
 - o. Accessory buildings and uses.

- p. Storage of gasoline, propane, diesel, or other motor vehicle fuels. (2004)
 - q. High impact wind powered electric generator, as regulated in Section 7. (2007)
3. Height Limit: No building shall be erected or enlarged to exceed seventy-five (75) feet.
 4. Front Yard: There shall be a front yard of not less than twenty-five (25) feet, but where such front yard is opposite a Residential District, it shall be a minimum of seventy-five (75) feet deep and shall be used for landscape purposes only.
 5. Side Yard: There shall be a side yard of not less than fifteen (15) feet.
 6. 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.
 7. 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 43,560 square feet. However, in no case shall the depth of the lot be less than one hundred twenty-five (125) feet.

SUMMARY OF DISTRICT REQUIREMENT (2000)

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 one hundred eighty (180) 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: Two parking spaces per individual dwelling unit.
 - b. Auditorium, theaters, churches, schools, and other similar places of assembly: One parking space for each four (4) seats in the main auditorium.
 - c. Hospitals and Institutions: One parking space for each eight hundred (800) square feet of floor area.
 - d. Clubs and Lodges: One parking space for every four (4) members.
 - e. Commercial Buildings: One parking space for every two hundred (200) square feet of floor area.
 - f. Industrial Buildings: One parking space for every two (2) employed in the largest working shift.

2. Rules:

- a. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- b. No building shall be enlarged, rebuilt or structurally altered to the extent of more than 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 use of employees. This area must be zoned the same as the use it serves.

B. Off-Street Truck Loading Berths:

1. 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: Each berth shall have a minimum size 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 purposes as follows:

Area	Berths Required
5,000-10,000 sq. ft.	One
10,000-20,000 sq. ft.	Two
over 20,000 sq. ft.	Three

- b. Manufacturing, repair, wholesale, trucking terminal or warehouse uses shall provide berths in relation to total floor area as follows:

Area	Berths Required
5,000-40,000 sq. ft.	One
over 40,000 sq. ft.	Two

- c. Other buildings not listed above, but having over ten thousand (10,000) square feet in floor area, shall provide one berth, including offices, hotels, mortuaries, etc.

2. Rules:

- a. Each space shall be easily accessible from a street or alley without substantial interference with traffic.
- b. All required loading berths shall be on the same lot as the use served, and if such berth abuts an "A" or "R" District, they shall be suitably screened or fenced from view.
- c. No loading berth shall be located in a required front or side yard.

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 spaces shall be so arranged as to reflect the light away from 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.
 - c. No signs of any kind shall be erected, except those necessary for the orderly parking thereon.

SECTION 6 - CONDITIONAL USES

- A. Purpose: In addition to uses specifically classified and permitted in various Districts in this Resolution, there are certain additional uses which it may be necessary to allow because of the unusual characteristics of the services they 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:
1. Uses either municipally operated, or uses traditionally affected by public interest.
 2. 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. Rules and Procedures
1. Procedure For Conditional Uses: The procedure for notices, public hearings, passage, etc., for conditional uses is described in Section 9.
 2. Vacancy: 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.
 3. Additions: Additions to existing conditional uses shall go through the regular conditional use procedure.
 4. Time Frame: In specific cases, the Board of Zoning Appeals may issue conditional use permits for a specific period of time, after which the conditional use permit will be null and void and reapplication will be required.
 5. Existing Conditional Uses: Conditional uses existing at the time of adoption of this Resolution, as amended, may be continued.
 6. Specific Requirements: See Section 7.
 7. Submission Requirements (2000)
 - a. The nature of the conditional use including the specific provisions of the Zoning Resolution upon which the conditional use is allowed.
 - b. A legal description of the property.
 - c. A statement of the general or special circumstances or conditions associated with the conditional use.
 - d. A list of property owners within, contiguous to, and directly across the street from the property involved in the application. Such list is to be in accordance with the latest County Auditor's tax list and shall include all owners and addresses.
 - e. Such other information regarding the application

for conditional use as may be pertinent or required for action by the Board.

- f. A plot plan showing the boundaries and dimensions of the lot, the size and location of existing and proposed structures or improvements planned with the conditional use with measurements shown, the approximate distances to adjoining structures, and other features of the parcel in question.
- g. The applicant, either the property owner or the legal representative, shall sign the application. (2010)

CONDITIONAL USE - FINDING OF FACT (2007)

A conditional use is a use authorized in a particular zoning district upon showing that such use in a specified location will comply with all of the conditions and standards for the location or operation of the use as specified in the Salem Township Zoning Resolution and as authorized by the Board of Zoning Appeals.

The following factors shall be analyzed by the Board of Zoning Appeals:

1. The location, size and character will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the Zoning District in which it is to be located.

2. The proposed development is in accord with the overall development plans of the area.

3. The proposed development will be in keeping with the existing land use character and physical development potential of the area.

4. The necessity or desirability of the proposed use to the neighborhood or community has been proven.

5. If permitted, the use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the District involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking provisions for pedestrian traffic, with particular attention to minimizing child-vehicle contacts in residential districts.

6. The use will be designed as to its location, size, intensity, site layout and periods of operation to eliminate any possible nuisances emanating therefrom which might be injurious to the occupants or damaging to their property of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke, or lights.

7. The use will be such that the proposed location and height of Buildings or structures and the location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

8. The use will relate harmoniously with the physical and economic aspects of the adjacent land uses regarding prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.

9. The use is so designed, located, and proposed to be operated that the public health, safety and welfare will be protected.

10. The use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.

Section 7, Specific Supplemental Regulations Requirements

All of the specific supplemental regulations for the requested

conditional use, as listed in the Salem Zoning Resolution, are met and any objections to the contrary have been addressed as noted below for each listed item.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

DECISION

It is therefore the decision of the Salem Township Board of Zoning Appeals that this conditional use application is _____. Any conditions stated in the minutes are incorporated herein by reference and made a part of this decision.

Adopted this _____ day of _____, 20__.

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 on corner lots, only one front yard shall be required to 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 this 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' - 90'	10' (1997)
90.01' or more	15' (1997)

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 projections of sills, cornices, eaves, ornamental features and other such items.
 - b. Balconies, fire escape, porches, or awning may project into a required rear yard for a distance not exceeding ten (10) feet. (2000)
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. Only one (1) automotive vehicle or recreational trailer of any type, without current license plates will be parked or stored outside. A vehicle without current license plates must also meet all other requirements of Ohio law qualifying it for operation on the highway as a motor vehicle if a current license plate were obtained for this vehicle by its owner. (2003)(2010)

B. Accessory Buildings and Uses:

1. An accessory building in a "R" District not exceeding twenty-two (22) feet in height, measured to the highest point of the roof, shall occupy not more than thirty (30) percent of a required rear yard, but no accessory building shall be closer than sixty (60) feet to the road right-of-way line, closer than five (5) feet to the main building, nor closer than five (5) feet to any lot line. All accessory buildings shall be located in the side or rear yard. (2003)
2. An accessory building in any other District shall not exceed twenty-six (26) feet in height, measured to the highest point of the roof, shall not occupy more than thirty (30) percent of a required rear yard, but no accessory building shall be closer than sixty (60) feet to the road right-of-way line, closer than five (5) feet to the main building, nor closer than five (5) feet to any lot line. All accessory buildings shall be located in the side or rear yard. (2003)

C. Signs:

1. Intent: All signs are regulated by this resolution, and subject to the exceptions provided in Section 7(C)(7). (2014)
2. General Regulation: All signs except temporary signs shall not be located within the road right-of-way of any State, County or Township road.
3. Height: See Section 7(V). (2014)
4. Agricultural Districts: In "A" Districts, signs may be erected as follows:
 - a. Not to exceed seventy-two (72) square feet for the advertising of roadside stands as permitted or directory signs indicating services, commodities, or facilities available within a distance of ten (10) miles.
 - b. For one-family dwellings, one name plate not exceeding one and one-half (1 1/2) square feet in area, including the supporting structure.
 - c. For churches, one church bulletin board not exceeding forty-eight (48) square feet in area, including the supporting structure.
 - d. Directional signs, not exceeding one and one-half (1 1/2) 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.
- f. For one-family dwellings, one sign not exceeding nine (9) square feet in area, indicating the name and permitted home occupation of the occupant.
5. Residential Districts: In "R" Districts, non-illuminated signs may be erected as follows:
 - a. For one-family dwellings, one name plate not exceeding one and one-half (1 1/2) square feet in area, indicating the name or address of the occupant.
 - b. For 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, but not to be located in a required front yard.
 - c. For churches, one church bulletin board not exceeding forty-eight (48) square feet in area, including the supporting structure.
 - d. Directional sign not exceeding one and one-half (1 1/2) square feet.
 - 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.
 - f. For one-family dwellings, one sign not exceeding nine (9) square feet in area, indicating the name and permitted home occupation of the occupant.
 6. Commercial and Manufacturing Districts: The following shall apply in "C" and "M" Districts:
 - a. Advertising signs may be erected provided they do not exceed two (2) square feet in area for each lineal foot of frontage occupied by a business or industry, and provided they do not exceed two hundred (200) square feet in total area.
 - b. 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.
 - c. On lots abutting any "R" District, signs may not be located nearer to side lot lines than the required side yards for "R-1" and "R-3" Districts.
 7. Exceptions: The following exceptions shall apply:

Signs shall not be deemed to include the following:

 - a. Traffic, directional, or other municipal signs, legal notices, railroad crossing and danger signs.
 - b. Signs such as memorial tablets and names of buildings built into walls of the building as an integral part of the building.
 - c. Signs erected within any building, whether visible to the public or not.
 - d. Signs of a temporary nature such as election signs, public auction signs, garage/yard sale, for sale or rent signs by the owner or his agent and the like shall be allowed without a zoning permit if they are

removed after the event is completed. Such temporary signs shall not be located within intersections of roadways or be designed in such a manner as to create a traffic hazard by their size or location.

D. Fences: The following shall apply to fences:

1. In any "A" or "R" District fences or hedges may not exceed four (4) feet in height in the front yard, and may not exceed seven (7) feet in height in any other location on a lot.(2000)
2. 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 the triangular area formed by connecting with a straight line two (2) points located on the respective right-of-way, twenty-five (25) feet distance from their point of intersection.

E. Storage of Boat and Recreational Vehicles:

No more than three (3) or a combination of three (3) boats and/or recreational vehicles may be stored on a lot. No use shall be made and no living quarters shall be maintained or any business practiced in such a unit.

F. Non-Conforming Buildings and Uses:

1. Continuanace of Use: Any lawfully established use of a building or land established prior to the effective date of this 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 two (2) years, 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 reconstruction 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.

G. Manufactured Home/Mobile Home Storage:

1. **Storage:** No manufactured home/mobile home may be stored on any lot in Salem Township. (1997)

H. Manufactured Home Requirements

1. **Manufactured homes shall be regarded as one-family dwellings if the following conditions are met (see definition of Factory Built Housing):**
 - a. The manufactured home must be placed on a permanent foundation consisting of a footer or series of piers to the frost line and structurally designed and approved by the County's Building Department. The manufactured home shall be completely skirted if a perimeter foundation is not constructed.
 - b. If the manufactured home or its parts have been constructed with tow bars, wheels, or 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.
 - c. A manufactured home shall have a minimum width of twenty-two (22) feet and a minimum length of twenty-two (22) feet and a minimum floor area meeting the floor area requirements of the zoning district in which it is located, exclusive of floor area devoted to basements, attached garages, open and enclosed porches, and the like.

(2003)

- d. The exterior siding of a manufactured home and any attachments thereto must be residential in appearances, consist of materials customarily used on conventional dwellings constructed on site and extend to the top of the foundation.
- e. The replacement of a manufactured home or a mobile home previously located on a lot shall be required to comply with all the above conditions. (2003)

I. Multi-Family Development Requirements:

- 1. All multi-family developments shall meet the following requirements:
 - a. Lot Area: Minimum area of not less than one (1) acre per development is required. The minimum lot area per dwelling shall be 20,000 square feet for the first unit and 6,000 square feet for each additional unit. Measurements of lot area shall be made to the street right-of-way line and excludes land below 574 feet above sea level.
 - b. Lot Width and Depth: Multi-family developments shall have a minimum lot width of 100 feet and a minimum depth of 400 feet. (2004)
 - c. Existing Lot of Record: A multi-family development may be permitted on a lot of less area, width or depth which was recorded at the time of the adoption of this Resolution, as amended, and the owner thereof owns no adjoining land, provided the lot area per unit is complied with.
 - d. Yard Setbacks: There shall be a front yard of not less than fifty (50) feet, except as provided in Section 7A. There shall be side yards of not less than twenty (20) feet. There shall be a rear yard of not less than twenty-five (25) feet.
 - e. Building Separation: Buildings designed for living purposes shall be separated from each other by a minimum distance of twenty (20) feet. This measurement shall be from the nearest point of one building to the nearest point of the adjacent building.
 - f. Dwelling Size: The stated minimum floor area shall be provided as specified. No dwelling shall have a livable ground floor area which totals less than the number of square feet indicated.

One Story - 750 square feet.

Two Stories - 550 square feet per floor

One and One-Half Stories - 720 square feet on the
first floor.

Multiple Level - 950 square feet living area above
grade.

- g. Building Height: No building shall be erected or

enlarged to exceed thirty-five (35) feet.

- h. Open Space: A minimum of ten (10) percent of all land included in the development shall be set aside for open space. Open space shall consist of natural areas including grass, trees, and the like and shall not include submerged lands or required parking areas.
- i. Parking Requirements: Each dwelling must be provided with two (2) parking spaces. All other requirements of Section 5 shall be met.
- j. Trash Receptacles: An area of land shall be set aside for the purpose of trash and garbage receptacles. Such receptacle area shall be properly screened and maintained.
- k. Alternate Vehicle Storage: A building shall be set aside for the storage of bicycles, mopeds, snowmobiles, and other alternate vehicles, excluding boats and boat trailers.

J. Bed and Breakfast Inns:

- 1. The following conditions shall be met for all Bed and Breakfast Inns in addition to those identified in its definition in Section 3:
 - a. The Inn must be owner-occupied; it must be the principal residence of the owner, and occupied by the owner.
 - b. One (1) individual not residing in the Inn may be employed in the operation of the Inn.
 - c. No more than four (4) rooms shall be offered for rent.
 - d. Each room rented shall contain a minimum of one hundred (100) square feet. No rented room shall have independent outside entrance (but emergency fire exits are permitted.)
 - e. Neither any rented room nor the owner's dwelling space shall be located in an accessory structure.
 - f. No cooking facilities of any type shall be permitted in the rented rooms.
 - g. A minimum of one (1) on-site parking space per room offered for rent and two (2) spaces for the owner shall be required.
 - h. The outside appearance of the dwelling must remain residential in appearance, including all additions. (2000)
 - i. One (1) sign not exceeding eight (8) square feet in area shall be permitted identifying the dwelling as a "Bed and Breakfast Inn."
 - j. Any other condition or safeguard deemed appropriate by the Board of Zoning Appeals.

K. Storage Areas:

- 1. Requirements: The storage of boats, boat trailers, boat cradles, campers, and/or recreational vehicles shall meet the following conditions:

- a. Such areas shall be properly maintained in an orderly fashion, weeds and grass shall be kept mowed.
- b. Such use, if not confined to a building or like structures, shall be kept properly screened from adjacent residential areas. Such screening shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense planting of not less than four (4) feet in height at the time of planting with a mature height of at least eight (8) feet.
- c. No such storage buildings shall be erected or enlarged to exceed thirty-five (35) feet in height.
- d. No such storage building shall be closer than seventy-five (75) feet to any public right-of-way, closer than forty (40) feet to any other lot line, nor closer than twenty (20) feet to any other building.
- e. Such storage uses shall not be in conflict with existing residential areas and shall not create any unreasonable nuisance, hazard, or traffic problem.

L. Resorts:

- 1. The following requirements shall be met:
 - a. Minimum Acreage: A minimum of five (5) acres shall be required for each resort.
 - b. Density: The maximum number of cabins, cottages, rooms, and the like shall not exceed five (5) units per acre for each resort.
 - c. Setbacks: There shall be a front yard setback of fifty-five (55) feet, a side yard setback of forty-five (45) feet, and a rear yard setback of fifty-five (55) feet. The setback area to be totally open except for plantings and trees.
 - d. Open Space: Twenty-five (25) percent of the gross land area in the resort shall be set aside for open space. Yards, submerged land, streets, and parking areas shall not be included as open space.
 - e. Parking: Each unit used for residential occupancy shall be provided with two (2) parking spaces. Other uses shall meet the requirements of Section 5.
 - f. Development: The resort may be developed using a variety of housing types intended for transients. Maximum building height shall be thirty-five (35) feet and each unit must contain 600 square feet of ground floor area for the first story.
 - g. Building Separation: Buildings designed for living purposes shall be separated from each other by a minimum distance of twenty (20) feet. This measurement shall be from the nearest point of one building to the

nearest point of the adjacent building.

M. Trailer Camp, Camping:

1. The following requirements for the camp shall be met:
 - a. Camp Size: A minimum of ten (10) acres shall be required for each campground.
 - b. Width and Depth: The minimum width shall be 200 feet, and the ratio of width to depth shall not exceed one to five (1:5).
 - c. Yard Setbacks: Minimum front yard of 70 feet; minimum side yards of 45 feet each side; minimum rear yard of 60 feet. If either side yard abuts a public or private right-of-way, the minimum yard shall be 55 feet. The first 20 feet of each yard setback shall be composed of a green planting strip (buffer zone).
 - d. Access: Shall be provided into the camp with a minimum right-of-way of 50 feet. Marginal access roads may be required if deemed necessary by the Board of Zoning Appeals.
 - e. Streets: Shall have a minimum road right-of-way of 20 feet; all streets shall be all-weather roads. Streets may be placed within the yard setback but not within the buffer zone.
 - f. Recreation and Open Space: 25 percent of the gross camp area shall be reserved for such uses excluding yards, camp sites, buffer zones, submerged lands, and streets.
2. Individual camp sites within camps shall meet the following requirements:
 - a. Camp Site Area - Minimum of 1,200 square feet per site.
 - b. Camp Site Width - Minimum of 30 feet and should front on road.
 - c. Camp Site Setbacks - Minimum of 8 feet on all boundaries for all trailers, tents, etc.
 - d. Corner Markers - All 4 corners of each camp site shall be appropriately marked as approved by the Board of Zoning Appeals.
3. Camp Utilities and Services: Such improvements shall be provided as required by the Ohio Administrative Code 3701-25-51 to 3701-25-75 as amended.
4. Supplementary Regulations: Accessory buildings and uses which are appropriate to the operation of a camp may be permitted within the conditional use procedure of review by the Board of Zoning Appeals.

N. Spreading and/or Dumping and/or Burying of Sewage Sludge:

1. The following requirement shall be met:
 - a. The applicant shall provide written verification that approval has been obtained from the Ohio Environmental Protection Agency.

O. Planned Unit Development:

1. It shall be the policy of Salem Township to promote progressive development of land by encouraging planned unit developments to achieve the following:
 - a. A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements.
 - b. A more useful pattern of open space and recreation area and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services.
 - c. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.
 - d. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.
 - e. A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the comprehensive plan.
2. Uses Permitted: The following uses are permitted in a planned unit development after approval by the Board of Township Trustees.
 - a. Compatible residential, commercial, public, and quasi-public uses may be combined in PUD districts provided that the proposed location of the commercial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare.
 - b. The amount of land devoted to commercial uses in a residential-commercial development shall be determined by the Board of Township Trustees.
3. Lot Area, Width and Depth: The gross area of the tract to be developed under the planned unit development approach shall conform to the following schedule.

Type of Planned Unit Development	(Acres) Minimum Area
Residential	30
Residential-Commercial	40

When the PUD is a mixture of uses no more than eight (8)

percent of the tract may be devoted to commercial activities.

Lot area per dwelling unit may be reduced beyond the requirements of this resolution with lot widths varied to allow for a variety of structural designs. Setbacks may also be varied. However, the density of the overall development shall not exceed a total of six (6) dwelling units per acres.

4. Open Space: A minimum of twenty-five (25) percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed.

The required amount of common open space land reserved under a planned unit development shall be held in corporate ownership by owners of the project area for the use of each other who buy property within the development.

Public utility and similar easements and rights-of-ways for water courses and other similar channels or submerged lands are not acceptable for common open space dedication. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

Every property developed under the planned unit development approach should be designed to abut upon common open space or similar areas. A clustering of dwellings is encouraged.

5. Building Height: No building shall be erected or enlarged to exceed thirty-five (35) feet in height.
6. Parking Requirements: Each dwelling must be provided with two (2) parking spaces. Commercial uses shall provide one (1) parking space for each two hundred (200) square feet of floor area. All other requirements of Article 5 of this Resolution shall apply.
7. Commercial Uses:
 - a. When the planned unit development includes commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas.
 - b. The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas.
 - c. All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as

specified by the township trustees.

- d. Project side yard of forty (40) feet and a rear yard of fifty (50) feet shall be required if the project is located adjacent to any residential uses. All intervening spaces between the right-of-way line and project building line and intervening spaces between buildings, drives, parking areas, and improved areas shall be landscaped with trees and planting and properly maintained at all times.

8. Non-Illuminated Signs Permitted in the "PUD" District:

- a. The requirements of Section 7 shall apply.
- b. All signs must be approved.

9. Fences:

- a. Fences or hedges may not exceed four (4) feet in height in the required front yard and not exceed seven (7) feet in any other location. No barbed wire fence shall be constructed.

10. Approval Process of "PUD": A "PUD" may be established by application in accordance with the provisions set forth below.

Any application for a "PUD" shall be submitted in accordance with the following procedure:

a. Pre-application Conference:

The landowner shall schedule a Pre-application Conference with the Township Trustees, County Engineer, Ottawa County Regional Planning Commission staff, and public utility companies concerned. The landowner, at the conference, shall provide evidence that the following steps have been taken:

1. Prior to preparing a development plan, the landowner shall consult informally with the Township Trustees, County Engineer, and Ottawa County Regional Planning Commission staff in order that he may become familiar with subdivision and zoning requirements, the relation of his property to existing conditions, future plans, community facilities and services.
2. The landowner shall also consult informally with public utility companies in order to determine the character and extent of electric power and telephone lines and also to determine the most advantageous routing of these lines and utility easements.

b. Prior to concluding the Pre-application Conference between the landowner and the Township Trustees, the Township Trustees shall consider the following principles governing a "PUD" in Salem Township:

1. It shall be the duty of the Township Trustees to discourage Planned Developments that are far in advance of the needs of the Township, or which, by their very

nature or location, cannot be efficiently served by public utilities, fire or police protection or other municipal services, or which are being unwisely or prematurely developed.

2. It shall further be the duty of the Township Trustees to encourage that a "PUD" be coordinated with the development of adjacent small parcels of land and to this end, the Township Trustees shall require the landowner to submit for such coordinated development, showing how streets can be connected, lot orientations coordinated and open spaces extended. The Township Trustees may also arrange meetings with the several owners of such small parcels of land or may carry out the intent of this directive by such other means as may be lawful and appropriate.

c. Application to Township Trustees

1. An application for a "PUD" shall be submitted to the Township Trustees on a special form provided for that purpose. The application shall be executed by or on behalf of the landowner and filed in duplicate with the Zoning Inspector of the Township. A filing fee as determined by the Trustees, shall be submitted with the application. Said filing fee shall be used to defray the cost of the public hearing and work by the staff of the Ottawa County Regional Planning Commission and County Engineer.

2. Data Required with Application:

The application for approval of a "PUD" Development shall include three (3) copies of a development plan, drawn at a scale of 1" = 100' and including the following information:

- a. Location and the size of the area involved and the nature of the landowner's interest in the land proposed to be developed. A legal description of the area involved will be required.
- b. The density of land use to be allocated to parts of the area to be developed. This should be in tabular form and shown on the plans.
- c. The locations, function, ownership, and manner of maintenance of Common Open Space Areas.
- d. The use, approximate height, bulk, and location of buildings and other structures.
- e. The feasibility of proposals for the disposal of sanitary waste and storm water.
- f. The substance of covenants, grants of easements or other restrictions to be imposed upon the land, buildings and structures including proposed easements for public utilities.

- g. The provisions for parking of vehicles and the location and width of proposed streets.
- h. Statement indicating the required modifications in the regulations in the township's zoning resolution otherwise applicable to the subject property.
- i. In the case of plans which call for staging development over a period of years, a schedule, showing the time within which applications for final approval of all parts of the PUD is to be filed.
- j. Said applications shall also be accompanied by a written statement by the landowner setting forth the reason why, in his opinion, the PUD would be in the public interest and would be consistent with the specific criteria, if any, theretofore published and adopted by the township.

3. Review by the Ottawa County Regional Planning Commission Staff:

One (1) copy of every application for a PUD received by the township shall be promptly delivered to the Ottawa County Regional Planning Commission for its review and report to the Township Trustees. The Ottawa County Regional Planning Commission staff shall, as a part of its review, consult with the County Engineer's office and other departments of the County concerning the application.

Nothing herein shall be deemed to forbid or discourage informal consultation between the landowner and the staff of the Ottawa County Regional Planning Commission prior to the filing of an application for a "PUD", provided no statement or representation by a member of the Ottawa County Regional Planning Commission staff shall be binding upon the Township Trustees.

d. Basis of Approval:

The Township Trustees shall review and take action on the application within seventy-five (75) days following the date the application was received by the township. The Township Trustees shall base its approval of a Planned Unit Development on the following considerations:

- 1. The proposed development can be initiated within five (5) years of the date of approval.
- 2. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurances will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under standard

district regulations.

3. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic in such amounts as to not overload the street network outside the planned unit development.
4. Any proposed commercial development can be justified at the locations proposed.
5. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accordance with the planned unit development and the adopted policies of the Board of Township Trustees.
6. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
7. The planned unit development is in general conformance with the comprehensive plan.
8. The existing and proposed utility services are adequate for the population densities and non-residential uses proposed.

e. Public Hearing by the Board of Township Trustees:

The Board of Township Trustees shall hold a public hearing within thirty (30) days of receiving a completed application, containing the information required in 510.11 (c) (2). Notice of such public hearing shall be published one (1) time in a newspaper of general circulation in the township at least ten (10) days prior to the hearing date. Written notice of the hearing shall be sent by the Trustees by first class mail, at least ten (10) days before the hearing, to all owners of property contiguous to or directly across

the street from the area proposed to be included within the planned unit development. The names and addresses of said owners shall be provided by the applicant.

f. Election by Property Owner:

The property owner shall elect, and shall so notify the Township Trustees within forty-five (45) days after approval of the initial PUD plan by the Board of Trustees, to have PUD Regulations and Plan as so approved apply to the property in the PUD.

Limitations and restrictions on uses of some lands and buildings as compared to others in this or another PUD Plan or in other Districts are accepted and not a basis of appeals for variances.

Such election shall be irrevocable and binding on the Property Owner, his successors and assigns.

Failure to so elect and notify shall revoke the PUD Plan approval, and all the land contained in it shall be governed by the Zoning Regulations of its Zoning District.

g. Effect:

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

P. Home Occupations:

The following requirements shall be met in addition to those specified in Section 3:

- a. No person other than members of the family residing on the premises shall be engaged in such occupation conducted in the dwelling containing 600 square feet or less;
- b. Permitted activities shall include the making, servicing or repairing of goods, wares, or merchandise or the providing of goods or services for hire or gain (see definition for examples);
- c. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the total floor area of the dwelling unit shall be used in the conduct of the home occupation;
- d. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one (1) sign as permitted in Section 7(c) of this Resolution;
- e. No external storage of goods or materials outside of the dwelling shall be permitted;
- f. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of the home occupation shall be met using off-street parking;
- g. 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;
- h. The home occupation shall not create or become a public nuisance; and
- i. After due process, including at a minimum an investigation by the zoning inspector, the zoning inspector shall have the authority to revoke the authorization of the single-family

dwelling containing 600 square feet or less as a home occupation if any of the above conditions are violated. (2017)

Q. Ponds: (1997)

The following requirements for farm ponds/retention ponds or commercial ponds shall be met. Technical assistance can be obtained from the Ottawa Soil & Water Conservation District. Individuals must also contact the Ottawa County Board of Health and Ottawa County Engineer's office to obtain their approval before submitting an application for conditional use to Salem Township. In addition, for areas where the proposed pond will be located within a one hundred year(100) flood plain, as determined by the Ottawa Regional Planning Commission, a development permit must be obtained from the Ottawa County Building Inspection Office. Structures using water for decorative or landscaping purposes and containing less than four hundred (400) square feet of area shall be exempt. (2000) Also, any property that qualifies for the Lake Erie Conservation Reserve Enhancement Program or any other United States Department of Agriculture (USDA) or government program approved by the Ottawa County Soil & Water Conservation Board is exempt from these requirements. (2010)

- a. Soil retention plans for erosion purposes shall be submitted with the application.
- b. A pond or portion of a pond shall not be constructed within a floodway.
- c. The pond shall be a minimum of eight (8) feet deep over 25% of the pond area unless non-penetrating matter is in the area.
- d. A minimum surface area of 1/2 acre shall be required. A maximum pond size shall not exceed 50% of land area. (2003)
- e. The ponds slope shall be a minimum of three (3) foot horizontal to one (1) foot vertical.
- f. For the beach area, the slope shall be a minimum of five (5) foot horizontal to one (1) foot vertical.
- g. There shall be a minimum setback of seventy-five (75) feet in the front yard and thirty (30) feet in the side and rear yard. Measurement of the front yard setback shall be from the edge of the road right-of-way to the water's edge. For corner lots, both front yards shall have a minimum setback of seventy-five (75) feet. Measurement of the side and rear yard setbacks shall be from the property line to the water's edge.
- h. No water shall be directed to flow onto existing right-of-ways or adjoining property as a result of the construction and design of a pond. A pond over-flow pipe into an adequate outlet shall be required.
- i. Ponds shall be located on lots containing two (2) or more acres of land.

R. Composting Facility: (1997)

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.

S. Conditions for the Operation of a Sexually Oriented Business (1997)

- a. This requirement establishes reasonable and uniform regulations to prevent any deleterious location and concentration of 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.
- b. Such uses shall be permitted subject to the following conditions as well as those addressed in Section 6 herein.
 1. The applicant shall file in writing a report containing the following information:
 - a. The address where the 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 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 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 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.
- 2. Sexually oriented business uses shall be located at least five hundred (500) feet from any church, child day care center, library, public park, public or private school, social service facility, neighborhood center, or amusement arcade.
 - 3. Sexually oriented business uses shall be located at least five hundred (500) feet from any boundary of any residential district in an abutting local unit of government.
 - 4. Sexually oriented business uses shall be located at least one thousand five hundred (1,500) feet from any other adult entertainment uses.
 - 5. Adult entertainment uses shall be located at least two hundred (200) feet from a bar, tavern, or other business serving or selling liquor, beer, wine, or other alcoholic beverages.
- c. A permit or license issued under this section to a sexually

oriented business shall expire one 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 a sexually oriented business shall contain the name of the applicant, the address of the sexually oriented business and the expiration the of the permit.

T. Low Impact Wind Powered Electric Generator subject to the following Conditions (2007):

1. 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, off-site residence or building, and public or private road right-of-way.
2. The maximum tower height shall not exceed one hundred and fifty (150) feet.
3. The noise level measured at all of the adjoining property lines shall not exceed 60 dBA.
4. The maximum lighting used for or on the structure is a low intensity red light as defined by the Federal Aviation Administration.
5. The wind powered electric generator/windmill shall have a rated capacity of not more than 100 kW.
6. The wind powered electric generator/windmill shall service only one residential property.
7. All necessary township and County permits shall be obtained.

High Impact Wind Powered Electric Generator subject to the following Conditions (2007):

1. 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, off-site residence or building, and public or private road right-of-way.
2. The noise level measured at all of the adjoining property lines shall not exceed 60 dBA.
3. The maximum lighting used for or on the structure is a low intensity red light as defined by the Federal Aviation Administration.
4. The wind powered electric generator/windmill shall have a rated capacity of more than 100 kW.
5. 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 on the impact that the proposed windmill will have on eagles, wildlife, and migratory birds.
6. All necessary township and County permits shall be obtained.

U. Small Wind Farm subject to the following conditions: (2010)

- 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.
- e. All wind powered electric generators part of the small wind farm shall be equipped with a redundant braking system including both aerodynamic overspeed 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 (15) feet off the ground.
- j. A wind powered electric generator shall be setback a distance of not less than 150% of the height of the total structure 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.
- l. A small wind farm location must be pre-approved by the U.S. Department of Fish and Wildlife and the Ohio Department of Natural Resources based upon their determination on the impact that the proposed small wind farm will have on eagles, wildlife and migratory birds.
- m. The noise level measured at all of the adjoining property lines shall not exceed 60dBA.
- 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 (12) 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.
- p. The small wind farm conditional use shall be reviewed every three (3) years by the Zoning Inspector and a report shall be filed with the Board of Zoning Appeals.
- q. All necessary township and County permits shall be obtained.

V. Height: All buildings and structures shall have a maximum height of 35 feet unless otherwise stated in this Resolution. (2014)

SECTION 8 - 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. The term of one member of the zoning commission shall expire each year. Each year on or before December 31st, the Township Trustees shall reappoint the member whose term expires or appoint a successor for a five year term. 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. (2003)
3. The Board of Township Trustees may appoint two (2) alternate members to the Township Zoning Commission for terms as designated by the Board of Township Trustees. If an alternate member is in attendance, they will take the place of an absent regular member at any meeting of the Zoning Commission. All alternate members shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. (2000)

B. Rules of the Commission:

1. The Commission shall by majority vote of its members elect a Chairman, a Vice Chairman 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 Chairman 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 Chairman, to have resigned and the Chairman may request the Board of Township Trustees to appoint a replacement.
4. Quorum: A quorum shall consist of three (3) members of the Zoning 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, staff shall postpone or cancel items

requiring a vote and may proceed with items presented for information only. (2000)

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 law 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 section, 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.
 - c. 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.
 - d. 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.
 - e. 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.

- f. 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 more than forty (40) days from the date of the certification of such resolution, or the date of the filing of such application. Notice of such hearing shall be given as follows:

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.

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.

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

If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land, as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all 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 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.
- g. 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.
- h. 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 of this basis, 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.
- i. 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.

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

If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and 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 days prior to the public hearing;
- (4) The name of the person responsible for giving notice of the public hearing by publication;
- (5) Any other information requested by the board.

- j. 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. (2010)

- k. 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 not less than eight (8) percent of the total vote cast for all candidates for governor in such area at the last preceding general elections at which a governor was elected, requesting the Board of Township Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

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

D. Interpretation, Purpose and Conflict:

Interpreting and applying the provisions of this Resolution, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. Where this Resolution imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of the Resolution shall control.

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 should be staggered in the same manner as provided for the Township Zoning Commission in Section 8. 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.
3. The Board of Township Trustees may appoint two (2) alternate members to the Board of Zoning Appeals for terms as designated by the Board of Township Trustees. If an alternate member is in attendance, they will take the place of an absent regular member at any meeting of the Board of Zoning Appeals. All alternate members shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. (2000)

B. Rules of the Board:

1. The Board shall by majority vote of its members elect a Chairman, a Vice Chairman, and a Secretary who shall occupy such offices until their successors are duly elected at the next 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, staff shall postpone or cancel items requiring a vote and may proceed with items presented for information only. (2000)

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: To authorize upon appeal, where, by reason of exceptional narrowness, shallowness or shape, practical difficulty, or exceptional topographic conditions, or other extraordinary situation or condition of a lot, the strict application of the terms of this Zoning Resolution would result in peculiar and exceptional difficulties or undue hardship upon the owner thereof, a variance from such strict application to relieve such difficulties or hardship, provided said relief may be granted without substantial detriment to the public good and without substantially impairing the intent of the Resolution.
3. Conditional Use Permits: As provided in Section 6 of this Resolution.
4. Exceptions: To authorize, upon application, the following exception:
 - a. Permit in districts limiting the height 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.
 - b. Authorize a permit for a temporary office, construction or storage building, in any district, which use is incidental to development of the property on which it is located; such permit to be issued for a period of not more than one (1) year except for especially large projects where the permit may be renewed.
 - c. Permit the placement of a manufactured home or a mobile home on a lot, when the existing single-family dwelling is uninhabitable due to damage caused by fire, wind, or flooding. Such permit shall be issued for a period of one (1) year, renewable upon approval by the Board. The requirements of SECTION 7H. shall not apply, however, the manufactured home or mobile home shall meet the setback requirements of the District in which the lot is located. The manufactured home or mobile home shall be removed once the single-family dwelling has been repaired or rebuilt and becomes inhabitable. (2010)

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 the members upon each question, and of each member's absence or failure to vote, and shall keep records of every official action. Every rule of regulation, interpretation, 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. (2003)
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 Hearing and Decision:** The Board of Zoning Appeals shall fix a date for a public hearing of the appeal 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 appeal; 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 on the appeal. The Board of Zoning Appeals 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 person may appear in person or by attorney. The Board shall decide the appeal 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 appeal.
4. **Variances:** A public hearing will be required and will follow the procedure described under appeals. (2000)
 - a. Two (2) copies of a provided application accompanied by a copy of a denied Certificate of Zoning and a statement of the reason of denial shall be filed with the Zoning Inspector not more than twenty (20) days from the date of such denial. The application shall include the following statement: (2000)
 1. The nature of the variance including the specific provisions of the Zoning Resolution upon which the variance is requested. (2000)
 2. A legal description of the property. (2000)
 3. A statement of the general or special circumstances or conditions applying to the land or structure and not applying in other areas. (2000)
 4. A statement showing that the granting of the application is necessary to the preservation and enjoyment of substantial property rights. (2000)
 5. A list of property owners within, contiguous to, and directly across the street from the property involved in the application. Such list is to be in accordance with

- the latest County Auditor's tax list and shall include all owners and addresses. (2000)
6. Such other information regarding the application for variance as may be pertinent or required for action by the Board. (2000)
 7. A plot plan showing the boundaries and dimensions of the lot, the size and location of existing structures with measurements shown, the location of adjoining structures, and other features of the parcel in question. (2000)
 8. The applicant, either the property owner or the legal representative, shall sign the application. (2010)

There are two types of variances which the township may grant: an area variance and a use variance. The factors to be considered by the Board of Zoning Appeals differ for the two types of variances. (2000)

Area Variance (2000)

FINDING OF FACT (2007)

An area variance is a departure from the provisions of the zoning resolution usually relating to setbacks, side yards, 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.

DECISION

It is therefore the decision of the Salem Township Board of Zoning Appeals that this area variance petition is _____. Any conditions stated in the minutes are conditions incorporated herein by reference and made a part of this decision.

Adopted this _____ day of _____, 20__.

Use Variance (2000)

FINDING OF FACT (2007)

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.

DECISION

It is therefore the decision of the Salem Township Board of Zoning Appeals that this use variance petition is _____. Any conditions stated in the minutes are conditions incorporated herein by reference and made a part of this decision.

Adopted this _____ day of _____, 20__.

Summary (2000)

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.

SECTION 10 - ADMINISTRATION

A. Zoning Inspector:

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:

1. Enforce the provisions of this Resolution by informing the Zoning Commission of possible violations for their review and recommendation.
2. Issue certificates as provided by the Resolution, and keep a record of all certificates issued with a notation of any special conditions involved.
3. File and safely keep copies of all plans submitted, and the same shall form a part of the records of his office.
4. 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:

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.

1. Requirements: No person shall locate, erect, construct, convert, add to, move or structurally alter any non-farm 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 resolution.
2. 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.

Where appropriate, a site and structures plan shall be included with the application to show intended compliance with, or required variance from, the applicable regulations, conditional uses, and restrictions. (2000)

3. Certificate: Every Zoning Certificate shall state the building, or the proposed use of a building or 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.

4. Agricultural Buildings: Zoning Certificates shall not be required for agricultural buildings.
5. No zoning certificate shall be required for any accessory building containing less than one hundred and ninety three (193) square feet of floor area. Set back requirements shall apply however. (2000)
6. 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.

C. Enforcement and Penalties:

1. Enforcement: This Resolution shall be enforced by the Township 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. (2007)

D. When Effective:

This Resolution shall be in full force and effect from and after its passage and publication as provided by the Ohio Revised Code.

E. Interpretation, Purpose and Conflict:

In interpreting and applying the provisions of this Resolution, they shall be held to be the minimum requirements for the promotion of the public's health, safety, comfort, convenience and general welfare. Where this Resolution imposes a greater restriction upon the use of buildings or land, or upon the height of building, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Resolution shall control.

F. Validity: If any section, paragraph, subdivision, clause, sentence, or provision of this Resolution shall be adjudged by any court of competent jurisdiction to be invalid; such judgement shall not affect, impair, invalidate or nullify the remainder of this Resolution but the effect shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgement or decree shall be rendered.