
MUHLENBERG TOWNSHIP ZONING RESOLUTION

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Muhlenberg Township Trustees

MUHLENBERG TOWNSHIP, PICKAWAY COUNTY, OHIO

ZONING RESOLUTION

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ARTICLE I – TITLE

Section 1.01 - This Resolution shall be known and may be cited and referred to as Muhlenberg Township Zoning Resolution, Pickaway County, Ohio.

ARTICLE II – PURPOSE

Section 2.01 – This resolution is enacted for the purpose of promoting public health, safety, morals, comfort, harmony and general welfare; to conserve and protect the natural resources and scenic and historical areas; to encourage the orderly growth and development of the township; to maintain the rural character and aesthetics of the township; to provide for adequate light, air and open space, to secure the most appropriate use of land; to facilitate adequate but economical provision for public improvements, all in accordance with existing county or township plans or plans which may be later adopted and as permitted by the provisions of Chapter 519 Ohio Revised Code.

Section 2.02 – Muhlenberg Township is a rural township where the predominant economic activity is agriculture. The culture, aesthetics and physical development of land in the township revolve around farming and the cultivation of the land. For generations, the residents of Muhlenberg Township have planted and harvested some of the most bountiful fields in the State of Ohio for their own tables and the world market. In addition to the goals and aspiration set forth in Section 2.01, a further and significant goal of this Township Zoning Resolution is to preserve, protect and maintain the agricultural heritage of Muhlenberg Township, to ensure that its farms and fields are not overrun by strip malls, subdivisions, and urban sprawl of the ever expanding Columbus Metropolitan SMSA. Such development is incompatible with the agrarian community that is Muhlenberg Township and any such encroachment would devastate the economic foundation of the citizens of the Township and destroy the delicate balance maintained between the farmers of the Township and the nationally recognized Big Darby Creek watershed.

ARTICLE III – INTERPRETATIONS OF STANDARDS

Section 3.01 – In the interpretation and application, the provisions of this Resolution shall be held to be minimum requirements. Where this Resolution imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations, resolutions or restrictions, the provisions of this Resolution shall control; however, where the provisions of this Resolution are less restrictive, the more restrictive provision of other laws, rules, regulations, restrictions or resolutions shall control. The Zoning Commission and the Board of Township Trustees will, when appropriate, refer to all plans, master plans, studies and treatises affecting the township area and may require inclusion of recommendations in plans or proposals as submitted for approval.

ARTICLE IV – DEFINITIONS

*Section 4.01 – **Accessory Use*** (or structure): Accessory Use means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or subordinate to or serves the principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, "Accessory Use" includes anything of a subordinate nature attached to or unattached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, poster panels, and billboards. Except as otherwise required in this Resolution, an accessory use shall be a permitted use.

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

Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

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

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

Boarding Kennel: any lot or premise where four (4) or more domesticated animals over four months of age are housed, boarded, groomed, trained and which may offer medical treatment.

Building: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

Building, Accessory: A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

Building, Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building Line: (see setback line)

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

Child Day-Care: Administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four hour day in a place or residence other than the child's own home.

Comprehensive Development Plan: A plan, or any portion thereof, adopted by the township showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

Conditional use: A use permitted within a district other than a principally permitted use, requiring a conditional permit and approval of the Board of Zoning Appeals.

Conditional Use Permit: A permit issued by the Zoning Administrator 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.

Corner Lot: (see Lot Types)

Cul-de-sac: (see Thoroughfare)

Dead-end Street: (see Thoroughfare)

Density: A unit of measurement expressing the number of dwelling units per acre of land.

1. Gross Density - the number of dwelling units per acre of the total land to be developed.

2. Net Density - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

Density Bonus: an increase in the number of allowable dwelling units per acre granted for some specific reason, such as the provision of park areas, as provided for in the zoning regulations.

District: A part, zone, or geographic area within the township within which certain zoning or development regulations apply.

Dwelling: Any building or structure which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

Dwelling Unit: Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

Dwelling, Single Family: A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

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

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

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

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 the site. For the purpose of this Resolution, "factory-built housing" shall include the following:

1. **Manufactured Home:** Any non-self-propelled vehicle transportable in one of more sections which, in the traveling mode, is eight feet or more in width and forty feet or more in length, or when erected on site, is 320 or more square feet in area, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that the unit is built in compliance with the Federal Manufactured Housing Construction and Safety Standards.
2. **Modular Home:** Factory built housing certified as meeting the Ohio Basic Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site built homes.

3. Mobile Home; A transportable, factory built home, designed to be used as a year round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

Flood Plain: That land, including the flood fringe and the floodway, subject to inundation by the regional flood.

Flood, Regional: Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the on hundred (100) year recurrence interval flood.

Floodway: That portion of the flood plain, including the channel, which is reasonable required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

Floodway Fringe: That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

Floor Area: The square foot area of a building using the outside dimensions to compute the square footage, exclusive of open porches, breezeways, terraces, garages, exterior stairways, and basements.

Garages, Private: A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and /or boats of the occupants of the premises and wherein:

1. No more than two commercial vehicles per dwelling unit are parked or stored.
2. The commercial vehicle permitted does not exceed two tons capacity.

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

Group Residential Facility: A group residential facility is a community residential facility, licensed and /or approved and regulated by the State of Ohio, which provides rehabilitative or habitavtive services.

Home Occupation: Home occupation means an accessory use which is an activity, profession, occupation, service craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit, or elsewhere on the premises by conditional use permit, without any significant adverse effect upon the surrounding neighborhood.

Hotel or Motel and Apartment Hotel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house.

Loading Space, Off-Street: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

Lot: For the purposes of this resolution, a lot is a parcel of land of sufficient size to meet 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:

1. A single lot of record.
2. A portion of a lot of record.
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

Lot Coverage: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

Lot Frontage: The front of a lot shall be construed to be the portion nearest the street, road or approved easement. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "yards" in this section.

Lot, Minimum Net Area of: The area of a lot is computed exclusive of any easements.

Lot of Record: A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot of parcel described by metes and bounds, the description of which has been so recorded.

Lot Types: Terminology used in this resolution with reference to corner lots, interior lots and through lots is as follows:

1. Corner Lot: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty five (135) degrees.

2. Interior Lot: A lot with only one frontage on a street.
3. Through Lot: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
4. Reversed Frontage Lot: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

Major Thoroughfare Plan: The portion of comprehensive plan adopted by the Regional Planning Commission or Township indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

Manufacturing, Extractive: Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resource.

Mobile Home Park: Any site, or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

Nonconformities: Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Resolution or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.

Open spaces: An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, and other recreational facilities that the Zoning Commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

Performance Bond or Surety Bond: an agreement by a sub-divider or developer with the county or Township for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the sub-divider's agreement.

Planned Unit Development: An area of land in which a variety of housing types and subordinates commercial and industrial under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

Public Service Facility: The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service

structures by a public utility, by a railroad governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

Public Uses: Public parks, schools, administrative and cultural building and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

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

Road Frontage: The edge of a parcel, tract, or lot which adjoins a county approved road or street. When a parcel tract, or lot adjoins more than one county approved road or street, either frontage may be considered the front of the parcel. The parcel, tract or lot shall meet the setback requirements of for all adjoining roads or streets as established by Article XXI of this Resolution.

Setback Line: A line established by the zoning resolution generally parallel with and measured from the lot line (front setbacks in this resolution are measured from the center line of the road, see section 21.09 of the ORC, defining the limits of a yard in which no building or structure may be located.

Sewers, Central or Group: A sewage disposal system approved by Pickaway County or OEPA which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.

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

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, and billboards.

Thoroughfare, Street, or Road: The full width between property line bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

1. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.

3. Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
4. Cul-de-sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. Dead-end Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
6. Local Street: A street primarily for providing access to residential or other abutting property.
7. Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of one hundred and eighty (180) degrees system of turns are not more than one thousand (1000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
8. Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (also called Frontage Street)

Use: The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Variance: A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Vicinity Map: A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

Walkway: A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

Yard: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height installations and requirements limiting obstruction of visibility.

1. Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
2. Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear line of the principal building.
3. yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Zero Lot Line Development: an arrangement of housing on adjoining lots in which the required side yard is reduced on one side and increased on the other so that the sum of the offsets of any lot is no less than the sum of the required offsets. No building or structure shall be closer to a lot line than five (5) feet unless it abuts the lot line and is provided with an access easement of five (5) feet on the adjoining lot or abuts a building or structure on the adjoining lot. The offset adjacent to property not included in the zero lot line development or a street shall not be less than that required in the zoning district.

Zoning Inspector: The Zoning Inspector is the person designated by the Board of Township Trustees to administer and enforce zoning regulations and related Resolutions.

Zoning Permit: A document issued by the zoning inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

Unless otherwise defined herein, all words used in this Zoning Resolution shall be given the precise meaning or significance as that which is normally attributed to such word or as the same is defined in Webster's Dictionary.

ARTICLE V - DISTRICTS AND BOUNDARIES

Section 5.01 – ZONING DISTRICTS: For the purpose of this Resolution, the following districts are hereby created in order that the unincorporated area of Muhlenberg Township, Pickaway County, Ohio, may be divided into one or more such districts:

FR-1	Farm Residential District
R-2	Low Density Residential District
R-3	Multi-Family Residential District
R-4	Manufactured Home Park
C-2	Neighborhood Commercial District
C-3	General Commercial District
M-1	Light Industrial District
M-2	General Industrial District

The regulations shall be uniform for each class or kind of building or other structure or use throughout each district or zone, but the regulations in one district or zone shall differ from those in other districts or zones, as hereinafter set forth.

Section 5.02 – DISTRICT BOUNDARIES: The boundaries of each district into which the township is divided are indicated upon the zoning maps of Muhlenberg Township, which are hereby made a part of this Resolution. The said map of Muhlenberg Township, plans submitted with rezoning petitions, and all notations, references, and other matters shown thereon, excepting property ownership names, shall be as much a part of this Resolution as if the notations, references, and other matters set forth by said maps were fully described herein. Each of those township maps entitled "Zoning Map, Muhlenberg Township, Pickaway County, Ohio", is properly attested and is on file in the office of the Board of Township Trustees of Muhlenberg Township, Pickaway County, Ohio at the Township Hall.

Section 5.03 – NEW TERRITORY: All territory which may hereafter become a part of Muhlenberg Township, Pickaway County, Ohio, by any method and all territory in an Agricultural District (A-1) on the effective date of this Resolution shall be classed automatically as lying in and being in an Agricultural District (A-1) until such classification shall have been changed to this Zoning Resolution and map as provided by law.

Section 5.04 – RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES: Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

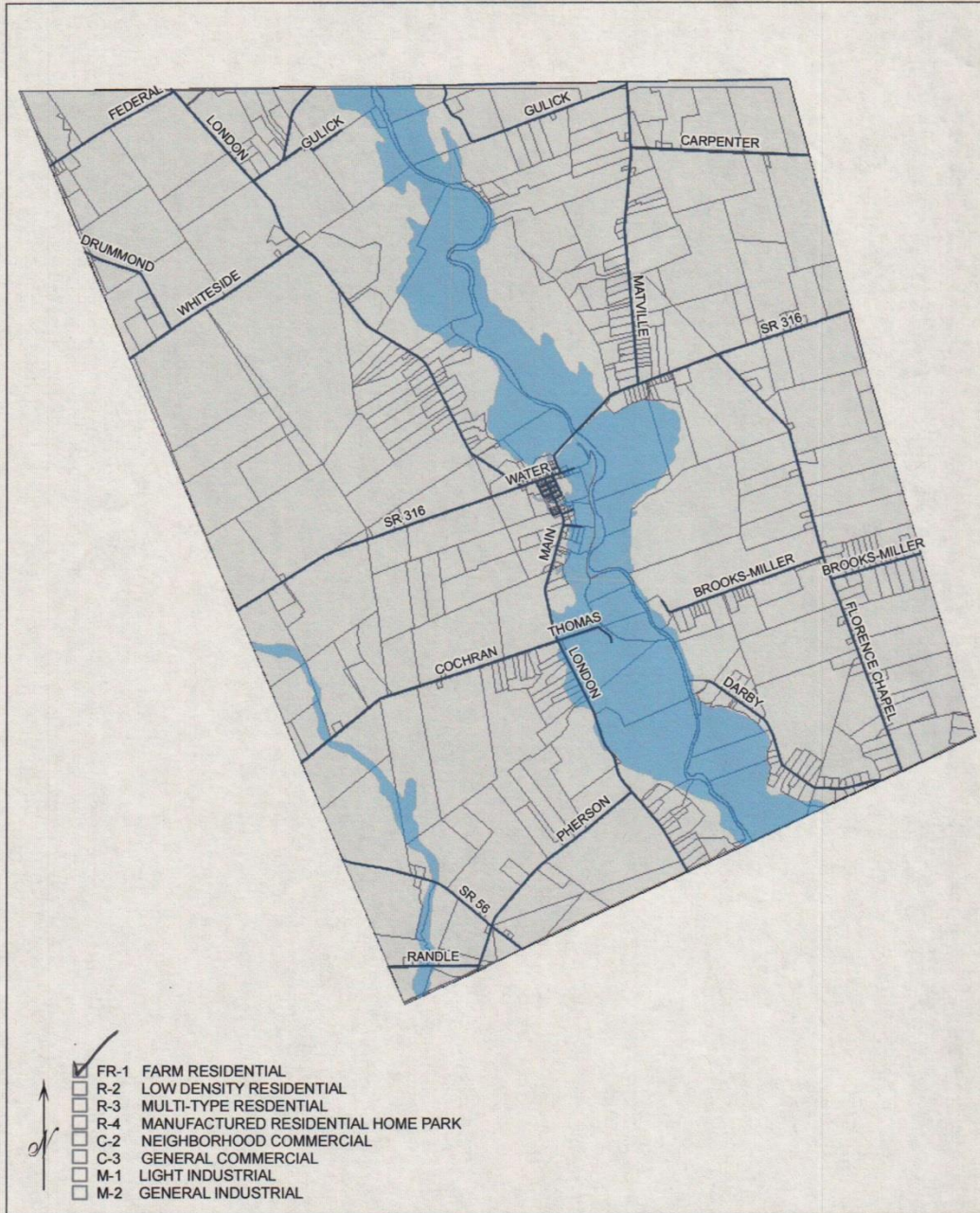
a) Where district boundaries are indicated approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such as center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.

- b) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- c) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines of right-of-way lines of highways, such district boundaries shall be construed parallel thereto and at such distance as indicated on the zoning map. If no such distance is given, the dimension shall be determined by the use of the scale shown on said zoning map.
- d) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad lines.
- e) Where the boundary of a district follows a stream or other body of water, the center line of the body of water shall be deemed to be the boundary of the zoning district unless otherwise indicated.
- f) Where the boundary of a district follows a stream or other body of water, the center line of the body of water shall be deemed to be the boundary of the zoning district unless otherwise indicated.
- g) Questions concerning the exact location of district boundary lines shall be determined by the Zoning Inspector, subject to the owners' right of appeal to the Board of Zoning Appeals as provided herein.

Section 5.05 – ZONING MAP: The official zoning map shall be maintained by the Zoning Inspector and the same shall be accessible to the public at all reasonable times.

MUHLENBERG TOWNSHIP

FLOOD HAZARD AREA



Pickaway County Office of Development & Planning 2008

ARTICLE VI – APPLICATION OF RESOLUTION

Section 6.01 – CONFORMANCE REQUIRED: Except as otherwise provided herein, no building (temporary or permanent) or part thereof shall be moved on the site, erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used or occupied, other than in strict conformance with all the use and development regulations established by this Resolution for the district in which the structure or land is located. All buildings shall conform to state and local building codes in effect on the date that construction of the structure or any alteration thereto is commenced.

Section 6.02 – AGRICULTURE: Nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes or the construction or use of building or structures incident to the use for agricultural purposes of the land on which such building or structures are located, and no zoning certificate shall be required for any such use, building or structure.

Agricultural activities may be prohibited or regulated in some zoning districts. The following statement is from Section 519.21 of the Ohio Revised Code:

(B) A township zoning resolution, or an amendment to such resolution, may in any platted subdivision approved under section [711.05](#), [711.09](#), or [711.10](#) of the Revised Code, or in any area consisting of fifteen or more lots approved under section [711.131](#) of the Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate:

(1) Agriculture on lots of one acre or less;

(2) Buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but not greater than five acres by: set back building lines; height; and size;

(3) Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least thirty-five per cent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under section [4503.06](#) of the Revised Code. After thirty-five per cent of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to section [519.19](#) of the Revised Code.

Section 6.03 – PUBLIC UTILITIES AND RAILROADS: Nothing contained in this Resolution shall prevent the location, erection, construction, reconstruction, change alteration, maintenance, removal, use or enlargement of any building or structure of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business. The term "operation of its business" shall not be deemed to include general offices or other uses not related directly to provision of utility services.

Cellular telephone towers may be regulated or limited in placement in residential districts by this Resolution, when notifications requirements of the Ohio Revised Code dealing with sitting are complied with by adjoining neighbors and/or by the Township Trustees.

Section 6.04 – SALE OF ALCOHOLIC BEVERAGES: Nothing contained in this Resolution shall confer powers on the Zoning Commission, Board of Trustees, or Board of Zoning Appeals to prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, or restaurant is permitted.

Section 6.05 – BUILDINGS UNDER CONSTRUCTION AND NEW CONSTRUCTION: Nothing contained in this Resolution shall require any change in the plans, construction, size or designated use of a building upon which construction was begun before the effective date of this Resolution or applicable amendments hereof. The Zoning Inspector may require proof in the form of an affidavit or other similar documents that the original intended use of the building has not been changed. The foundation shall have been started within six months from the effective date of this Resolution. The ground story framework, including structural parts of the second floor, shall have been completed within one (1) year and the entire building completed within two (2) years after the effective date of this Resolution or applicable textual amendments hereto.

Section 6.06 – ISSUED ZONING CERTIFICATES: Any new proposed construction for which a zoning certificate is issued shall have been started within six (6) months of issuance of said permit, and the ground story framework including structural parts of a second floor, shall have been completed within one (1) year after the issuance of the zoning certificate; provided, however, that any project or building originally contemplated to be constructed in phases or for a period longer than one (1) year may be completed in phases or during such extended time if in accordance with a timetable placed on file with the Township and with the original request for the certificate. In no case shall the timetable for phased construction be more than two years.

ARTICLE VII - RESERVED

ARTICLE VIII – FARM RESIDENTIAL DISTRICT (FR-1)

Section 8.01 – Purpose: There is created within Muhlenberg Township a Farm Residential District to provide for the use of appropriate lands for continued agricultural purposes and to permit construction of low density single family residences and other essentially non-urban types of residential and agricultural activities so that the basically rural character of these areas may be preserved and maintained.

Section 8.02 – APPLICATION: All lands in Muhlenberg Township not otherwise zoned shall be controlled by the provisions of this Article of the Zoning Resolution.

All lots or town lots which are located within the limits of Muhlenberg Township and which were duly recorded upon the plat thereof in the Plat Records of the Recorder's Office, Pickaway County, Ohio, at the effective date of this amendment to the Zoning Resolution shall be considered legal residential lots and nothing in this Resolution shall be construed to prohibit the use thereof for residential purposes.

Section 8.03 – PERMITTED USES: Within the Farm Residential District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- a) Single family dwellings. (Limited to one single family dwelling per parcel, tract or lot)
- b) Accessory buildings and accessory uses including private garages, private swimming pools and an apartment for full time domestic help employed on the premises or full-time farm labor employed upon the premise.
- c) Projects specifically designed for watershed protection, conservation of soil, or water or for flood control.
- d) Agricultural purposes
- e) Roadside sales of agricultural products shall be permitted in this district, provided however, that at least 50% of the gross income from the market is derived from sale of products which are produced on lands farmed by the proprietor of said sales stand. The stand and its parking area shall be outside of the road right of way and shall not interfere with traffic on adjacent thoroughfares. No permanent buildings or structures shall be placed without permission of the Board of Zoning Appeals and issuance of a conditional use permit.
- f) Temporary structures such as manufactured/mobile homes and temporary buildings of a non-residential character may be used incident to construction work of the premises or on adjacent public projects or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such

temporary use, which permit shall be valid for 6 months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he/she deems necessary. The fees for such permit and renewals thereof shall be established by the board of Township Trustees. Said temporary structure shall be removed not later than 10 days after expiration of said permit.

Section 8.04 – CONDITIONAL USES: Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one year from the date of BZA approval, or if said use is discontinued for a period in excess of two years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and /or structure wherein the same is located or upon which the same is granted shall void the conditional use permit, and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning appeals. A designation by the board of zoning appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

a) Home occupations conducted by the resident of a permitted dwelling subject to the following restrictions:

1) The home occupation shall be carried on solely within the confines of the residential structures and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.

2) Only one sign, not larger than 6 square feet and 4 feet in height above grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building.

3) Only immediate family members shall be employed on said premises.

4) All parking demands created by the conduct of a home occupation shall be met off the street and other than in front yard. Off street parking may be permitted in a side or rear yard, but shall not be located any closer to the street than the required setback line. The home occupation shall have the required number of off street parking spaces as required for the residential use, plus the number of required spaces for the most similar commercial use.

5) No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference, or other nuisance detectable to normal senses off the lot. All activities, materials, and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create a fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.

6) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Pickaway County Department of Health and do not create a burden on adjoining property.

7) No activity shall be conducted or permitted which creates a nuisance to neighboring property.

8) All activities, materials, and equipment associated with the home occupation shall be totally maintained within the home or accessory buildings.

9) The use of the dwelling unit and its accessory buildings shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than 20 percent of the total floor area of the dwelling unit shall be used in the conduct of the home occupation, nor more than 50 percent of the floor area of any garage or accessory building.

b) Private Schools or colleges.

c) Kindergarten or Child Care Facilities. The building shall be architecturally compatible with the neighborhood and provisions shall be made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. or adjacent yards.

d) Churches or other places of worship

e) Playgrounds, playfields, Picnic Areas and Summer Camps.

f) Cemeteries providing the same occupy a tract of not less than 100 acres.

g) Borrow Pits, provided the excavation is completed within one year and the contractor posts such bond as required by the Board of Township Trustees, Board of county Commissioners and/or the county Engineer to ensure compliance with the restrictions and conditions imposed to insure regarding, reseeding and general restoration of the area including haul roads. All applications or plans submitted

incident thereto shall be reviewed by the Pickaway county Engineer, and his comments shall be included in the record regarding the matter. An extension of the time limit may be approved by the Board of zoning Appeals.

h) Boarding Kennels and Animal Shelters subject to the following conditions:

1) No building or structure used for the purpose of a boarding kennel or animal shelter shall be located closer than 200 feet from the lot line of any residence, church, school, or institution of human care.

2) Such use can be safely conducted in a manner designed not to cause any interference with the right of quiet enjoyment by the residents of adjoining properties.

i) Group homes or residential care facilities in which not more than 8 persons are provided with room, board, specialized care, rehabilitative services and supervision in a family environment. All such facilities shall possess all approvals and/or licenses as required by state or local agencies.

j) Permanent structures or improvements used for roadside sale of agricultural products produced on the premises.

k) Private landing fields and hangers for aircraft, ultra lights and helicopters for use by the owner of the property and his guest provided that no commercial activities take place on the property.

l) Bed and Breakfast home provided that:

1) A maximum of eight short-term guests may be housed.

m) Cellular telephone towers, when notification of objection to the siting of the cellular tower is met, per requirements of Section 519.211 of the Ohio Revised Code, cellular towers shall be located 1000 feet from any residence or any recorded platted residential subdivision lot. No tower shall be constructed to a height greater than the distance of the base of the tower to the nearest property line of said tract.

n) One occupied mobile home to be occupied by fulltime farm labor only, and provided that said mobile home is installed in compliance with rules and regulations established by the Pickaway county Health Department. Not more than one mobile home shall be located on any farm within this township.

Section 8.05 – PROHIBITED USES:

a) No use not specifically authorized by the express terms of this chapter of the Zoning Resolution shall be permitted.

- b) Outdoor storage of inoperable or unlicensed motor vehicles for a period exceeding 14 days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c) No motor home, mobile home, or camper of any type may be occupied by a guest of the resident owner for more than 14 days.
- d) Except as specifically permitted in Section 8.03 (e) and 8.04 (n) herein no manufactured/mobile home which does not meet the Ohio Basic Building code shall be placed or occupied in this district.
- e) In subdivided areas which meet the requirements of Section 711.131 of the Ohio Revised code the keeping of livestock and poultry is prohibited except for the keeping of animals for youth club activities such as 4H, FFA, or similar groups, which shall be a permitted use in the FR-1 District.

Section 8.06 – DEVELOPMENT STANDARDS: All land and uses within the Farm Residential District (FR-1) shall be developed in strict compliance with the following standards:

- a) Lot Area: No parcel of land in the district shall be used for residential purposes which has an area of less than 2 acres exclusive of all road right-of-way. All other uses in this district shall have such lot area as prescribed by the article permitting such use or as prescribed by the Township board of Zoning Appeals as a condition of the approval of such use.
- b) Lot Area, Newly Created Lots: No parcel of land in the district shall be used for residential purposes unless it is either (1) a master parcel as herein defined or (2) a lot created by a lot split out of the master parcel which shall be two acres, exclusive of all road rights-of-way. The number of lots permitted to be split or created out of the master parcel shall be determined by the following schedule:

ACRE MASTER PARCEL	NEW LOT SPLITS
Greater than 3 acres, up to 10 acres	1 new lot
Greater than 10 acres, up to 50 acres	2 new lots
Greater than 50 acres, up to 100 acres	3 new lots
Greater than 100 acres, up to 150 acres	4 new lots
Greater than 150 acres, up to 200 acres	5 new lots

Greater than 200 acres, up to 250 acres

6 new lots

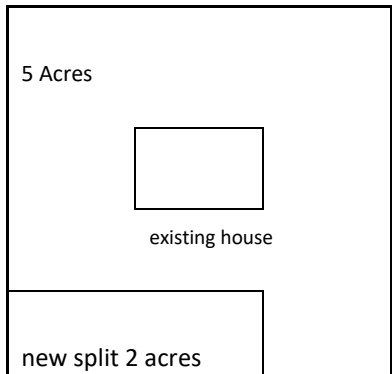
Greater than 250 acres

7 new lots

All lot splits for which the number does not conform to the above schedule shall be subject to the review under Article 300 et. seq. of the Pickaway County Subdivision Regulations.

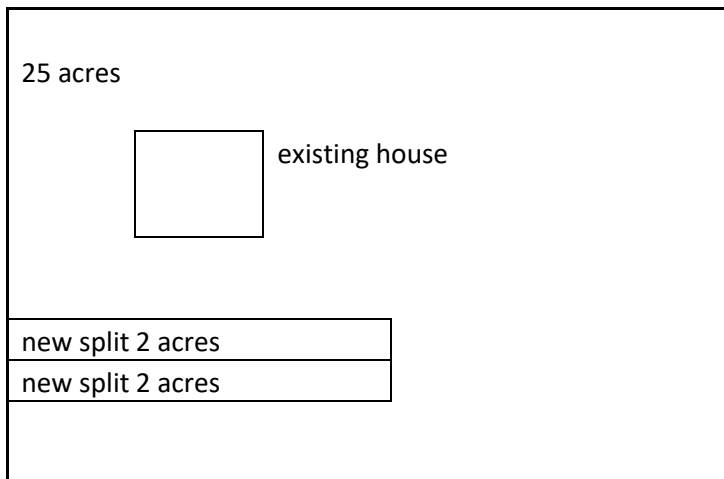
The following diagrams are illustrative of permissible newly created lots under Section 8.06. These diagrams are not to scale and are included for the sole purpose of additional explanation and clarification of this section.

greater than 3 acres, up to 10 acres



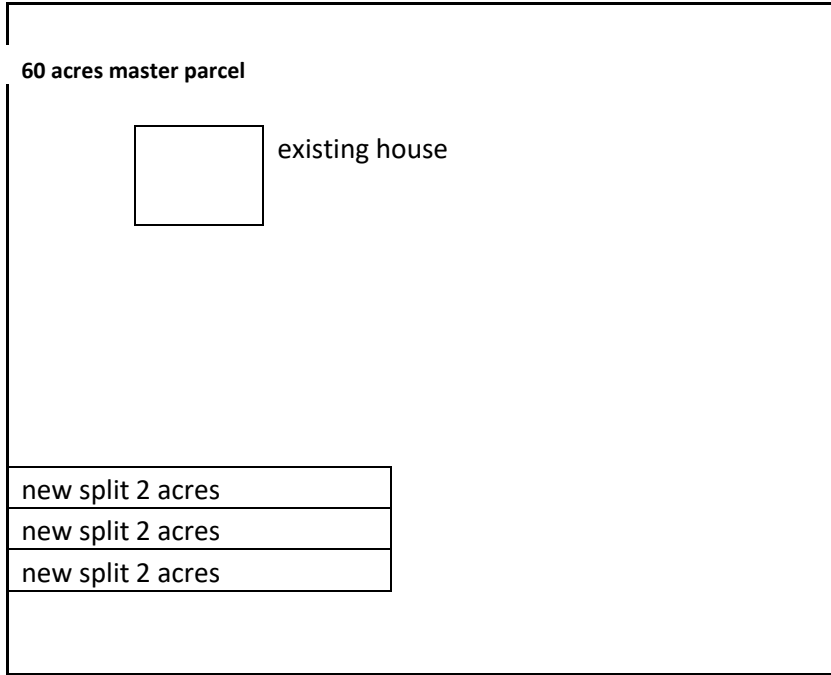
5 acre master parcel
1 newly created lot permitted

greater than 10 acres up to 50 acres



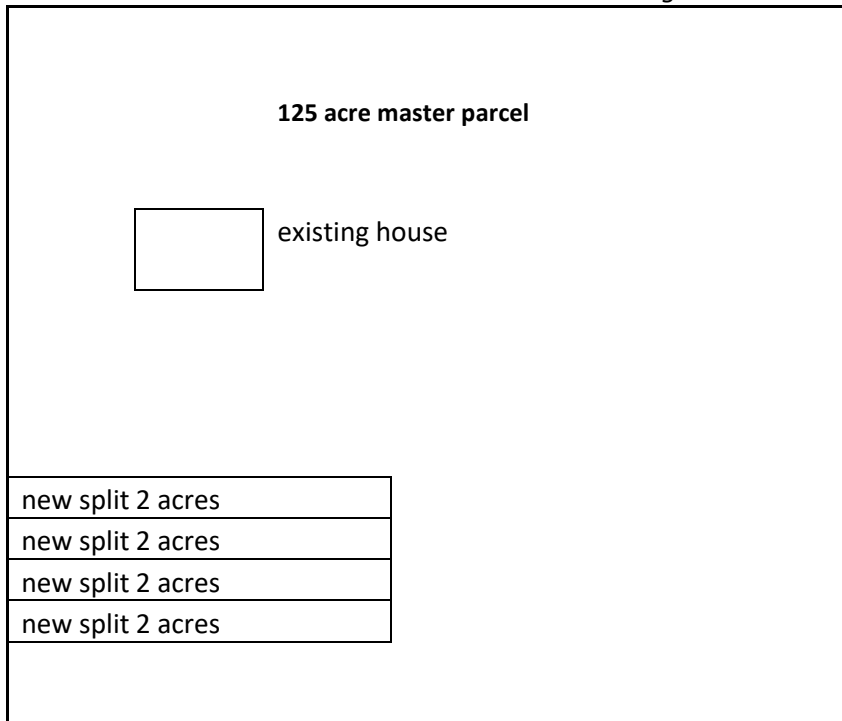
25 acre master parcel
2 newly created lots permitted

greater than 50 acres up to 100 acres

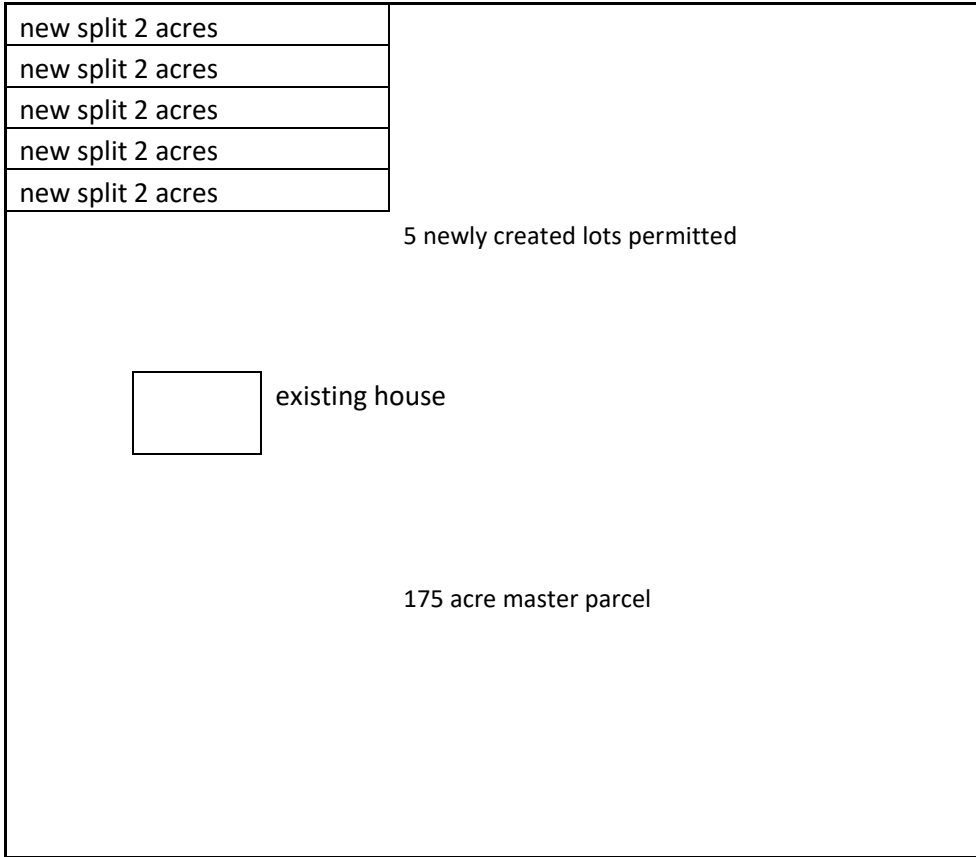


3 newly created lots permitted

greater than 100 acres up to 150 acres

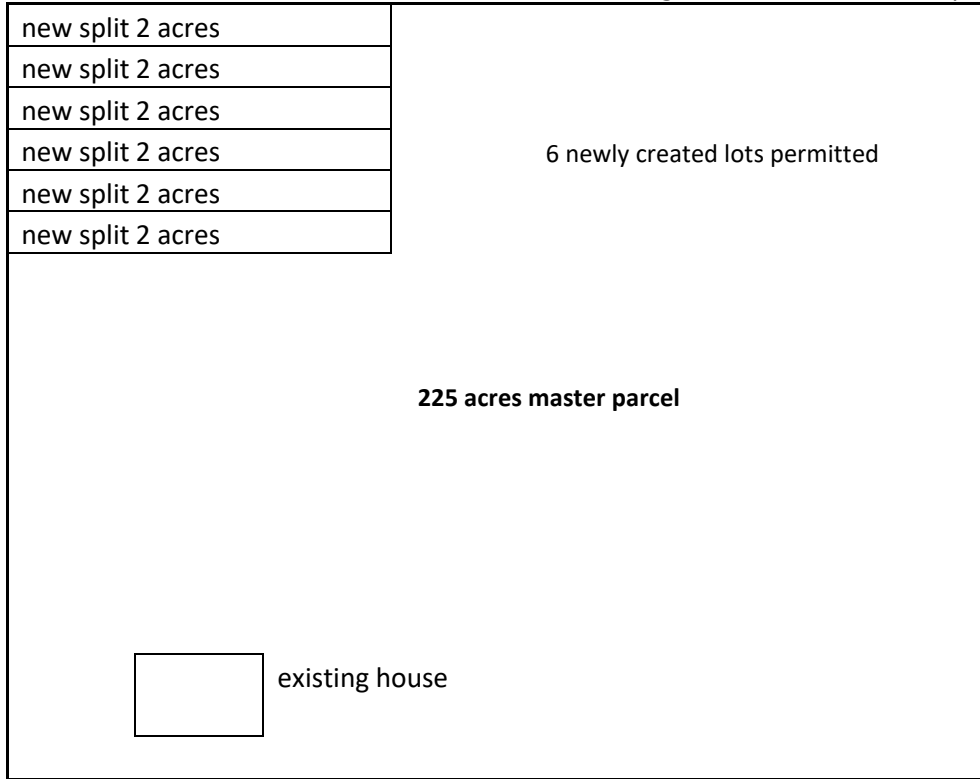


4 newly created lots permitted

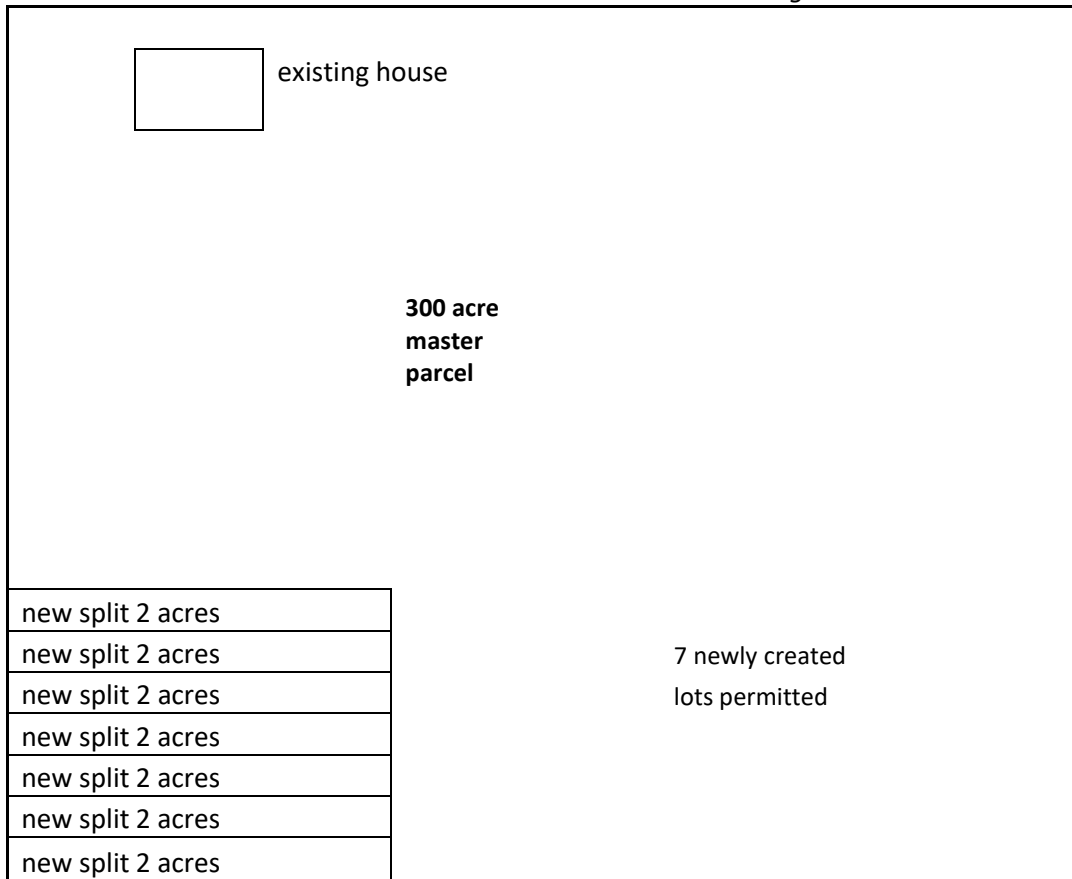


+

greater than 200 acres up to 250 acres



greater than 250 acres



Section 8.06 – DEVELOPMENT STANDARDS:

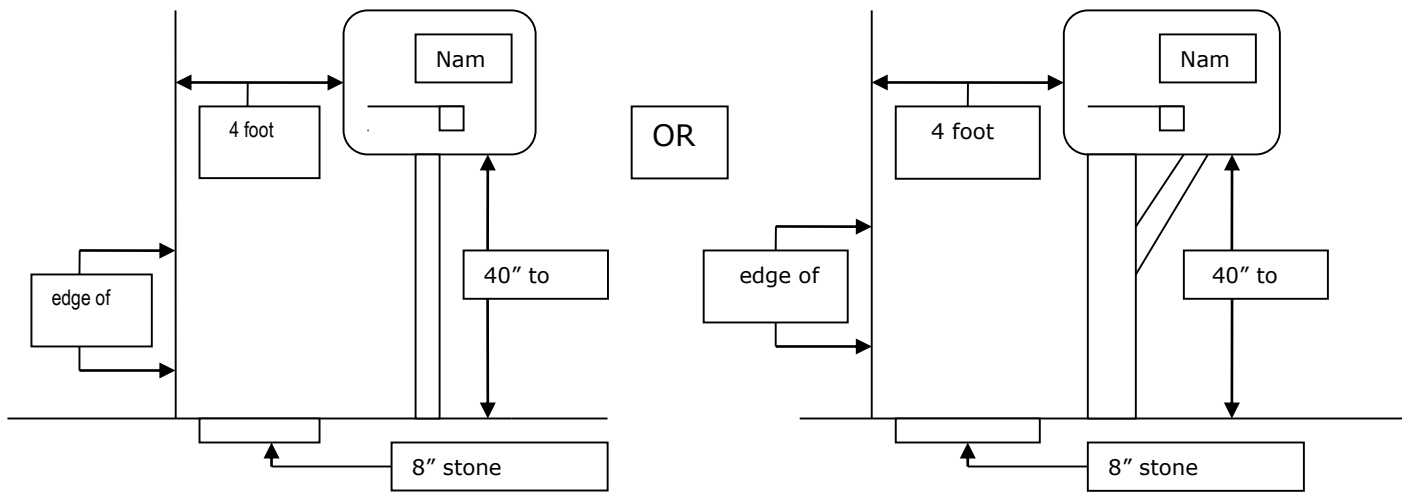
c) Building Height Limits - No building in this district shall exceed 35 feet in height measured from the finished first floor grade. Chimneys, barns, silos, grain handling conveyors, church spires, domes, flag poles, and elevator shafts are exempted from any height regulation and may be erected to any safe height. No windmills, aerial, antenna, or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract and not to exceed 100 feet in height.

d) Building Dimensions (Living area requirements) – Each single family dwelling hereafter erected in this district shall have a living area of not less than 1000 square feet.

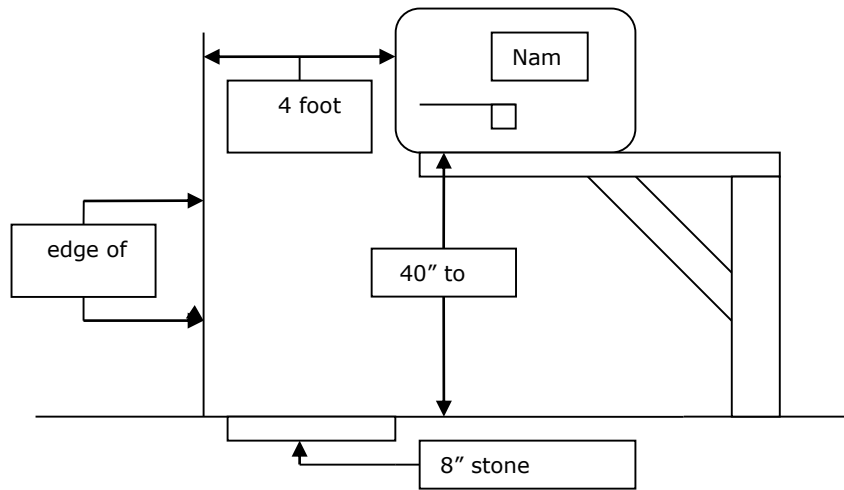
- e) Building Set Back – No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 21.09
- f) Side Yard Set Back – No building or structure shall be located closer than 25 feet to any side lot line.
- g) Rear yard Requirements - No principal dwelling shall be located closer than 80 feet to the rear line of any lot, and no accessory building shall be located closer than 15 feet to the rear lot line.
- h) Parking - Off street parking shall be provided at the time of construction of the main structure or building. A garage space with minimum space for two standard size automobiles shall be provided for each dwelling structure.
- i) Lot Depth - No lot shall have an average depth which is more than 3 ½ times its average width unless otherwise allowed by the Board of Zoning Appeals. Tracts that exceed 20 acres are exempt from this requirement.
- j) Combination of Lots – No newly created lot, created under Section 8.06 (b) may be combined with any adjoining lot without the grant of a variance from the Township Board of Zoning Appeals.
- k) Lot Frontage - Any lot or parcel within this zoning district shall have 250 feet minimum continuous frontage on a county approved road.
- l) Clear Vision Triangle - All lots shall comply with a clear vision triangle of 30 feet at the intersection of its driveway and any public right-of-way.
- m) Lot Width - The lot width of the lot as measured at both the minimum building setback line as provided in subparagraph (e) building Setback above, or where the primary residential structure is constructed if such structure is constructed behind such Minimum Building Setback line, shall be not less than the width of the lot as set forth in subparagraph (k) Lot frontage above.
- n) Access management - All new curb cuts to township roads shall comply with the access management policies and requirements of the Pickaway county Engineer.
- o) Clustering - Reasonable attempts shall be made to cluster newly created lots. Newly created lots should have a property line adjacent to that of a previous newly created lot thereby clustering permitted new lots and preserving the balance of the master parcel.

p) Standard mail box location – All newly constructed homes shall comply with the following diagram for installation of a mail box. **(see next page for diagram)**

Section 8.07 – HOMESTEAD LOTS - Any owner of a Homestead Lot as herein defined, may petition the township board of Zoning Appeals to grant a variance from the strict application of Section 8.06, to permit a split from a master parcel in excess of the two acre requirement. Homestead Lot splits shall not be considered a new split as contemplated by Section 8.06. In addition, the property owner requesting the creation of a Homestead lot shall not be required to pay any Township fee associated with the creation of a new lot.



OR



ARTICLE XXI – GENERAL DEVELOPMENT STANDARDS

Section 21.00 – *GENERAL*: It is the purpose of these development standards to set forth certain general rules to be adhered to regardless of the type or classification for development. They are designed to ensure that the general welfare of citizens of Muhlenberg Township are protected and enhanced. These development standards apply throughout the township. If a conflict exists between these standards and more specific standards prescribed in any individual zoning district the specific provisions of the zoning district in question shall prevail. The standards within this Article are to be considered minimum standards to be augmented by standards set forth elsewhere in this Resolution or prescribed or agreed to by the land owner in any rezoning or variance.

Section 21.01 – *PARKING*: Wherever parking areas are to be provided as required by the provisions of this Zoning Resolution the following conditions shall apply:

- a) **Dimensions** – All parking spaces shall be not less than 9 feet wide and 20 feet long. Such spaces shall be measured rectangular and shall be served by aisle ways of sufficient width to permit easy and smooth access to all parking spaces.
- b) **Paving** – Except in the Farm Residential Zoning District (FR-1) all common parking areas and adjacent aisles or driveways shall be paved with asphaltic material or concrete.
- c) **Driveways** – All driveways serving parking lots for five or more vehicles shall be served by a driveway not less than 20 feet in width but adequate in width to permit easy access to parking spaces. No driveway shall be located so that it enters a public road within 100 feet of the intersection of any two public roads unless there are two driveways serving the lot, one of which is more than 100 feet and the other not less than 40 feet from said intersection. All driveways shall be located and the adjoining lots graded so that vehicular traffic entering a public road has an unobstructed sight distance of at least 300 feet.
- d) **Parking Area Location** – No driveway, parking lot or parking areas shall be located nearer than 6 feet to the side or rear line of the tract on which the structure is located, and parking in front of the main structure may be permitted only if not more 40% of the front set back area outside of the right-of-way is occupied by parking. All required parking spaces shall be located on the same lot with the building or use served.
- e) **Required Off Street Parking Spaces** – The user of any tract shall provide off street parking for all employees, customers, visitors, and guests. The following table shall specify the minimum parking areas to be provided.

USE	REQUIRED PARKING SPACES
1) Single Family Residential (FR-1) and (R-2)	4 per dwelling unit
2) All other residential	3 per dwelling unit
3) Hotels, motels, lodges (without public meeting facilities)	1 per rental unit plus 1 per employee on largest shift plus 1 for each four seats in the dining room or restaurant area.
4) Hotels, motels, lodges, exhibition Halls, and assembly areas. (except churches)	1 per rental unit plus 1 per employee on The public largest shift plus 1 per 75 sq. ft. of floor area used for exhibition or assembly purposes plus 1 per 4 seats in any restaurant.
5) Churches or places of public assembly	1 for each three seats or 1 for each forty five (45) sq. ft. of assembly area, whichever is greater.
6) Hospitals	1 1/2 for each bed plus 1 for each employee on the largest shift.
7) Nursing Homes	1 for each 2 beds plus 1 for each employee on the largest shift.
8) Museums, libraries, etc.	1 for each 400 sq. ft. of area open to public plus 1 for each employee on the largest shift.
9) Primary or elementary schools	4 for each classroom
10) Secondary schools, colleges, trade Schools, etc.	4 for each classroom plus 1 for each four students.
11) Restaurants	1 for each two seats plus 1 for each employee on the largest shift. Not less than 25 parking spaces shall be provided.
12) Offices	1 for each 400 sq. ft. of floor area plus 1 for each employee.
13) Funeral Homes	1 for each 25 sq. ft. of public space
14) Retail Stores	5 plus 1 for every four hundred (400) sq. ft. of floor space.
15) All industrial warehousing	20, plus 1 for each two employees plus 1 for each vehicle maintained on the premises.

Any application for initial construction or use or for the expansion of any structure or use shall include plans for adequate off street parking as required.

Section 21.02 – *HEIGHT LIMITATIONS*: The building height limitations set forth in this Resolution shall not apply to church spires, domes, chimneys, cooling towers, elevator shafts, fire towers, belfries, monuments, stacks, derricks, conveyors, stage towers, tanks, water towers, or necessary mechanical appurtenances which may be erected to any safe and lawful height. Windmills, aerials, antenna, or towers if otherwise permitted may be constructed to a height not greater than the distance from the center of the base to the nearest property line of said tract.

Section 21.03 - *STRUCTURE SEPARATION*: No principal structure shall be located closer than 25 feet to another principal structure unless the adjacent walls of both structures are masonry in which event said principal structures shall be no closer than 15 feet. No principal structure shall be located closer than 15 feet to another principal structure unless one of said structures has, as its exterior facing wall, a fire wall, free of any opening and capable of stopping the spread of any fire.

Section 21.04 – *SANITARY SEWER REQUIREMENTS AND POLLUTION CONTROL*: All uses shall be conducted in conformance with the regulations promulgated by the Environmental Protection Agency and the Pickaway County Department of Health. Prior to issuance of any zoning certificate, evidence of compliance with said regulations shall be presented to the Zoning Inspector.

Section 21.05 – *WATER IMPOUNDMENTS*: All water impoundments such as ponds, lakes, or swimming pools shall be constructed and developed in compliance with the following standards:

a) Except adjacent to Class "A" Roadway no impoundment shall be located closer than 25 feet to the right of way or 55 feet of the center line of any adjacent approved road. No impoundment shall be located closer than 50 feet to the right of way of a Class "A" roadway.

b) No impoundment shall be located in the front yard in any district except the FR-1 District or upon issuance of a conditional use permit pursuant to Article XXVIII of this Resolution or as approved in plans of development or approved subdivision plats.

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

Section 21.06 – *LANDSCAPING*: All uses and improvements in the township should pay close attention to maintenance of proper landscaping as soon as possible after completion of construction of the principal structures or improvements. Maintenance of ground cover at all times is encouraged to prevent erosion.

Replacement of trees removed during the land clearing, should be accomplished as soon as possible.

Section 21.07 – *DRAINAGE*: All construction within this township shall be accomplished in a manner consistent with maintenance of good surface drainage. In all improvements or uses where submittal of drainage plans is not specifically required, every reasonable effort shall be made to ensure that proper drainage on the subject property and adjacent or servient properties is maintained or improved.

In no event shall any person interdict or interfere with any existing tile or surface drain channel unless it is determined that such tile or channel can be removed or relocated without interfering with the drainage on adjacent properties.

Section 21.08 – *FLOOD PLAIN REGULATION*: Certain limited areas of the Township lie within the flood plain of the County controlled Big Darby Creek and its tributaries. Inundation of those areas during periods of high water can impose great loss of property value unless controls are imposed to ensure that land use within those areas consider such risks and minimize uses, in the best interest of the Township, the following regulation shall be imposed:

a) The Township Trustees shall maintain on file for public examination, the Pickaway County Flood Insurance Rate Maps (FIRM) which are the legal basis of “flood plains”. Community – Panel Numbers 390445 0025 C and 390445 0075 C and any revisions there to cover Muhlenberg Township and delineate the boundaries of land that is classified as “flood plain” according to the Federal Emergency Management Agency.

b) Open space uses shall be permitted within the flood plain to the extent that they are permitted within the zoning district controlling use of said land and provide they do not require structures, fill, or storage of material or equipment.

c) No “development” as defined by the Special Purpose Flood Damage Prevention Resolution adopted by Pickaway County on September 27, 1991, as amended, shall be permitted within the “flood plain” unless all township and county criteria are met. (See Pickaway county Flood Plain Administrator for county criteria).

“Development” for the purposes of this section means any man made change to improve or unimproved real estate, including but not limited to buildings or other structures, mining, dredging filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

d) No dredging or stream bank work shall be permitted within the channel or “floodway” portion of the “floodplain” as defined in the Pickaway County Special Purpose Flood Damage Prevention Resolution unless the applicant provides evidence the board of Zoning Appeals that all County, State, and Federal permits are issued as required by law.

Section 21.09 – *SET BACK REGULATIONS*: No building or use (except parking areas) shall be located closer to the center line of adjoining streets, roads, highways, or approved private roadways than the distances set forth in the following table. For purposes of this chart or table and for all other purposes of the zoning resolution, streets, roads, highways, and approved private roadways shall be classified in one of the three following classes:

a) CLASS A – Roadways designated by Muhlenberg Township, Pickaway county, Ohio as CLASS A roads and the following listed roads within the township to wit: S.R. 316, S.R. 56, London Road and any other roads as later designated by the Trustees of the Township.

b) CLASS B - Any other through public street or road or any private roadway approved by the County Engineer connection two or more public roads.

c) CLASS C - Dead end roads ending at a cul-de-sax or approved turn around when the lot configuration or approved plan precludes future extension of said roadway or any branch to create a connection street between two or more existing or future streets or roads.

All distances are measured from the center line of the existing or proposed roadway to the nearest use or improvement, except parking areas or signs which may be located within the setback area as regulated by Article XXI more than on street, road, or alley shall meet the setback requirement of each street, road, or alley.

	CLASS A	CLASS B	CLASS C
FR-1 Residential	100	90	90
	CLASS A	CLASS B	CLASS C
R-2 Residential	100	75	60
R-3 Residential	100	75	60
MHP Residential Manufactured Home Park	100	90	90
C-1 Neighborhood Commercial	100	80	60
C-2 General Commercial	100	80	60
I Light Industrial	120	120	100
GID General Industrial	120	120	100

Section 21.10 – *DRIVEWAY CONSTRUCTION*: It being considered important that driveways serving any property or use be constructed in a manner which ensures access by emergency vehicles and the free and safe flow of traffic from public streets or roads, the following standards are required for such driveways:

a) All driveways for any use: In addition to the conditions or specifications imposed in subsections (b) or (c) the following specifications are required for all driveways, regardless of the use served:

1) Driveway shall not have a grade, up or down from the public road pavement level exceeding 8% for a minimum of 25 feet.

2) Driveway shall not at any point over its entire length, contain a grade exceeding 12%.

3) At the point the driveway intersects the public road, the same shall have such radii and drain pipe as specified or required by the governmental agency (State, County, or Township) which controls the public roadway. Drainage pipes shall be a minimum of 12 inches in diameter and should be sized to handle a five year storm.

4) If the driveway leaves the public road on an upgrade, the design and construction shall include a vertical curve or saddle to prevent the flow of surface drainage from said driveway onto the traveled portion of the public road.

5) If any driveway crosses a drainage swale, stream or ditch the same should be bridged by pipe or such structure s\as required to permit the unobstructed passage of all surface water generated by a five year storm. Any pipe should be of sufficient length to extend not less than 3 feet beyond the toe of the slope of the fill over said pipe unless a properly designed headwall is installed to protect the end of such pipe. Any bridge or structure spanning a stream or ditch should be designed to HS 15 loading by a professional Engineer. No bridge should be less than 12 feet in width. If the driveway serves a commercial or industrial use, the bridge should be not less than 18 feet in width.

6) If a fill is placed over any drainage structure or placed to alter the grade of any driveway, the vertical slopes on said fill shall be no steeper than a two to one slope. All fill areas shall be scalped of vegetation and excavated to load bearing soil before fill material is placed over it. Such fill shall be free of all humus and organic material and should be compacted to a density of 95% proctor. The fill shall be of sufficient width to include a compacted berm beside the graveled or paved area of reasonable width to facilitate safe passage of vehicles. Guardrails or barriers shall be installed when necessary to create safe conditions.

7) Drainage ditches shall be constructed as necessary parallel to said driveway, which ditch should be graded to a good and sufficient outlet. Siltation control should be placed in any ditch and such siltation should not flow to roadside ditches along public roads.

8) All curves in the driveway shall be of sufficient radius (not less than 50 feet) to permit unhindered passage of public safety vehicles including fire vehicles and all other vehicles reasonable expected to utilize the same.

9) All trees, overhanging branches, or other obstructions to the free passage of public safety vehicles shall be removed.

10) Obstructions on the prevailing windward side of the driveway which contribute to drifting snow shall when possible, be removed.

11) An adequate open area shall be provided at the end of the driveway to allow emergency and fire vehicles to turn around.

b) Residential Driveways: In addition to the conditions imposed by Section 21.11(a), the following standards are required for driveways serving residential structures or uses:

1) Driveways serving individual residential structures shall not be less than 10 feet in width and shall be constructed over an aggregate base of reasonable depth.

2) If the driveway serves two or more residences, the same shall be 12 feet in width and shall be constructed over an aggregate base of reasonable depth.

3) If any residential driveway is over 500 feet in length, widened paved passing areas at least 15 feet in width shall be provided at reasonable intervals, not more than 300 feet distance from each other, to permit the free passage to traffic over said drive.

4) Dust control shall be provided on an "as needed" basis.

c) Commercial, Industrial, Public Facility, and Apartment Complex Driveways: In addition to the conditions recommended by Section 21.11(a), the following standards are required for driveways serving all commercial and industrial uses and apartment complexes containing ten or more units and served by a common parking area:

1) Driveways shall be not less than 20 feet in width.

2) Driveway base and surface shall be designed by a professional engineer to sufficient depth for anticipated use and access by public safety vehicles.

3) The finished surface of the driveway shall be hard surfaced and may be of any Ohio Department of Transportation approved materials.

Section 21.11 – ***STREET OR DRIVEWAY VISION CLEARANCE:***

a) On a corner lot no fence or other structure more than 3 ½ feet in height above the planes of the established grades of the street shall be erected on any part of the front yard or side yard that is included within the street lines of the intersection streets and a line connecting said street lines at a point which is 30 feet from their point of intersection measured along said street lines, and no planting of foliage over 3 ½ feet high shall be maintained within such area. (exception: planting of foliage not over 2 feet in diameter at a point 3 ½ feet in height above the planes of the established grades of the intersection streets, and whose foliage is kept trimmed to such diameter up to at least 10 feet above grade, shall be permitted).

b) No fence which is more than 3 ½ feet in height above the plane of the finished grade of the lots at the subdivision line between lots shall be erected along said division lines unless no part of said fence is within 20 feet of any residence building located on said lot or abutting lot and in no instance nearer than 20 feet to any street line.

Section 21.12 – ***BIG DARBY SCENIC RIVER:*** The section of the Big Darby Creek which flows through the unincorporated area of Muhlenberg Township, has been designated a State Scenic river. The Township recognizes the need to protect the river and to preserve it for future generations. The Township encourages that a natural buffer of 120 feet in width from low water be maintained. No structure shall be constructed within the 120 foot zone.

ARTICLE XXII – SIGN AND BILLBOARD REGULATION

Section 22.01 – ***PURPOSE:*** The purpose of this sign regulation is to promote and protect the public health by regulating existing and proposed outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance, preserve the scenic and natural beauty of the communities and countryside, reduce sign distraction and obstructions that may contribute to traffic accidents, provide more open space and general curb the deterioration of the natural environment.

Section 22.02 – ***PERMITTED SIGNS / NO PERMIT REQUIRED:***

The following signs shall be permitted in the Township subject to the regulation set forth herein. No zoning subject to the regulations set forth herein. No zoning permit shall be required for any sign constructed or erected under the terms of this article.

a) Signs for Sale, Lease, or Rent of the premises on which the sign is located. Not more than two signs shall be displayed on any lot or parcel. Such signs shall not be illuminated, and shall not exceed 6 square feet of area per side, with not more than two sides, or signs of the same size identifying the builder or contractor. All such signs shall be removed within 30 days after occupancy.

b) Vehicular Signs – Directional or other incidental signs pertaining to vehicular or pedestrian control on private property shall be permitted, provided that said signs are located outside the right of way of any public street or road, do not exceed 4 square feet of area per side, and do not interfere or obstruct visibility when entering or leaving said property.

c) Political Signs – The erection of political signs shall be permitted in any district of the Township provided that said signs:

1) Do not interfere with visibility of vehicular traffic entering or leaving the highway.

2) May be posted and removed without destruction of public or private property.

3) Designate the name and address of the person charged with removal of the sign.

4) Shall be placed outside the road right of way.

d) Temporary Signs announcing special public or institutional events. Such signs shall not exceed 32 square feet in area per side and shall not be permitted more than 30 days prior to the planned event, nor more than 7 days after said event. Such sign shall designate the name and address of the person charged with the duty of removing said sign.

e) Farm Signs denoting the name and address of the occupants, denoting produce for products for sale on the premises, and denoting membership in organizations. No more than one sign of any type may be permitted, and it shall be located outside the road right of way. Advertising signs may not exceed 32 square feet of area per side and all other signs shall be limited to 4 square feet per side.

f) Signs for Home Occupations – One sign per lot shall be permitted in any residential district for the purpose of announcing a home occupation which has complied with all conditions imposed by the Board of Zoning Appeals.

1) Only one sign, not larger than 6 square feet and 4 feet in height above grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building.

2) The sign shall be of a design compatible with the residential character and shall not be animated or lighted.

Section 22.03 – **PERMITTED SIGNS / PERMIT REQUIRED**: The following shall be permitted in areas clearly delineated herein and subject to the reasonable regulation set forth.

a) Outdoor Advertising or Billboards for a product or service not located upon the premises on which the sign is located shall be classified as a business use and shall be permitted in all commercial and industrial district and/or lands used for agricultural purposes subject to regulation set forth herein.

1) No billboard shall exceed 300 square feet in area per side nor have more than two sides.

2) No billboard shall exceed 15 feet in height above the average grade of the site nor have a length in excess of four times the height of the sign face.

3) The use shall comply with the general regulations set forth in other provisions of this Resolution and article.

4) All billboards shall be located in compliance with all local, state, and federal regulations controlling the same. Billboards shall be licensed or permitted as may be required by local, state, or federal agencies.

5) All billboards shall be located behind the building setback lines established for the district in which the sign is located and shall be at least 1000 feet from any residence.

6) No billboard or outdoor advertising sign shall be located nearer than 25 feet to any side lot line.

b) Commercial or Industrial Display Signs – All display signs shall be mounted on the building which houses the business establishment advertised by such signs, except as otherwise specifically authorized by this Resolution. Such signs shall be located on or along a wall of such building which faces a street, parking lot or service drive, and shall not project above the roof line or the cap of parapets of such building, whichever is higher. Signs may be erected on a wall which is an extension of a building wall which faces a street, parking lot or service drive, provided that the design and construction of such extension are architecturally compatible with the building, that such wall does not extend beyond any required building setback line, and does not exceed 12 feet in height or the height of the ceiling of the first floor of the building to which such extension wall is attached, whichever is less. The display area of the sign must be located either on the wall or extension; it may not be located on both.

c) Free Standing Signs which are defined as signs supported by or supported from posts, pillars, columns, or other structures, except signs attached to buildings as described in Section 22.03 (b) of this Resolution.

1) The maximum height of such sign does not exceed 8 feet above the average grade of the site when the sign is located 15 feet from the primary frontage street right of way line. For each additional 3 feet setback from the street right of way, an additional 1 foot in height will be permitted up to a maximum of 15 feet high.

2) The total display area of all surfaces does not exceed 15 square feet when the sign is located 15 feet from the primary frontage street right of way line. For each additional 1 foot setback from the street right of way line, and additional 3 square feet of display area will be permitted up to a maximum of 32 square feet.

3) The display area of any one surface does not exceed 32 square feet.

4) No part of such sign will be closer to any nearest street right of way line than 15 feet, nor closer to any other property line than the applicable building setback line, if the adjoining property is in a Residential District.

5) Such sign will not constitute a traffic hazard or contribute to traffic problems through confusion with traffic control devices, interference with the field of vision of motorists using streets or driveways in the area, or by creating a visual distraction for such motorists.

6) Not more than one free standing sign may be authorized for any one business establishment. Where more than one business land, having an entrance or entrances or parking area or areas used in common by the customers of such establishments, only one free standing sign may be authorized for the entire tract. The existence and boundaries of such tract shall be determined by community for use, rather than by the ownership thereof, it being intended by this provision to limit each shopping center or similar joint operation to one free standing sign, except in the case of a shopping center which is contiguous to two streets which do not intersect each other at a point adjacent to such shopping center, in which case one free standing sign, fronting on each street, may be authorized.

Section 22.04 – **PROHIBITED SIGNS**: The following signs and billboards shall be prohibited in Muhlenberg Township:

a) All signs not specifically permitted by the express terms of the Muhlenberg Township zoning Resolution.

b) Portable signs or billboards, pennants, streamers, flashing lights, string of lights, inflatable devices, or air activated attraction devices.

c) No sign shall be attached to any fence within the right of way of any road. No sign shall be attached to any fence regardless of location without the permission of the owner of the fence.

d) Signs or advertising devices which attempt, or appear to attempt, to direct the movement of traffic, or which interfere with, imitate or resemble an official sign, signal or device.

Section 22.05 – **GENERAL REGULATIONS**: The following regulations and restrictions shall apply to all signs located and erected within Muhlenberg Township, regardless of type, style, location, design or other classification.

a) Location – No sign shall be located within the right of way of any public or private road within the Township, except as noted in Section 22.02(e). Said sign or signs shall be located in strict compliance with this Resolution, in strict compliance with the approved development plan or restrictions imposed by the Board of Zoning Appeals.

b) Lighting –

1) No illuminating device for any sign shall be designed which permits the direct beaming of any light onto adjacent properties, or thoroughfares thereby creating a hazard to vehicular traffic.

2) No flashing, rotating or moving light source shall be permitted on any sign within this Township.

3) All lighting shall conform to the lighting standards of Section SSI of this Resolution.

c) Height – No signs within the Muhlenberg Township shall be erected to a height greater than 15 feet.

d) Sight Interference - No sign shall be permitted in Muhlenberg Township which interferes with the visibility of pedestrian or vehicular traffic entering, leaving or operating on thoroughfares.

e) Stability – Display signs shall be constructed to withstand a wind pressure of at least 30 pounds per square foot of surface, and shall be fastened, suspended or supported so that they will not be a menace to persons or property.

f) Maintenance - all signs or billboards constructed or erected within Muhlenberg Township shall be maintained as follows:

1) all sign surfaces, supports, braces, guides, and anchors shall be kept in repair and in a proper state of preservation by painting or otherwise.

g) Traffic Safety / Colors, etc. - Display signs shall not closely resemble or approximate the shape, form, and color of official traffic signs, signals and devices.

h) Sign Area – The total sign area or display surface of all exterior signs of every nature shall not exceed 3 square feet for each lineal foot of the street frontage of such building, if a one story building, or 4 square feet per foot, if more than one story in height. Street frontage is defined as the total width of that side of the building which faces the street, excluding any extension of a building wall beyond the building itself. In the case of a corner lot or other situation where the building site abuts more than one public street, not including alleys, the applicant shall specify which is the primary frontage, and signs may be permitted on the basis of the area authorized above for each lineal foot of primary street frontage and one half thereof for each lineal foot of other street frontage. The total sign area on any one side of a building shall not exceed the allowable area for such side computed in accordance with the foregoing rules. In the case of a building which does not front on a public street, as in shopping centers, the driving and parking areas adjacent to such building shall be considered as public streets for the purpose of this Resolution, provided that where any such drive or parking area abuts a Residential District, the frontage of the building on such drive or parking area shall not be considered as frontage for such purpose if the distance from such building to the nearest private property in said Residential District is less than 150 feet.

Section 22.06 – **ABANDONED SIGNS:** If any sign or billboard shall become abandoned, in the manner defined herein, such a sign or billboard is declared to be a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and blighting influence on nearby properties. An abandoned sign or billboard is defined as any sign or billboard that meets any one of the following criteria:

a) Any sign or billboard associated with an abandoned nonconforming use.

b) Any sign or bill board that remains after the termination of a business. A business has ceased operations if it is closed to the public for at least on hundred and eighty consecutive days. Seasonal businesses are exempted from this determination, but signs are determined to be abandon when the business has ceased operation for one year.

c) Any sign or billboard that is not maintained in accordance with this Resolution.

When the zoning Inspector finds upon investigation, that a sign or billboard has been abandoned, as defined herein, he shall notify the owner of said sign and the owner of the land on which the sign is located, by certified mail or by personal delivery, of his findings. Such notice shall advise the sign owner that the sign has been declared abandoned and must be removed within thirty days from the date of

mailing of said notice. The sign owner may appeal such decision to the Board of Zoning Appeals as provided in Article XXVIII of this Resolution.

It shall be the duty of the Zoning Inspector to maintain a photograph and file on said sign together with a written report of his finding for submission to the Board of Zoning Appeals upon request.

If the sign is not removed as ordered, the same may be removed by the Township at the expense of the lessee or owner. If the Township is not immediately reimbursed for such costs, the amount thereof shall be certified to the Pickaway County Auditor for collection as a special assessment against the property on which sign is located.

Section 22.07 – **NON-CONFORMING SIGNS OR BILLBOARDS:** any sign or billboard in existence within the Township prior to the effective date of this Article that does not conform with the provisions of this article is considered to be non-conforming. Any sign or billboard that does not conform to the provisions of this Article shall be allowed to continue in its non-conforming status provided the sign or billboard was erected in compliance in all respects with applicable laws in existence on the date of its erection.

A non-conforming sign or billboard shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Article. Should any replacement or relocation take place without being brought into compliance, the sign or billboard shall be existing illegally.

a) The size and structural shape shall not be changed or altered.

b) The copy may be changed, provided that the change applies to the original non-conforming use associated with the sign or billboard and that the change is made by the owner of the sign or billboard at the time the sign or billboard became non-conforming; the copy area shall not be enlarged. Any subsequent owner or user shall bring the sign or billboard into compliance.

c) In the case where damage occurs to the sign or billboard to the extent of 50% or more of either the structure or the replacement value of the sign or billboard, the sign or billboard shall be brought into compliance. Where the damage to the sign or billboard is less than 50% of the structure or its replacement value, the sign or billboard shall be repaired within 30 days, after notification of the sign owner by certified mail.

Section 22.09 – **PERMIT:** No signs, except as provided for in Article 22.02 of this Resolution, shall be erected prior to the issuance of a permit therefor by the Township Zoning Inspector.

a) Fees – The applicant for a permit herein shall pay such fee as is prescribed by the Muhlenberg Township Trustees.

b) Term of Permit - The zoning permit issued pursuant hereto shall be valid so long as the owner complies with the terms and conditions of this zoning Resolution or any amendment thereto.

c) Inspector – Prior to erection, all signs or billboards erected within this township are subject to inspection, whether a permit is required or not. The Township zoning Inspector or any other official of the Township is hereby authorized to enter upon any property of premises to ascertain whether the provisions of this article are being complied with. Such inspection may be made at any reasonable time, and the township Zoning Inspector may order the removal of any sign or billboard that is not maintained in accordance with the provisions of this Resolution.

d) Cancellation of Permit – In the event that the owner of any sign or property fails to comply with the terms of this Zoning Resolution, said permit may be revoked upon compliance with the following terms:

Notice – The Township Zoning Inspector shall notify both the owner of the sign and land upon which it is located of any deficiency or violation of this Resolution. Notice shall be served personally or by ordinary mail at the last known address of the permit holder. The permit holder may seek a hearing on said notice by complying with the provisions of Article XXVIII of this Resolution dealing with revocation of the Conditional use Permit. Failure to correct deficiencies or to appeal the decision of the zoning Inspector within 30 days will result in cancellation of the permit for such sign and said sign shall then be removed as provided by this Resolution.

e) Removal of Signs – The Township Zoning Inspector may effect removal of any sign illegally placed within the right of way of any road within this Township. The Zoning Inspector shall store said sign and shall notify the owner thereof of its location by ordinary mail. If the owner of any sign fails to claim the same within 30 days after mailing of notice by the Zoning Inspector, said sign may be destroyed.

ARTICLE XXIII – Reserved for Future Use

ARTICLE XXIV – NON-CONFORMING USES

Section 24.01 – **CONTINUANCE**: The lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time of enactment of this Zoning Resolution or any amendments hereto, may be continued, although such use does not conform with this Zoning Resolution or amendments hereto, but if any such non-conforming use is voluntarily discontinued for two years or more, any future use shall be in conformity with this Zoning Resolution and amendments hereto.

Section 24.02 – **ABANDONMENT**: A non-conforming use of a building or land which has been abandon shall not thereafter be returned to such non-conforming use. The

enactment of this section shall not in any way effect the force and legality of previous orders requiring the discontinuance of non-conforming uses. A non-conforming use shall be considered abandoned:

- 1) When abandon for a period of two years as specified in the Ohio Revised Code.
- 2) When such non-conforming use has been replaced by a conforming use.
- 3) When such non-conforming use has been changed to another use under a special permit issued by the Board of Zoning Appeals.

Section 24.03 – **RESTORATION**: When a structure, the use of which does not conform to the provisions of this Zoning Resolution, is damaged by fire, explosion, flood, wind, earthquake, or other calamity outside the control of the owner or occupant, to the extent that the cost of restoration is more than 60% of its value, it shall not be restored unless in conformity with the provisions set forth in this Zoning Resolution, as amended, for the district issued by the Board of Zoning Appeals pursuant to Article XXVIII; provided, however, such restoration shall be commenced within ninety (90) days of such calamity and diligently continued until completed. For the purposes of this section “value” shall be defined as the replacement cost accordance with applicable Internal Revenue Guidelines for the structure.

Section 24.04 – **ENLARGEMENT**: No non-conforming building or use may be completed, restored, reconstructed, extended or substituted except upon the granting of a conditional use permit issued by the Board of Zoning appeals pursuant to Article XXVIII and this section.

The Board of Zoning Appeals shall have the power to permit changes and extensions of non-conforming uses as follows:

- a) A non-conforming use of less objectionable nature may be substituted for an existing non-conforming use.
- b) An existing, legal non-conforming use which occupied only a portion of an existing structure or premises may be extended to additional portions of such structure or premises.
- c) The alteration or reconstruction of a non-conforming use, structure, sign or building provided that such will make the non-conforming use substantially more in character with its surroundings.
- d) The extension of a non-conforming use when such extension will substantially make the non-conforming use more in character with its surroundings.
- e) Any extension shall not be more than 50% greater in size than the non-conforming use that existed at the time of passage of this Zoning Resolution.

The Board of zoning Appeals may impose such requirements and conditions as they may deem necessary for the protection of adjacent properties and the public interest.

Section 24.05 – **REPLACEMENT OR SUBSTITUTION OF AN EXISTING NON-CONFORMING MANUFACTURED/MOBILE HOME:**

A legally existing, non-conforming, manufactured/mobile home may be replaced or may have a new home substituted with permission of the Zoning Inspector, subject to the following conditions.

- a) The replacement home shall be as large or greater in size than the home being replaced. Section 24.03(e) does not apply to the home.
- b) The replacement home shall be a maximum of 5 years old.
- c) The replacement home shall be skirted in factory manufactured skirting or with skirting approved by the Board of Zoning Appeals. Such skirting shall be installed within 30 days of the installation of the mobile home.
- d) All yards of the home shall be landscaped to neighborhood standards.
- e) The home shall be installed in compliance with the rules and regulations established by the Pickaway County Health Department.
- f) The placement of substitution of any existing, non-conforming manufactured/mobile home shall meet the current set back requirements of the zoning district in which the home is located.

Section 24.06 – **NON-CONFORMING LOTS:** The construction of a conforming structure and/or the conduct of a permitted use shall be allowed on any lot of record which has an area or permitted use in the Zoning District in which the lot is located. Variance of any development standard other than only through action of the Board of Zoning Appeals in accordance with the provisions of Article XXVIII. Such non-conforming lots must be in separate ownership and not have continuous frontage with other land in the same ownership on the effective date of the applicable amendment to the Zoning Resolution. Otherwise, development shall be permitted only in accordance with the development standards of the Zoning District in which such ownership is located.

ARTICLE XXV – ZONING INSPECTOR – ZONING CERTIFICATES AND APPLICATIONS

Section 25.01 – **TOWNSHIP ZONING INSPECTOR:** The Board of Township Trustees shall appoint a Township Zoning Inspector, together with such assistants as may be necessary. It shall be the duty of the Township Zoning Inspector to compare each zoning certificate application with the then existing zoning map. The Township Zoning Inspector, before entering upon the duties of his office, shall give bond signed by a bonding or surety company authorized to do business in this state, or, at his option, signed by two or more freeholders having real estate in the value of double the amount of the bond over and above all encumbrances to the state, in the sum of not less than one thousand dollars or more than not less than one thousand or more than five thousand dollars as fixed by the Board of Township Trustees. Such surety company or real estate bond shall be approved by the Board of township Trustees, and the bond shall be conditioned upon the faithful performance of such zoning Inspector’s official duties. Such bond shall be deposited with the Township Fiscal Officer. The compensation for such Zoning Inspector shall be set and paid by the Board of Township Trustees.

Section 25.02 – **ZONING CERTIFICATE REQUIRED:** No structure shall hereafter be located, constructed, reconstructed, enlarged, or structurally altered, nor shall any work be started upon the same, nor shall any use of land be commenced until a zoning certificate for same has been issued by the Muhlenberg Township zoning Inspector, which certificate shall state that the proposed building and use comply with all the provisions of this Zoning Resolution or the approved Development Plan. No zoning certificate shall be required for any agricultural building to be erected on land presently used for agricultural purposes or for any building incidental to the agricultural use of the land on certificate be required for use of land or building or construction of any building used for public utility or railroad purposes.

Section 25.03 – **PROCEDURES FOR OBTAINING ZONING CERTIFICATE:** No zoning certificate shall be issued by the Township Zoning Inspector until the zoning certificate application shows that the property is being or is to be used in complete conformity with this Zoning Resolution and the Official Zoning Map. In every case where the lot is not served and is not proposed to be served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Health Officer of Pickaway County of the proposed method of water supply and/or disposal of sanitary wastes. No zoning certificate shall be issued by the Township zoning Inspector until the applicant for said zoning certificate has submitted a plat plan of the area upon which the applicant’s use or structure is proposed. Said plat shall show the type of proposed use, structural

dimensions at the ground, lot dimensions, side, front, and rear yard setbacks, compliance with all applicable development standards, and a signed statement that said applicant will conform to all zoning regulations then in force for said area.

Fees for zoning certificates shall be established by the Township Trustees. This fee shall be required generally for each application and the amount shall be established annually by the Board of Township Trustees.

Section 24.04 – *CONDITIONS OF CERTIFICATE*: No zoning certificate shall be effective for more than one year unless the use specified in the permit is implemented in accordance with the approved plans within said period or timetable attached to said plans.

Section 25.05 – *CERTIFICATE OF COMPLIANCE (Occupancy Permit)*: It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of compliance shall have been issued therefore by the Zoning Inspector, stating that the proposed use of the building or land conforms to the requirements of this Resolution.

Section 25.06 – *TEMPORARY CERTIFICATE OF COMPLIANCE*: A temporary certificate of compliance may be issued by the Zoning Inspector for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, such permit maybe renewed twice at the discretion of the Zoning Inspector.

Section 25.07 – *ZONING CERTIFICATE (CHANGE OF USE)*: No change of use shall be made in any building or part thereof now or hereafter located, constructed, reconstructed, enlarged, or structurally altered except for agricultural purposes, without zoning certificate being issued here fore by the Township Zoning Inspector. No zoning certificate shall be issued to make a change in use unless the changes have been made in conformity with the provisions of this Zoning Resolution, or unless a variance or special permit has been granted by the Board of Zoning Appeals.

Section 25.08 – *NON-CONFORMING USES*: Nothing in this Article shall prevent the continuance of a non-conforming use as hereinbefore authorized unless discontinuance is necessary for the safety of life or property.

Section 25.09 – *RECORDS*: A record of all zoning certificates shall be kept on file in the office of the Township Zoning inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

Section 25.10 – *COMPLAINTS*: The Zoning Inspector shall investigate all complaints received from residents alleging illegal activity and shall report findings to the Township Trustees. The Inspector may require that all such complaints be submitted in writing.

ARTICLE XXVI – ZONING COMMISSION

Section 26.01 – TOWNSHIP ZONING COMMISSION: The Board of Township Trustees hereby creates and establishes a Township Zoning Commission. The Commission shall be composed of five members who reside in the unincorporated area of the township, to be appointed by the Board, and the terms of the township, to be five years and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Zoning commission shall be removable for nonperformance of duty, misconduct in office, or other cause by the Board upon written charges being filed with the Board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten days prior to the hearing, either personally, by registered mail, or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board of Trustees and shall be for the unexpired term.

Section 26.02 – *COMPENSATION AND EXPENSES*: The members of the Zoning Board may be allowed their expenses or such compensation, or both, as the Board of Township Trustees may approve and provide. The Zoning commission may, within the limits of monies appropriated by the Township Trustees for the purpose, employ such executives, professionals, technical assistants, or other assistants as it deems necessary.

Section 26.03 – *FUNCTIONS OF THE TOWNSHIP ZONING COMMISSION*: The Township Zoning commission shall submit a plan, including both text and maps, representing the recommendations of the zoning Commission for the carrying out by the Board of Township Trustees of this zoning Resolution when requested to do so by the Township Trustees.

The Township zoning Commission may, within the limits of the monies appropriated by the Board of Township Trustees for the purpose, employ or contract with such planning consultants and executives and other assistants as it deems necessary.

The Township Zoning Commission shall organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations.

Members of the Township Zoning Commission may be allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide.

No Township Trustee shall be employed by the Township Zoning Commission.

The zoning commission shall make use of such information and counsel as is available from appropriate public officials, departments, and agencies, and such officials, departments, and agencies having information, maps, and data pertinent to township zoning shall make them available for the use of the Zoning Commission.

In any county where there is a county or regional planning commission, the Zoning Commission may request such planning commission to prepare or make available to the Zoning Commission a zoning plan, including text and maps, for the unincorporated area of the township or any portion of the same.

Section 26.04 – *ZONING SECRETARY*: To assist in the administration of this Zoning Resolution, the Township Trustees shall appoint a Zoning Secretary whose duty it shall be to maintain township zoning records, confirm information in applications, process all notices required under this Zoning Resolution, record the minutes of the Zoning Commission and the board of zoning appeals, assist the Zoning Inspector, and perform such other duties relating to this Zoning Resolution as the Township Trustees may from time to time direct. The zoning Secretary shall be compensated at rates set from time to time by the Township Trustees. The Township Clerk may be named to this position and may receive compensation for such services in addition to other compensation allowed by law.

Section 26.05 – *MEETING AND AGENDA OF TOWNSHIP ZONING COMMISSION*: The Zoning Commission shall meet as necessary in a public building within the township.

Section 26.06 – *MINUTES*: The minutes of each meeting of the Zoning Commission shall be kept by the zoning Secretary on file in the Township hall with the other zoning records. Said minutes shall be open for public inspection during commission meetings and normal business hours.

ARTICLE XXVII – AMENDMENTS (ZONING CHANGES)

Section 27.01 – *AMENDMENTS OR SUPPLEMENTS*: This article is intended to be a restatement of Section 519.12 of the Ohio Revised Code and is adopted herein for the convenience of the citizens of Muhlenberg Township. Any amendments to Section 519.12 adopted by the Ohio Legislature shall be considered adopted herein.

Amendments or supplements to the Zoning Resolution may be initiated by motion of the Township Rural Zoning commission, by the passage of resolution therefore by the Board of Township Trustees or by filing of an application therefore by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Township zoning commission. The Board of Township Trustees may require that the owner or lessee of the property filing an application to amend or supplement the zoning resolution to pay a fee therefore to defray the cost of advertising, mailing, and other expenses. If the Township Trustees require such a fee, it shall be required generally for each application. The Board of Township Trustees shall upon the passage of such resolution certify it to the Township Zoning Commission.

Upon the adoption of such motion, or the certification of such resolution, or the filing of such application the Township zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty nor more than forty day from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given by the Township Zoning Commission by one publication in one or more newspapers of general circulation in the township at least ten days before the date of such hearing.

If the proposed amendment or supplement intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least twenty days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of County Commissioners. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall set forth the time and place of the public hearing, the statement that after the conclusion of such hearing the matter will be referred for further determination to the County or Regional Planning Commission and to the Board of Township Trustees as the case may be.

Within five days after the adoption of such motion or the certification of such resolution or the filing of such application the Township zoning Commission shall transmit a copy thereof together with text and map pertaining thereto to the County or Regional Planning Commission, if there is such a commission.

The Township Zoning Commission shall, within thirty days after such hearing, recommend the approval or denial or the proposed amendment or supplement, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the County or Regional Planning Commission thereon to the Board of Township Trustees.

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

The published notice shall set forth the time and place of the public hearing and summary of the proposed amendment of supplement.

Within twenty days after such public hearing the Board shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Township Zoning Commission, the unanimous vote of the Board of Township Trustees shall be required.

Such amendment or supplement adopted by the Board shall become effective in thirty days after the date of such adoption unless within thirty 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 percent (8%) of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment.

All procedures thereafter shall be in strict compliance with the requirements of Chapter 519 of the Ohio Revised Code.

Section 27.02 – *FORM OF APPLICATION*: All applications to amend this Resolution and/or the zoning map shall be submitted on such forms as designated and approved by the Township Trustees. No application will be considered unless the same is fully completed and accompanied by all required information listed on said application.

Section 27.03 – *RECORD*: On any application for an amendment or supplement to the Zoning Resolution of which the applicant desires a record to be made, the applicant shall give notice to the Secretary of the zoning Commission or the Clerk of the Board of the Township Trustees, as the case may be, requesting that a court reporter be retained to make such record. The applicant shall make such request not less than ten days prior to the scheduled hearing and shall deposit with his request cash in the amount established by the Trustees to be used to defray the expenses incurred in making the record. All expenses of transcribing the record shall be borne by the person request in the preparation of the transcript. In all hearings wherein no timely request has been made for a record, or where a party does not request and pay for an official stenographic transcript, the notes of the Zoning Secretary of the Township Zoning Commission or of the Clerk of the Board of t0ownship Trustees, as the case may be, shall serve as the sole transcript of such hearing.

Section 27.04 – *FEES*: The owner or lessee of property filing an application to amend or supplement this Zoning Resolution shall deposit with such application a fee, as

prescribed by the Board of Township Trustees, to defray the cost of advertising, mailing, and other expenses. This fee shall be required generally for each application, and the amount of such fee shall be established annually by the Board of Township Trustees.

ARTICLE XXVIII – BOARD OF ZONING APPEALS

Section 28.01 – BOARD OF ZONING APPEALS: A Township Board of zoning Appeals is hereby created. Said Board of Zoning appeals shall be composed of five members who shall be appointed by the Board of Township Trustees and who shall be residents of the unincorporated territory of the Township included in the area zoned by this Zoning Resolution. The terms of all members shall be five years and so arranged that the term of one member will expire each year. Each member of the Board of zoning Appeals shall serve until his successor is appointed and qualified. Members of the Board of Zoning Appeals shall be removable for the reason specified and in compliance with the procedure established in Chapter 519 of the Ohio Revised Code. Vacancies shall be filled by the board of Township Trustees and shall be for the unexpired term.

Section 28.02 – *ORGANIZATION*: The Board of zoning Appeals shall organize, elect a chairman and vice chairman, and adopt rules in accordance with the provisions of this Zoning Resolution. Meetings of the board of Zoning appeals shall be held at the call of the Chairman, and at such other times as the Board of zoning appeals may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths, and the Board of zoning appeals may compel attendance of witnesses. All meetings of the Board of zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indication such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Township Trustees at the Township Hall and shall be public record. Attendance of three members shall constitute a quorum. The Board of township Trustees, the Township Clerk/Fiscal Officer, and the zoning Inspector shall be notified in advance of all meeting conducted by the Board.

Section 28.03 – *COMPENSATION AND EXPENSES*: The members of the Board of zoning appeals may be allowed their expenses or such compensation, or both, as the Board of Township Trustees may approve and provide. The Board of zoning Appeals may, within the limits of monies appropriated by the Board of Township Trustees for the purpose, employ such executives, professional, technical assistants, and other assistants as it deems necessary.

Section 28.04 – *POWERS OF THE BOARD*: The Township board of Zoning appeals may:

a) Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Section 519.02 to 519.25 of the Ohio Revised Code, or of any resolution adopted pursuant thereto.

b) Authorized, upon appeal, in specific cases, such variance from the terms of the zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done.

c) Grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates are provided for in the Zoning Resolution.

d) Revoke an authorized variance of conditional zoning certificate granted for the extraction of minerals if any condition of the variance or certificate is violated.

The Board shall notify the holder of the variance certificate by certified mail of its intent to revoke the variance or certificate under division (d) of this section and of his right to a hearing before the Board, within thirty days of the mailing of the notice, if he so requests. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the Board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

In exercising the above mentioned powers, such Board may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end has all powers of the officer from whom the appeal is taken.

Section 28.05 – *PROCEDURE ON HEARING APPEALS*: Appeals to the Board of Zoning appeals may be taken by any person aggrieved or by any officer of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty days after the decision by filing with the Zoning Inspector from whom the appeal is taken and with the Board of Zoning appeals a notice of appeal specifying the grounds thereof. The zoning Inspector from whom the appeal is taken shall forthwith transmit to the Board of zoning appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Zoning appeals shall fix a reasonable time for the hearing of the appeal, give ten days written notice by ordinary mail to the parties in interest, give notice of such public hearing by one publication in a newspaper of general circulation within the township at least ten days prior to the

date of such hearing, and decide the same within a reasonable time after it is submitted. At the hearing, any party may appear in person or by attorney.

Section 28.06 – *PROCEDURE ON APPLICATION FOR VARIANCE*: The Township Board of Zoning Appeals, appointed by the Township Board of Trustees, may upon application, grant such variances from the provisions or requirements of this Resolution as will not be contrary to the public interest.

Where, by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property exceptional topographic conditions, or other extraordinary situations or conditions of such parcel of property, or of property in question, the literal enforcement of the requirements of this Resolution would involve practical difficulty or would cause unnecessary hardship, the Board shall have power to authorize a variance from the terms of this Resolution.

a) Public Notice – Written application for a variance shall be made to the Township Zoning Inspector who shall transmit said application to the board of Zoning Appeals. The Board of Zoning Appeals shall give written notice by ordinary mail to all owners of land within two hundred (200) feet of the exterior boundaries of the land for which a variance is requested. An application for a variance shall be advertised at least once, ten days in advance of the time set for the public hearing, in newspapers of general circulation within the township.

b) Hearing and Decision – At such hearing the applicant shall present a statement and adequate evidence, in such form as the Township Board of Zoning Appeals may require.

In granting such variance the Board shall determine that said variance will not be contrary to the public interest, is justified due to special conditions, that the literal enforcement of the Resolution will result in unnecessary hardship and that the spirit of this Resolution will be observed and substantial justice done.

In granting any variance under the provisions of this section, the Board of Zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions in the application on which the variance is granted.

c) Form of Application – All applications for variances under this section shall be submitted on such forms as designated and approved by the Township Trustees. No application will be considered unless the same is fully completed and accompanied by all required information listed on said application.

Section 28.07 – *PROCEDURE ON APPLICATION FOR CONDITIONAL USE PERMIT*:

The owner or lessee of any land or building within a zoning district within the township may apply to the Board of zoning Appeals for authority to carry out any use designated as a Conditional Use within that district.

a) Application - An application for a conditional Use permit shall be submitted on such forms as designated and/or approved by the Township Trustees. No application shall be considered unless the same is fully completed and accompanied by all required information of said application together with plot plans or drawing as necessary.

b) Hearing - The application shall be transmitted to the board of Zoning Appeals who shall cause a public hearing to be held.

c) Notice - Notice of the application for a Conditional Use permit and the hearing thereon shall be given to all property owners within two hundred feet of the premises on which the use is planned. Notice shall be given by ordinary mail. In addition thereto one notice of said meeting shall be published in a newspaper of general circulation within the township not less than ten days prior to the scheduled hearing.

d) Decision - The Board shall make its decision within a reasonable time after the hearing. In the event the Board approves the Conditional Use permit, it may impose such reasonable conditions as it deems necessary to ensure that the use will be conducted in the best interest of the zoning district.

e) Revocation - The Board of Zoning Appeals may revoke a Conditional Use permit for failure to comply with the conditions of that permit. The Board shall notify the holder of the permit by certified mail of its intent to revoke the permit and of the holders; right to a hearing before the Board, within thirty days of the receipt of said notice, if he so requests. In lieu of said certified mail service, service may be made personally by the Township zoning Inspector in which case the hearing shall be requested within thirty days after such service. If the holder requests a hearing, the board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and may examine witnesses appearing for or against him. If no hearing is requested the Board may revoke the permit without a hearing. The authority to revoke a permit is in addition to any other means of zoning enforcement provided by law.

Section 28.08 - *DECISION OF BOARD*: The Board of Zoning Appeals shall act by resolution, in which three member is concur, and every action shall be accompanied by a written finding of fact, based on testimony and evidence and specifying the reason by a granting or denying the request. A copy of the board's resolution accompanied by the Board's finding of fact shall be mailed to the applicant by ordinary mail.

Section 28.09 – *PUBLIC INFORMATION*: All communications to members of the Board of Zoning Appeals, written or oral which shall be reduced to writing, pertaining to any matter before the Board shall be made a part of the record. The record of the Board’s proceeding in any matter shall be kept on file in the township office subject to the order of the Pickaway County Common Pleas Court and available for inspection by the Public.

Section 28.10 – *RECORD*: For any hearing at which the applicant desires a record to be made, the applicant shall give notice not less than ten days prior to the date scheduled for said hearing to the Zoning Secretary requesting that a court reporter be retained to make such record and the applicant shall deposit with his request cash in the amount established by the Trustees to be used to defray the expense of making a record. In all hearings wherein no request has been made for a record, the notes of the zoning Secretary of the Board of zoning appeals shall serve as the sole transcript of such hearing.

Section 28.11 – *FEES TO ACCOMPANY NOTICE OF APPEAL OR APPLICATION FOR VARIANCE OR CONDITIONAL USE*: For all actions of the Board of Zoning appeals the Board of Township Trustees shall establish fees to be deposited with each application. Such fees shall be set annually and shall be required generally for each application to defray the costs of advertising, mailing, and other expensed.

ARTICLE XXIX – ENFORCEMENT

Section 29.01 – *VIOLATIONS*: No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of this Zoning Resolution, or amendment or supplement to such Resolution, adopted by the Township Board of Trustees pursuant to Chapter 519 of the Ohio Revised Code. Each day’s continuation of a violation of this section shall be deemed a separate offense irrespective of whether or not a separate notice of violation or affidavit charging a violation has been served upon the violator for each day the offense continues.

Section 29.02 – *REMEDIES*: In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of Chapter 519 of the Ohio Revised Code, or of this Zoning Resolution or amendments hereto adopted by the Board of Township Trustees under such Resolution, such Board, the prosecuting attorney of the county, the Township Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

The Board of Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any actions brought under this section.

Section 29.03 – *PENALTY*: Whoever violates the provisions of this Zoning Resolution and amendments hereto or Chapter 519 of the Ohio Revised Code, shall be fined not more than one hundred (\$100.00) for each offense or the maximum fine or imprisonment as provided by law, whichever is greater. Each and every day during such illegal erection, construction, reconstruction, enlargement, change, maintenance, or use continues may be deemed a separate offense.

ARTICLE XXX – SEVERABILITY AND REPEAL

Section 30.01 – *SEVERABILITY*: if for any reason any one or more articles, sections, sentences, clauses, or parts of this Zoning resolution are held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Zoning Resolution but shall be confined in its operation to the specific sections, sentences, clauses, or parts of this Zoning Resolution held invalid, and the invalidity of any section, sentence, clauses, or parts of this Zoning Resolution in any one or more instances shall not attest or prejudice in any way the validity of this zoning Resolution in any other instance.

Section 30.02 – *REPEAL*: This Zoning Resolution may be repealed only by complying with the requirements of Chapter 519 of the Ohio Revised Code, as amended.

Section 30.03 – *REPEAL OF CONFLICTION RESOLUTION*: The Township Zoning Resolution or parts thereof previously in effect in Muhlenberg Township, Pickaway County, Ohio not otherwise adopted as part of this Zoning Resolution, and in conflict with the Zoning Resolution as it is established on _____, or established hereafter are hereby repealed. However, all suits at law or in equity and/or all prosecutions resulting from violation of any Zoning Resolution or part thereof heretofore in effect, which are now pending in any of the Courts of the State of Ohio or of the United States, shall not be abated or abandoned by reason of the adoption of any amendment to this Zoning Resolution but shall be prosecuted to their finality the same as if amendments to this zoning Resolution had not been adopted; and any and all violations of existing zoning Resolutions, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and not in in this zoning Resolution shall be so construed as to abandon, abate, or which may have heretofore been instituted or prosecuted.

ARTICLE XIII – NEIGHBORHOOD COMMERCIAL (C-2)

Section 13.01 – *PURPOSE*: It is the intent of Muhlenberg Township to create a commercial district which will provide the atmosphere and opportunities to develop small neighborhood shopping areas which are pleasant, safe, convenient to the neighborhood yet not designed to serve the public at large.

Section 13.02 – *APPLICATION*: The provisions of this article shall apply to all areas zoned commercial as of the date of adoption of this amendment.

Section 13.03 – *PERMITTED USE*: In the Neighborhood commercial District (C-2) the following uses, developed in accordance with other provisions of this Resolution, shall be permitted, provided that all activities and transactions, except off street parking and loading/unloading, shall be conducted within a closed building.

a) Retail Stores primarily engaged in selling of merchandise for personal or household consumption and rendering services. Businesses providing drive-thru facilities or facilities which do not require the occupant to leave his or her car are not considered permitted uses.

b) Office facilities for the providing of personal services provided that no drive-in windows are provided.

c) Offices of Veterinarians, provided that no outside runs or exercise areas are permitted.

e) Temporary structures such as manufactured/mobile offices and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six months and may be renewed not more than twice. Renewal of the permit shall be at the discretions of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal, and water supply, as she/he deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed not later than ten days after expiration of said permit. No unit shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with the provisions of Article XXVIII of this Resolution.

Section 13.04 *CONDITIONAL USES*: Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution.

Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one year from the date of BZA approval, or are discontinued for a period in excess of two years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and/or structure wherein the same is located or upon which the same is granted shall void the conditional use permit and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

a) Apartments in areas over or adjacent to the commercial storeroom of office facility, provided that apartments constructed within this district shall contain the following minimum living area, exclusive of porches, basements, or garages:

One (1) bedroom unit	- 750 square feet
Two (2) bedroom unit	- 850 square feet
Three or more bedroom units	- 900 square feet

b) Outside display of products for sale.

c) Kindergarten or Child Care Facilities, provided the building occupied by the use is architecturally compatible with the neighborhood and provisions are made for vehicular access, parking, and fences to control accessibility of the children to adjoining hazardous conditions such as road, streets, lakes, ponds, etc., or adjacent yards.

d) Drive-thru or drive-in facilities for financial institutions, restaurant, or other businesses.

e) Outdoor storage of goods.

Section 13.05 – *PROHIBITED USES:*

a) No use not specifically authorized by the express terms of this article of the Zoning Resolution shall be permitted.

b) Outdoor storage of inoperable or unlicensed motor vehicles for a period exceeding 14 days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.

c) No trailer of any type, no boats, not motor homes, and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot, the building line shall be considered to

be the front wall of the structure, even if said structure is located behind the minimum building line established by this code or the restrictions in the plat or deed.

d) Except as specifically permitted in Section 13.03(e), no manufactured/mobile office or mobile structure shall be placed or occupied in this district.

e) The sale, repair or servicing, display or storage of automobiles, trucks, trailers, campers, boats, motor homes, mobile homes/offices or manufactured homes/offices is prohibited.

Section 13.06 – *DEVELOPMENT STANDARDS:*

In addition to any other provisions of this Resolution, all lands and uses within the Neighborhood Commercial District shall be developed in strict compliance with the standards hereinafter established.

a) Building Size – No structure in this district shall contain more than 2500 square feet of floor space.

b) Lot Size – No minimum lot size shall be required; however, all commercial tracts shall have access to approved streets and shall be of such width as to provide required yard spaces and off street parking.

c) Lot Width - No minimum lot width shall be required; however, all commercial tracts shall have access to approved streets and shall be of such width as to provide required yard spaces and off street parking.

d) Building Height - No building shall exceed 35 feet in height.

e) Building Setback - No building or use shall be located closer to the right of way line or center line of the adjacent public or private road than permitted in Section 21.09.

f) Side Yards - Side yards shall be required adjacent to residential district not less than $\frac{1}{4}$ of the sum of the height and depth of the buildings but in residential district.

g) Rear Yards - Rear Yards of not less than 30 feet shall be required.

h) Screening - All commercial and office areas shall provide a screening of shrubbery, artificial fencing, or mounding so as to hide trash collection areas and service areas from the view. All such shrubbery shall be properly trimmed, and all screening shall be maintained in a neat and tidy manner.

i) Parking – off street parking shall be provided, within this district in strict compliance with the provisions of Article XXI of this Resolution.

j) Signs - Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XXII of this Resolution.

k) Lighting – Exterior lighting fixtures shall be so shaded,, shielded, or directed that the light intensity or brightness shall not be objectionable to surrounding areas.

l) Freight Loading Area - When any use within this district requires th pickup or delivery of merchandise or supplies, and adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area, as provided shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.

ARTICLE IX - LOW DENSITY RESIDENTIAL DISTRICT (R-2)

Section 9.01 -PURPOSE: There is created in Muhlenberg Township a Low Density Residential District intended to provide areas for single family suburban type residential development at low density on land which is generally vacant at the time of development. These areas are intended to provide space for nonresidential development of a suburban character on lands which are served with central water and sewer!

Section 9.02 - APPLICATION: All lands within Muhlenberg Township which are to be used for single family lots of less than 1 acre, but at least 20,000 square feet in area, shall be controlled by the provisions of this article of the Zoning Resolution. All lots or town lots which are located within the limits of Muhlenberg Township and which were duly recorded upon the plat thereof in the Plat Records of the Recorder's Office, Pickaway County, Ohio, at the effective date of this amendment to the Zoning Resolution shall be considered legal residential lots and nothing in this Resolution shall be construed to prohibit the use thereof for residential purposes.

Section 9.03 - PERMITTED USES: Within any Low Density Residence District (R-2) the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- a) Single family dwellings. (Limited to one single family dwelling per parcel, tract, or lot.)
- b) Accessory buildings and accessory uses including private garages and swimming pools.
- c) Projects specifically designed for watershed protection, conservation of soil or water, or for flood control.
- d) Agricultural purposes.
- e) Temporary structures such as manufactured/mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during periods while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which shall be valid for six months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on the finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal, and water supply as he/she deems necessary. The fees for such permit and renewal thereof shall be established by the Board of Township

Trustees. Said temporary structure shall be removed not later than ten days after expiration of said permit.

f) Roadside sales of agricultural products shall be permitted in this district provided that at least 50% of the gross income from the market is derived from sale of products which are produced on lands in this township or adjacent townships farmed by the proprietor of said sales stand, and adequate area exists adjacent thereto for parking so as not to interfere with traffic on adjacent thoroughfares. No permanent buildings or structures shall be placed without permission of the Board of Zoning Appeals issuance of a conditional use permit.

Section 9.04 - CONDITIONAL USES: Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one year or are discontinued for a period in excess of two years.

Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and/or structure wherein the same is located or upon which the same is granted shall void the conditional use permit, and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with the conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

a) Home occupations conducted by the resident of a permitted dwelling subject to the following restrictions:

1) The home occupation shall be carried on solely within the confines of the residence.

2) Only one sign, not larger than 6 square feet and 4 feet in height above grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building. The sign shall be of a design compatible with the residential character and shall not be animated or lighted.

3) Only immediate family members shall work on said premises.

4) All parking demands created by the conduct of a home occupation shall be met off the street. The required number of off-street parking spaces shall equal the spaces required for the residential use plus those required for the commercial use which constitutes the home occupation (if no parking requirement is given for a particular home occupation, the parking requirements for the most similar commercial use shall be used in order to calculate the required minimum number of spaces).

5) No equipment, process, or storage, associated with the home occupation shall create odors, noise, vibration, glare, electrical interference, or other nuisance detectable to normal senses off the lot. All activities, materials, and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create a fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than which would normally be found in a dwelling containing no home occupation.

6) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Pickaway County Department of Health and do not create a burden on adjoining property.

7) No activity shall be conducted or permitted which creates a nuisance to neighboring property.

8) All activities, materials, and equipment associated with the home occupation shall be totally maintained within the home or accessory buildings.

9) The use of the dwelling unit and its accessory building shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than 20% of the total floor area of the dwelling unit shall be used in the conduct of the home occupation.

b) Child Care Facilities, provided they occupy the residence the operator or an accessory building which is architecturally compatible with the neighborhood and provisions are made for vehicular access. parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. or adjacent yards.

c) Churches or other places of worship. Adequate off- street parking shall be provided and shall meet the requirements of Article XXI of this Resolution.

e) Playgrounds, Playfields, Picnic Areas and Summer Camps with adequate off- street parking areas.

f) Group homes or residential care facilities in which not more than 8 persons are provided with room, board, specialized care, rehabilitative services and supervision in a family environment. All such facilities shall possess all approvals and/or licenses as required by state or local agencies. In addition to all other conditions deemed necessary the following conditions shall be imposed by the Board of Zoning Appeals.

g) Permanent structures or improvements, used for roadside sale of agricultural products produced on the premises.

h) Bed and Breakfast home provided that a maximum of eight short-term guest may be housed.

Section 9.05 - PROHIBITED USES:

a) No use not specifically authorized by the express terms of this chapter of the Zoning Resolution shall be permitted.

b) Outdoor storage of inoperable, unlicensed, or unused motor vehicles for a period exceeding 14 days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.

c) No trash, debris, unused property, or discarded materials shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public.

d) No motor home, mobile home, or camper of any type may be occupied by a guest of the resident owner for more than 14 days and only one guest motor home or guest camper is permitted at any one time.

e) Except as specifically permitted in Section 9.03(e) no manufactured/mobile home which does not meet the requirements of the Ohio Basic Building Code shall be placed or occupied in this district.

f) In subdivided areas which meet the requirements of Section 711.131 of the Ohio Revised Code the keeping of livestock and poultry is prohibited.

g) Cellular telephone towers, when notification of objection to the siting of the cellular tower is met, per requirements of Section 519.211 of the O.R.C., cellular towers shall be prohibited.

Section 9.06 -DEVELOPMENT STANDARDS:

All land and uses within the Rural Residence District (R-2) shall be developed in strict compliance with the following standards:

a) Lot Area -Residential lots which are served with an approved central water and sewer systems serving all lots may be developed for such use if they have a lot area of not less than 20,000 net square feet, excluding all road easements.

- b) Lot Frontage - All lots or parcels developed within this district having an area of less than 1 net acre shall have a minimum continuous lot frontage of 100 feet on an adjoining county approved street or road.
- c) Building Height Limits- No buildings in this district shall exceed 35 feet in height measured from the first floor finished grade. Church spires, domes, flag poles, and elevator shafts are exempted from any height regulation and may be erected to any safe height. No windmills, aerial, antenna, or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.
- d) Building Set Back - No building or use shall be located closer to the center line of the adjacent public or private road than permitted in Section 21.09 herein.
- e) Side Yard Set Back - No building or structure shall be located closer than 15 feet to any side lot line.
- f) Rear Yard Requirement- No principal dwelling shall be located closer than 15 feet to the rear lot line of any lot, and no accessory building shall be located closer than 10 feet to said rear lot line.
- g) Parking - Off street parking shall be provided, at the time of construction of the main structure or building.

ARTICLE X - MULTI-TYPE Residential DISTRICT (R-3)

Section 10.01 - PURPOSE: The Township, recognizing that with increased residential areas which take into account contemporary housing types, hereby provides for the Multi-Type residential District intending hereby to allow a variety of housing types, while still preserving and enhancing the health, safety and general welfare of the inhabitants of Muhlenberg Township.

Section 10.02 - APPLICATION: The provisions of this article of the Zoning Resolution shall apply to all lands of the township zoned Multi-Type Residential. Central water and sewer systems are a requirement of this district.

Section 10.03 - PERMITTED USES: Within the Multi-Type Residential District (R-3), the following permitted uses exist:

- a) Single family dwellings. (Limited to one single family dwelling per one acre parcel, tract or lot.)
- b) Accessory buildings and accessory uses including private garages and swimming pools.

c) Projects specifically designed for watershed protection, conservation of soil, or water or for flood control.

d) Agricultural purposes.

e) Roadside sales of agricultural products shall be permitted in this district, provided however, that at least 50% of the gross income from the market is derived from sale of products which are produced on lands farmed by the proprietor of said sales stand, and adequate area exists adjacent thereto for parking so as not to interfere with traffic on adjacent thoroughfares. No permanent buildings or structures shall be placed without permission of the Board of Zoning Appeals and issuance of a conditional use permit.

d) Temporary structures such as manufactured/mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, she/he deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary Structure shall be removed not later than ten days after expiration of said permit.

Section 10.04 - CONDITIONAL USES: Within areas zoned Multi-Type Residential District the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within 1 year from the date of BZA approval or are discontinued for a period in excess of 2 years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and/or structure wherein the same is located or upon which the same is granted shall void the conditional use permit, and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

a) Residential structures of any type, either single family or multi-family, including but not limited to detached, semi-detached, attached, cluster, patio, common wall or any reasonable variation on the same theme. A total site area of a minimum of a net 1/2 acre per dwelling unit shall be required for this conditional use.

b) Home occupation conducted by the resident of a permitted dwelling subject to the following restrictions:

1) The home occupation shall be carried on solely within the confines of the residential structures and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.

2) Only one sign, not larger than 6 square feet and 4 feet in height from the top of the sign to the grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building.

3) Only residents of the permitted dwelling shall be employed on said premises.

4) All parking demands created by the conduct of a home occupation shall be met off the street and other than in a front yard. Off-street parking may be permitted in a side, rear yard, or driveway, but shall not be located any closer to the street than the required setback line, but in no case in front of the dwelling. The home occupation shall have the required number of off-street parking spaces as required for the residential use, plus the number of required spaces for the most similar commercial use, as determined by the Board of Zoning Appeals.

5) No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. All activities, materials and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.

6) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Pickaway County Department of Health and the EPA. Nor shall they create a burden on adjoining property.

7) No activity shall be conducted or permitted which creates a nuisance to neighboring properties. All activities, materials and equipment associated with the business shall be totally maintained within a building.

8) All activities, materials and equipment associated with the business shall be totally maintained within a building.

9) 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 20% of the total floor area of the dwelling unit shall be used in the conduct of the home occupation nor more than 50% of the floor space of any garage or accessory building.

c) Group homes or residential care facilities in which not more than 8 persons are provided with room, board, specialized care, rehabilitative services, and supervision in a family environment. All such facilities shall possess all approvals and/or licenses as required by state or local agencies.

d) Model Homes in subdivisions, the same being defined as residential-type structures used as sales of ices by builders/ developers and to display the builder's/developer's product. The same may be furnished within, since its purpose is to display to prospective buyers the builder's/developer's features (such as exterior siding treatment, roofing materials, interior trim, moldings, floor covering, etc.) in the environment of a completed home. Model homes may be staffed by the builder's/developer's sales force. Model homes shall be subject to the following restrictions:

1) Lighting: All exterior lighting must be down-lighting, so that no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting, except security lighting, shall be extinguished at the closing time of the model home.

2) Termination of use: The use of model homes within a residential subdivision, or within any single phase of a multi-phase subdivision, shall terminate when building permits have been issued for ninety per-cent of the lots therein.

3) No building equipment or materials may be stored at the model home.

e) Private Schools or Colleges

f) Kindergarten or Child Care Facilities, provided that provisions are made for vehicular access parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc., or adjacent yards.

g) Churches or other places of worship. Provisions shall be made for vehicular access, parking, and fencing to control accessibility of children to adjoining hazardous conditions such as roads, streets, ponds, lakes, etc., or adjacent yards. Adequate off-street paved parking shall be provided as per Article XXI of this Resolution.

h) Permanent structures or improvements used for roadside sale of agricultural products produced on the premises.

i) Bed and Breakfast home provided that a maximum of eight short-term guest may be housed.

Section 10.05 - PROHIBITED USES:

a) No use not specifically authorized by the express terms of this article of the Zoning Resolution shall be permitted.

b) Outdoor storage of inoperable, unused, or unlicensed motor vehicles, for a period exceeding 14 days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.

c) No trailer of any type, no boats, no motor homes nor equipment of any type shall be parked in front of the front building line on any parcel within this district for more than 24 hours in any 10 day period. If a dwelling is located on said lot, the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.

d) No motor home, mobile home or camper of any type may be occupied by a guest o the resident/owner for more than 14 days. No more than one motor home, trailer, or camper may be occupied for such a period on any lot, parcel, or farm.

f) Except as specifically permitted in Section 10.03(d) no manufactured/mobile home which does not meet the requirements the Ohio Basic Building Code shall be placed or occupied in this district.

g) In subdivided areas which meet the requirements of Section 711.131 of the Ohio Revised Code the keeping of livestock and poultry is prohibited.

h) Cellular telephone towers, when notification of objection to the siting of the cellular tower is met, per requirements of Section 519.211 of the O.R.C., cellular towers shall be prohibited

Section 10.06- PROCEDURE: In addition to any other procedures set out in this Resolution, all applications for a conditional use in this district shall follow the procedures set forth:

a) Application – The owner or lessee of lots and lands within the township may request a conditional use permit in the Multi Type Residential district tracts in accordance with the provisions of this resolution.

The applicant is encouraged to engage in informal consultations with the Board of Zoning Appeals and the County Planning Commission prior to formal submission of a development plan, understanding that no statement by officials of the Township or the County shall be binding upon either.

b) Development Plan - 10 copies of the development plan shall be submitted to the Board of Zoning Appeals with the application, which plan shall include in text and map form the following:

1) A survey and legal description signed by an Ohio Registered Surveyor showing the proposed size and location of the conditionally permitted Multi-Type Residential District.

2) The general development character of the tract including the limitations or controls to be placed on residential and related uses, with probable lot sizes, minimum set back requirements and other development features including landscaping.

3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.

4) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures. or other evidence of reasonableness.

5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise

6) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.

7) Location of schools, parks and other facility sites, if any.

8) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.

9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than 5 acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases.

10) The ability of the applicant to carry forth his plan by control of the land and the engineering feasibility of the plan.

11) The text shall include a statement of purpose specifically stating the intended uses, activities, clientele, and over all character of the proposed land use

12) The plan shall identify any environmentally sensitive areas on the site.

- 13) The plan shall identify any historically significant areas on the site.
- 14) The plan shall identify any areas to be dedicated for open space or public use.
- 15) A traffic impact report may be required if deemed necessary by the Muhlenberg Township Zoning Commission.

Section 10.07 - DEVELOPMENT STANDARDS: In addition to any other provisions of this Resolution, the following standards for arrangement and development of lands and buildings are required in the Multi-Type Residential District.

a) Lot Area - Permitted uses shall have a minimum of 1 net excluding all road right of ways, per dwelling unit shall be required. All other uses in this district shall have such lot area prescribed by the article permitting the use or as prescribed by the Board of Zoning Appeals as a condition of said use (see Conditional Uses).

b) Lot Frontage - All lots or parcels within this zoning district shall have the following minimum continuous frontage on a county approved road or street (This requirement may be reduced as part of the approval of a conditional use permit by the Board of Zoning Appeals):

1/2 acre but less than 1 acre -100

1 acre -150 feet

c) Building Height Limits - No building in this district shall exceed 35 feet in height measured from the finished first floor grade. Church spires, domes, flag poles, and elevator shafts are exempted from any height regulation and may be erected to any safe height. No windmills, aerial, antenna, or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.

d) Building Dimensions - (Floor space requirements)- Each single family dwelling hereafter erected in this district shall have a living area of not less than 1000 square feet. All such living areas shall be exclusive of basements, porches or garages.

All apartments or other multi-family structures constructed within this district shall contain the following minimum living area, to-wit:

- One (1) bedroom unit - 800 square feet
- Two (2) bedroom unit - 900 square feet
- Three or more bedroom units - 1000 square feet

- e) Building Set Back - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 21.09.
- f) Side Yard Set Back - Except as modified by the Board of Zoning Appeals in approving zero lot lines or common wall housing, no building or structures shall be located closer than 15 feet to any side lot line.
- g) Rear Yard Requirements - No principal dwelling shall be located closer than 15 feet to the rear line of any lot, and no accessory building shall be located closer than 10 feet to the rear lot line.
- h) Maximum Lot Coverage - On no lot or parcel in this zoning district shall structures and paving be constructed which cover more than 50% of the lot area. Structures shall cover no more than 25% of the lot or parcel area.
- i) Parking- Off street parking shall be provided at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in Articles XXI of this Resolution.
- j) The Township Board of Zoning Appeals may impose special additional conditions as part of granting a conditional use, relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.

Article XI - RESIDENTIAL MANUFACTURED HOME PARK DISTRICT (R-4)

Section 11.01 -PURPOSE: It is the intention of Muhlenberg Township to provide for the location and regulation of Manufactured Home Parks in order to foster their development and maintenance as an integral and stable part of the community.

Section 11.02- APPLICATION: All lands zoned Residential Manufactured Home Park District shall be controlled by the provisions of this Article of the Zoning Resolution. Central water and sewer systems are a requirement of this district.

Section 11.03- PERMITTED USES: Within the Residential Manufactured Home Park District the following uses, developed in accordance with all other provisions of this Resolution shall be permitted:

a) Manufactured Single Family Residences

b) Accessory laundry buildings, swimming pools, and recreational facilities.

c) Accessory buildings and accessory uses including private garages.

d) Projects specifically designed for watershed protection, conservation of soil or water, or for flood control

e) Roadside sales of agricultural products shall be permitted in this district provided that at least 50% of the gross income from the market is derived from sale of products which are produced on lands in this township or adjacent townships farmed by the proprietor of said sales stand, and adequate area exists adjacent thereto for parking out of the road right-of-way so as not to interfere with traffic on adjacent thoroughfares. No permanent buildings or structures shall be placed without permission of the Board of Zoning Appeals and issuance of a conditional use permit.

Section 11.04- CONDITIONAL: Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted be considered abandoned if said use or uses are not commenced within 1 year or are discontinued for a period in excess of 2 years.

-Unless the conditional use permit specifically provides that

the grant shall be permanent and shall run with the land, the sale or conveyance of the land and/or structure wherein the

same is located or upon which the same is granted shall void the conditional use permit, and the subsequent owner(s) or

his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with the conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

a) Home occupations conducted by the resident of a permitted dwelling subject to the following restrictions.

- 1) The home occupation shall be carried on solely within the confines of the residence.
- 2) Only one sign, not larger than 6 square feet per side and 4 feet in height above grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building. The sign may be located no closer than 12 feet to the nearest right of way line. The sign shall be of a design compatible with the residential character and shall not be animated or lighted.
- 3) Only residents of the permitted dwelling shall be employed on said premises.
- 4) All parking demands created by the conduct of a home occupation shall be met off the street and other than in a front yard. Off-street parking may be permitted in a side yard or rear yard, but shall not be located any closer to the street than the required setback line, but in no case be in front of the dwelling. The required number of off-street parking spaces shall equal the spaces required for the residential use, plus the number of required spaces for the most similar commercial as determined by the Board of Zoning Appeals.
- 5) No equipment, process, or storage, associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. All activities, materials, and equipment associated with the business shall be totally maintained within the residence. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create a fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than which would normally be found in a dwelling containing no home occupation.
- 6) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Pickaway County Department of Health and do not create a burden.
- 7) No activity shall be conducted or permitted which creates a nuisance to neighboring property.
- 8) All activities, materials, and equipment associated with the home occupation shall be totally maintained within the home.
- 9) The use of the dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than 20% of the total floor area of the dwelling unit shall be used in the conduct of the home occupation.

b) Permanent structures or improvements used for roadside sale of agricultural products, provided that at least 50% of the gross income from the market is derived from sales of products which are produced on lands in the township or adjacent townships farmed by the proprietor of said stand. Adequate off-street parking shall be provided out of the road right-of-way so as not to interfere with traffic on adjacent thoroughfares.

c) Manufactured Home Sales provided the following requirements are met:

1) One manufactured home may be used as a sales office by the manufactured home park operator.

2) All manufactured homes for sale shall be located on lots within the manufactured home park approved for residential use by the County Health Department.

3) No more than 6 manufactured homes may be stored and offered for sale within the manufactured home park by the manufactured home park operator at any time. Manufactured homes, located on lots within the manufactured home park; privately owned or leased by residents of the park, may be offered for sale and will not be included within the park operator's homes for sale count.

Section 11.05- PROHIBITED USES:

a) No use not specifically authorized by the express terms of this article of the Zoning Resolution shall be permitted.

b) Outdoor storage of inoperable or unlicensed motor vehicles, for a period exceeding 14 days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.

c) No trash, debris, unused property, or discarded materials which creates an eyesore, hazard or nuisance to the neighborhood or general public shall be permitted to accumulate on any lot or portion thereof.

d) The keeping of livestock and poultry is prohibited.

e) Cellular telephone towers, when notification of objection to the siting of the cellular tower is met, per requirements of Section 519.211 of the O.R.C., cellular towers shall be prohibited.

Section 11.06- APPROVAL PROCEDURES: Residential Manufactured Home Parks shall be located only in Residential Home Park District (R-4) and shall be developed according to standards and regulations stated and referenced in this Article of the Zoning Resolution.

Section 11.07- DEVELOPMENT STANDARDS:

The Muhlenberg Township Zoning Commission and the Board of Township Trustees shall review facts and circumstances of each proposed Residential Manufactured Home Park development in terms of the following standards and shall find adequate evidence that such development meets these standards:

1. All Residential Manufactured Home Parks shall comply with the requirements of the Ohio Administrative Code chapter 3701 promulgated by the Ohio Public Health Council in accordance with chapter 3733 of the Ohio Revised Code. In addition, said proposed Residential Manufactured Home Park shall comply with all applicable sections of Article XXI, X II, and XXIII of the Muhlenberg Township Zoning Resolution.
2. Public Facilities and Services: The proposed Residential Manufactured Home Park shall be served adequately by essential public facilities and services such as highways, streets, drainage, refuse disposal, schools, police and fire protection, or that the persons or agencies proposing the establishments of the park shall be able to provide any such services adequately.
3. Vehicular Access: The vehicular approaches to the proposed Residential Manufactured Home Park property will be so designed as not to create traffic interference or congestion on surrounding public streets or roads
4. Scenic, Natural, or Historic Areas: The establishment of the proposed Residential Manufactured Home Park will not result in damage, destruction, or loss of any natural, scenic, or historic features of major importance.
5. Minimum Park Size: The Residential Manufactured Home Park site shall be a minimum of 10 net acres.
6. Landscape Buffer: A landscape buffer shall be constructed as a visual screen around the perimeter of the manufactured home park. The landscaping of the buffer shall be a minimum of 10 feet in width, adjacent to all common boundaries, including street frontage. Said buffer shall provide a minimum of 50% winter opacity and a 70% summer opacity, between one foot above finished grade to the top of the required planting, hedge, fence, wall, or earth mound within four years after installation. The buffer shall contain the following minimum materials to provide the required opacity: 1 tree per every 40 feet of lineal boundary (trees

do not have to be evenly spaced but may be grouped); Continuous 6foot high planting, hedge, fence, wall, or earth mound. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials. All unhealthy or dead materials shall be replaced by the next planting period.

7. Skirting Requirement: Each manufactured home shall be securely skirted, entirely enclosing the bottom section. The skirting shall be of a visually impervious material, and consistent with the characteristic of the manufactured home. Such skirting shall be installed within 30 days of the installation of the manufactured home.
8. Minimum Floor Area: The manufactured home shall have a minimum of 950 square feet of living area.
9. The establishment of the proposed Residential Manufactured Home Park will not be demonstrably detrimental to the value surrounding properties or to the character of adjacent neighborhoods.

ARTICLE XII -(Reserved for Future Use)

ARTICLE XIV – GENERAL COMMERCIAL (C-3)

Section 14.01 - PURPOSE: It is the intent of Muhlenberg to create a commercial district which will provide the atmosphere and opportunities to develop shopping and business areas which will provide a full range of services and products to Muhlenberg Township and surrounding communities.

Section 14.02- APPLICATION: The provisions of this article apply to all areas zoned General Commercial as of the date of adoption of this amendment.

Section 14.03 -PERMITTED USES: Within the General Commercial District (C-3), the following uses, developed in accordance with other provisions of this Resolution, shall be permitted, provided all activities and transactions, except off-street parking and loading/unloading, shall be Conducted within an enclosed building.

- a) Retail Stores primarily engaged in the selling of merchandise and the rendering services incidental to the sale of goods. Businesses providing drive- thru facilities or facilities which do not require the occupant to leave his or her car are not considered a permitted use, unless approved as a conditional use. Businesses that have outside display or storage of merchandise are not considered a permitted use, unless approved as a conditional use.
- b) Office facilities for the providing of personal service. Businesses that require drive-thru facilities are not considered a permitted use, unless approved as a conditional

use.

- c) Temporary structures such as manufactured/mobile offices and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary which permit shall be valid for six months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal, and water supply, as he/she deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed not later than ten days after expiration of said permit. No unit shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with the provisions of Article XXVIII of this Resolution.

Section 14.04 – CONDITIONAL USES: Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one year from the date of BZA approval, or are discontinued for a period in excess of two years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and/or structure wherein the same is located or upon which the same is granted shall void the conditional use permit, and the subsequent owner (s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

- a) Commercial and office establishments of all types.
- b) Community facilities such as libraries, offices, or educational facilities, or facilities operated by a public agency or government.
- c) Commercial establishments normally associated with and intended to service the traveling public with motels, service stations, restaurants, travel trailer parks for overnight parking, or any other allied activity.
- d) Automobile, recreational vehicles, trailers, boats, mobile or manufactured homes sales and service facilities.
- e) Other businesses, similar in nature or character as determined by the Board of Zoning Appeals.

- f) Apartments in areas over or adjacent to the commercial storeroom of office facility, provided that apartments constructed within this district shall contain the following minimum living area, exclusive of porches, basements, or garages, to-wit:

One (1) bedroom unit – 800 square feet

Two (2) bedroom unit – 900 square feet

Three (3) or more bedroom units – 1000 square feet

- g) Outside display of products for sale.
- h) Outdoor storage of goods.
- i) Drive-thru or drive-in facilities for financial institutions, restaurants, or other businesses.
- j) Public and private golf courses, party houses, country clubs, and other types of recreational facilities.
- k) Hospitals, medical facilities and laboratories, nursing homes and convalescence homes.

Section 14.05 – PROHIBITED USES:

- a) No use not specifically authorized by the express terms of this article of the Zoning Resolution or by the Board of Zoning Appeals shall be permitted.
- b) Outdoor storage of any inoperable or unlicensed motor vehicles, or trailers detached from semi-tractors, shall be prohibited unless said vehicles are allowed as part of a Conditionally Permitted Use or are stored within a building so as not to be visible from any adjoining property or public road.
- c) Unless specifically permitted by the Board of Zoning Appeals as incident and necessary to a permitted or conditional use in this district, no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code or the restrictions in the plat or deed.
- d) Except as specifically permitted in Section 14.03 ©, no manufactured or mobile home or manufactured or mobile office structure shall be placed or occupied in this district.
- e) Except as permitted as a conditional use, the sale, repair or servicing, display or storage of automobiles, trucks, trailers, campers, boats, motor homes, mobile homes/ offices or manufactured homes/ offices.
- f) Except as permitted as a conditional use, drive-in or drive through facilities for restaurants, financial institutions, and other similar type businesses.

- g) No trash, debris, unused property or discarded materials shall be permitted to accumulate on any lot or parcel which creates an eyesore, hazard, or nuisance to the neighborhood or general public.
- h) Adult entertainment and adult entertainment facilities are prohibited.

Section 14.06 – PROCEDURE:

In addition to any other procedures set out in this Resolution, all applications for a conditional use in this district shall follow the procedures hereinafter set forth:

a) Application – The owner or lessee of lots and lands within the township may request a conditional use permit in the general commercial District in accordance with the provisions of this Resolution.

The applicant is encouraged to engage in informal consultations with the Board of Zoning Appeals and the Zoning Commission prior to formal submission of a development plan and request for a conditional use permit, understanding that no statement by Officials of the Township or shall be binding upon either.

b) Development Plan - 10 copies of the development plan shall be submitted to the Board of Appeals with the application, the plan shall include in text and map from the following:

- 1) A survey plat and legal description signed by an Ohio Registered Surveyor showing the proposed size and location of the conditionally Permitted use in the General commercial District.
- 2) The general development character of the tract including the limitations or controls to be placed on all uses, with probable lot sizes, minimum setback requirements, and other development features including landscaping.
- 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
- 4) The proposed provisions for water, sanitary sewer and surface drainage, with engineering feasibility studies or other evidence of reasonableness.
- 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise,
- 6) The relationship of the proposed development to existing and probable uses of surrounding areas.
- 7) Location of parks and other public facility sites, if any.
- 8) The proposed time schedule for development of the site, including streets, buildings, utilities and other facilities.
- 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases.

- 10) The ability of the applicant to carry forth his plan by control of the land and the engineering feasibility of the plan.
- 11) The text shall include a statement of purpose specifically stating the intended uses, activities, clientele, and over all character of the proposed land use.
- 12) The plan shall identify any environmentally sensitive areas on the site.
- 13) The plan shall identify any historically significant areas on the site.
- 14) The plan shall identify any areas to be dedicated for open space or public use.
- 15) A traffic impact report may be required if deemed necessary by the Muhlenberg board of Zoning Appeals.

Section 14.07 – DEVELOPMENT STANDARDS:

- 2) The general development character of the tract including the limitations or controls to be placed on all uses, with probable lot sizes, minimum setback requirements, and other development features including landscaping.
- 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
- 4) The proposed provisions for water, sanitary sewer and surface drainage, with engineering feasibility studies or other evidence of reasonableness.
- 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise,
- 6) The relationship of the proposed development to existing and probable uses of surrounding areas.
- 7) Location of parks and other public facility sites, if any.
- 8) The proposed time schedule for development of the site, including streets, buildings, utilities and other facilities.
- 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases.
- 10) The ability of the applicant to carry forth his plan by control of the land and the engineering feasibility of the plan.

spaces and off street parking.

c) Building Setback – No building or use shall be located closer to the right of way line or center line of the adjacent public or private road than permitted in Section 21.09.

d) Building Height Limits - No building in this district shall exceed 35 feet in height measured from the elevation of the threshold plate at the front door to the

highest point of the roof. Chimneys, spires, domes, flag poles, and elevator shafts are exempted from any height regulation and may be erected to any safe height. No windmills, aerial, antenna, or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract and not to exceed 100 feet in height.

e) Side Yards – there shall be a yard on each side of the main building constructed in this district of not less than 50 feet on each side. No accessory building or outdoor storage area shall encroach in said side yard.

f) Rear Yards – No building shall be located closer than 50 feet to the rear line of any lot. No accessory building or outdoor storage area shall encroach in said rear yard.

g) Maximum Lot Coverage – On no lot or parcel in this zoning district shall structures and paving be constructed which cover more than 50% of the lot area. Structures shall cover no more than 25% of the lot or parcel.

h) Building Size – No permitted structure in this district shall contain more than 5,000 square feet of floor space. Conditionally Permitted structures may contain any amount of floor space, when approved by the Board of Zoning Appeals, but shall meet the maximum lot coverage requirement of this article. Apartments when included as part of a structure are exempted from the maximum square footage measurement.

i) Landscaping – All yards, front, side, and rear shall be landscaped, and all organized open spaces or areas shall be landscaped.

j) Parking – Off street parking shall be provided with in this district in strict compliance with the provisions of Article XXI of this Resolution.

k) Signs – Except as controlled by Article XXII of this Resolution and except as permitted by the Board of Zoning Appeals incident to Conditional uses, no signs shall be permitted in this district except a “for sale” or “for rent or lease” sign advertising the tract on which the said sign is located. Such sign shall not exceed 6 square feet in area on each side. The owner or developer of a subdivision or similar area may, upon the conditions and for the time period established by the Board of Zoning appeals, erect one sign not exceeding 32 square feet in area per side advertising said subdivision, development or tract for sale.

l) Lighting – Exterior lighting fixtures shall be so shaded, shielded, or directed that the light intensity or brightness shall not be objectionable to surrounding areas.

m) Freight Loading Areas – When any use with in this district requires the pickup of delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area as provided shall be adequate in size to accommodate tractor trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.

n) Performance Standards – no use shall be conducted with in this district which fails to maintain the following standards:

1) Fire and Explosion Hazards – All activities, including storage, involving flammable, explosive or hazardous materials shall include the provision of adequate safety devices against the hazard of spill, fire and or explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to.

Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.

2) Air Pollution – No emission of air pollutants shall be permitted which violate the Clean air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.

3) Glare, Heat and Exterior Light – Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.

4) Dust and Erosion – Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities. Applicants shall meet the required standards of the Pickaway County Engineer.

5) Liquid or Solid Wastes – No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.

6) Vibrations – No uses shall be located and no equipment shall be installed in such a way as to produce intense earth shaking vibrations which are discernable without instruments at or beyond the property line of the subject premises.

7) Odors – No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located, the applicable standards of the Environmental Protection Agency shall be adhered to.

ARTICLE XV – Reserved for Future Use

ARTICLE XVI – LIGHT INDUSTRIAL DISTRICT (M-1)

Section 16.01 – PURPOSE: The Township recognizes that a well-planned and balanced community must have jobs for its residents and a tax base to support the best possible educational opportunities for the young. It is the intention to provide those reasonable conditions under which desirable small scale industry may operate so that the health, safety and general welfare of the residents of Muhlenberg Township may be preserved.

Section 16.02 – APPLICATION: the provisions of this article shall apply to all zoned Light Industrial (M-1) as of the date of adoption of this amendment.

Section 16.03 – PERMITTED USES; Within the light Industrial District (M-1) the following uses, developed in accordance with other provisions of this Resolution, shall be permitted.

- a) Wholesale business when all product are stored within the building.
- b) Enclosed warehouse or storage activities.
- c) Enclosed manufacturing industries.
- d) Enclosed service or repair activities.
- e) Business Offices.
- f) Enclosed research facilities.
- g) Temporary structures such as manufactured or mobile offices and temporary building of a non-residential character may be used incident to construction work on the premises or on adjacent construction work on the premises or on adjacent public projects or during a period while the public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a

permit for such temporary use, which permit shall be valid for six months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as deemed necessary. The fees for such permit and renewals thereof shall be established by the board of Trustees. Said temporary structure shall be removed not later than ten days after expiration of said permit. No unit shall be occupied as a residence without approval of the Board of zoning Appeals as granted in compliance with the provisions of Article XXVIII of this resolution.

h) Public Uses such as government owned or operated public parks, schools, and administrative, cultural and service facilities, including public land or buildings devoted solely to storage and maintenance of equipment and materials.

i) Any enclosed commercial use.

Section 16.04 – CONDITIONAL USES: Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one year from the date of BZA approval or are discontinued for a period in excess of two years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and/or structure within the same is located or upon which the same is granted shall void the conditional use permit, and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

a) The outdoor storage, display, or sale of raw materials, supplies, equipment or products.

Section 16.05 – PROHIBITED USES: No use not specifically authorized by the express terms of this article of the Zoning Resolution or by the Board of Zoning appeals shall be permitted.

a) No use not specifically authorized by the express terms of this article of the zoning resolution or by the Board of Zoning Appeals shall be permitted.

b) Unless specifically permitted by the Board of Zoning Appeals as incident and necessary to a permitted or conditional use in this district, the storage of any inoperable or unlicensed motor vehicles, or trailers detached from semi-tractors, shall be prohibited unless said vehicles are stored behind properly maintained hedges or fences so as not to be visible from any adjoining property or public road.

c) Unless specifically permitted by the Board of Zoning appeals as incident and necessary to a permitted or conditional use in this district, no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot, the building line shall be considered to be the front wall of the structure even if said structure is located behind the minimum building line established by this code or the restrictions in the plat or deed.

d) Residential use of any kind.

e) Except as specifically permitted in Section 16.03 (g), no manufactured/mobile office structure shall be placed or occupied in this district.

f) Concrete or asphalt plants.

g) Petroleum product storage areas.

h) Quarries and other activities providing for the removal, processing and

sale of natural resources.

- i) Freight or trucking terminals.

Section 16.06 – DEVELOPMENT STANDARDS: In addition to any other provisions of this Resolution, all lands and uses within the Light Industrial District shall be developed in strict compliance with the following standards:

- a) Lot Size – No minimum lot size shall be required; however, the lot size shall be adequate to provide the required yard spaces and off street parking as herein required.

- b) Lot Width – a minimum lot width of 150 feet shall be required; the industrial tract shall have access to approved streets and shall be of sufficient width to provide required yard spaces and off street parking..

- c) Building Setback – No building or use shall be located closer to the right of way line or center line of the adjacent public or private road than permitted in Section 21.09.

- d) Side Yards - there shall be a yard on each side of the main building constructed in this district of not less than 50 feet on each side. No accessory building, outdoor storage area or required off street parking shall encroach in said side yard.

- e) Rear Yards – No building shall be located closer than 50 feet to the rear line of any lot.

- f) Screening - All outside storage areas, service areas and loading docks shall be screened by properly maintained walls, fences, shrubbery or mounding a least 6 feet but not more than 12 feet in height. These walls, fenced or shrubbery shall be of a design so as to effectively screen such storage, service or loading areas and facilities from adjoining streets or other zoning districts. Such shrubbery shall be neatly trimmed, and all other fences or walls shall be maintained in a neat and tidy manner.

- g) Parking – Off street parking shall be provided within this district in strict compliance with the provisions of Article XXI of the Resolution.

- h) Signs – Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XXII of this Resolution.

- i) Lighting – Exterior lighting fixtures shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding areas.

- j) Freight Loading Areas – When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area as provided shall be adequate in size to accommodate tractor trailer (emi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.

- k) Performance Standards – No use shall be conducted within this district which fails to maintain the following standards:

- 1) Fire and Explosion Hazards – all activities, including storage, involving flammable, explosive or hazardous materials shall include the provision of adequate safety devices against the hazard of spill, fire and/or explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.

- 2) Air Pollution – No emission of air pollutants shall be permitted which violate the Clean air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.

- 3) Glare, Heat and Exterior Light – any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding

the property whereon the use is conducted.

4) Dust and Erosion – dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities. Applicant shall meet the required standards of the Pickaway County Engineer.

5) Liquid or Solid Wastes – No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.

6) Vibrations and Noise – No uses shall be located and no equipment shall be installed in such a way as to produce intense earth shaking vibrations which are discernable without instruments at or beyond the property line of the subject premises. No use shall be operated so as to produce the continuous, frequent, or repetitive emission of noise which is readily perceptible beyond the lot line on which the use is located.

7) Odors - No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located, the applicable standards of the Environmental Protection Agency shall be adhered to.

ARTICLE XVII – GENERAL INDUSTRIAL DISTRICT (M-2)

Section 17.01 – PURPOSE: The Township recognizes that a well-planned and balanced community must have jobs for its residents and a tax base to support the best possible educational opportunities for the young. It is the intention to provide those reasonable conditions under which desirable large scale industry may operate so that the health, safety and general welfare of the residents of Muhlenberg Township may be preserved.

Section 17.02 – APPLICATION: the provisions of this article shall apply to all zoned General Industrial (M-2)

Section 17.03 – PERMITTED USES; Within the General Industrial District (M-2) the permitted uses exist.

a) Wholesale business when all products are stored within the building. The building or structure may not exceed 5000 square feet in area, unless approved as a conditional use.

b) Enclosed warehouse or storage activities. The building or structure may not exceed 5000 square feet in area, unless approved as a conditional use by the Board of Zoning Appeals.

c) Enclosed manufacturing industries. The building or structure may not exceed 5000 square feet in area, unless approved as a conditional use by the Board of zoning Appeals.

d) Enclosed service or repair activities. The building or structure may not exceed 5000 square feet in area, unless approved as a conditional use by the Board of zoning Appeals.

e) Business Offices. The building or structure may not exceed 5000 square feet in area, unless approved as a conditional use by the Board of zoning Appeals.

f) Enclosed research facilities. The building or structure may not exceed 5000 square feet in area, unless approved as a conditional use by the Board of zoning Appeals.

g) Temporary structures such as manufactured or mobile offices and temporary building of a non-residential character may be used incident to construction work on

the premises or on adjacent construction work on the premises or on adjacent public projects or during a period while the public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as deemed necessary. The fees for such permit and renewals thereof shall be established by the board of Trustees. Said temporary structure shall be removed not later than ten days after expiration of said permit. No unit shall be occupied as a residence without approval of the Board of zoning Appeals as granted in compliance with the provisions of Article XXVIII of this resolution.

Section 17.04 – CONDITIONAL USES: Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one year from the date of BZA approval or are discontinued for a period in excess of two years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and/or structure within the same is located or upon which the same is granted shall void the conditional use permit, and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

a) Manufacturing, processing, warehousing and industrial service activities located and maintained within the limits of the development standards of these General Industrial District Regulations.

b) Sanitary Land Fills provided that all required licenses and approvals are issued by appropriate state agencies. In addition to requirements imposed by state agencies the Board of Zoning Appeals, may require such screening as is necessary to protect adjacent neighborhoods.

c) Junk yards, salvage yards, and recycling facilities. In addition to requirements imposed by state agencies the Board of Zoning appeals, may require such screening as is necessary to protect adjacent neighborhoods.

d) Quarries, provided that all county, State, and Federal regulations are met and that all necessary licenses are obtained.

e) Any use of an industrial nature not already provided for by this Resolution.

Section 17.05 – PROHIBITED USES:

a) No use not specifically authorized by the express terms of this article of the Zoning Resolution or by the Board of Zoning appeals shall be permitted.

b) Unless specifically permitted by the Board of Zoning Appeals as incident and necessary to a permitted or conditional use in this district, the storage or parking of any inoperable, unlicensed or unused motor vehicles, or trailers detached from semi-tractors for over 14 days, shall be prohibited unless said vehicles are stored behind properly maintained hedges or fences so as not to be visible from any adjoining property or public road.

c)) Unless specifically permitted by the Board of Zoning appeals as incident and necessary to a permitted or conditional use in this district, no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the

tract of land or lot, the building line shall be considered to be the front wall of the structure even if said structure is located behind the minimum building line established by this code or the restrictions in the plat or deed.

- d) Residential use of any kind.
- e) Except as specifically permitted in Section 17.03 (g), no mobile office structure shall be placed or occupied in this district.

Section 17.06 – PROCEDURE: In addition to any other procedures set out in this Resolution, all applications for a conditional use in this district shall follow the procedures hereinafter set forth:

a) Application – The owner or lessee of lots and lands within the township may request a conditional use permit in the General Industrial District in accordance with the provisions of this Resolution. The applicant is encouraged to engage in informal consultations with the board of Zoning Appeals and the county Planning Commission prior to formal submission of a development plan and request for a conditional use permit, understanding that no statement by Officials of the Township or County shall be binding upon either.

b) Development Plan – Ten copies of the development plan shall be submitted to the Board of appeals with the application, the plan shall include in text and map form the following:

- 1) A survey plat and legal description signed by an Ohio Registered Surveyor showing the proposed size and location of the conditionally Permitted use in the General commercial District.
- 2) The general development character of the tract including the limitations or controls to be placed on all uses, with probable lot sizes, minimum setback requirements, and other development features including landscaping.
- 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
- 4) The proposed provisions for water, sanitary sewer and surface drainage, with engineering feasibility studies or other evidence of reasonableness.
- 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
- 6) The relationship of the proposed development to existing and probable uses of surrounding areas.
- 7) Location of parks and other public facility sites, if any.
- 8) The proposed time schedule for development of the site, including streets, buildings, utilities and other facilities.
- 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases.
- 10) The ability of the applicant to carry forth his plan by control of the land and the engineering feasibility of the plan.

Section 17.07 – DEVELOPMENT STANDARDS: In addition to any other provisions of this Resolution, all lands and uses within the General Industrial District shall be developed in strict compliance with the following standards:

- a) Lot Size – A minimum lot of two net acres, excluding all road right of ways, shall be required; however, the lot size shall be adequate to provide the required yard spaces and off street parking as required.
- b) Lot Width – a minimum continuous lot road frontage of 200 feet shall be required; the industrial tract shall have access to approved streets and shall be of sufficient width to provide required yard spaces and off street parking.
- c) Building Setback – No building or use shall be located closer to the right of way

line or center line of the adjacent public or private road that permitted no Section 21.09.

d) Side Yards – there shall be a yard on each side of the main building constructed in this district of not less than 50 feet on each side. No accessory building, or outdoor storage area shall encroach in said side yard.

e) Rear Yards – No building shall be located closer than 50 feet to the rear line of any lot.

f) Maximum Lot Coverage - On no lot or parcel in this zoning district shall structures and paving be constructed which cover more than 50% of the lot area. Structures shall cover no more than 25% of the lot or parcel.

g) Landscaping - all yards, front, side, and rear shall be landscaped, and all organized open spaces or areas shall be landscaped.

h) parking – Off street parking shall be provided within this district in strict compliance with the provisions of Article XXI of this Resolution.

i) Signs – Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XXII of the Resolution.

j) Lighting – Exterior lighting fixtures shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding areas.

k) Freight Loading Areas - When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area as provided shall be adequate in size to accommodate tractor trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.

l) Performance Standards – No use shall be conducted within this district which fails to maintain the following standards:

1) Fire and Explosion Hazards – all activities, including storage, involving flammable, explosive or hazardous materials shall include the provision of adequate safety devices against the hazard of spill, fire and/or explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.

2) Air Pollution – No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.

3) Glare, Heat and Exterior Light – any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.

4) Dust and Erosion – dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities. Applicant shall meet the required standards of the Pickaway County Engineer.

5) Liquid or Solid Wastes – No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.

6) Vibrations and Noise – No uses shall be located and no equipment shall be installed in such a way as to produce intense earth shaking vibrations which are discernable without instruments at or beyond the property line of the subject premises. No use shall be operated so as to produce the continuous, frequent, or repetitive emission of noise which is readily perceptible beyond the lot line on which the use is located.

7) Odors - No use shall be operated so as to produce the continuous,

frequent, or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located, the applicable standards of the Environmental Protection Agency shall be adhered to.

ARTICLE XVIII – RESERVED FOR FUTURE USE

ARTICLE XIX – RESERVED FOR FUTURE USE

ARTICLE XX – RESERVED FOR FUTURE USE

RESERVED FOR FUTURE USE

RESERVED FOR FUTURE USE

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