

**ZONING RESOLUTION
OF
THE MADISON TOWNSHIP
RICHLAND COUNTY, OHIO**

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TABLE OF CONTENTS

ARTICLE I 1
TITLE, AUTHORIZATION, PURPOSE..... 1
SECTION 100 TITLE..... 1
SECTION 100.1 STATEMENT OF LEGISLATIVE PURPOSE..... 1
SECTION 100.2 SHORT TITLE..... 1
ARTICLE II 2
CONSTRUCTION OF LANGUAGE AND DEFINITIONS..... 2
SECTION 200 CONSTRUCTION OF LANGUAGE..... 2
SECTION 200.1 DEFINITIONS 2
ARTICLE III..... 17
ESTABLISHMENT OF ZONING DISTRICTS AND MAP..... 17
SECTION 300 ESTABLISHMENT OF DISTRICTS..... 17
SECTION 300.1 OFFICIAL ZONING DISTRICTS MAP..... 18
SECTION 300.2 INTERPRETATION OF ZONING DISTRICT BOUNDARIES..... 19
SECTION 300.3 ZONING OF VACATED AREAS 19
SECTION 300.4 DISTRICT REQUIREMENTS 19
ARTICLE IV 20
STANDARD DISTRICT REGULATIONS..... 20
SECTION 400 REGULATION OF USE AND DEVELOPMENT 20
SECTION 400.1 PERMITTED USES..... 20
SECTION 400.2 CONDITIONALLY PERMITTED USES..... 20
SECTION 400.3 DEVELOPMENT STANDARDS 20
SECTION 400a C-CONSERVATION DISTRICT 20
SECTION 400a.1 PURPOSE..... 20
SECTION 400a.2 PERMITTED USES 21
SECTION 400a.3 CONDITIONALLY PERMITTED USES 21
SECTION 400a.4 AREA AND BULK REQUIREMENTS 21
SECTION 401 A - AGRICULTURAL DISTRICT..... 22
SECTION 401.1 PURPOSE 22
SECTION 401.2 PERMITTED USES..... 22
SECTION 401.3 CONDITIONALLY PERMITTED USES..... 22
SECTION 401.4 AREA AND BULK REQUIREMENTS..... 27
SECTION 402 R - 1 RESIDENTIAL DISTRICT 28
SECTION 402.1 PURPOSE 28
SECTION 402.2 PERMITTED USES..... 28
SECTION 402.3 CONDITIONALLY PERMITTED USES 28
SECTION 402.4 AREA AND BULK REQUIREMENTS..... 32
SECTION 403 R - 2 RESIDENTIAL DISTRICT 33
SECTION 403.1 PURPOSE 33
SECTION 403.2 PERMITTED USES..... 33
SECTION 403.3 CONDITIONALLY PERMITTED USES..... 34

SECTION 403.4	<u>AREA AND BULK REQUIREMENTS</u>	38
SECTION 404	<u>R - 3 RESIDENTIAL DISTRICT</u>	39
SECTION 404.1	<u>PURPOSE</u>	39
SECTION 404.2	<u>PERMITTED USES</u>	39
SECTION 404.3	<u>CONDITIONALLY PERMITTED USES</u>	40
SECTION 404.4	<u>AREA AND BULK REQUIREMENTS</u>	45
SECTION 404a	<u>R - 4 RESIDENTIAL DISTRICT</u>	46
SECTION 404a.1	<u>PURPOSE</u>	46
SECTION 404a.2	<u>PERMITTED USES</u>	46
SECTION 404a.3	<u>CONDITIONALLY PERMITTED USES</u>	46
SECTION 404a.4	<u>AREA, HEIGHT AND BULK REQUIREMENTS</u>	46
SECTION 405	<u>B - 1 NEIGHBORHOOD BUSINESS DISTRICT</u>	47
SECTION 405.1	<u>PURPOSE</u>	47
SECTION 405.2	<u>PERMITTED USES</u>	47
SECTION 405.3	<u>CONDITIONALLY PERMITTED USES</u>	48
SECTION 405.4	<u>AREA AND BULK REQUIREMENTS</u>	51
SECTION 406	<u>B - 2 GENERAL BUSINESS DISTRICT</u>	52
SECTION 406.1	<u>PURPOSE</u>	52
SECTION 406.2	<u>PERMITTED USES</u>	52
SECTION 406.4	<u>AREA AND BULK REQUIREMENTS</u>	57
SECTION 407	<u>B - 3 HIGHWAY SERVICE BUSINESS DISTRICT</u>	59
SECTION 407.1	<u>PURPOSE</u>	59
SECTION 407.2	<u>PERMITTED USES</u>	59
SECTION 407.3	<u>CONDITIONALLY PERMITTED USES</u>	60
SECTION 407.4	<u>AREA AND BULK REQUIREMENTS</u>	62
SECTION 408	<u>I - 1 LIGHT INDUSTRIAL DISTRICT</u>	63
SECTION 408.1	<u>PURPOSE</u>	63
SECTION 408.2	<u>PERMITTED USES</u>	63
SECTION 408.3	<u>CONDITIONALLY PERMITTED USES</u>	64
SECTION 408.4	<u>AREA AND BULK REQUIREMENTS</u>	67
SECTION 409	<u>I - 2 HEAVY INDUSTRIAL DISTRICT</u>	68
SECTION 409.1	<u>PURPOSE</u>	68
SECTION 409.2	<u>PERMITTED USES</u>	68
SECTION 409.3	<u>CONDITIONALLY PERMITTED USES</u>	69
SECTION 409.4	<u>AREA AND BULK REQUIREMENTS</u>	69
	NOTES TO SECTION.....	71
ARTICLE V	.....	73
SPECIAL DISTRICTS	.....	73
SECTION 500	<u>SPECIAL DISTRICTS ESTABLISHED</u>	73
SECTION 500.1	<u>RELATION TO STANDARD ZONING DISTRICTS AND MAP</u>	73
SECTION 501	<u>MH MOBILE HOME PARK DISTRICT</u>	74
SECTION 501.1	<u>PURPOSE</u>	74
SECTION 501.2	<u>PERMITTED USES</u>	74

SECTION 501.3	<u>CONDITIONALLY PERMITTED USES</u>	75
SECTION 501.4	<u>AREA AND BULK REQUIREMENTS</u>	76
SECTION 502	<u>P VEHICULAR PARKING DISTRICT</u>	77
SECTION 502.1	<u>PURPOSE</u>	77
SECTION 502.2	<u>PERMITTED USES</u>	77
SECTION 502.3	<u>PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE</u>	78
SECTION 502A	<u>ID INTERCHANGE DEVELOPMENT DISTRICT</u>	78
SECTION 502A.1	<u>PURPOSE</u>	78
SECTION 502A.2	<u>PERMITTED USES</u>	78
SECTION 502A.3	<u>AREA AND BULK REQUIREMENTS</u>	79
SECTION 503	<u>SCHEDULE OF REGULATIONS SCHEDULE LIMITING HEIGHT, BULK, DENSITY, AND LOT AREA IN SPECIAL DISTRICTS</u>	80
	NOTES TO SECTION 503	80
ARTICLE VI	.....	81
	OPEN SPACE DEVELOPMENTS	81
SECTION 600	<u>PURPOSE</u>	81
SECTION 600.1	<u>APPLICATION PROCEDURE</u>	81
SECTION 600.2	<u>BASIS OF APPROVAL</u>	82
SECTION 600.3	<u>EFFECT OF APPROVAL</u>	83
SECTION 600.4	<u>PERMITTED USES</u>	83
SECTION 600.5	<u>DEVELOPMENT PRINCIPLES AND STANDARDS</u>	83
SECTION 600.6	<u>COVENANTS AND RESTRICTIONS OF OPEN SPACE LAND</u>	84
ARTICLE VII	.....	86
	PLANNED DISTRICT REGULATIONS	86
SECTION 700	<u>REGULATION OF USE AND DEVELOPMENT</u>	86
SECTION 700.1	<u>APPLICATION PROCEDURE FOR ESTABLISHMENT OF A PLANNED UNIT RESIDENTIAL DISTRICT</u>	86
SECTION 700.2	<u>PERMITTED USES</u>	89
SECTION 700.3	<u>DEVELOPMENT PRINCIPLES AND STANDARDS</u>	89
SECTION 701	<u>PD PLANNED UNIT RESIDENTIAL DISTRICT</u>	90
SECTION 701.1	<u>PURPOSE</u>	90
SECTION 701.2	<u>PERMITTED USES</u>	90
SECTION 701.3	<u>DEVELOPMENT PRINCIPLES AND STANDARDS</u>	90
ARTICLE VIII	.....	95
	GENERAL PROVISIONS	95
SECTION 800	<u>SCOPE OF THE ZONING RESOLUTION</u>	95
SECTION 800.1	<u>NONCONFORMING LOTS, NONCONFORMING USES OF LAND AND NONCONFORMING STRUCTURES</u>	95
SECTION 800.2	<u>ACCESSORY BUILDINGS AND USES</u>	99
SECTION 800.3	<u>OFF-STREET PARKING REGULATIONS</u>	101
SECTION 800.4	<u>OFF-STREET LOADING AND UNLOADING</u>	107
SECTION 800.5	<u>TEMPORARY USES</u>	108

SECTION 800.6	<u>PLANT MATERIALS</u>	111
SECTION 800.7	<u>SIGN REGULATIONS</u>	112
SECTION 800.8	<u>LANDFILL AND DUMPING OPERATIONS</u>	112
SECTION 800.9	<u>SCREENING DEVICES & FENCES</u>	112
SECTION 800.10	<u>CORNER CLEARANCE</u>	114
SECTION 800.11	<u>APPROVAL OF SUBDIVISION PLATS</u>	114
SECTION 800.12	<u>PRINCIPAL BUILDING</u>	114
SECTION 800.13	<u>CORNER LOTS</u>	114
SECTION 800.14	<u>LOTS, YARDS, AND OPEN SPACES</u>	114
SECTION 800.15	Section Deleted by Madison Township Trustees, 12-10-01	114
SECTION 800.16	<u>INCONSISTENCIES</u>	114
SECTION 800.17	<u>CONDITIONS AND SAFEGUARDS</u>	115
SECTION 800.18	<u>CONDITIONAL ZONING CERTIFICATES</u>	115
SECTION 800.19	<u>SITE PLAN REVIEW</u>	116
SECTION 800.20	<u>DRAINAGE CHANNELS</u>	117
SECTION 800.21	Section Deleted by Madison Township Trustees, 12-10-01.	117
SECTION 800.22	<u>PUBLIC AND PRIVATE ACCESS REQUIREMENTS</u>	117
SECTION 800.23	<u>DRAINAGE OF SURFACE WATER</u>	117
ARTICLE IX		118
GENERAL EXCEPTIONS		118
SECTION 900	<u>EXEMPT FROM REGULATIONS</u>	118
SECTION 900.1	<u>AGRICULTURE</u>	118
SECTION 900.2	<u>PUBLIC UTILITIES</u>	119
SECTION 900.3	<u>RAILROAD RIGHTS-OF-WAY</u>	120
SECTION 900.4	<u>DWELLING QUARTERS, NON-RESIDENTIAL DISTRICTS</u>	120
SECTION 900.5	<u>PERMITTED HEIGHT EXCEPTIONS</u>	120
SECTION 900.6	<u>VOTING PLACE</u>	120
SECTION 900.7	<u>ACCESSWAYS</u>	120
SECTION 900.9	<u>PROJECTIONS INTO YARDS</u>	120
SECTION 900.10	<u>LOTS ADJOINING ALLEYS</u>	121
SECTION 900.11	<u>CONSTRUCTION</u>	121
SECTION 900.12	<u>YARD REGULATIONS</u>	121
SECTION 900.13	<u>FRONT YARD VARIANCES IN RESIDENTIAL DISTRICTS</u>	121
ARTICLE X		122
ADMINISTRATION AND ENFORCEMENT		122
SECTION 1000	<u>AUTHORITY, COMPOSITION, AND APPOINTMENT</u>	122
SECTION 1000.1	<u>ORGANIZATION</u>	122
SECTION 1000.2	<u>QUORUM</u>	122
SECTION 1000.3	<u>MEETINGS</u>	122
SECTION 1000.4	<u>POWERS AND DUTIES</u>	122
SECTION 1000.5	<u>ADMINISTRATION AND ENFORCEMENT</u>	123
SECTION 1000.6	<u>DUTIES OF THE ZONING INSPECTOR</u>	123
SECTION 1000.7	<u>APPLICATION PROCEDURE - ZONING CERTIFICATE</u>	123

SECTION 1000.8	<u>FEES</u>	124
ARTICLE XI	.....	125
BOARD OF ZONING APPEALS	.....	125
SECTION 1100	<u>AUTHORITY, COMPOSITION, AND APPOINTMENT</u>	125
SECTION 1100.1	<u>ORGANIZATION</u>	125
SECTION 1100.2	<u>QUORUM</u>	125
SECTION 1100.3	<u>MEETINGS</u>	125
SECTION 1100.4	<u>WITNESSES</u>	125
SECTION 1100.5	<u>POWERS AND DUTIES</u>	125
SECTION 1100.6	<u>PROCEDURES</u>	128
SECTION 1100.7	<u>NOTICE OF HEARINGS</u>	128
SECTION 1100.8	<u>APPEALS</u>	129
SECTION 1100.9	<u>FEES</u>	129
ARTICLE XII	.....	130
AMENDMENTS	.....	130
ARTICLE XIII	.....	131
REPEALER	.....	131
ARTICLE XIV	.....	132
INTERPRETATION	.....	132
ARTICLE XV	.....	133
VIOLATIONS AND PENALTIES	.....	133
SECTION 1500	<u>PUBLIC NUISANCE</u>	133
SECTION 1500.1	<u>INSPECTION</u>	133
SECTION 1500.2	<u>CORRECTION PERIOD</u>	133
SECTION 1500.3	<u>PENALTIES</u>	133
SECTION 1500.4	<u>JUNK ACCUMULATION AND VEGETATION</u>	135
ARTICLE XVI	.....	136
VALIDITY AND SEPARABILITY	.....	136
ARTICLE XVII	.....	137
EFFECTIVE DATE	.....	137
APPENDIX	.....	138
	<u>APPLICATION FOR ZONING CERTIFICATE</u>	139
	APPLICATION FOR CONDITIONAL ZONING CERTIFICATE	141
	NONCONFORMING USE CERTIFICATE.....	143
	APPLICATION FOR ZONING AMENDMENT	145
	DESCRIPTION OF IMAGINARY ZONING DISTRICT BOUNDARIES	146
	IMAGINARY ZONING DISTRICT BOUNDARY	147
	PETITION FOR APPEAL.....	149

ARTICLE I

TITLE, AUTHORIZATION, PURPOSE

SECTION 100 TITLE

A Resolution enacted under Chapter 519 of the Ohio Revised Code, governing the Township of Madison, Richland County, Ohio, to regulate and restrict the location and use of buildings and other structures, and land for trade, industry, residence, public and quasi-public or other specified uses; to regulate and limit the height and bulk of buildings and other structures; to regulate and determine the area and dimensions of yards, courts and other open spaces; to regulate and limit the density of population; to divide the Township into districts, establishing the boundaries thereof; to provide for changes in the regulations and boundaries of such districts; to define certain terms used herein; to provide for the administration and enforcement of the Resolution; to establish a Board of Zoning Appeals; and to authorize Conditional Zoning Certificates.

SECTION 100.1 STATEMENT OF LEGISLATIVE PURPOSE

Madison Township serves as a residential community for workers of nearby communities. Madison Township is also an employment center for persons living in adjoining communities. Additional population increases and the addition of further commercial and industrial development will significantly increase the development problems in this area. It is essential to the well-being of the Madison Township area that such development shall take place in an orderly and coordinated manner so as to place no undue burden upon residents, developers, industrialists or businessmen. It is the purpose of this Resolution to provide for that orderly development; to assure the provision of adequate sites for business, industry and residence; to provide for free movement of vehicles upon the proper streets and highways of the Township; to protect industries, businesses and residences against incompatible uses of land; and to assure the provision of adequate space for the parking of vehicles of customers using the retail, commercial and industrial establishments of Madison Township. In addition to the above, it is recognized that it is the purpose of business and industry to provide the means for decent and respectable lives for citizens of Madison Township. In the interests of public health, safety, morals and the general welfare, it is essential that all districts be considered equal since all districts perform an equally important function within the community, and that all districts be adequately protected in order to enable them to best perform their function within the community. It is also essential that all of the uses of land and buildings within Madison Township be so related as to provide for economy in government and so that they may mutually support each other in order that the fullest benefit may be derived from business, industrial and living areas.

SECTION 100.2 SHORT TITLE

This Resolution shall be known as the "Zoning Resolution of Madison Township, Richland County, Ohio."

ARTICLE II

CONSTRUCTION OF LANGUAGE AND DEFINITIONS

SECTION 200 CONSTRUCTION OF LANGUAGE

The following rules of construction apply to the provisions of this Resolution:

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the provisions of this Resolution and any caption or illustration, the provisions shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" or "should" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
6. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either/or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all connected items, conditions, provisions or events shall apply.
 - b. "Or" indicates that all connected items, conditions, provisions or events may apply singly or in combination.
 - c. "Either/or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
7. Terms not herein defined shall have the meaning customarily assigned to them.

SECTION 200.1 DEFINITIONS

1. ACCESSORY USE: An "accessory use" is a use which is clearly incidental and subordinate to, and located on the same lot as the principle use or building. An "accessory use" includes but is not limited to the following:

- a. Residential accommodations for servants, caretakers, or night watchmen.
 - b. Off-street parking and loading spaces, open or enclosed, subject to the off-street parking and loading regulations of the zoning district in which the lot is located.
 - c. Swimming pools for use of the occupants of a residence or their guests.
 - d. Storage of goods used in or produced by business or industrial activities.
 - e. Storage of merchandise normally carried on in connection with a business or industrial use, unless such storage is excluded from the applicable provisions of the district regulations.
 - f. Storage of goods used in or produced by industrial uses or related activities unless such storage is excluded in the applicable district regulations.
 - g. Garage or other casual sales of personal property shall be considered an accessory use so long as they are held no more frequently than three times a year and for no longer than three days each time.
 - h. Accessory use shall include the keeping of domestic dogs (family, hunting), or domestic cats or other domesticated pets, but shall not allow the keeping of exotic or dangerous animals such as, but not limited to, lions, tigers, leopards, panthers, cougars, bobcats, bears, wolves, foxes, apes, gorillas, poisonous or constrictor snakes, crocodiles, alligators or pit bull dogs.
2. AGRICULTURE: Is the use of land for farming purposes including dairying, pasturage, apiculture, floriculture, horticulture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing of produce provided the operations of such accessory use shall be secondary to that of the normal agricultural activities, and provided that the above uses shall not include the commercial feeding of garbage or offals for the survival of other animals. A use shall be classified as farming or agriculture only if it is the principle or main use of the land.
 3. ALLEY: Is a public right-of-way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.
 4. ALTERATION: Any change, addition, alteration, or rearrangement in construction or type of occupancy, or change in the structural parts of a building such as walls, windows, partitions, columns, girders, or the moving from one location or position to another.
 5. APARTMENT: Same as a "Multiple Family Dwelling."
 6. BASEMENT: Is that portion of a building which is entirely or partially below and partially

above ground level, and so located that the vertical distance from the grade to the floor below is more than the vertical distance from the grade to the ceiling above. When a basement floor is less than two (2) feet below the ground level, it will be rated as the first story.

- 6a. **BED AND BREAKFAST HOMESTAY**: Is a private owner occupied dwelling unit that contains no more than three guest rooms, where short term lodging and breakfast are provided for compensation. The use as a Bed and Breakfast Homestay shall be subordinate and incidental to the main residential use of the building.
7. **BOARDING HOUSE**: Is a dwelling where meals or lodging and meals are provided for compensation to two (2) or more persons.
8. **BUILDING**: Is any structure designed, built or occupied as a shelter which is permanently affixed to the land and has one or more floors and a roof. Buildings includes the area closed and unenclosed devoted to porches, stairways, decks, fire escapes and fixed canopies. When a structure is separated by a fire wall, each such separated portion of such structure shall be deemed a separate building. A "building" shall not include such structures as billboards, fences, radio towers, water towers, smoke stacks, grain elevators, coal bunkers, or similar structures with interior spaces not normally accessible for human use.
9. **BUILDING HEIGHT**: Is the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of a mansard roof; and to the average height between eaves and the ridge line of a gable, hip, or gambrel roof. Where a building is located on sloping terrain or the side of a hill, the height may be measured from the average elevation of the finished grade at the building wall.
10. **BUILDING LINE**: Is a line defining the minimum front, side and rear yard setback requirements in which no building or structure may be located, except as otherwise provided herein.
11. **BUILDING, PRINCIPAL**: Is the building housing the principal activity performed on a lot. Included but not limited to the following: Residential district the principal building is a habitable dwelling. In a business or industrial district the principal building is where business is being conducted. Business must be operating before accessory building can be added.
12. **CARPORT**: Is an accessory building or portion of a main building having a roofed space and at least one (1) side open to the weather and designed or used for storage of motor driven vehicles, boats and similar vehicles owned and used by the occupants of the building.

13. CENTRALIZED SEWER SYSTEM: Is where individual lots are connected to common sewerage collection systems and treatment plant facilities whether publicly or privately owned.
14. CENTRALIZED WATER SYSTEM: Is where individual lots are connected to a common water distribution system and plant facilities whether publicly or privately owned.
- 14a. CHILD DAY-CARE CENTER: Is any place in which child day-care or publicly funded child day-care is provided for thirteen or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child day-care or publicly funded child day-care is provided for seven to twelve children at one time. In counting children for the purposes of this definition, any children under six years of age who are related to the licensee, administrator, or employee and who are on the premises of the center shall be counted.
15. CLUB: Is an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.
16. CLINIC: Is an establishment where human patients who are not lodged overnight are admitted for examination or treatment by a group of physicians, dentists or similar professions.
- 16a. CONDOMINIUM: Is a building or group of buildings in which dwelling units are individually owned but the structure, common areas and facilities are owned on a proportional, undivided basis by all of the owners.
- 16b. CONDOMINIUM ASSOCIATION: Is the community association which administers and maintains the common property and common elements of a condominium.
Comment: Condominium associations differ from other forms of community associations in that the condominium association does not have title to the common property and facilities. These are owned by the condominium owner on a proportional, undivided basis.
17. CONVALESCENT OR NURSING HOME: Is a structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care.
18. DENSITY: Is the number of dwelling units that can be developed on a given acre of land.
19. DEVELOPMENT: Is the construction of a new building or other structure on a lot, the relocation of an existing building on another lot, or the use of open land for a new use.
20. DISTRICT: Is a portion of the incorporated area of Madison Township within which certain regulations and requirements or various combinations apply under the provisions of this Resolution.

21. DRIVE-IN: Is a business establishment so developed that its retail or service character is dependent on providing a driveway approach and parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.
22. DWELLING: Is a building (except a manufactured home or mobile home as defined in this Resolution) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants and built on a site complying with the local building codes or built completely or partially off site complying with the basic building codes of the State of Ohio for Industrialized Units or a Permanently Site Manufactured Home as defined in this Resolution.
23. DWELLING, ONE FAMILY: Is a dwelling consisting of one (1) dwelling unit only, separated from other dwelling units by open space.
24. DWELLING, TWO FAMILY: Is a dwelling consisting of two (2) dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.
25. DWELLING, MULTIPLE FAMILY: Is a dwelling consisting of three (3) or more dwelling units with a varying arrangements of entrances and party walls.

The dwelling units in a multiple family dwelling are defined as follows:

- a. EFFICIENCY UNIT: Is a dwelling unit containing at least three hundred and fifty (350) square feet of floor area, and consisting of not more than one (1) room in addition to a kitchen, dining and necessary sanitary facilities, and for the purposes of computing density, shall be considered as a one (1) room unit.
- b. ONE BEDROOM UNIT: Is a dwelling unit containing a minimum floor area of at least five hundred (500) square feet, consisting of not more than two (2) rooms in addition to kitchen, dining, and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a two (2) room unit.
- c. TWO BEDROOM UNIT: Is a dwelling unit containing a minimum floor area of seven hundred (700) square feet, consisting of not more than three (3) rooms in addition to kitchen, dining, and necessary sanitary facilities, and for the purposes of computing density, shall be considered as a three (3) room unit.
- d. THREE BEDROOM UNIT: Is a dwelling wherein for each room in addition to the three (3) rooms permitted for a two bedroom unit, there shall be provided an additional area of two hundred (200) square feet to the minimum floor area of seven hundred (700) square feet. For the purpose of computing density, a three (3) bedroom unit shall be considered as a four (4) room unit.

26. DWELLING, TOWNHOUSE: Is three (3) or more one-family dwelling units having one (1) or more stories and each having access on the first floor to the ground and having common walls separating the dwelling units.
27. DWELLING UNIT: Space within a dwelling, comprising living, dining, sleeping rooms or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one (1) family and its household employees.
28. ERECTED: Built, constructed, altered, moved upon, reconstructed, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like shall be considered a part of erection.
29. ESSENTIAL SERVICES: Is the erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions, or underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communications, supply or disposal systems, including poles, wires, mains, drains, sewer and water pipes, conduit, cables, fire alarm boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings for the furnishing of adequate service by such public utilities or commissions, or for the public health or safety or general welfare.
30. EXCAVATION: Includes any breaking of ground except common ground care and household gardens.
31. FAMILY: Is one (1) or more persons related by marriage or immediate blood relationship living together as a single housekeeping unit and doing their cooking on the premises as distinguishing from a group occupying a boarding house, lodging house, club, fraternity, hotel or motel or nursing home.
- 31A. FENCE: An artificially constructed barrier of any material or combination of material, erected for the purpose of enclosing or screening areas of land.
- 31B. FENCE, DECORATIVE: An artificially constructed barrier of any material or combination of material erected for aesthetic purposes only.
32. FLOOR AREA, GROSS: Is the sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior of walls or the center line of walls separating two buildings. In particular, the floor area includes: basement space; elevator shafts or stairwells; floor space for mechanical equipment, penthouses, balconies, mezzanines, enclosed porches, attic floor space providing structural head room of seven feet six inches (7' 6"), open porches, terraces and breezeways, where more than fifty (50) percent of the perimeter of such terrace, breezeway or open porch is enclosed.

33. FLOOR AREA, USABLE: For the purposes of computing required parking areas, the "Usable Floor Area" is defined as the sum of the horizontal areas of each floor of a building, measured from the exterior walls or from the center line of walls separating two buildings. The floor area of a building shall include all areas used for sale of merchandise or services, or for use of patrons, clients or patients, and all areas used or intended to be used for the manufacturing or processing of goods or materials. Elevator shafts, stairwells, floor areas utilized for enclosed mechanical equipment, utilities or sanitary facilities, enclosed or partially enclosed off-street parking or loading areas, or any basement shall not be counted as "Usable Floor Area."
34. GARAGE, PRIVATE: Is an accessory building or portion of a main building, enclosed on all sides and designed or used for the storage of motor driven vehicles, boats and similar vehicles owned and used by the occupants of the building.
35. GARAGE, SERVICE REPAIR: A place where the following services may be carried out: general repair, engine rebuilding, sale of engine fuels, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame or fender straightening and repair; overall painting and undercoating of automobiles.
36. GASOLINE SERVICE STATION: Is any area of land, including any structure or structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles. For the purpose of this Resolution, there shall be deemed to be included within this term any area or structure used or designed to be used for greasing, polishing, washing, spraying or otherwise cleaning or servicing such motor vehicles.
37. GRADE: Is the ground elevation established for the purpose of regulating the number of stories and height of a building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by computing the average elevation of the ground for each face of the building, and taking the median of said total averages.
38. GREENBELT: An open landscaped area free of buildings and structures and maintained with permanent plant materials to provide a screen to abutting properties.
39. HOME OCCUPATION: Is an activity, occupation, profession, service, craft, or revenue enhancing hobby which is conducted entirely within a dwelling unit, and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not involve the extension or modification of said dwelling which will alter its outward appearance as a dwelling, and in connection with which there is no display of stock in trade or commodities sold except those which are produced on the premises. Clinics, hospitals, tourist homes, animal hospitals, and automotive repair shops, among others, shall not be deemed to be home occupations.

- 39a. INDUSTRIALIZED UNIT: Is a building unit or assembly of closed construction that is fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. “Industrialized unit” includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. “Industrialized unit” does not include a manufactured or mobile home as defined in this Resolution.

For the purpose of this Resolution an industrialized unit shall be considered to be a family residential dwelling provided it meets all of the following criteria:

- a. The industrialized unit installed on a site-built permanent foundation.
 - b. The industrialized unit is designed not to be moved once erected or installed on the site-built permanent foundation.
 - c. The industrialized unit complies with the Ohio and/or local building codes as evidenced by an appropriated Industrialized Unit Insignia Number on each unit.
40. JUNK: Scrap metals of all types, bones, rags, cans, bottles and glass, packaging, old or used machinery, appliances, furniture, motor vehicles or parts thereof, used building materials, rubber tires, and any other type of accumulation as to give an unsightly appearance.
- 40a. JUNK YARD: Is the use of any of the area of any lot, inside or outside a building where junk or waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled.
- 40b. JUNK MOTOR VEHICLES: Refers to Resolution 87-94.
41. KENNEL, COMMERCIAL: Is any lot or premises in which more than four (4) dogs or domesticated animals more than one (1) year old are housed, groomed, bred, boarded, trained or sold.
- 41a. LIBRARY: A place in which books, manuscripts and other literary materials are kept for use but not for sale.
42. LOADING SPACE: An off-street space outside the street right-of-way and on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise, materials and goods.

43. LOT: Is a parcel of land occupied or capable of being occupied by one or more buildings and the accessory buildings or uses customarily incidental to it, together with such yards, and open spaces as are required under the provisions of this Resolution. A lot may or may not be specifically designated as such on public records.
44. LOT AREA: The total horizontal area within the lot lines of the lot.
45. LOT, CORNER: Is a lot at the point of intersection of and abutting on two or more intersecting streets, the angle of intersection not being more than one hundred and thirty five (135) degrees.
46. LOT COVERAGE: Is the part or percent of the lot occupied by buildings including accessory buildings.
47. LOT DEPTH: Is the horizontal distance between the street right-of-way line and rear lot line measured along the median between the side lot lines. Where the right-of-way width is not established, it shall be assumed to be sixty (60) feet.
48. LOT, INTERIOR: Is a lot other than a corner lot.
49. LOT LINES: Are the lines defining the limits of a lot as described below:
 - a. FRONT LOT LINE: In the case of an interior lot, it is that lot line separating said lot from the street. In the case of a corner lot, or double frontage lot, it is that line separating said lot from either street.
 - b. SIDE LOT LINE: Is any lot line other than the front or rear lot line.
 - c. REAR LOT LINE: Is that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than thirty (30) feet long lying farthest from the front lot line and wholly within the lot.
50. LOT OF RECORD: Is a lot the dimensions of which are recorded in a document or shown on a map on file in the office of the Recorder of Richland County, or a lot described by metes and bounds, the deed to which has been recorded in a document or on a map in the office of the Recorder of Richland County, Ohio.
51. LOT WIDTH: Is the horizontal distance between the side lot lines, measured between two points where the minimum building setback line intersects the side lot lines.

52. MANUFACTURED HOME: Is a building unit or assembly of closed construction that is fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974.” and that has label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards. “Manufactured Home” does not qualify as an industrialized unit as defined in the Resolution.
53. MASTER PLAN: Is the Comprehensive Plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and private land use development of the Township of Madison, including any part of such plan or changes thereto.
54. MINIMUM BUILDING SETBACK LINE: Is a line between the front and rear lot line and parallel to the street right-of-way line as required by the minimum front yard depth in the district in which it is stated.
55. MINIMUM LIVING FLOOR AREA: For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The floor area measurement is exclusive of areas devoted to basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.
56. MOBILE HOME: Is a building unit or assembly of closed construction that is fabricated in an off-site facility that is more than thirty-five (35) body feet in length or, when erected on site, is three hundred twenty (320) or more square feet, that is built on a permanent chassis and transportable in one or more sections, and that does not qualify as a manufactured home or industrialized unit as defined in this Resolution.
57. MOBILE HOME PARK (MANUFACTURED HOME PARK): Is any parcel of land, ten (10) acres or greater, where ten (10) or more Mobile Homes and/or Manufactured Homes are parked for dwelling or sleeping purposes.
58. MOTEL: Is a series of attached, semi-attached or detached rental units containing a bedroom, bathroom and closet space. The units shall provide for overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicle.
59. NONCONFORMING BUILDING: Is a building or portion thereof lawfully existing at the effective date of this Resolution, or amendments thereto that does not conform to the area and height regulations of the district in which it is located.

60. NONCONFORMING USE: Is a use lawfully existing at the time of the enactment of this Resolution, and which does not conform to the use provisions of the district in which it is located.
61. NURSERY: A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Resolution does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.
62. OFF-STREET PARKING LOT: Is a facility providing vehicular parking spaces along with adequate drives and aisles, off the street and outside the right-of-way line, for maneuvering and providing entrances and exits so as to provide parking for more than two (2) vehicles.
63. OPEN SPACE: Is any part of a lot, including courts and yards, which is open and unobstructed from its lowest level to the sky, and is accessible to all residents upon the lot. The term "open space" shall not include parts of a roof or that portion of a building containing dwelling units.
64. OPEN SPACE DEVELOPMENT: A subdivision of land which has both individual building sites and common open space areas, such as parks and recreational areas; and is planned, designed and organized as a unified development capable of providing a variety of residential dwellings.
65. OPEN STORE FRONT: A business establishment so developed that service to the patron may be extended beyond the walls of the structure not requiring the patron to enter the structure. The term "open front store" shall not include automobile repair stations or gasoline service stations.
66. PARKING SPACE: Is an area of definite length and width, exclusive of aisles and drives or entrances giving access thereto, and fully accessible for the storage of permitted motor vehicles.
- 66a. PERMANENT FOUNDATION: Is a permanent masonry, concrete, or locally approved footing or foundation, to which an industrialized unit or manufactured home may be affixed.

- 66b. PERMANENTLY SITED MANUFACTURED HOME: Is a manufactured home that meets all of the following criteria:
1. The structure is affixed to a permanent foundation and is connected to appropriate facilities;
 2. The structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point, and a total living area of at least nine-hundred (900) square feet or what ever is required of a single family dwellings in the applicable zoning district, which ever is greater, excluding garages, porches, or attachments;
 3. The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering;
 4. The structure was manufactured after January 1, 1995;
 5. The structure is not located in a manufactured home park.
67. PLANNED UNIT DEVELOPMENT: Is any subdivision of land containing more than fifty (50) dwelling units where both individual building sites and common property devoted to parks, playgrounds or school sites is designed and organized to be capable of satisfactory use and operation as a self-contained residential area.
68. PUBLIC UTILITY: Is any person, firm or corporation, governmental agency or board fully authorized to furnish and furnishing under governmental regulations to the public, electricity, gas, steam, telephone, telegraphy, transportation, sewer, water, T.V. cable or utility services.
69. RECREATIONAL VEHICLE: Is a mobile, self-propelled or non-self-propelled, self-contained vehicle designed or intended to be used as temporary sleeping or living quarters. Recreational vehicles include travel trailers, tent campers, truck campers and motor homes.
70. ROOM: Is for the purpose of determining lot area requirements and density in a multiple family district, a living room, dining room or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in the kitchen, sanitary facilities, utility rooms, corridors, hallways and storage.
71. SIGN: Is any card, cloth, paper, metal, painted glass, wood, plaster, stone, or other sign of any kind or character whatsoever which shall be used to attract attention to any object, product place, activity, person, institution, organization, or business. The term "place" shall include erecting, constructing, posting, painting, printing, tackling, nailing, gluing, stacking, carrying, or fastening or making visible in any manner whatsoever. For the purposes of this Resolution the work "sign" shall not include the flag, pennant, lodge, or insignia of any government, religious, educational or similar organization.

72. **STORY**: Is that part of a building included between the surface of one floor and the surface of the next floor above, or if there is no floor above then ceiling next above.
73. **STREET**: Is a right-of-way which affords the principal means of access to abutting property and which has been dedicated or deeded to the public use and accepted by Madison Township, Ohio. Streets shall be further defined as follows:
- a. **MAJOR ARTERIAL THOROUGHFARE**: Is a street which is intended to carry the major portion of traffic entering or leaving the Township, and significant travel between communities or between major urban centers. For the purpose of this Zoning Resolution “Major Arterial Thoroughfares” are designated on the Thoroughfare Plan for Madison Township. (See Appendix)
 - b. **MINOR ARTERIAL THOROUGHFARE**: Is a street which is intended to connect with and augment the major arterial thoroughfare system. The function of the minor arterial thoroughfare system is to provide for trips of moderate length and provide continuity within the Township. For the purpose of this Zoning Resolution “Minor Arterial Thoroughfares” are designated on the Thoroughfare Plan for Madison Township. (See Appendix)
 - c. **COLLECTOR THOROUGHFARE**: Is a street which is intended to collect traffic from local streets within a neighborhood and channel it onto the arterial thoroughfare system, or conversely to distribute traffic from the arterial thoroughfare system to the local streets. For the purpose of the Zoning Resolution “Collector Thoroughfares” are designated on the Thoroughfare Plan for Madison Township. (See Appendix)
 - d. **LOCAL STREET**: Is a street which is intended primarily to provide access to abutting properties. For the purpose of this Zoning Resolution, “Local Streets” are designated on the Thoroughfare Plan for Madison Township. (See Appendix)
74. **STRUCTURE**: Is anything constructed or erected which requires location on or below the ground, or attachment to something having a location on or below the ground.
75. **SWIMMING POOL**: A receptacle for water, portable or permanent, having a depth at any point greater than two (2) feet or that at anytime uses a filtering or circulating system and which is used or intended for swimming or other recreational activities and which is constructed, installed or maintained on or below the ground surface. Any body of water contained by earth such as lakes, ponds, are excluded from this definition.

76. TELECOMMUNICATION TOWER: Is any free-standing structure, or any structure to be attached to a building or other structure, that meets all of the following criteria:
- a. The free-standing or attached structure is proposed to be constructed on or after the effective date of the Ohio Revised Code amendment to Section 519.211 (10/31/96).
 - b. The free-standing or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.
 - c. The free-standing or attached structure is proposed to be located in an unincorporated area of the Township, in an area zoned for residential use.
 - d. The free-standing structure is proposed to top at a height that is greater than 40 feet.
 - e. The attached structure is proposed to top at a height that is greater than the height of the building or other structure to which it is to be attached.
 - f. The free-standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.
77. TEMPORARY USE: Any activity permitted by the Township Board of Zoning Appeals characterized by its short-term use of land or structure and by the fact that permanent improvements are not made on the property and the use is not otherwise included as a permanent or accessory use by this Resolution.
78. THOROUGHFARE PLAN: Is a plan adopted by Madison Township as part of this resolution indicating the location of major arterial thoroughfares, minor arterial thoroughfares, collector thoroughfares and local streets within Madison Township. (See Appendix)
79. USE: Is the principal purpose for which land, or a building is arranged, designed, or intended, or for which land or a building is or may be occupied.
80. VEGETATION: Is any plant life or plant cover.

81. YARDS: The open spaces on the same lot as the principal building, unoccupied and unobstructed from the ground upward and further defined as follows:
- a. FRONT YARD: Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the street right-of-way line and the nearest point of the principal building.
 - b. SIDE YARD: Is an open space between the side lot line and the principal building, extending from the front yard to the rear yard, the width of which is the minimum horizontal distance from the nearest point on the side lot line to the nearest point of the principal building.
 - c. REAR YARD: Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building.
82. ZERO LOT LINE COMMON WALL DWELLING: Is a two family dwelling containing two dwellings units that have a common wall resting on a lot line (the common wall shall be considered the zero lot line), with the intention of each dwelling unit and its lot on each side of the zero lot line or common wall being owned by separate owners.
83. ZONING VARIANCE:
- a. USE VARIANCE: Is a modification of the literal provisions of a zoning classification, and is granted when strict enforcement of the Resolution would cause undo hardship owing to circumstances unique to the individual property for which the variance is sought. Numerous factors are to be considered and are listed in Section 1100.5.
 - b. AREA VARIANCE: Is a variance which relates solely to area requirements. The standard to be applied is practical difficulties and whether the area zoning requirement applied to the particular property is reasonable. Numerous factors are to be considered and are listed in Section 1100.5.

The crucial factors of a variance are undue hardships and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

ARTICLE III

ESTABLISHMENT OF ZONING DISTRICTS AND MAP

SECTION 300 ESTABLISHMENT OF DISTRICTS

1. STANDARD ZONING DISTRICTS: The intended use of standard zoning districts is to delineate areas of existing land use and development character so as to afford such areas the regulations necessary to maintain their essential qualities and to assure that any additional development will be in keeping with that which has already been established. For the purpose of this Resolution, Madison Township is hereby divided into the following Standard Zoning Districts:

- C Conservation
- A Agricultural
- R-1 Residential
- R-2 Residential
- R-3 Residential
- R-4 Residential

- B-1 Neighborhood Business
- B-2 General Business
- B-3 Highway Service

- I-1 Light Industrial
- I-2 Heavy Industrial

2. PLANNED UNIT DEVELOPMENT DISTRICTS: The intended purpose of the Planned Unit Development Districts is to allow predetermined large scale development comprehensively designed and arranged for one family, two family, townhouses, multiple family, and planned shopping centers or highway service centers and planned industrial park developments. It is also the intended use of the Planned Unit Development Districts to allow such developments within appropriate locations to forestall further blight; and encourage new investment that can be attracted for desirable development. For the purposes of this Resolution, Madison Township is hereby divided into the following Planned Unit Development Districts:

PD - Planned Unit Residential District

3. SPECIAL DISTRICTS: The intended purpose of the Special District is to delineate areas where, due to unique circumstances or development requirements, such activity can be carried on without subjecting the established land uses and zoning districts to undue interference or disturbance. For the purposes of this Resolution, Madison Township is hereby divided into the following Special Districts:

- MH Mobile Home Park District
- P Vehicular Parking District
- ID Interchange Development District

SECTION 300.1 OFFICIAL ZONING DISTRICTS MAP

All land in the Township of Madison within the scope of this Zoning Resolution is placed into Zoning Districts as is shown on the Zoning Districts Map of the Township of Madison, County of Richland, State of Ohio, which accompanies this Resolution, and said map with all notations, references, and other pertinent material shown thereon, is hereby made a part of this Resolution as if fully described herein.

The Zoning Districts Map shall be identified by the signatures of the Township Trustees, attested by the Township Clerk, under the following words:

"This is to certify that this is the official Zoning Districts Map referred to in Section 300.1 of the Zoning Resolution of the Township of Madison, County of Richland, Ohio." (include date of adoption)

Wherever changes are made in the district boundaries or other matter portrayed on the official Zoning Districts Map, such changes shall be made on the official Zoning Districts Map after the amendment has been approved by Township Trustees together with an entry on the official Zoning Districts Map as follows:

"On (date), by official action of Township Trustees, the following changes were made (reference number to Township Trustees proceedings)."

It shall be the responsibility of the Board of Township Trustees to make all necessary corrections and additions to the Official Zoning Districts Map following approval of any Zoning amendments. The Township Trustees may assign this task to the Township Clerk or to the Township Zoning Inspector. Two (2) copies of the official Zoning District Map are to be maintained and kept up-to-date: One (1) in the Township Trustees office, and one (1) by the Zoning Inspector accessible to the public and shall be final authority as to the current zoning status of lands, buildings and other structures in the Township of Madison.

SECTION 300.2 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the official Zoning Districts Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following the corporation boundary line shall be construed as following the corporation boundary line.
4. Boundaries indicated as following railroad tracks shall be construed to be midway between the main tracks.
5. Boundaries indicated as approximately following the center line of streams, rivers or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the official Zoning Districts Map shall be determined by the use of a scale shown on the Map.

SECTION 300.3 ZONING OF VACATED AREAS

Wherever any street, alley or other public way is vacated by action of the appropriate legislative body and in a manner authorized by law, the Zoning District adjoining each side of such street, alley or public way shall be automatically extended to the center line of such vacation and all areas included in the vacation shall then be subject to the same use, areas and height regulations of the extended district.

SECTION 300.4 DISTRICT REQUIREMENTS

All buildings and uses in any district shall be subject to the provisions of Article VIII, GENERAL PROVISIONS, and Article IX, GENERAL EXCEPTIONS.

ARTICLE IV

STANDARD DISTRICT REGULATIONS

SECTION 400 REGULATION OF USE AND DEVELOPMENT

Regulations pertaining to the use of land and/or structures and physical development within each of the Zoning Districts, as adopted as a Standard Zoning District in Article III, and as shown on the Zoning Districts Map, are hereby established and adopted.

SECTION 400.1 PERMITTED USES

Only a use designated as a PERMITTED USE shall be allowed as a matter of right within a Zoning District and any use not so designated shall be prohibited except, when in character with the Zoning District, such additional uses may be added to the PERMITTED USES of the Zoning District by amendment of this Resolution.

SECTION 400.2 CONDITIONALLY PERMITTED USES

A use designated as a CONDITIONAL USE shall be allowed in a Zoning District when such CONDITIONAL USE, its location, extent and method of development will not substantially alter the character of the vicinity or unduly interfere with the use of adjacent lots in the manner prescribed for the Zoning District. To this end the Board of Zoning Appeals shall, in addition to the Development Standards for the Zoning District, set forth such additional requirements as will, in its judgment render the CONDITIONAL USE compatible with the existing and future use of adjacent lots and the immediately surrounding area.

SECTION 400.3 DEVELOPMENT STANDARDS

The DEVELOPMENT STANDARDS set forth shall be the minimum allowed for development in a Zoning District. If the development standards are in conflict with the requirements of any other lawfully adopted rules, regulations or laws, the more restrictive or higher standards shall govern.

SECTION 400a C-CONSERVATION DISTRICT

SECTION 400a.1 PURPOSE

This C-Conservation District is established to protect the land areas along the Rocky Fork River. It is also the intent of this District to conserve open land areas which have unique features for recreational use yet will become more valuable and scarce as the metropolitan area, of which Madison Township is a part, becomes more urbanized.

SECTION 400a.2 PERMITTED USES

1. Agriculture including dairying, farming, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry.
2. Water conservation uses including water supply works, flood control and water protection works, fish and game hatcheries and preserves, and other uses similar in character with the above specified uses.

SECTION 400a.3 CONDITIONALLY PERMITTED USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, the provisions of Article VIII and subject further to the review and approval of the Township Zoning Board of Appeals:

1. Recreational uses other than those governmentally owned and/or operated for archery, boating, fishing, golfing, swimming and hunting, including public and private country clubs, riding stables, gun clubs and similar uses consistent with the rural character of the area subject to the following conditions:
 - a. Front, side and rear yard setbacks shall be at least thirty (30) feet wide and shall be landscaped in trees, shrubs and grass.
 - b. Whenever the intended use includes a swimming pool, said pool shall be provided with a protective fence six (6) feet in height measured above the level of the adjoining ground. The entry to and from the pool shall be by means of a controlled gate.
 - c. Lighting used to illuminate the intended uses of the property shall be shielded and arranged as to reflect light away from adjoining properties and public streets.
 - d. Off-street parking shall be provided as regulated in Article VIII, GENERAL PROVISIONS.

SECTION 400a.4 AREA AND BULK REQUIREMENTS

See Section 410, "SCHEDULE OF REGULATIONS," limiting in height and bulk of buildings, the minimum lot size, the maximum density permitted and establishing minimum yard setback requirements.

SECTION 401 A - AGRICULTURAL DISTRICT

SECTION 401.1 PURPOSE

This A-Agricultural District is established to promote the cooperative existence of rural residential living and agriculture in close proximity. The creation of this district recognizes the importance of low-density residential development as well as the need to preserve and protect the decreasing supply of agricultural land.

SECTION 401.2 PERMITTED USES

1. Agriculture including dairying, farming, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry.
2. Water conservation uses including water supply works, flood control and water protection works, fish and game hatcheries and preserves, and other uses similar in character with the above specified uses.
3. One Family Dwellings
4. Two Family Dwellings

SECTION 401.3 CONDITIONALLY PERMITTED USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, the provisions of Article VIII and subject further to the review and approval of the Township Zoning Board of Appeals:

1. Recreational uses other than those governmentally owned and/or operated for archery, boating, fishing, golfing, swimming and hunting, including public and private country clubs, riding stables, gun clubs and similar uses consistent with the rural character of the area subject to the following conditions:
 - a. The proposed site for any of the uses stated above shall have at least one (1) property line abutting a major or minor arterial thoroughfare, and the site shall be so planned as to provide all ingress and egress directly onto or from the major or minor arterial thoroughfare.
 - b. Front, side and rear yard setback shall be at least thirty (30) feet wide and shall be landscaped in trees, shrubs and grass.
 - c. Whenever the intended use includes a swimming pool, said pool shall be provided with a protective fence six (6) feet in height measured above the level of the adjoining ground. The entry to and from the pool shall be by means of a

controlled gate.

- d. Lighting used to illuminate the intended uses of the property shall be shielded and arranged as to reflect light away from adjoining properties and public streets.
 - e. Off-street parking shall be provided as regulated in Article VIII, GENERAL PROVISIONS.
2. Cemeteries subject to statutory limitations and further subject to the following conditions:
- a. All structures and activity areas shall be located at least one hundred (100) feet from all property lines.
 - b. All points of ingress and egress should be located no closer than two hundred (200) feet from the intersection of a major or minor arterial thoroughfare and a local street or collector thoroughfare.
 - c. Points of ingress and egress shall be available only from abutting major or minor arterial thoroughfares or collector thoroughfares and shall not be available from any local street.
3. Churches and other buildings for the purpose of religious worship, subject to the following conditions:
- a. Buildings of greater than the maximum height allowed in Section 410, "SCHEDULE OF REGULATIONS," may be allowed provided front, rear and side yards are increased above the minimum required yard setback by one (1) foot for each one (1) foot the building exceeds the maximum height allowed.
 - b. Wherever the off-street parking area is adjacent to land developed for one family and two family residential purposes, a continuous and obscuring fence or an obscuring greenbelt six (6) feet in height shall be provided along the sides of the parking area adjacent to the residential development. The greenbelt shall be further subject to the provisions of Article VIII, GENERAL PROVISIONS.
 - c. The proposed site shall have at least one (1) property line abutting a major or minor arterial thoroughfare or a collector thoroughfare. Access to and from the site shall be provided by a major or minor arterial thoroughfare or collector thoroughfare or a service access road.
4. Gas and oil wells subject to the following conditions:
- a. All permitted installations shall be maintained in a neat orderly condition so as to prevent injury to any single property, individual or part of the community as a

whole.

5. Parochial and other private elementary, intermediate schools offering courses in general education.
6. Utility and public service buildings and uses (excluding storage yards), when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
7. Gravel extraction and open pit mining subject to the following conditions:
 - a. The site shall be completely enclosed by a continuous and obscuring fence at least six (6) feet in height.
 - b. All areas shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural. All slopes and banks shall be reasonably graded and treated to prevent erosion of any other potential deterioration. No rehabilitated slope shall exceed an angle with a horizontal of thirty (30) degrees.
 - c. Established routes for truck movements into and out of the development shall be indicated in such a way that it will minimize the wear on public streets.
 - d. Top soil may be stripped from the construction and excavation areas, piled separately but not removed from the site or used as spoil. As many trees as can be reasonably utilized in the final development plan should be retained, and the grading should be adjusted to the grade at the existing line of trees.
8. Bed and Breakfast Homestay subject to the following conditions:
 - a. The facility shall contain no more than three (3) sleeping rooms for guest.
 - b. No more than ten (10) guests shall occupy the facility at one time.
 - c. All applicable provisions of the fire code and building code shall be met and certification of such compliance by the appropriate official shall accompany the application.
 - d. The facility shall be operated so that the guest reside at the home for no longer than one continuous month (30 days).
 - e. The only meal to be provided to guest shall be breakfast, and it shall be served to guests taking lodging in the facility.

- f. The facility shall provide one (1) off-street parking space for each guest room in addition to the normal parking requirement for the dwelling. The guest room parking spaces shall be located in the rear yard and shall be screened from an adjoining residential development with an obscuring fence or obscuring greenbelt six (6) feet in height. Tandem parking is permitted provided not more than two cars are parked in a tandem arrangement.
 - g. For the purposes of identification, there shall be no more than one (1) sign or identification plate exceeding two (2) square feet in area permitted.
9. Zero lot line common wall dwelling subject to the following conditions: (See definition #82 in SECTION 200.1 for “zero lot line common wall dwelling”)
- a. A survey plat of the lot delineating a proposed split thereof for the proposed zero lot line common wall dwelling shall be submitted clearly showing the following:
 - (1) The minimum lot area requirement for each dwelling unit shall be 2.5 acres.
 - (2) The minimum lot width requirement for each dwelling unit shall be seventy five (75) feet.
 - (3) Each dwelling unit shall further meet the requirements of SECTION 410, “SCHEDULE OF REGULATIONS,” of this resolution, limiting the height and bulk of buildings, the maximum density permitted and the minimum yard setback requirements.
 - (4) Each dwelling unit shall be provided with:
 - (a) Separate water service lines installed to each dwelling unit from the front property line or the side or rear easement line. The service lines shall have a separate curb type shut-off valve for each dwelling unit. If each dwelling unit is serviced by individual water wells, they shall meet the requirements of the Mansfield-Richland County Health Department.
 - (b) Separate sanitary sewer laterals installed to each dwelling unit using a wye with a clean out to be located at the property line or easement line. If each dwelling unit is serviced by individual septic systems, they shall meet the requirements of the Mansfield-Richland County Health Department.
 - (c) Electrical service from a common point and conduit raceway installed for the conductors serving the dwelling unit farthest from

the meters.

(d) Separate gas lines installed for each unit.

(e) An easement provided for the installation of telephone and television cables.

(5) If garages face the front, a common driveway is prohibited except for lots facing a cul-de-sac. The driveways must be separated by a four-foot grass strip. The grass strip may be eliminated for lots on a cul de-sac.

b. Any deed proposing to transfer a portion of a lot in conformity with these zero lot line common wall dwelling requirements shall be submitted for approval. Approval shall be stated on the deed providing there is attached thereto for filing a drawing prepared by a registered surveyor delineating the following information:

(1) The size and dimension of the lot to be conveyed which shall not be less than 2.5 acres and not less than seventy five (75) feet wide.

(2) The exact "as built" location of the principal residential structure which shall meet the requirements of SECTION 410, "SCHEDULE OF REGULATIONS," of this resolution, limiting the height and bulk of buildings, the maximum density permitted and the minimum yard setback requirements.

(3) The exact locations of all utility service lines from the mains to the dwelling unit. (sewer, water, electrical, gas, etc.)

(4) A detailed drawing reflecting the relationship between the common line and the common wall and a cross section of the common wall construction. Such drawing shall clearly delineated the relationships between the common wall and the property line.

(5) The exact dimensions of easements as required for maintenance of the common wall which shall not be less than five (5) feet per side.

(6) Notice in bold lettering notifying the potential purchaser of the responsibility for common maintenance and insurance of the dwelling unit. Insurance certificates shall be provided to owners of the opposite units on an annual basis as evidence of proper coverages.

(7) In the event of a fire, the owner of the dwelling unit of the source of the fire shall be responsible for water, smoke and other fire-related damage to the adjacent dwelling unit.

- c. If such conditional zoning permit is approved and the “as built” survey plat is submitted as required herein, the requirements for side yard setback on the common wall side of the dwelling units shall be reduced to zero feet.

SECTION 401.4 AREA AND BULK REQUIREMENTS

See Section 410, "SCHEDULE OF REGULATIONS", limiting the height and bulk of buildings, the minimum lot size, the maximum density permitted and establishing minimum yard setback requirements.

SECTION 402 R - 1 RESIDENTIAL DISTRICT

SECTION 402.1 PURPOSE

The R-1 Residential Districts are established in recognition that sections of the Township include low to moderate density residential developments that are urban in character. Among these sections of the Township are lands that are served, or are capable of being serviced by centralized sewer and water facilities; lands where the established use, character and density of development would be best maintained by these regulations; sections of the Township where the general welfare is best served by the provisions of these Districts in providing essential services at an adequate level in an efficient and economical manner without overcrowding the land.

SECTION 402.2 PERMITTED USES

1. One Family Dwellings
2. Two Family Dwellings
3. Public schools, parks and recreational facilities
4. Libraries
5. Cemeteries which lawfully occupied land at the time of adoption of this Resolution.
6. Accessory buildings and uses as regulated in Article VIII, GENERAL PROVISIONS, of this Resolution.
7. Automobile parking spaces as regulated in Article VIII, GENERAL PROVISIONS, of this Resolution.

SECTION 402.3 CONDITIONALLY PERMITTED USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, the provision of Article VIII, and subject further to the review and approval of the Zoning Board of Appeals:

1. Churches and other buildings for the purpose of religious worship, subject to the following conditions:
 - a. Buildings of greater than the maximum height allowed in Section 410, "SCHEDULE OF REGULATIONS," may be allowed provided front, rear and side yards are increased above the minimum required yard setback by one (1) foot for each one (1) foot the building exceeds the maximum height allowed.
 - b. Wherever the off-street parking area is adjacent to land developed for one family

and two family residential purposes, a continuous and obscuring fence or an obscuring greenbelt six (6) feet in height shall be provided along the sides of the parking area adjacent to the residential development. The greenbelt shall be further subject to the provisions of Article VIII, GENERAL PROVISIONS.

- c. The proposed site shall have at least one (1) property line abutting a major or minor arterial thoroughfare or a collector thoroughfare. Access to and from the site shall be provided by a major or minor arterial thoroughfare or collector thoroughfare or a service access road.
2. Parochial and other private elementary, intermediate schools offering courses in general education.
 3. Private recreational areas, swimming pools, golf courses, tennis clubs and institutional or community recreation centers subject to the following conditions:
 - a. The proposed site for any of the uses stated above shall have at least one (1) property line abutting a major or minor arterial thoroughfare, and the site shall be so planned as to provide all ingress and egress directly onto or from the major or minor arterial thoroughfare.
 - b. Front, side and rear yard setback shall be at least thirty (30) feet wide and shall be landscaped in trees, shrubs and grass.
 - c. Whenever the intended use includes a swimming pool, said pool shall be provided with a protective fence six (6) feet in height measured above the level of the adjoining ground. The entry to and from the pool shall be by means of a controlled gate.
 - d. Lighting used to illuminate the intended uses of the property shall be shielded and arranged as to reflect light away from adjoining properties and public streets.
 - e. Off-street parking shall be provided as regulated in Article VIII, GENERAL PROVISIONS.
 4. Utility and public service buildings and uses (excluding storage yards), when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
 5. Home occupations subject to the following conditions:
 - a. Such uses shall be secondary in importance to the use of the dwelling unit for dwelling.

- b. Home occupations shall be conducted by the resident with no additional employees.
 - c. Such occupations shall be carried on entirely within the dwelling unit and not in an accessory building. The garage may be used providing the occupation does not preclude the storage of the number of vehicles for which the garage was designed.
 - d. The home occupation shall not occupy more than thirty (30) percent of the gross first floor living area of any one dwelling unit.
 - e. No activity, materials, goods or equipment indicative of the proposed use shall be visible from any public thoroughfare or adjacent property.
 - f. For purposes of advertising, there shall be no more than one (1) sign or identification plate to exceed two (2) square feet in area.
 - g. Home barber shops and beauty shops shall be limited to one (1) chair.
6. Bed and Breakfast Homestay subject to the following conditions:
- a. The facility shall contain no more than three (3) sleeping rooms for guest.
 - b. No more than ten (10) guests shall occupy the facility at one time.
 - c. All applicable provisions of the fire code and building code shall be met and certification of such compliance by the appropriate official shall accompany the application.
 - d. The facility shall be operated so that the guest reside at the home for no longer than one continuous month (30 days).
 - e. The only meal to be provided to guest shall be breakfast, and it shall be served to guests taking lodging in the facility.
 - f. The facility shall provide one (1) off-street parking space for each guest room in addition to the normal parking requirement for the dwelling. The guest room parking spaces shall be located in the rear yard and shall be screened from an adjoining residential development with an obscuring fence or obscuring greenbelt six (6) feet in height. Tandem parking is permitted provided not more than two cars are parked in a tandem arrangement.
 - g. For the purposes of identification, there shall be no more than one (1) sign or identification plate exceeding two (2) square feet in area permitted.
7. Zero lot line common wall dwelling subject to the following conditions: (See definition

#82 in SECTION 200.1 for “zero lot line common wall dwelling”)

- a. A survey plat of the lot delineating a proposed split thereof for the proposed zero lot line common wall dwelling shall be submitted clearly showing the following:
 - (1) The minimum lot area requirement for each dwelling unit shall be 5,250 square feet.
 - (2) The minimum lot width requirement for each dwelling unit shall be forty-five (45) feet.
 - (3) Each dwelling unit shall further meet the requirements of SECTION 410, “SCHEDULE OF REGULATIONS,” of this resolution, limiting the height and bulk of buildings, the maximum density permitted and the minimum yard setback requirements.
 - (4) Each dwelling unit shall be provided with:
 - (a) Separate water service lines installed to each dwelling unit from the front property line or the side or rear easement line. The service lines shall have a separate curb type shut-off valve for each dwelling unit. If each dwelling unit is serviced by individual water wells, they shall meet the requirements of the Mansfield-Richland County Health Department.
 - (b) Separate sanitary sewer laterals installed to each dwelling unit using a wye with a clean out to be located at the property line or easement line. If each dwelling unit is serviced by individual septic systems, they shall meet the requirements of the Mansfield-Richland County Health Department.
 - (c) Electrical service from a common point and conduit raceway installed for the conductors serving the dwelling unit farthest from the meters.
 - (d) Separate gas lines installed for each unit.
 - (e) An easement provided for the installation of telephone and television cables.
 - (5) If garages face the front, a common driveway is prohibited except for lots facing a cul-de-sac. The driveways must be separated by a four-foot wide grass strip. The grass strip may be eliminated for lots on a cul-de-sac.

- b. Any deed proposing to transfer a portion of a lot in conformity with these zero lot line common wall dwelling requirements shall be submitted for approval. Approval shall be stated on the deed providing there is attached thereto for filing a drawing prepared by a registered surveyor delineating the following information:
- (1) The size and dimension of the lot to be conveyed which shall not be less than 5,250 square feet and not less than forty-five (45) feet wide.
 - (2) The exact “as built” location of the principal residential structure which shall meet the requirements of SECTION 410, “SCHEDULE OF REGULATIONS,” of this resolution, limiting the height and bulk of buildings, the maximum density permitted and the minimum yard setback requirements.
 - (3) The exact locations of all utility service lines from the mains to the dwelling unit. (sewer, water, electrical, gas, etc.)
 - (4) A detailed drawing reflecting the relationship between the common line and the common wall and a cross section of the common wall construction. Such drawing shall clearly delineated the relationships between the common wall and the property line.
 - (5) The exact dimensions of easements as required for maintenance of the common wall which shall not be less than five (5) feet per side.
 - (6) Notice in bold lettering notifying the potential purchaser of the responsibility for common maintenance and insurance of the dwelling unit. Insurance certificates shall be provided to owners of the opposite units on an annual basis as evidence of proper coverages.
 - (7) In the event of a fire, the owner of the dwelling unit of the source of the fire shall be responsible for water, smoke and other fire-related damage to the adjacent dwelling unit.
- (c) If such conditional zoning permit is approved and the “as built” survey plat is submitted as required herein, the requirements for side yard setback on the common wall side of the dwelling units shall be reduced to zero feet.

SECTION 402.4 AREA AND BULK REQUIREMENTS

See Section 410, "SCHEDULE OF REGULATIONS", limiting the height and bulk of buildings, the minimum lot size, the maximum density permitted and establishing minimum yard setback requirements.

SECTION 403 R - 2 RESIDENTIAL DISTRICT

SECTION 403.1 PURPOSE

The R-2 Residential Districts are established in recognition that some sections of the Township include moderate density residential development that are urban in character and contain a substantial proportion of one (1), two (2) and multiple family dwellings. Among these sections of the Township are lands that are developed for urban purposes and served by centralized utility systems; or these facilities will be readily available with adequate capacity in the near future; lands where the established use, character and density of development would be best maintained by these regulations; sections of the Township where the general welfare is best served by the provisions of this District in providing essential services and facilities at an adequate level in an efficient and economical manner without overcrowding the land.

SECTION 403.2 PERMITTED USES

1. One family dwellings
2. Two family dwellings
3. Townhouse Dwellings provided that these will be no more than twelve (12) townhouse dwellings in any contiguous group.
4. Multiple Family Dwellings, subject to review and approval of a site plan by the Township Board of Zoning Appeals and subject further to the following:
 - a. Proposed development shall have one (1) property line abutting a major or minor arterial thoroughfare or the boundary line of a B-Business or I-Industrial District.
 - b. A fifteen (15) foot wide greenbelt measured from the lot line shall be provided on those side or rear yards abutting a one (1) family or two (2) family residential development.
 - c. A six (6) foot high obscuring fence measured from the surface of the ground shall be provided wherever a parking lot abuts onto lot lines of a one or two family residential development. Such fence or screening devices shall not have any opening except such openings as may be required by the Fire Chief for vehicular or emergency access to the proposed development.
5. Public schools, parks and recreational facilities
6. Libraries

7. Accessory buildings and uses as regulated in Article VIII, GENERAL PROVISIONS, of this Resolution.
8. Automobile parking spaces as regulated in Article VIII, GENERAL PROVISIONS, of this Resolution.

SECTION 403.3 CONDITIONALLY PERMITTED USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, the provision of Article VIII, and subject further to the review and approval of the Zoning Board of Appeals:

1. Churches and other buildings for the purpose of religious worship, subject to the following conditions:
 - a. Buildings of greater than the maximum height allowed in Section 410, "SCHEDULE OF REGULATIONS," may be allowed provided front, rear and side yards are increased above the minimum required yard setback by one (1) foot for each one (1) foot the building exceeds the maximum height allowed.
 - b. Wherever the off-street parking area is adjacent to land developed for one family and two family residential purposes, a continuous and obscuring fence or an obscuring greenbelt six (6) feet in height shall be provided along the sides of the parking area adjacent to the residential development. The greenbelt shall be further subject to the provisions of Article VIII, GENERAL PROVISIONS.
 - c. The proposed site shall have at least one (1) property line abutting a major or minor arterial thoroughfare or a collector thoroughfare. Access to and from the site shall be provided by a major or minor thoroughfare or collector thoroughfare or a service access road.
2. Parochial and other private elementary, intermediate schools offering courses in general education.
3. Private recreational areas, swimming pools, golf courses, tennis clubs and institutional or community recreation centers subject to the following conditions:
 - a. The proposed site for any of the uses stated above shall have at least one (1) property line abutting a major or minor arterial thoroughfare, and the site shall be so planned as to provide all ingress and egress directly onto or from the major or minor arterial thoroughfare.
 - b. Front, side and rear yard setback shall be at least thirty (30) feet wide and shall be landscaped in trees, shrubs and grass.

- c. Whenever the intended use includes a swimming pool, said pool shall be provided with a protective fence six (6) feet in height measured above the level of the adjoining ground. The entry to and from the pool shall be by means of a controlled gate.
 - d. Lighting used to illuminate the intended uses of the property shall be shielded and arranged as to reflect light away from adjoining properties and public streets.
 - e. Off-street parking shall be provided as regulated in Article VIII, GENERAL PROVISIONS.
4. Utility and public service buildings and uses (excluding storage yards), when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
5. Home occupations subject to the following conditions:
- a. Such uses shall be secondary in importance to the use of the dwelling unit for dwelling purposes.
 - b. Home occupations shall be conducted by the resident with no additional employees.
 - c. Such occupations shall be carried on entirely within the dwelling unit and not in an accessory building. The garage may be used providing the occupation does not preclude the storage of the number of vehicles for which the garage was designed.
 - d. The home occupation shall not occupy more than thirty (30) percent of the gross first floor living area of any one dwelling unit.
 - e. No activity, materials, goods or equipment indicative of the proposed use shall be visible from any public street or adjacent property.
 - f. For purposes of advertising, there shall be no more than one (1) sign or identification plate to exceed two (2) square feet in area.
 - g. Home barber shops and beauty shops shall be limited to one (1) chair.
6. Bed and Breakfast Homestay subject to the following conditions:
- a. The facility shall contain no more than three (3) sleeping rooms for guest.
 - b. No more than ten (10) guests shall occupy the facility at one time.

- c. All applicable provisions of the fire code and building code shall be met and certification of such compliance by the appropriate official shall accompany the application.
 - d. The facility shall be operated so that the guest reside at the home for no longer than one continuous month (30 days).
 - e. The only meal to be provided to guest shall be breakfast, and it shall be served to guests taking lodging in the facility.
 - f. The facility shall provide one (1) off-street parking space for each guest room in addition to the normal parking requirement for the dwelling. The guest room parking spaces shall be located in the rear yard and shall be screened from an adjoining residential development with an obscuring fence or obscuring greenbelt six (6) feet in height. Tandem parking is permitted provided not more than two cars are parked in a tandem arrangement.
 - g. For the purposes of identification, there shall be no more than one (1) sign or identification plate exceeding two (2) square feet in area permitted.
7. Zero lot line common wall dwelling subject to the following conditions: (See definition #82 in SECTION 200.1 for “zero lot line common wall dwelling”)
- a. A survey plat of the lot delineating a proposed split thereof for the proposed zero lot line common wall dwelling shall be submitted clearly showing the following:
 - (1) The minimum lot area requirement for each dwelling unit shall be 4,350 square feet.
 - (2) The minimum lot width requirement for each dwelling unit shall be thirty-eight (38) feet.
 - (3) Each dwelling unit shall further meet the requirements of SECTION 410, “SCHEDULE OF REGULATIONS,” of this resolution, limiting the height and bulk of buildings, the maximum density permitted and the minimum yard setback requirements.
 - (4) Each dwelling unit shall be provided with:
 - (a) Separate water service lines installed to each dwelling unit from the front property line or the side or rear easement line. The service lines shall have a separate curb type shut-off valve for each dwelling unit. If each dwelling unit is serviced by individual water wells, they shall meet the requirements of the Mansfield-Richland

County Health Department.

(b) Separate sanitary sewer laterals installed to each dwelling unit using a wye with a clean out to be located at the property line or easement line. If each dwelling unit is serviced by individual septic systems, they shall meet the requirements of the Mansfield-Richland County Health Department.

(c) Electrical service from a common point and conduit raceway installed for the conductors serving the dwelling unit farthest from the meters.

(d) Separate gas lines installed for each unit.

(e) An easement provided for the installation of telephone and television cables.

(5) If garages face the front, a common driveway is prohibited except for lots facing a cul-de-sac. The driveways must be separated by a four-foot wide grass strip. The grass strip may be eliminated for lots on a cul-de-sac.

b. Any deed proposing to transfer a portion of a lot in conformity with these zero lot line common wall dwelling requirements shall be submitted for approval. Approval shall be stated on the deed providing there is attached thereto for filing a drawing prepared by a registered surveyor delineating the following information.

(1) The size and dimension of the lot to be conveyed which shall not be less than 4,350 square feet and not less than thirty-eight (38) feet wide.

(2) The exact "as built" location of the principal residential structure which shall meet the requirements of SECTION 410, "SCHEDULE OF REGULATIONS," of this resolution, limiting the height and bulk of buildings, the maximum density permitted and the minimum yard setback requirements.

(3) The exact locations of all utility service lines from the mains to the dwelling unit. (sewer, water, electrical, gas, etc.)

(4) A detailed drawing reflecting the relationship between the common line and the common wall and a cross section of the common wall construction. Such drawing shall clearly delineated the relationships between the common wall and the property line.

(5) The exact dimensions of easements as required for maintenance of

the common wall which shall not be less than five (5) feet per side.

(6) Notice in bold lettering notifying the potential purchaser of the responsibility for common maintenance and insurance of the dwelling unit. Insurance certificates shall be provided to owners of the opposite units on an annual basis as evidence of proper coverages.

(7) In the event of a fire, the owner of the dwelling unit of the source of the fire shall be responsible for water, smoke and other fire-related damage to the adjacent dwelling unit.

- c. If such conditional zoning permit is approved and the “as built” survey plat is submitted as required herein, the requirements for side yard setback on the common wall side of the dwelling units shall be reduced to zero feet.

SECTION 403.4 AREA AND BULK REQUIREMENTS

See Section 410, "SCHEDULE OF REGULATIONS", limiting the height and bulk of buildings, the minimum lot size, the maximum density permitted and establishing minimum yard setback requirements.

SECTION 404 R - 3 RESIDENTIAL DISTRICT

SECTION 404.1 PURPOSE

The R-3 Residential Districts are established in recognition that sections of the Township that are developed with high density apartment structures, and to allow similar development on land considered to be appropriate for such development. Among these sections of the Township are lands that are to be developed for urban purposes and served by centralized utility systems; and the established use, character and density of development would be best maintained by these regulations; sections of the Township where the public welfare and the need for the permitted development is best served by the provisions of this District in allowing a choice of dwelling unit types while providing essential services and facilities at an adequate level without overcrowding the land.

SECTION 404.2 PERMITTED USES

1. One family dwellings
2. Two family dwellings
3. Townhouse Dwellings provided that these will be no more than twelve (12) townhouse dwellings in any contiguous group.
4. Multiple Family Dwellings, three (3) stories or less first permitted and as regulated in Section 403, R-2 Residential District.
5. Multiple Family Dwellings, not to exceed three (3) stories in height and subject to the review and approval of a site plan by the Township Board of Zoning Appeals and the Richland County Regional Planning Commission and subject further to the following:
 - a. The proposed site shall have one (1) property line abutting a major or minor arterial thoroughfare. The site shall be planned to provide ingress and egress directly onto or from the major or minor arterial thoroughfare.
 - b. Any accessory buildings, uses or services shall be developed solely for the use of residents of the main building.
6. Public schools, parks and recreational facilities
7. Libraries
8. Accessory buildings and uses as regulated in Article VIII, GENERAL PROVISIONS, of this Resolution.

9. Automobile parking spaces as regulated in Article VIII, GENERAL PROVISIONS, of this Resolution.

SECTION 404.3 CONDITIONALLY PERMITTED USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, and subject further to the review and approval of the Zoning Board of Appeals:

1. Churches and other buildings for the purpose of religious worship, subject to the following conditions:
 - a. Buildings of greater than the maximum height allowed in Section 410, "SCHEDULE OF REGULATIONS," may be allowed provided front, rear and side yards are increased above the minimum required yard setback by one (1) foot for each one (1) foot the building exceeds the maximum height allowed.
 - b. Wherever the off-street parking area is adjacent to land developed for one (1) family and (2) two family residential purposes, a continuous and obscuring fence or an obscuring greenbelt six (6) feet in height shall be provided along the sides of the parking area adjacent to the residential development. The greenbelt shall be further subject to the provisions of Article VIII, GENERAL PROVISIONS.
 - c. The proposed site shall have at least one (1) property line abutting a major or minor arterial thoroughfare or a collector thoroughfare. Access to and from the site shall be provided by a major or minor arterial thoroughfare or collector thoroughfare or a service access road.
2. Parochial and other private elementary, intermediate schools offering courses in general education.
3. Private recreational areas, swimming pools, golf courses, tennis clubs and institutional or community recreation centers subject to the following conditions:
 - a. The proposed site for any of the uses stated above shall have at least one (1) property line abutting a major or minor arterial thoroughfare, and the site shall be so planned as to provide all ingress and egress directly onto or from the major or minor arterial thoroughfare.
 - b. Front, side and rear yard setback shall be at least thirty (30) feet wide and shall be landscaped in trees, shrubs and grass.
 - c. Whenever the intended use includes a swimming pool, said pool shall be provided with a protective fence six (6) feet in height measured above the level of the adjoining ground. The entry to and from the pool shall be by means of a controlled

gate.

- d. Lighting used to illuminate the intended uses of the property shall be shielded and arranged as to reflect light away from adjoining properties and public streets.
 - e. Off-street parking shall be provided as regulated in Article VIII, GENERAL PROVISIONS.
4. Utility and public service buildings and uses (excluding storage yards), when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
5. Home occupations subject to the following conditions:
- a. Such uses shall be secondary in importance to the use of the dwelling unit for dwelling purposes.
 - b. Home occupations shall be conducted by the resident with no additional employees.
 - c. Such occupations shall be carried on entirely within the dwelling unit and not in an accessory building. The garage may be used providing the occupation does not preclude the storage of the number of vehicles for which the garage was designed.
 - d. The home occupation shall not occupy more than thirty (30) percent of the gross first floor living area of any one dwelling unit.
 - e. No activity, materials, goods or equipment indicative of the proposed use shall be visible from any public street or adjacent property.
 - f. For purposes of advertising, there shall be no more than one (1) sign or identification plate to exceed two (2) square feet in area.
 - g. Home barber shops and beauty shops shall be limited to one (1) chair.
6. Child day-care centers subject to the following:
- a. The proposed site shall have at least one (1) property line abutting a major or minor arterial thoroughfare or a collector thoroughfare. Access to and from the site shall be provided by a major or minor arterial thoroughfare or collector thoroughfare or a service access road.
 - b. Wherever the off-street parking area is adjacent to land developed for one (1) family or two family residential purposes, a continuous and obscuring fence or an obscuring greenbelt six (6) feet in height shall be provided along the sides of the

parking area adjacent to the residential development. The greenbelt shall be further subject to the provisions of Article VIII, GENERAL PROVISIONS.

- c. Front, side and rear yard setbacks shall be at least thirty (30) feet wide and shall be landscaped in trees, shrubs and grass.
7. Institutions for medical care, hospitals, clinics, sanitariums, convalescent homes, nursing homes, homes for the aged and philanthropic institutions, subject to the following:
 - a. The proposed site shall have at least one (1) property line abutting a major or minor arterial thoroughfare, and all ingress and egress for the site shall be provided by said thoroughfare.
 - b. The minimum distance of any main or accessory building for lot lines or street right-of-way lines shall be at least one hundred (100) feet for front, side and rear yards for all two (2) story structures. For every story above two (2), the minimum yard requirements shall be increased by not less than ten (10) feet.
 - c. Ambulance and delivery areas shall be obscured from view by a continuous and obscuring fence or greenbelt six (6) feet in height. The fence or greenbelt shall further be subject to the requirements of Article VIII, GENERAL PROVISIONS.
 8. Housing for the elderly, subject to the following:
 - a. All housing for the elderly shall be provided as a planned development and may consist of the following:
 - (1) Cottage-type dwellings, multiple family dwellings and/or townhouse units.
 - (2) Common services containing, but not limited to, central dining rooms, recreation areas, central lounge and workshops.
 - b. All dwellings shall consist of at least three hundred and fifty (350) square feet per unit (not including kitchen and sanitary facilities).
 9. Bed and Breakfast Homestay subject to the following conditions:
 - a. The facility shall contain no more than three (3) sleeping rooms for guest.
 - b. No more than ten (10) guests shall occupy the facility at one time.
 - c. All applicable provisions of the fire code and building code shall be met and certification of such compliance by the appropriate official shall accompany the application.

- d. The facility shall be operated so that the guest reside at the home for no longer than one continuous month (30 days).
 - e. The only meal to be provided to guest shall be breakfast, and it shall be served to guests taking lodging in the facility.
 - f. The facility shall provide one (1) off-street parking space for each guest room in addition to the normal parking requirement for the dwelling. The guest room parking spaces shall be located in the rear yard and shall be screened from an adjoining residential development with an obscuring fence or obscuring greenbelt six (6) feet in height. Tandem parking is permitted provided not more than two cars are parked in a tandem arrangement.
 - g. For the purposes of identification, there shall be no more than one (1) sign or identification plate exceeding two (2) square feet in area permitted.
10. Zero lot line common wall dwelling subject to the following conditions: (See definition #82 in SECTION 200.1 for “zero lot line common wall dwelling”)
- a. A survey plat of the lot delineating a proposed split thereof for the proposed zero lot line common wall dwelling shall be submitted clearly showing the following:
 - (1) The minimum lot area requirement for each dwelling unit shall be 3,500 square feet.
 - (2) The minimum lot width requirement for each dwelling unit shall be thirty-five (35) feet.
 - (3) Each dwelling unit shall further meet the requirements of SECTION 410, “SCHEDULE OF REGULATIONS,” of this resolution, limiting the height and bulk of buildings, the maximum density permitted and the minimum yard setback requirements.
 - (4) Each dwelling unit shall be provided with:
 - (a) Separate water service lines installed to each dwelling unit from the front property line or the side or rear easement line. The service lines shall have a separate curb type shut-off valve for each dwelling unit. If each dwelling unit is serviced by individual water wells, they shall meet the requirements of the Mansfield-Richland County Health Department.
 - (b) Separate sanitary sewer laterals installed to each dwelling

unit using a wye with a clean out to be located at the property line or easement line. If each dwelling unit is serviced by individual septic systems, they shall meet the requirements of the Mansfield-Richland County Health Department.

(c) Electrical service from a common point and conduit raceway installed for the conductors serving the dwelling unit farthest from the meters.

(d) Separate gas lines installed for each unit.

(e) An easement provided for the installation of telephone and television cables.

(5) If garages face the front, a common driveway is prohibited except for lots facing a cul-de-sac. The driveways must be separated by a four-foot wide grass strip. The grass strip may be eliminated for lots on a cul-de-sac.

b. Any deed proposing to transfer a portion of a lot in conformity with these zero lot line common wall dwelling requirements shall be submitted for approval. Approval shall be stated on the deed providing there is attached thereto for filing a drawing prepared by a registered surveyor delineating the following information.

(1) The size and dimension of the lot to be conveyed which shall not be less than 3,500 square feet and not less than thirty-five (35) feet wide.

(2) The exact "as built" location of the principal residential structure which shall meet the requirements of SECTION 410 "SCHEDULE OF REGULATIONS," of this resolution, limiting the height and bulk of buildings, the maximum density permitted and the minimum yard setback requirements.

(3) The exact locations of all utility service lines from the mains to the dwelling unit. (sewer, water, electrical, gas, etc.)

(4) A detailed drawing reflecting the relationship between the common line and the common wall and a cross section of the common wall construction. Such drawing shall clearly delineated the relationships between the common wall and the property line.

(5) The exact dimensions of easements as required for maintenance of the common wall which shall not be less than five (5) feet per side.

(6) Notice in bold lettering notifying the potential purchaser of the responsibility for common maintenance and insurance of the dwelling unit. Insurance certificates shall be provided to owners of the opposite units on an annual basis as evidence of proper coverages.

(7) In the event of a fire, the owner of the dwelling unit of the source of the fire shall be responsible for water, smoke and other fire-related damage to the adjacent dwelling unit.

- c. If such conditional zoning permit is approved and the “as built” survey plat is submitted as required herein, the requirements for side yard setback on the common wall side of the dwelling units shall be reduced to zero feet.

SECTION 404.4 AREA AND BULK REQUIREMENTS

See Section 410, "SCHEDULE OF REGULATIONS", limiting the height and bulk of buildings, the minimum lot size, the maximum density permitted and establishing minimum yard setback requirements.

SECTION 404a R - 4 RESIDENTIAL DISTRICT

SECTION 404a.1 PURPOSE

The R-4 Residential Districts are established for the purpose of permitting mobile homes on individual lots or parcels of land, particularly in areas of the Township where a substantial number of mobile homes already exist, and where additional mobile homes would not be detrimental to the character of the neighborhood. The intent of the District is to provide for a mixture of residential uses including mobile homes.

SECTION 404a.2 PERMITTED USES

1. Any use permitted in the R-3 Residential District.
2. Mobile homes certified as meeting the Mobile Home Construction and Safety Standards of the Department of Housing and Urban Development, and constructed after 1978, located on an approved visible permanent foundation, with all wheels, hitches and chassis removed. Foundation and anchoring plans shall be submitted to, and approved by the Mansfield-Richland County Building Department.

SECTION 404a.3 CONDITIONALLY PERMITTED USES

All uses conditionally permitted in the R-3 Residential District shall be conditionally permitted in the R-4 Residential District subject to the conditions listed in Section 404.3 and provisions of Article VIII.

SECTION 404a.4 AREA, HEIGHT AND BULK REQUIREMENTS

All regulations listed in Section 410 for the R-3 Residential District shall apply to the R-4 Residential District. In addition no more than one (1) mobile home shall be permitted on any one lot. Mobile homes shall meet the setback and height requirements for one-family dwellings in the R-3 Residential District, and shall be at least fifty (50) feet long when placed on the site. A mobile home may be placed on any lot of record in the R - 4 Residential District.

SECTION 405 B - 1 NEIGHBORHOOD BUSINESS DISTRICT

SECTION 405.1 PURPOSE

The B-1 Neighborhood Business District is intended to encourage the grouping of small individual retail establishments to promote convenience in serving the daily needs of persons living in adjoining residential areas. These groups of establishments generally occupy sites that are in close proximity to the residential population to be served. The commercial establishments allowed in the B-1 Neighborhood Business District will be closely associated with residential, religious and educational land uses at the neighborhood level.

SECTION 405.2 PERMITTED USES

The following uses shall be permitted provided all points of ingress and egress shall be located no closer than two-hundred (200) feet from an intersection, measured from the street right-of-way lines. If the lot will not accommodate this required distance the point of ingress and egress shall be as far away from the intersection as possible, but in no case shall it be closer than eight (80) feet.

1. The following retail, personal service, business and professional office uses providing an obscuring fence or an obscuring greenbelt six (6) feet in height is provided on those side and rear yards abutting an R-Residential District.
 - a. Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods:
 - Hardware stores
 - Grocery stores
 - Meat and Fish markets
 - Candy, Nut and Confectionery stores
 - Dairy Products stores
 - Retail Bakeries
 - Drug and Proprietary stores
 - Liquor stores
 - Florists
 - Toy and Gift stores
 - b. Personal Service Establishments:
 - Eating and drinking places (excluding those in the nature of a drive-in).
 - Self-service laundries
 - Beauty shops
 - Barber shops
 - Shoe repair shops, shoe shine shops

Radio and Television repair shops
Pressing, Alteration and Garment repair

c. Business and Professional Offices:

Commercial and Stock Savings Banks
Credit Agencies
Personal Credit Unions
Insurance Agents, Brokers and Service
Real Estate Agents and Brokers
Offices of Physicians and Surgeons
Offices of Chiropractors
Legal Services

2. Accessory buildings and uses as regulated in Article VIII, GENERAL PROVISIONS of this Resolution.
3. Parking and loading as regulated in Article VIII, GENERAL PROVISIONS of this Resolution.

SECTION 405.3 CONDITIONALLY PERMITTED USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, the provisions of Article VIII, and subject further to the review and approval of the Township Zoning Board of Appeals and provided all points of ingress and egress shall be located no closer than two-hundred (200) feet from an intersection, measured from the street right-of-way lines. If the lot will not accommodate this required distance the point of ingress and egress shall be as far away from the intersection as possible, but in no case shall it be closer than eighty (80) feet.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, the provisions of Article VIII, and subject further to the review and approval of the Township Zoning Board of Appeals and provided all points of ingress and egress shall be located no closer than two

1. Gasoline service stations, subject to the following conditions:
 - a. Such stations shall be used for the sale of gasoline, oil, minor accessories only. No repair work will be done including vehicle body repair, painting, tire recapping, engine rebuilding, upholstery, auto glass work and such other activities where the external effects of the activity could adversely extend beyond the property line.
 - b. Curb cuts for ingress and egress shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto.

- c. The minimum lot area shall be twelve thousand (12,000) square feet, with access drives so arranged that ample space is available for motor vehicles which are required to wait.
- d. The minimum lot width shall be at least one hundred (100) feet and pump islands shall be set back at least fifteen (15) feet (measured from the street right-of-way line). All buildings and other structures shall have a front yard setback of fifty (50) feet from the street right-of-way line.
- e. Underground storage gasoline tanks shall be located not less than fifty (50) feet from any R-Residential District.
- f. Construction shall begin within one (1) year from the date of approval by the Township Zoning Commission.
- g. All lighting shall be shielded from all adjacent R-Residential Districts.
- h. Gasoline service stations shall provide an obscuring fence or an obscuring greenbelt six (6) feet in height on those side and rear lot lines abutting a R-Residential district;
- i. Abandoned Service Stations

If any service station shall become abandoned, such service station shall be presumed to be a nuisance affecting or endangering surrounding property values and to be detrimental to the public health, safety, convenience, comfort, property or general welfare of the community and shall be abated. Abandoned is defined as a failure to operate said service station for at least three (3) consecutive months in any eighteen (18) month period.

Whenever the Building Inspector shall find any service station to be abandoned within the meaning of this Section, he shall give notice in the same manner as service of summons in civil cases, or by certified mail addressed to the owner of record of the premises at his last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods, to abate such abandoned condition within one hundred and eighty (180) days either by placing the station in operation in accordance with this Resolution, adapting and using the building for another permitted business use, or by razing the service station structure, removing the pumps and signs, abandoning underground storage tanks in accordance with accepted safe practice as prescribed by the National Fire Protection Association in Appendix "C" to N.F.P.A. No. 30; under the supervision of the Bureau of Fire Prevention of Madison Township and filling depressions to the grade level of the lot; provided, however, that if the station is in operation at the time notice is given and remains in operation for ninety (90) consecutive days thereafter, the provisions of this Section shall not apply; and provided, further, that if there should be declared

a national emergency which would curtail the operation of motor vehicles or if the Trustees should determine that there exists a state of general economic depression, the provisions of this Section shall not apply. Upon the failure, neglect or refusal of any owner to comply with the notice to abate such abandonment, the Building Inspector shall take such action as may be necessary to abate said nuisance.

Inoperative service stations which do not come within the definition of abandoned service station shall be maintained in accordance with the provisions of this Resolution and the owner shall cut all grass and remove all rubbish and weeds from the premises. The parking of motor vehicles upon said premises shall be prohibited and the owner shall place in the window of such service station a sign of at least ten (10) square feet in area notifying the public of this fact. Notwithstanding any other provision of this Resolution if the Building Inspector shall find that such notice is not complied with by the public, he may order the owner of the premises on which any station is inoperative for more than six (6) months to install fencing or barricade which will be sufficient to block motor vehicle access to said property.

- j. If rental trucks and trailers are stored on the premises, a minimum lot area of twelve thousand (12,000) square feet shall be devoted exclusively to service station use. The storage of rental trailers on such premises shall be provided in addition to the minimum lot area devoted to the gasoline service station and such storage space shall be provided behind the setback line of the main building.

2. Communication towers subject to the following conditions:

- a. The tower shall be sited so that all reasonable alternatives for tower placement have been clearly and convincingly demonstrated so that the installation will minimize the visual intrusion of the tower.
- b. The tower shall be shared with other users to minimize the proliferation of towers within Madison Township, including the presentation of evidence demonstrating that consideration was given to co-locating the communication devices and related equipment on nearby pre-existing towers and that such co-location was rejected due to one of the following reasons:
 - (1) Adequate space was not available on any nearby tower.
 - (2) No nearby tower could be structurally reinforced to accept such co-location at a reasonable cost.
 - (3) Interference with existing signal devices was unacceptable and could not be shielded at a reasonable cost.
 - (4) Good faith negotiations with the owner(s) of existing towers could not produce a satisfactory agreement.
 - (5) Any other justifiable reason acceptable to the Madison Township Board of Zoning Appeals.

- c. A comprehensive landscape plan designed to minimize the visual impact at base elevation of the proposed structure.
- d. Minimum setback from all property lines to the tower and all necessary buildings shall be a distance equal to the height of the tower. Setback shall be defined as the from the property line to the nearest portion of the structure(s).
- e. Underground wiring to the site shall be required.
- f. Equipment, mobile or immobile, not used in direct support of the transmission or relay facility shall not be stored or parked on the site except in connection with a repair or maintenance being made to the installation.
- g. The plans shall provide for a six (6) foot high obscuring fence around the structure and located as close to the structure as possible while still allowing adequate room for maintenance, temporary parking, etc.
- h. A building and electrical permit must be applied for at the appropriate offices prior to erecting the tower.
- i. The following are exempt for the special provisions of this section:
 - (1) Amateur radio installations operating in accordance with Federal Communications Commission Rules and Regulations Part 97.
 - (2) Telephone poles which are part of a communication distribution system for telephone wires.

SECTION 405.4 AREA AND BULK REQUIREMENTS

See Section 410, "SCHEDULE OF REGULATIONS", limiting the height and bulk of buildings, the minimum lot size, the maximum density permitted and establishing minimum yard setback requirements.

SECTION 406 B - 2 GENERAL BUSINESS DISTRICT

SECTION 406.1 PURPOSE

The B-2 General Business District is intended to encourage the concentration of a broad range of individual commercial establishments which together constitute an area of general, commercial activity. The General Business District should be centrally located and accessible to the population served, and normally developed at the intersection of two major arterial thoroughfares at distances two (2) to five (5) miles apart.

SECTION 406.2 PERMITTED USES

The following uses shall be permitted provided all points of ingress and egress shall be located no closer than two-hundred (200) feet from an intersection, measured from the street right-of-way lines. If the lot will not accommodate this required distance the point of ingress and egress shall be as far away from the intersection as possible, but in no case shall it be closer than eighty (80) feet.

1. Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering service incidental to the sale of the goods.
 - a. General Merchandise
 - Hardware stores
 - Department stores
 - Mail Order Houses
 - Limited Price Variety stores
 - Miscellaneous General Merchandise stores
 - b. Food
 - Grocery stores
 - Meat and Fish markets
 - Fruit stores and Vegetable markets
 - Candy, Nut and Confectionery stores
 - Dairy Products stores
 - Retail Bakeries
 - Miscellaneous Food stores
 - c. Apparel
 - Men and Boys Clothing and Furnishings
 - Women Accessory and Specialty stores
 - Women Ready-to-Wear stores

Family Clothing stores
Shoe stores
Custom Tailors
Furriers and Fur shops
Miscellaneous Apparel and Accessory stores

d. Home Furnishings

Furniture, Home Furnishings, and Equipment stores
Household Appliance stores
Radio, Television and Music stores

e. Eating and drinking places (excluding those in the nature of a drive-in).

f. Miscellaneous Retail

Drug stores and Apothecary shops
Liquor stores
Book and Stationery stores
Sporting Goods stores
Jewelry stores
Florists
Camera and Photographic Supply stores
Gift and Novelty shops
Miscellaneous retail stores, not elsewhere classified.

2. Personal and Consumer Service

a. Business

Photographic studios
Beauty shops
Barber shops
Shoe repair shops and Hat Cleaning shops
Radio and Television repair shops
Pressing, Alteration and Garment repair
Miscellaneous Personal Services

3. Automotive

Gasoline Service Stations
Automobile Rentals

4. U-Store-It Type Storage Lockers

5. All uses permitted in the B-1 Neighborhood Business District.
6. Accessory buildings and uses as regulated in Article VIII, GENERAL PROVISIONS of this Resolution.
7. Parking and loading as regulated in Article VIII, GENERAL PROVISIONS of this Resolution.
8. Sexually Oriented Businesses subject to the following:
 - a. The parcel of land upon which the sexually oriented business is located shall be a minimum of five hundred (500) feet from the nearest parcel of land containing a school, church, residence or public park.
 - b. The parcel of land upon which the sexually oriented business is located shall be a minimum of five hundred (500) feet from any other parcel of land containing a sexually oriented business.
 - c. nothing in this Section shall be deemed to amend Chapter 2907, Sex Related Offenses of the Ohio Revised Code or otherwise make any conduct legal which is illegal under the Ohio revised Code.
 - d. As used in this section the following definitions shall apply.
 - (1) Sexually Oriented Business: An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
 - (2) Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”
 - (3) Adult Bookstore or Adult Video Store: A commercial establishment which utilizes twenty-five percent (25%) or more of its retail selling area for the purpose of sale or rental for any form of consideration of any one or more of the following:
 - (a) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which depict or

describe “specified sexual activities” or “specified anatomical areas,”; or

- (b) instruments, devices, or paraphernalia which are designed for use in connections with “specified sexual activities.”
- (4) Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment which regularly features:
- (a) persons who appear in a state of nudity; or
 - (b) live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities;” or
 - (c) film, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”
- (5) Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”
- (6) Adult Motel: A hotel, motel or similar commercial establishment which:
- (a) offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproduction which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas;” and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic productions; or
 - (b) offers a sleeping room for rent for a period of time that is less than 10 hours; or
 - (c) allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.
- (7) Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified sexual activities” or “specified anatomical areas.”

- (8) Escort Agency: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.
- (9) Nude Model Studio: Any place where a person who appears in a state of nudity or displays “specified anatomical areas” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.
- (10) Sexual Encounter Center: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
 - (a) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - (b) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- (11) Specified Anatomical Areas: Human genitals in a state of sexual arousal.
- (12) Specified Sexual Activities: Includes any of the following:
 - (a) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - (b) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
 - (c) masturbation, actual or simulated; or
 - (d) excretory functions as part of or in connection with any of the activities set forth in (a) through (c).

9. Consumer Services

a. Recreational Activities

Motion picture

Bowling, billiards and pool

Swimming pools

Skating rinks

Similar recreational activities when conducted indoors.

b. Automotive

Automobile parking
Automobile service centers, except repair

SECTION 406.3 CONDITIONALLY PERMITTED USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, the provisions of Article VIII, and subject further to the review and approval of the Township Zoning Board of Appeals and provided all points of ingress and egress shall be located no closer than two-hundred (200) feet from an intersection, measured from the street right-of-way lines. If the lot will not accommodate this required distance the point of ingress and egress shall be as far away from the intersection as possible, but in no case shall it be closer than eighty (80) feet.

1. Drive-in or outdoor service uses, or open display facility, developed in association with a permitted use.

2. Automotive Car Washes

Providing a setback of at least (50) feet (measured from the right-of-way line) shall be maintained; and further provided that stacking space is provided off the street and outside the public right-of-way for at least twenty(20) motor vehicles.

3. Funeral establishments providing adequate assembly area is furnished off the street and outside the public right-of-way for vehicles to be used in funeral processions, and further providing that such assembly area shall be provided in addition to any required off-street parking area.

4. Used car lots and sales subject to the following restrictions:

- a. No repair work shall be done on the premises.
- b. One (1) vehicle per one hundred (100) square feet.
- c. Hours of operation to be determined
- d. Office building shall be no less than ten by twelve (10 x 12) feet.
- e. There shall be no accumulation of junk or junk vehicles.

SECTION 406.4 AREA AND BULK REQUIREMENTS

See Section 410, "SCHEDULE OF REGULATIONS", limiting the height and bulk of buildings,

the minimum lot size, the maximum density permitted and establishing minimum yard setback requirements.

SECTION 407 B - 3 HIGHWAY SERVICE BUSINESS DISTRICT

SECTION 407.1 PURPOSE

The B-3 Highway Service Business District is established principally to serve those persons concerned with making a single purpose stop, whether it be to purchase certain retail items, a personal service or to participate in some form of recreation, amusement, or other facilities provided. These districts should be located on major thoroughfares and only when access to such districts can be controlled through minimum driveway spacing requirements.

SECTION 407.2 PERMITTED USES

The following uses shall be permitted subject to the following requirements concerning minimum driveway spacing and the review and approval of a site plan by the Township Zoning Inspector:

Minimum Driveway Spacing Requirements:

- a. Permanent access shall be permitted onto the thoroughfare based on the posted speed limit on the thoroughfare and current engineering practices. (See Table 1) Minimum separation of driveways shall be measured from near edge to near edge of adjacent driveway to allow for proper ingress and egress.

Table 1
Minimum Driveway Spacing

<u>Arterial Speed Limit</u> (Mph)	<u>Minimum Separation</u> (Ft)
20	85
25	105
30	125
35	150
40	185
45	230
50+	500

- b. Property owners unable to meet minimum driveway spacing standards shall provide for joint and cross access easements whenever feasible.
- c. The easement shall be recorded with the property records, along with a joint maintenance agreement to close any temporary driveways when the combined frontage of the abutting properties exceeds the minimum separation for that thoroughfare.
- d. Easements shall have sufficient width to accommodate two-way automobile, service vehicle, and loading vehicle traffic in accordance with design standards.
- e. Driveway spacing at intersections shall be located at a minimum of 200 feet and

have adequate site distance.

- f. Properties that cannot meet the intersection clearance standards shall be required to share access with abutting properties where feasible along the property line farthest from the intersection.
- 1. Gasoline service stations.
- 2. Eating and drinking establishments.
- 3. Restaurants, or other places serving food or beverages, and having the characteristics of a “drive-in.”
- 4. Passenger-transportation agency and terminal.
- 5. New and used car salesroom or office.
- 6. Automotive Car Wash

Providing a setback of at least fifty (50) feet (measured from the right-of-way line) shall be maintained; and further provided that stacking space is provided off the street and outside the public right-of-way for at least twenty (20) motor vehicles.

- 7. Automobile repair centers.
- 8. Other highway service business uses similar in character to the above-permitted uses.
- 9. All uses permitted in the B-2 General Business District.
- 10. Accessory uses as regulated in Article VIII, GENERAL PROVISIONS of this Resolution.
- 11. Parking and loading as regulated by Article VIII, GENERAL PROVISIONS of this Resolution.

SECTION 407.3 CONDITIONALLY PERMITTED USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, the following requirements concerning minimum driveway spacing, the provisions of Article VIII, and subject further to the review and approval of a site plan by the Township Zoning Board of Appeals.

Minimum Driveway Spacing Requirements:

- a. Permanent access shall be permitted onto the thoroughfare based on the posted speed limit on the thoroughfare and current engineering practices. (See Table 1) Minimum separation of driveways shall be measured from near edge to near edge of adjacent driveway to allow for proper ingress and egress.

Table 1
Minimum Driveway Spacing

<u>Arterial Speed Limit</u> (Mph)	<u>Minimum Separation</u> (Ft)
20	85
25	105
30	125
35	150
40	185
45	230
50+	500

- b. Property owners unable to meet minimum driveway spacing standards shall provide for joint and cross access easements whenever feasible.
 - c. The easement shall be recorded with the property records, along with a joint maintenance agreement to close any temporary driveways when the combined frontage of the abutting properties exceeds the minimum separation for that thoroughfare.
 - d. Easements shall have sufficient width to accommodate two-way automobile, service vehicle, and loading vehicle traffic in accordance with design standards.
 - e. Driveway spacing at intersections shall be located at a minimum of 200 feet and have adequate site distance.
 - f. Properties that cannot meet the intersection clearance standards shall be required to share access with abutting properties where feasible along the property line farthest from the intersection.
1. Outdoor sales space for the exclusive sale of new or second-hand automobiles, house trailers, or rental of trailers and/or automobiles subject to the following restrictions:
 - a. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or thoroughfare. No lighting shall shine directly onto adjacent properties.
 - b. The lot or area shall be provided with a permanent, durable and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area.

- c. No major repair or major refinishing shall be done on the lot.
2. Motels subject to the following restrictions:
- a. Each sleeping unit within the structure shall contain not less than two hundred (200) square feet of floor area.
 - b. No guest shall establish permanent residence at a motel for more than thirty (30) days within any calendar year.
3. Retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment and garden supplies subject to the following restrictions:
- a. Such uses shall be located at the exterior end of the building masses located in an B-3 Highway Service Business District.
 - b. Equipment including the sale of outdoor lawn furniture, playground equipment and garden supplies shall be provided with a six (6) foot high obscuring fence wherever the proposed use abuts onto a residential district and on the side abutting the residential district only.

SECTION 407.4 AREA AND BULK REQUIREMENTS

See Section 410, "SCHEDULE OF REGULATIONS", limiting the height and bulk of buildings, the minimum lot size, the maximum density permitted and establishing minimum yard setback requirements.

SECTION 408 I - 1 LIGHT INDUSTRIAL DISTRICT

SECTION 408.1 PURPOSE

The I - 1 Light Industrial Districts are designed to accommodate uses which provide repair, storage, manufacturing, processing, wholesaling and distribution facilities and whose external, physical effects are restricted to the area of the district. The uses permitted are such that they will not have an undesirable or detrimental effect on adjacent residential and business districts and because of their nature, products and processes require locations separate from establishments which process or manufacture raw materials.

SECTION 408.2 PERMITTED USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, the provisions of Article VIII, and subject further to the review and approval of the Township Zoning Inspector and provided all points of ingress and egress shall be located no closer than two hundred (200) feet from an intersection, measured from the street right-of-way lines. If the lot will not accommodate this required distance the point of ingress and egress shall be as far away from the intersection as possible, but in no case shall it be closer than eighty (80) feet.

1. The following basic research, design, and experimental firms when conducted within a completely enclosed building:
 - a. Pharmaceuticals, electrical instruments and devices.
 - b. Processing of experimental film or testing, providing no operations shall be conducted or equipment used which would create hazards, noxious or offensive conditions.

2. The manufacturing, compounding, processing and assembly of the following products when conducted wholly within a completely enclosed building, or within an area enclosed on all sides by a six (6) foot fence or wall. Such fence or wall shall be completely obscuring on those sides of the lot that abut onto a "R" Residential District.
 - a. Bakery goods, candy, domestics, toiletries, and other food products; except fish, sauerkraut, yeast and the refining or rendering of fats and oils.
 - b. Products from the following previously prepared materials: bone, canvas, cloth, cellophane, cork, feathers, fur, glass, hair, horn, leather, plastics, precious or semi-precious metals or stones, silicon, sheet metal, shell, textiles, tobacco, wood and yarns.
 - c. Musical instruments, toys, novelties, rubber or metal stamps and other small rubber or plastic molded products.

- d. Electrical appliances, television sets, radios, phonographs, household appliances.
 - e. Tool, die, garage and machine shops.
3. Warehouse, storage and transfer facilities, gas and electrical service buildings. Water supply and sewage disposal plants, water and gas tanks, railroad transfer and storage tracks and freight terminal facilities.
 4. Building materials, sales yards, lumber yards provided all materials are located within a building or within an area enclosed on all sides by an obscuring fence or wall six (6) feet in height. The extent of such wall or fence may be determined by the Board of Zoning Appeals.
 5. Accessory uses as regulated in Article VIII, GENERAL PROVISIONS of this Resolution.
 6. Parking and loading as regulated in Article VIII, GENERAL PROVISIONS of this Resolution.
 7. Any of the uses permitted in a B-3 Highway Service Business District

SECTION 408.3 CONDITIONALLY PERMITTED USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, the provisions of Article VIII, and subject further to the review and approval of the Township Zoning Board of Appeals and provided all points of ingress and egress shall be located no closer than two-hundred (200) feet from an intersection, measured from the street right-of-way lines. If the lot will not accommodate this required distance the point of ingress and egress shall be as far away from the intersection as possible, but in no case shall it be closer than eighty (80) feet.

1. Restaurants or other places serving food or beverages except those having the nature of a "drive-in" subject to the following restrictions:
 - a. The entire activity shall be conducted within a totally enclosed main building. Further, all abutting or adjacent properties must be zoned for B-1, B-2, B-3, I-1 or I-2 purposes.
2. Strip mining and gravel extraction operations subject to the following restrictions:
 - a. A completely enclosed fence six (6) feet in height shall be provided around the entire periphery of the development.
 - b. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to

appear reasonably natural. Areas shall be completely and continually drained of water when not in use or not supervised by a watchman. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration.

No rehabilitated slope shall exceed an angle with the horizontal of thirty (30) degrees.

- c. Established routes for truck movements into and out of the development shall be indicated in such a way that it will minimize the wear on public streets and damage to any adjoining property.
- d. Top soil may be stripped from the roadway, construction and excavation areas, piled separately but not removed from the site or used as spoil. As many trees as can be reasonably utilized in the final development plan should be retained, and the grading should be adjusted to the grade at the existing line of trees.

3. Junk yards subject to the following restrictions:

- a. All structures and activity areas shall be located at least one hundred (100) feet from all property lines.
- b. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, individual or to the community as a whole.
- c. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or thoroughfare. No lighting shall shine directly onto adjacent properties.
- d. Such structures should be located on collector streets.
- e. Site locations should be preferred that offer natural or man-made barriers that would lessen the effects of intrusion into a residential, business or industrial area.
- f. Loud speakers which cause a hazard or annoyance shall not be permitted.
- g. Such uses should not require the uneconomical extension of utility systems at the expense of the township.
- h. There shall be no more than one (1) sign oriented to each abutting road identifying the activity. All signs shall be located no less than twenty-five (25) feet from the street right-of-way line and shall not exceed a total sign area of ten (10) square feet.

4. Gasoline service stations, subject to the following conditions:

- a. Such stations shall be used for the sale of gasoline, oil, minor accessories only. No

repair work will be done including vehicle body repair, painting, tire recapping, engine rebuilding, upholstering, auto glass work and such other activities where the external effects of the activity could adversely extend beyond the property line.

- b. Curb cuts for ingress and egress shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto.
- c. The minimum lot area shall be twelve thousand (12,000) square feet, with access drives so arranged that ample space is available for motor vehicles which are required to wait.
- d. The minimum lot width shall be at least one hundred (100) feet and pump islands shall be set back at least fifteen (15) feet (measured from the street right-of-way line). All buildings and other structures shall have a front yard setback of fifty (50) feet from the street right-of-way line.
- e. Underground storage gasoline tanks shall be located not less than fifty (50) feet from any R-Residential District.
- f. Construction shall begin within one (1) year from the date of approval by the Township Zoning Commission.
- g. All lighting shall be shielded from all adjacent R-Residential Districts.
- h. Gasoline service stations shall provide an obscuring fence or an obscuring greenbelt six (6) feet in height on those side and rear lot lines abutting a R-Residential district;
- i. Abandoned Service Stations:

If any service station shall become abandoned, such service station shall be presumed to be a nuisance affecting or endangering surrounding property values and to be detrimental to the public health, safety, convenience, comfort, property or general welfare of the community and shall be abated. Abandoned is defined as a failure to operate said service station for at least three (3) consecutive months in any eighteen (18) month period.

Whenever the Building Inspector shall find any service station to be abandoned within the meaning of this Section, he shall give notice in the same manner as service of summons in civil cases, or by certified mail addressed to the owner of record of the premises at his last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods, to abate such abandoned condition within one hundred and eighty (180) days either by placing the station in operation in accordance with this Resolution, adapting and using the building for another permitted business use, or by razing the service station structure, removing

the pumps and signs, abandoning underground storage tanks in accordance accepted safe practice as prescribed by the National Fire Protection Association in Appendix "C" to N.F.P.A. No. 30; under the supervision of the Bureau of Fire Prevention of Madison Township and filling depressions to the grade level of the lot; provided, however, that if the station is in operation at the time notice is given and remains in operation for ninety (90) consecutive days thereafter, the provisions of this Section shall not apply; and provided, further, that if there should be declared a national emergency which would curtail the operation of motor vehicles or if the Trustees should determine that there exists a state of general economic depression, the provisions of this Section shall not apply.

Upon the failure, neglect or refusal of any owner to comply with the notice to abate such abandonment, the Building Inspector shall take such action as may be necessary to abate said nuisance.

Inoperative service stations which do not come within the definition of abandoned service station shall be maintained in accordance with the provisions of this Resolution and the owner shall cut all grass and remove all rubbish and weeds from the premises. The parking of motor vehicles upon said premises shall be prohibited and the owner shall place in the window of such service station a sign of at least ten (10) square feet in area notifying the public of this fact. Notwithstanding any other provision of this Resolution if the Building Inspector shall find that such notice is not complied with by the public, he may order the owner of the premises on which any station is inoperative for more than six (6) months to install fencing or barricade which will be sufficient to block motor vehicle access to said property.

- j. If rental trucks and trailers are stored on the premises, a minimum lot area of twelve thousand (12,000) square feet shall be devoted exclusively to service station use. The storage of rental trailers on such premises shall be provided in addition to the minimum lot area devoted to the gasoline service station and such storage space shall be provided behind the setback line of the main building.

SECTION 408.4 AREA AND BULK REQUIREMENTS

See Section 410, "SCHEDULE OF REGULATIONS", limiting the height and bulk of buildings, the minimum lot size, the maximum density permitted and establishing minimum yard setback requirements.

SECTION 409 I - 2 HEAVY INDUSTRIAL DISTRICT

SECTION 409.1 PURPOSE

The I-2 Heavy Industrial Districts are designed to accommodate industrial uses in the fields of manufacturing, processing and fabricating, including large scale industrial operations whose external physical effects may be felt by uses located in residential and business districts. The I-2 Heavy Industrial District is regulated to be exclusively used for industrial purposes free from encroachment by residential or business development. The uses permitted herein are intended to permit the manufacture, processing and compounding of semi-finished or finished products from raw materials.

SECTION 409.2 PERMITTED USES

The following uses shall be permitted provided all points of ingress and egress shall be located no closer than two-hundred (200) feet from an intersection, measured from the street right-of-way lines. If the lot will not accommodate this required distance the point of ingress and egress shall be as far away from the intersection as possible, but in no case shall it be closer than eighty (80) feet.

1. Any of the uses permitted in an I-1 Light Industrial District.
2. Contractors' equipment storage yard or plant, or storage and rental or equipment commonly used by contractors.
3. Storage and sale of grain and livestock feed, provided dust is effectively controlled during all operations.
4. Pottery and figurines using previously pulverized clay, and kiln-fired only with gas or electricity.
5. Welding or other metal-working or molding shop employing reciprocating hammers and presses.
6. Bag, carpet and rug cleaning, provided equipment is installed and operated for the effective precipitation of dust.
7. Foundry, casting light weight nonferrous metals.
8. Ice manufacturing or cold storage plant.
9. Laundry, cleaning and dyeing plant.
10. Automobile manufacturing or assembly.

11. Boiler shops, structural steel fabricating shops.
12. Brick, tile and terra cotta manufacturing.
13. Cement, bituminous or asphaltic concrete mixing.
14. Coal and coke yards.
15. Meat packing, excluding the slaughtering of animals.
16. Oil, paint, shellac, turpentine, varnish or enamel manufacturing.
17. Stone and monument works employing power driven tools.
18. Manufacture of vinegar and yeast.
19. Accessory uses as regulated by Article VIII, GENERAL PROVISIONS of this Resolution.
20. Parking and loading as regulated by Article VIII, GENERAL PROVISIONS of this Resolution.

SECTION 409.3 CONDITIONALLY PERMITTED USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, the provisions of Article VIII, and subject further to the review and approval of the Township Zoning Board of Appeals and provided all points of ingress and egress shall be located no closer than two-hundred (200) feet from an intersection, measured from the street right-of-way lines. If the lot will not accommodate this required distance the point of ingress and egress shall be as far away from the intersection as possible, but in no case shall it be closer than eighty (80) feet.

1. Junk yards, subject to the following conditions:
 - a. An eight (8) foot high obscuring fence of sufficient strength, to serve as a retaining structure shall be provided on all sides of the premises.
 - b. All property lines shall abut the boundary lines of an I-2 Industrial District.

SECTION 409.4 AREA AND BULK REQUIREMENTS

See SECTION 410, "SCHEDULE OF REGULATIONS," limiting the height and bulk of buildings, the minimum lot size, the maximum density permitted and establishing minimum yard setback requirements.

SECTION 410

SCHEDULE OF REGULATIONS
SCHEDULE LIMITING HEIGHT, BULK, DENSITY AND AREA BY ZONING DISTRICT

Use Districts	D>U. Per Acre	Minimum Lot Area requirements Per Dwelling Unit		Maximum Height of Building		Minimum Yard Setback (per Lot in Feet)			
		(a) Area In Acres or Sq. Ft. *	Width In Ft. **	In Feet	In Stories	Front Yard	Each Side Yard	Sum of the Widths	Rear Yard
C CONSERVATION	0	5 acres	150	40	2	50	25	55	40
A AGRICULTURE	.20	5 acres	150	40	2	50	25	55	40
Zero Lot Line Common Wall Dwelling	.20	2.5 acres	75	40	2	50	0 and 27	27	40
R-1 RESIDENTIAL One & Two Family	4.12	10,500 (b)	90	40	2	30	6	16	30
Zero Lot Line Common Wall Dwelling	4.12	5,250	45	40	2	30	0 and 8	8	30
R-2 RESIDENTIAL One & Two Family	5.01	8,700 (b,c,e,m)	75	40	2	25(f)	5(f)	14	25(f)
Zero Lot Line Common Wall Dwelling	5.01	4,350	38	40	2	25	0 and 7	7	25
Townhouse	18.00	2420 (m)	16	40	3	15	-	-	10
Multiple Family	18.00	(c,e)	-	40	3	35	(f)	-	(f)
R-3 RESIDENTIAL One & Two Family	6.22	7,000 (b,d,m)	60	40	2	25	5	10	25
Zero Lot Line Common Wall Dwelling	6.22	3,500	35	40	2	25	0 AND 5	5	25
Townhouse	21.00	2074 (m)	16	40	3	15	-	-	10
Multiple Family	21.00	(d,e)	-	40	3	35	(f)	(f)	(f)
B-1 NEIGHBORHOOD BUSINESS				40	2	30(g)	(h,1)		24(8,1)
B-2 GENERAL BUSINESS				50	3	30(g)	(h,1)		30(i,1)
B-3 HIGHWAY SERVICE						40(g)	(h,1)		40(i,1)
I-1 LIGHT INDUSTRIAL				50		50(g)	(k,1)		(k,1)
I-2 HEAVY INDUSTRIAL				100		50(g)	(k,1)		(k,1)

* Minimum lot area requirements are always subject to current Richland County Health Department and EPA regulations and could require more lot area for on site sewage disposal.

** Minimum lot widths for new lots under 5 acres are further controlled by the lot width to depth ratios required under the Richland County Subdivision Regulations.

NOTES TO SECTION

- (a) Where centralized sewer and water facilities are not provided, the minimum lot area shall be at least one (1) acre per dwelling unit, with a minimum lot width of one hundred and fifty (150) feet. Where either centralized sewer or water systems are furnished, the minimum lot area shall be at least sixteen thousand five hundred (16,500) square feet, with a minimum lot width of one hundred (100) feet, unless a larger lot size is required by the Richland County Health Department.
- (b) In the R-Residential Districts, the minimum lot area and width requirements may be reduced according to the flexibility allowances and requirements of Article VI, Open Space Residential Developments, and Article VII, Planned Districts.
- (c) In an R-2 Residential District, the permitted number of multiple family dwelling units per acre shall be based on the following formula:

$$\frac{\text{AREA OF PARCEL IN SQUARE FEET}}{800} \div X = \text{TOTAL NUMBER OF DWELLING UNITS PER ACRE}$$

X shall denote the following:	Two Bedroom = 3 rooms	<u>Maximum Density/Acre</u> 18.0
	Three Bedroom = 4 rooms	13.0

- (d) In an R-3 Residential District, the permitted number of multiple family dwelling units per acre shall be based on the following formula:

$$\frac{\text{AREA OF PARCEL IN SQUARE FEET}}{600} \div X = \text{TOTAL NUMBER OF DWELLING UNITS PER ACRE}$$

X shall denote the following:	Two Bedroom = 3 rooms	<u>Maximum Density/Acre</u> 24.0
	Three Bedroom = 4 rooms	18.0

- (e) In an R-2 and R-3 Residential District, the area used for computing the density shall be the total site area exclusive of any public dedicated rights-of-way of either interior or bounding roads.
- (f) In an R-2 and R-3 Residential District, front, side or rear yards do not refer directly to the spacing between buildings for a multiple family development for two or more buildings on the same parcel. In such cases, the minimum distance between any two buildings shall be based on the height of each building, and in no instance shall this distance be less than forty

(40) feet. Whenever the side or rear yard of a multiple family development abuts a one family residential development, the minimum side yard width and rear yard depth shall be at least thirty-five (35) feet.

- (g) Off-street parking shall be permitted to occupy part of the required front yard after approval of the parking plan layout and points of ingress and egress by the Township Zoning Commission.
- (h) No side yards are required along the interior side lot lines of the District. On an exterior side yard abutting a residential district, there shall be provided a minimum side yard setback of thirty (30) feet.
- (i) Off-street loading space shall be provided in the rear yard in accordance with the provisions of Section 800.4 of this Resolution and shall be provided in addition to any required off-street parking facilities.
- (j) Where there is a front-to-front industrial relationship, or a front-to-side industrial relationship, the minimum front yard setback may be reduced to twenty-five (25) feet. All front yards shall be landscaped in accordance with the provisions of Article VIII, Sections 800.6 and 800.9.
- (k) Side and rear yards shall be equal to at least the height of the average of the various heights of the building masses, excluding towers and other appurtenances. All side and rear yards abutting a Residential District shall provide open space equal to at least one hundred (100) feet in width.
- (l) An obscuring fence or obscuring greenbelt six (6) feet in height shall be provided along those side and rear lot lines abutting a R-Residential District.
- (m) In an R-2 and R-3 Residential District, the permitted number of dwelling units per acre in a townhouse development shall further be based on the following regulations:

Maximum Number of Dwellings Per Building - 12

Minimum Lot Area Per Building of 12 Dwelling Units - 17,400 sq. ft.

ARTICLE V

SPECIAL DISTRICTS

SECTION 500 SPECIAL DISTRICTS ESTABLISHED

Districts providing for the use or development of land for certain purposes or under certain conditions, as hereinafter specified, are hereby established and adopted.

SECTION 500.1 RELATION TO STANDARD ZONING DISTRICTS AND MAP

Special Districts and regulations shall be in addition to the Standard Zoning Districts Map and nothing herein is intended to amend, modify or otherwise change the Standard Zoning District Regulations except as specifically set forth in the Special District Regulations. The inclusion of land in a Special District shall be in addition to the Standard Zoning Districts as established on the Zoning Districts Map, and nothing herein is intended to amend, modify or otherwise change the Standard Zoning District boundaries as shown on the Zoning District Map.

SECTION 501 MH MOBILE HOME PARK DISTRICT

SECTION 501.1 PURPOSE

The MH Mobile Home Park District is established in recognition of mobile homes which are of such a nature as to warrant individual consideration and regulations due to the unique demands they place upon the public health and welfare, and the requirements of location and development that generally are peculiar to these uses.

It is the intent of this Section to allow mobile homes to be suitable located and developed in unified areas having all necessary services and facilities comprehensively provided in accordance with a predetermined site plan.

To this end the site development and landscape design principles of the Mobile Home Park, together with the provisions of associated park and recreational facilities shall be an important consideration in achieving an attractive residential environment of sustained desirability that will promote stability, order and efficiency of the residential area.

SECTION 501.2 PERMITTED USES

1. Mobile Home Park Developments developed in accordance with the following regulations and subject further to the review and approval of a site plan by the Board of Zoning Appeals:
 - a. The Mobile Home Park shall include at least ten (10) acres of land or more than seventy (70) mobile home units.
 - b. The Mobile Home Park shall provide a twelve (12) foot wide greenbelt together with a six (6) foot high vertical obscuring screen on those side or rear yards of the Mobile Home Park which abut onto an "R", "B", or "I" District. The obscuring screen shall provide a continuous, year-around screen.
 - c. Access from Mobile Home Parks to the nearest public thoroughfare shall be by means of a public right-of-way of not less than sixty (60) feet in width. No access shall be permitted through an "R" Residential District.
 - d. The Mobile Home Park shall further comply with any other county and state health department regulations, and any other Resolutions of the Township of Madison.
 - e. The Mobile Home Park development 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.
2. Accessory uses as regulated in Article VIII, GENERAL PROVISIONS, of this Resolution.

3. Automobile parking spaces as regulated in Article VIII, GENERAL PROVISIONS, of this Resolution.

SECTION 501.3 CONDITIONALLY PERMITTED USES

The following uses shall be permitted subject to the conditions hereinafter imposed for each use, the provisions of Article VIII, and subject further to the review and approval of the Township Zoning Board of Appeals:

1. Churches and other buildings for the purpose of religious worship, subject to the following conditions:
 - a. Buildings of greater than the maximum height allowed in Article 410, "SCHEDULE OF REGULATIONS" may be allowed provided front, side and rear yards are increased above the minimum required yard setback by one (1) foot for each one (1) foot the building exceeds the maximum height allowed.
 - b. Wherever the off-street parking area is adjacent to land developed for one or two family residential purposes, a continuous and obscuring year-around greenbelt six (6) feet in height shall be provided along the sides of the parking area adjacent to the residential development. The greenbelt shall be further subject to the provisions of Article VIII, GENERAL PROVISIONS.
 - c. The proposed site shall have at least one (1) property line abutting a major or minor arterial thoroughfare or a collector thoroughfare. Access to and from the site shall be provided by a major or minor arterial thoroughfare or collector thoroughfare or a service access road.
2. Parochial and other private elementary, intermediate schools offering courses in general education.
3. Private recreational areas, swimming pools, golf courses, tennis clubs and institutional or community recreation centers subject to the following conditions:
 - a. The proposed site for any of the uses stated above shall have at least one (1) property line abutting a major or minor arterial thoroughfare, and the site shall be so planned as to provide all ingress and egress directly onto or from the major or minor arterial thoroughfare.
 - b. Front, side and rear yard setback shall be at least thirty (30) feet wide and shall be landscaped in trees, shrubs and grass.
 - c. Whenever the intended use includes a swimming pool, said pool shall be provided

with a protective fence six (6) feet in height measured above the level of the adjoining ground. The entry to and from the pool shall be by means of a controlled gate.

- d. Lighting used to illuminate the intended uses of the property shall be shielded and arranged as to reflect light away from adjoining properties and public streets.
 - e. Off-street parking shall be provided as regulated in Article VIII, GENERAL PROVISIONS.
4. Utility and public service buildings and uses (excluding storage yards), when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
5. Home occupations subject to the following conditions:
- a. Such uses shall be secondary in importance to the use of the dwelling unit for dwelling purposes.
 - b. Home occupations shall be conducted by the resident with no additional employees.
 - c. Such occupations shall be carried on entirely within the dwelling unit and not in an accessory building. The garage may be used providing the occupation does not preclude the storage of the number of vehicles for which the garage was designed.
 - d. The home occupation shall not occupy more than thirty (30) percent of the gross first floor living area of any one dwelling unit.
 - e. No activity, materials, goods or equipment indicative of the proposed use shall be visible from any public thoroughfare or adjacent property.
 - f. For purposes of advertising, there shall be no more than one (1) sign or identification plate to exceed two (2) square feet in area.

SECTION 501.4 AREA AND BULK REQUIREMENTS

See Section 503, "SCHEDULE OF REGULATIONS", limiting the height and bulk of buildings, the minimum lot size, maximum density requirements, open space regulations and establishing minimum floor area and minimum yard setback requirements.

SECTION 502P VEHICULAR PARKING DISTRICT

SECTION 502.1 PURPOSE

The P Vehicular Parking District is established to permit areas to be used solely for off-street parking of private passenger vehicles as a use incidental to a principal use. This District will generally be provided by petition or request to serve a Zoning District which has developed without adequate off-street parking facilities.

SECTION 502.2 PERMITTED USES

The following uses shall be permitted provided all points of ingress and egress shall be located no closer than two-hundred (200) feet from an intersection, measured from the street right-of-way lines. If the lot will not accommodate this required distance the point of ingress and egress shall be as far away from the intersection as possible, but in no case shall it be closer than eighty (80) feet.

1. Off-street parking lots and garages provided in accordance with the following regulations and subject further to the review and approval of a site plan by the Board of Zoning Appeals:
 - a. Parking lots and/or garages shall be accessory to, and for use in conjunction with one or more multiple family, office, business or industrial use, or institution.
 - b. Such parking lots or garages shall be located contiguous to multiple family development and uses within a Business or Industrial Districts. Parking areas may be approved when adjacent to such districts, or within five hundred (500) feet of the above listed uses. A private driveway, public street or public alley may exist between the P Vehicular Parking District and above listed uses.
 - c. Such parking lots or garages shall be used solely for the parking of private passenger vehicles, for periods of less than one (1) day and shall not be used as an off-street loading area.
 - d. No commercial repair work, service display of any kind shall be conducted on the premises.
 - e. No signs of any kind, except for designating entrances and exits, shall be permitted on the premises.
 - f. In the case of surface parking lots, not building other than those for shelter of attendants shall be erected upon the premises.
 - g. A continuous and obscuring fence or wall not less than six (6) feet in height

measured from the surface of the ground shall be provided on all sides where parking lots or garages abut onto an R-Residential District.

SECTION 502.3 PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE

P Vehicular Parking Districts shall be developed and maintained in accordance with the provisions of Article VIII, GENERAL PROVISIONS, Section 800.3.

SECTION 502A ID INTERCHANGE DEVELOPMENT DISTRICT

SECTION 502A.1 PURPOSE

The ID Interchange Development Districts are established to accommodate uses which provide storage, light manufacturing, processing, wholesaling and distribution facilities which are clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust smoke or glare. The districts are located so that the uses have a relatively quick access to the interstate road system.

SECTION 502A.2 PERMITTED USES

The following uses shall be permitted provided an obscuring fence or obscuring greenbelt six (6) feet in height is provided on those side and rear yards abutting an R-Residential District or residential development an all points ingress and egress shall be located no closer than two-hundred (200) feet from an intersection, measured from the street right-of-way lines. If the lot will not accommodate this required distance the point of ingress and egress shall be as far away from the intersection as possible, but in no case shall it be closer than eighty (80) feet.

1. Basic research, design and experimental firms when conducted within an enclosed building; such as pharmaceuticals and electrical instruments and devices.
2. The manufacturing, compounding, processing and assembly of the following products when conducted wholly within a completely enclosed building:
 - a. Bakery goods, candy, domestics, toiletries, and other food products, but excluding the refining or rendering of fats and oils.
 - b. Products from the following previously prepared materials: bone, canvas, cloth, cellophane, cork, feathers, fur, glass, hair, horn, leather, plastics, precious or semi-precious metals or stones, silicon, sheet metal, shell, textiles, tobacco, wood and yarns.
 - c. Musical instruments, toys, novelties, rubber or metal stamps and other small rubber

- or plastic molded products.
- d. Electrical appliances, television sets, radios, phonographs, household appliances.
 - e. Tool, die and machine shops.
3. The following uses, provided storage is within an enclosed building and/or outdoor storage area enclosed on all sides by an obscuring fence or wall six (6) feet in height measured from the surface of the ground:
- a. Wholesale storage and distribution facilities, warehouses, truck terminals, storage and transfer facilities.
 - b. Motor freight garages.
 - c. Stone and cemetery monument works.
 - d. Welding or other metal working shops.
 - e. Cabinet making, upholstering, sheet metal, plumbing, heating, roofing, air conditioning, and sign painting.
 - f. Lumberyards, including mills.
 - g. Cold storage plants, creamery and bottling plants.
4. Railroad transfer and storage tracks and freight terminal facilities.
5. Accessory uses as regulated in Article VIII, GENERAL PROVISIONS of this Resolution.
6. Parking and loading as regulated in Article VIII, GENERAL PROVISIONS of this Resolution.

SECTION 502A.3 AREA AND BULK REQUIREMENTS

See Section 503, "SCHEDULE OF REGULATIONS," limiting the height and bulk of buildings, the minimum lot size, the maximum density permitted and establishing minimum yard setback requirements.

SECTION 503

SCHEDULE OF REGULATIONS
SCHEDULE LIMITING HEIGHT, BULK, DENSITY, AND LOT AREA
IN SPECIAL DISTRICTS

Use Districts	Minimum Lot Area Requirements Per Dwelling Unit		Maximum Height of Building		Minimum Yard Setback (Per Lot in Feet)			Minimum Floor Area Per Unit (Sq. Ft.)
	Area In Acres or Sq. Ft.	Width In Ft.	In Feet	In Stories	Front Yard	Each Side Yard	Rear Yard	
Mobile Home Park	6,000	60	25	2	20	15	20	720
ID Interchange Development District	-	-	50	-	50 (a)	(b,c)	(b,c)	-

NOTES TO SECTION 503

- (a) Off-street parking shall be permitted to occupy part of the required front yard after approval of the parking plan layout and points of ingress and egress by the Township Zoning Commission.
- (b) Side and rear yards shall be equal to at least the height of the average of the various heights of the building masses, excluding towers and other appurtenances. All side and rear yards abutting a Residential District shall provide open space equal to at least one hundred (100) feet in width.
- (c) An obscuring fence or obscuring greenbelt six (6) feet in height shall be provided along those side and rear lot lines abutting a R-Residential District or residential development.

ARTICLE VI

OPEN SPACE DEVELOPMENTS

SECTION 600 PURPOSE

The purpose of this Section is to permit open space developments as a conditional use within R-Residential Districts in order to:

1. Encourage a creative approach in the use of land and related physical development;
2. Permit variations in lot area and dimensions;
3. Simplify the processing of development proposals for developers and the Township Zoning Commission by providing concurrent review of land use, subdivision, public improvements, and siting considerations;
4. Provide for the enhancement and preservation of property with unique features, such as unusual topography and/or landscape features.

SECTION 600.1 APPLICATION PROCEDURE

1. Submission of Development Plan

The subdividers shall submit three (3) copies of a Development Plan to the Zoning Board of Appeals for approval of an Open Space Development. The Development Plan shall include in text or map form:

- a. The names and addresses of the owners, developers and the registered engineer, architect or landscape architect who prepared the development plan.
- b. The proposed location and size of areas of residential use, indicating dwelling unit densities, dwelling types, and the total number of dwellings proposed on the Development Plan.
- c. The proposed size, location and use of open space, playgrounds or park sites with the intended ownership of such areas.
- d. The proposed provision of water, sanitary sewer, and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness of servicing the site by public utility systems.
- e. The purposed traffic circulation patterns, including the public and private right-of-way and street layout, parking areas, walkways and other access ways, indicating their relationship to existing streets bordering on the development.

- f. The proposed schedule of site development, construction of open space areas and public utility systems, including sketches and other materials indicating design principles and concepts to be followed in site development.
 - g. The relationship of the proposed Open Space Development to existing and future land uses in the surrounding area, street systems, community facilities and other public improvements.
 - h. The design layout of blocks and lots and the area dimensions of lots as shown on the overall Plan.
2. Covenants, Grants of Easements

The substance of covenants, grants of easements or other restrictions to be imposed upon the use of land, building and structures, including proposed easements for public utilities.

SECTION 600.2 BASIS OF APPROVAL

1. Review by the Richland County Regional Planning Commission Staff:

One (1) copy of every Open Space Plan, received by the Township Zoning Board of Appeals shall be promptly delivered to the Staff of the Richland County Regional Planning Commission for its review and report to the Township Zoning Board of Appeals.

The Township Zoning Board of Appeals shall base its approval of an Open Space Development Plan on the following considerations:

- a. That the Open Space Development Plan is consistent in all respects with the purposes, intent, and applicable standards of this Resolution.
- b. That the proposed development is in conformance with the Comprehensive Plan adopted by the Township of Madison.
- c. That the proposed Open Space Development provides for the preservation and protection of existing trees, ground cover, topsoil, streams, rock outcroppings and scenic views from dangers and damages caused by excessive and poorly planned grading for streets and building sites.
- d. That the benefits, improved arrangement and the design of the Open Space Development justify the deviation from the standard residential zoning district requirements incorporated in Article IV of the Resolution.

SECTION 600.3 EFFECT OF APPROVAL

The Open Space Development Plan, as approved by the Township Zoning Board of Appeals shall be declared as a Conditional Use. Preparation of a required Subdivision Plat, submitted in accordance with the Subdivision Regulations of the Township of Madison. Unless the required subdivision plat is submitted and recorded within two (2) years, the approval shall be voided and the land shall be subject to the Standard Zoning District requirements as set forth in Article IV of the Resolution.

SECTION 600.4 PERMITTED USES

1. The following residential land uses when developed in a unified manner:
 - a. One Family Dwellings
 - b. Two Family Dwellings
 - c. Townhouse Units
2. Schools, parks and playfield facilities
3. Churches and other institutions for the purpose of religious worship
4. Recreational facilities as may be provided for the use and amenities of the residents of the dwellings.
5. Parking and loading spaces in accordance with an approved site plan.

SECTION 600.5 DEVELOPMENT PRINCIPLES AND STANDARDS

1. Open Space Variations in Lot Area Dimensions

Open space reservations shall be considered cause for lot size and lot width reductions, according to the following scale:

Up to thirty (30) percent reduction in lot size and a twenty (20) percent reduction in lot width will be permitted, providing up to thirty (30) percent of the total site area (excluding street rights-of-way) is devoted to open space or recreational facilities.

In areas of the site where townhouse units are used, there shall be no more than twelve (12) townhouse units in any contiguous group.

2. Maximum Density of Residential Development

The maximum number of dwellings permitted in an Open Space Development shall conform to the basic overall density requirements set forth below:

Standard "R" District	Standard Districts Maximum Allowable Density			Open Space Developments Maximum Allowable Density		
	One & Two Family	Townhouse	Multiple	One & Two Family	Townhouse	Multiple
R-1	4.01	--	--	4.94	18.0	--
R-2	5.01	12.0	18.0	6.01	21.0	21.0
R-3	6.22	18.0	21.0	7.46	23.0	23.0

SECTION 600.6 COVENANTS AND RESTRICTIONS OF OPEN SPACE LAND

The Open Space Development Plan shall provide common open space as required by this Resolution and for the establishment of an organization (herein call Association) for the ownership and maintenance of the Common Open Space. All common open spaces located in the development shall be reserved for the private use and benefit of the owners of the lots located in the development.

The Open Space Development Plan shall provide for such plats, agreements, protective covenants, easements and documents to be recorded providing for the ownership, maintenance and financing of such maintenance for the common open space, as will reasonably insure its continuity, conservation, maintenance and preservation and as will work to prevent its diversion and deterioration.

In the event that the Association established to own and develop and maintain the common open space, or any successor organization, shall, at any time after the establishment of the open space development, fail to maintain the common open space in reasonable order and condition in accordance with the Plan, or permit it to deteriorate so as constitute a public nuisance, the Township of Madison may serve written notice upon such organization, or upon the residents of the open space development, setting forth the manner in which the Association has failed to maintain the common open space in reasonable condition, or has permitted a public nuisance to develop. Such notice shall include a demand that such deficiencies be cured within thirty (30) days thereof and shall state the date and place of a hearing thereon before the Township Zoning Commission to be held within fifteen (15) days after the notice. At such hearing, the Township of Madison may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice, or in the modifications thereof, are not cured within said thirty (30) days or any extension thereof, the Township of Madison, in order to prevent further deterioration or to abate the public nuisance, may enter upon the common open space and maintain the same until the Association established for such purpose resumes its responsibility. Said entry, maintenance and abatement

upon the common open space shall not vest in the Township of Madison any rights to use the common open space for any other purpose.

To provide for the costs of such maintenance and abatement by the Township of Madison, the developer, or the Association established to own the common open space, shall, simultaneously with the execution of the unit plat, grant to the Township of Madison a Conservation Easement vesting in the Township of Madison all of the rights necessary to carry out the terms of this Section, as well as all rights of the developer or Association, to collect dues or assessments from the property owners within the development, which dues and assessments, or a reasonable substitution therefore for the maintenance of the common open space, shall be an obligation of the property owners under recorded Protective Covenants, as well as the Articles of Incorporation of Bylaws of the Association, formed to hold title to the common open space.

ARTICLE VII

PLANNED DISTRICT REGULATIONS

SECTION 700 REGULATION OF USE AND DEVELOPMENT

Regulations pertaining to the use of land and/or structures and physical development within each of the Planned Districts, adopted as a District in Article III, are hereby established and adopted.

SECTION 700.1 APPLICATION PROCEDURE FOR ESTABLISHMENT OF A PLANNED UNIT RESIDENTIAL DISTRICT

Planned Districts may be established by application in accordance with the provisions set forth below. The procedure and conditions set forth for establishing a Planned Development shall be followed unless a written statement by the applicant shall clearly show that the procedures or conditions do not apply in the specific case. Such statement shall accompany the application and is subject to approval by the Township Zoning Commission and Township Trustees.

Any application for a Planned Development, for any land use or structure permitted under this Resolution shall be submitted in accordance with the following procedure:

1. Preapplication Conference:

The landowner shall schedule a Preapplication Conference with the Zoning Commission, County Engineer, Richland County Regional Planning Commission staff, Township Solicitor and public utility companies concerned. The landowner, at the conference, shall provide evidence that the following steps have been taken:

- a. Prior to preparing a development plan, the landowner shall consult informally with the Township Zoning Commission, County Engineer, Richland County Regional Planning Commission staff and Township Solicitor in order that he may become familiar with subdivision and zoning requirements, the relation of his property to existing conditions, future plans, community facilities, utilities and services.
 - b. The landowner shall also consult informally with public utility companies in order to determine the character and extent of electric power and telephone lines and also to determine the most advantageous routing of these lines and utility easements.
2. Prior to concluding the Preapplication Conference between the landowner and the Zoning Commission shall consider the following principles governing Planned Developments in the Township of Madison.
- a. It shall be the duty of the Zoning Commission to discourage Planned Developments that are far in advance of the needs of the Township, or which, by their very nature or location, cannot be efficiently served by public utilities, fire or police protection

or other municipal services, or which are being unwisely or prematurely developed.

- b. It shall further be the duty of the Zoning Commission to encourage that Planned Developments be coordinated with the development of adjacent small parcels of land and to this end, the Zoning Commission shall require the landowner to submit sketch plans for such coordinated development, showing how streets can be connected, lot orientations coordinated and open spaces extended. The Zoning Commission may also arrange meetings with the several owners of such small parcels of land or may carry out the intent of this directive by such other means as may be lawful and appropriate.

3. Application to Zoning Commission:

An application for a Planned Development shall be submitted to the Zoning Commission on a special form provided for that purpose. The application shall be executed by or on behalf of the landowner and filed in duplicate with the Secretary of the Zoning Commission.

The Township Trustees may from time to time, to defer administrative costs, prescribe and amend by resolution, a reasonable schedule of fees to be charged to applicants for a Planned Development as indicated in Section 1000.8 of this Resolution.

4. Data Required with Application:

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

- a. Location and the size of the area involved and the nature of the landowner's interest in the land proposed to be developed.
- b. The density of land use to be allocated to parts of the area to be developed.
- c. The locations, function, ownership and manner of maintenance of Common Open Space Areas.
- d. The use, approximate height, bulk and location of buildings and other structures.
- e. The feasibility of proposals for the disposal of sanitary waste and storm water.
- f. The substance of covenants, grants of easements or other restrictions to be imposed upon the use of land, buildings and structures, including proposed easements for public utilities.
- g. The provisions for parking of vehicles and the location and width of proposed streets and existing streets abutting the property.

- h. Statement indicating the required modifications in the regulations in the Township of Madison Zoning Resolution otherwise applicable to the subject property.
- i. In the case of plans which call for staging development over a period of years, a schedule, showing the time within which applications for final approval of all parts of the Planned Residential Development, is to be filed.
- j. Said applications shall also be accompanied by a written statement by the landowner setting forth the reasons why, in his opinion, the Planned Development would be in the public interest and would be consistent with the specific criteria, if any, theretofore published and adopted by the Zoning Commission.

5. Review by the Richland County Regional Planning Commission Staff:

One (1) copy of every application for a Planned District, received by the Secretary of the Township Zoning Commission, shall be promptly delivered to the staff of the Richland County Regional Planning Commission staff for its review and report to the Township Zoning Commission. The Richland County Regional Planning Commission staff shall, as a part of its review, consult with the County Engineer's Department and other departments of the County and the City of Mansfield (where applicable) concerning the application.

Nothing herein shall be deemed to forbid or discourage informal consultations between the landowner and the Staff of the Richland County Regional Planning Commission prior to the filing of an application for a Planned District, provided no statement or representation by a member of the Richland County Regional Planning Commission staff shall be binding upon the Township Zoning Commission.

6. Basis of Approval:

The Township Zoning Commission shall review and take action on the application within sixty (60) days following the date the application was received by the Commission. The Township Zoning Commission shall base its approval of a Planned District on the following considerations:

- a. That the Plan is consistent in all respects with the purposes, intent and applicable standards of this Resolution.
- b. That the proposed development as envisioned on the Plan is in conformance with the Comprehensive Plan adopted for the Township of Madison.
- c. That the proposed Plan provides for the preservation and protection of existing trees, ground cover, topsoil, streams, rock outcroppings, and scenic views from dangers and damages caused by excessive and poorly planned grading for streets and building sites.

- d. That the benefits, improved arrangement and the design of the Planned Development justify the deviation from the Standard Zoning District requirements incorporated in Article IV of this Resolution.

7. Public Hearing:

Upon review and recommendation of an application for a Plan, the Township Zoning Commission shall forward to Township Trustees a record of the action taken on the proposed application. Township Trustees shall act on the application in accordance with the provisions of Article XII of this Resolution.

8. Effect of Approval:

The Plan, as approved by the Madison Township Trustees, shall constitute and amendment to the standard zoning district regulations as they apply to the land included in the approved amendment.

The applicant shall then be required to prepare a subdivision plat of record in accordance with the subdivision regulations for the Township of Madison. The subdivision plat shall be in accord with the Plan as approved by the Madison Township Trustees.

SECTION 700.2 PERMITTED USES

Only uses designated as PERMITTED USES shall be allowed as a matter of right in a Planned District and any use not so designated shall be prohibited except when in character with the proposed development such additional uses may be approved as part of the Planned Development.

SECTION 700.3 DEVELOPMENT PRINCIPLES AND STANDARDS

The Development Principles and Standards set forth shall be the minimum allowed for development in a Planned District.

SECTION 701 PD PLANNED UNIT RESIDENTIAL DISTRICT

SECTION 701.1 PURPOSE

The PD Planned Unit Residential District is established to provide latitude in the arrangement and design of residential dwellings; to encourage developers to use a more creative approach in the development of residential areas; and at the same time protect desirable features in the existing environment. By allowing more freedom of design and by providing incentives, the Planned Unit Residential District will promote private renewal and redevelopment. The encouragement of new investment for desirable development within deteriorated areas of the community will result in an attractive environment of sustained desirability within such areas of the Township.

SECTION 701.2 PERMITTED USES

1. Residential dwelling units developed in a unified manner in accordance with an approved plan;
2. Schools, parks and playfield facilities;
3. Churches and other institutions for the purpose of religious worship;
4. Recreational facilities as may be provided for the use and amenities of the residents of the dwellings;
5. Neighborhood shopping centers not comprising more than ten (10) percent of the total site acreage and developed in a unified manner.

SECTION 701.3 DEVELOPMENT PRINCIPLES AND STANDARDS

1. Maximum Density of Residential Development

The dwelling unit density of any area is to remain unchanged and conform to the basic overall density requirements as set forth below:

Zoning District <u>Designation</u>	Maximum Allowable Density Per Gross Acre		
	<u>One & Two Family</u>	<u>Townhouse</u>	<u>Multiple Family</u>
R-1	4.12	12.0	12.0
R-2	5.01	18.0	18.0
R-3	6.22	21.0	21.0

However, the dwelling unit density may be increased if the character of the development

and/or amenities incorporated in the development improve the physical conditions of an area, thereby justifying an increase in density. The dwelling unit density shall not exceed the density which would be achieved under the Standard Zoning District designation by more than thirty (30) percent, where the Zoning Commission determines that it would be appropriate to apply a higher density to the uses proposed in the Development Plan. The percentage increase in density shall be governed by the factors listed below which are to be treated as parts and not totals:

- a. Open space reservations shall be considered cause for dwelling unit density increases in accordance with the following schedule:
 - (1) Maximum dwelling unit density increase of twenty (20) percent for the first acre of open space per twenty (20) total acres of development.
 - (2) Maximum dwelling unit density increase of ten (10) percent for the second acre of open space per twenty (20) total acres of development.
 - (3) Maximum dwelling unit density increase of six (6) percent for each additional acre of open space per twenty (20) total acres of development.
- b. Character, identity, architectural and siting variations incorporated in a development shall be considered cause for dwelling unit density increases not to exceed the density which would be achieved under the Standard Zoning District designation by more than thirty (30) percent, provided such design variations make a substantial contribution to the objectives of the PD Planned Unit Residential District.

The degree of physical improvement and distinctiveness achieved in the area shall govern the percentage of increase in dwelling unit density which the Township Zoning Commission and Township Trustees may approve. Incorporated design elements may include (but are not limited to) the following:

- (1) Landscaping
 - (a) Streetscape
 - (b) Open Spaces and Plazas
 - (c) Pedestrian-way treatment
 - (d) Recreational Areas
- (2) Siting
 - (a) Use and treatment of existing land features

- (b) Sun and wind orientation
 - (c) Circulation patterns
 - (d) Variations in building setbacks
 - (e) Distinctive groupings of buildings
- (3) Design Features
- (a) Architectural styles
 - (b) Harmonious use of building and screening materials
 - (c) Parking arrangements broken by screening devices or landscape features.
 - (d) Varied use of dwelling types and arrangements:
 - Atrium or court
 - Townhouse
 - Terrace
 - Tower
- (4) Unique Group Developments
- (a) Housing for the Elderly
 - (b) Bachelor's Quarters
 - (c) Retirement Community
 - (d) Mobile Home Parks

2. Variations in Lot Area and Dimensions

The maximum number of dwellings permitted in a Planned Unit Residential Plan shall conform to the overall density approved for the Plan. However, lot area and dimensions do not have to meet the specific requirements of this Resolution.

Residential lot size and width reductions shall be permitted in accordance with the

following schedule:

Up to a thirty (30) percent reduction in lot size and a twenty-five (25) percent reduction in lot width will be permitted, providing up to thirty (30) percent of the total site area (excluding street rights-of-way) is devoted to open space or recreational facilities.

R-2 and R-3 Residential Districts, the maximum dwelling unit density for townhouses and multiple family developments may be increased by thirty (30) percent.

Providing that the drawings and plans as submitted show that the relationships between interior and exterior living areas on the site are desirable and adequate, and that the living environment is as desirable as compliance with the strict requirements of the Resolution.

3. Covenants and Restrictions

The Open Space Development Plan shall provide common open space as required by this Resolution and for the establishment of an organization (herein call Association) for the ownership and maintenance of the Common Open Space. All common open spaces located in the development shall be reserved for the private use and benefit of the owners of the lots located in the development.

The Open Space Development Plan shall provide for such plats, agreements, protective covenants, easements and documents to be recorded providing for the ownership, maintenance and financing of such maintenance for the common open space, as will reasonably insure its continuity, conservation, maintenance and preservation and will work to prevent its diversion and deterioration.

In the event that the Association established to own and develop and maintain the common open space, or any successor organization, shall, at any time after the establishment of the planned unit residential development fail to maintain the common open space in reasonable order and condition in accordance with the Plan, or permit it to deteriorate so as to constitute a public nuisance, the Township of Madison may serve written notice upon such organization, or upon the residents of the planned unit residential development, setting forth the manner in which the Association has failed to maintain the common open space in reasonable condition, or has permitted a public nuisance to develop. Such notice shall include a demand that such deficiencies be cured within thirty (30) days thereof and shall state the date and place of a hearing thereon before the Township Zoning Commission to be held within fifteen (15) days after the notice. At such hearing, the Township of Madison may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice, or in the modifications thereof, are not cured within said thirty (30) days or any extension thereof, the Township of Madison, in order to prevent further deterioration or to abate the public nuisance, may enter upon the common open space and maintain the same until the Association established for such purpose resumes its responsibility. Said entry, maintenance and

abatement upon the common open space shall not vest in the Township of Madison any rights to use the common open space for any other purpose.

To provide for the costs of such maintenance and abatement by the Township of Madison, the developer, or the Association established to own the common open space, shall, simultaneously with the execution of the unit plat, grant to the Township of Madison a Conservation Easement vesting in the Township of Madison all of the rights necessary to carry out the terms of this Section, as well as all rights of the developer or Association, to collect dues or assessments, or a reasonable substitution therefore for the maintenance of the common open space, shall be an obligation of the property owners under recorded Protective Covenants, as well as the Articles of Incorporation or Bylaws of the Association, formed to hold title to the common open space.

ARTICLE VIII

GENERAL PROVISIONS

SECTION 800 SCOPE OF THE ZONING RESOLUTION

The provisions of this Zoning Resolution shall apply to all land in the unincorporated part of Madison Township, Richland County, Ohio, and no building or structure or part thereof, shall be erected, converted, reconstructed or structurally altered, nor shall any building or land be used, designed, or arranged for any purpose, except in conformity with the provision of this Resolution.

SECTION 800.1 NONCONFORMING LOTS, NONCONFORMING USES OF LAND AND NONCONFORMING STRUCTURES

1. Purpose:

The purpose of this Section is to provide for the eventual and equitable elimination of nonconforming lots, nonconforming uses of land and non-conforming structures which do not conform to the provisions of this Resolution. Nonconforming lots, uses, and structures are declared to be incompatible with the permitted uses in the district involved. It is further the purpose of this Resolution that nonconforming lots, uses, and structures of land shall not be enlarged upon, extended, nor be used as a basis for adding other structures or uses prohibited in the same district.

2. Regulations:

a. Nonconforming Lots:

In any R-Residential District, dwellings may be erected on any single lot of record existing at the effective date of adoption or amendment of this Resolution; even though such lots fail to meet the requirements for area or width, or both that are generally applicable in the district, providing the yard dimensions and other requirements not involving the area and width of the lot shall conform to the regulations for the district in which such lot is located. The Board of Zoning Appeals may grant a variance where the strict application of the provisions of this Resolution would result in practical or unnecessary hardship in complying with the minimum yard requirements for the district in which such lot is located.

b. Nonconforming Use of Land:

The lawful use of any land existing at the effective date of adoption or amendment of this Resolution may be continued although such use does not conform with the regulations of this Resolution providing the following conditions are met:

- (1) A nonconforming use shall not be extended, enlarged or increased to occupy

a greater area of land than was occupied at the effective date of this Resolution. The extension of a lawful use throughout any portion of a nonconforming structure which existed prior to the enactment of this Resolution shall not be deemed to be the extension of such nonconforming use.

- (2) Whenever a nonconforming use of land has been discontinued for a period of two (2) consecutive years or more, such discontinuance shall be considered as conclusive evidence of an intention to abandon legally the nonconforming use. At the end of the two (2) year period, any subsequent use of land shall conform to the provisions of this Resolution for the district in which such land is located.
- (3) Nonconforming uses existing and established after the effective date of this Resolution shall be declared as illegal nonconforming uses and shall be discontinued no more than twenty (20) days following the date of inspection.

c. Nonconforming Structures:

A lawful structure existing at the effective date of the adoption or amendment of this Resolution may be continued although such structure does not conform to the area, height or yard provisions of this Resolution, providing the following provision are met:

- (1) A nonconforming structure may not be altered or enlarged with increases in nonconformity.
- (2) A nonconforming structure destroyed or damaged by fire, collapse, explosion, or other Acts of God to an extent of more than one hundred (100) percent of its replacement cost, exclusive of the foundation at the time of destruction, shall not be reconstructed except in conformity with the provisions of this Resolution.
- (3) Should such structure be moved or transported for any reason and for any distance whatsoever, it shall thereafter conform to the provisions for the district in which it is located after it is removed.

d. Nonconforming Use of Structures and Land in Combination:

The lawful use of a structure and land in combination existing at the effective date of adoption or amendment of this Resolution may be continued although such use does not conform to the regulations of this Resolution, providing the following provisions are met:

- (1) Whenever a nonconforming use of a structure and land in combination have been discontinued for a period of two (2) consecutive years or more, the structure and land in combination shall not be reestablished or used except in conformance with the provisions of the district in which it is located.
- (2) Any nonconforming use of a structure and land in combination may be changed to another nonconforming use of the same or more restrictive classification than the existing nonconforming use by the Board of Zoning Appeals. In permitting such a change, the Board of Zoning Appeals may require that the more restrictive nonconforming use meet certain conditions and requirements in accordance with the provisions of this Resolution.
- (3) Where a nonconforming use of a structure and land in combination exist, the voluntary removal or voluntary destruction of the structure shall eliminate the nonconforming status of the land.
- (4) In the event that a structure with a nonconforming use is destroyed or damaged by fire, collapse, explosion, or other acts of God, it may be repaired or reconstructed and the nonconforming use, if any, may be continued, subject to the following conditions:
 - a) That such repair or reconstruction is completed within a period of (2) years from the date of said destruction.
 - b) Such restoration shall not cause a new nonconformity, nor shall it increase the degree of non-conformance or noncompliance existing prior to such destruction or damage.

3. Repairs, Maintenance and Construction:

- a. Nothing in this Resolution shall prevent the strengthening or restoring to a safe condition any building or structure or part thereof declared to be unsafe by an official charged with protecting the general health, safety and public welfare of the community.
- b. Ordinary repairs and the replacement of nonbearing walls, fixtures, wiring or plumbing may be done on any building or part thereof devoted to a nonconforming use provided the cubic content of the building as it existed at the effective date of adoption or amendment of this Resolution shall not be increased.
- c. Nothing in this Resolution shall prohibit the completion or construction and use of a nonconforming building for which a zoning certificate has been issued prior to the effective date of adoption or amendment of this Resolution, provided construction is commenced within thirty (30) days after the issuance of such certificate; and that the entire building or structure shall have been completed

within one (1) year from the date said zoning certificate was issued.

4. Exempt Nonconforming Use:

Where a special exception or conditional use certificate has been granted for any use as provided in this Resolution, such use shall not be classified as a nonconforming use within the district in which it is located.

SECTION 800.2 ACCESSORY BUILDINGS AND USES

Accessory buildings and uses are permitted in this Resolution and shall be subject to the following conditions:

1. An accessory building attached to the principal building, shall comply with the requirements of this Resolution applicable to the main building.
2. Detached accessory buildings shall be permitted in any required side or rear yard provided that:
 - a. A detached accessory building shall be located no closer than ten (10) feet from any required side or rear lot line.
 - b. Within an "R" District no accessory building shall exceed one (1) story in height. A maximum of thirty (30) feet in height shall be permitted.
 - c. Accessory buildings located on a corner or double frontage lot shall not be permitted to project beyond the minimum front yard depth facing the adjacent streets.
 - d. Accessory buildings or uses shall be considered in computing the maximum percentage of land area covered by the structure.
 - e. Accessory buildings in Districts R-1, R-2, R-3 and R-4 or any future Residential Districts shall not exceed more than TEN (10%) PERCENT of the total lot size upon which structure is being built. A maximum of 1800 square feet will be permitted, provided all other requirements of this Resolution can be met.
3. Building Code for Swimming Pools
 - a. Description and Size:

A private residential swimming pool is a receptacle for water, or an artificial pool of water having a depth at any point of more than two feet (2') for the purpose of immersion or partial immersion therein of human beings and having a minimum size of 200 sq. ft.; and maintained primarily for the use of household or limited to household members and guests and not intended for the use of members and guests of non-profit clubs or organizations or limited to household residents of multiple dwelling units on a block, sub-division, neighborhood, community or other specified area of residents shall be considered a private residential swimming pool.
 - b. Location:

No portion of a private residential swimming pool shall be located at a distance of

less than ten (10') feet from any side line or ten (10') feet from rear property line or building lines. Pumps, filters and pool water disinfection equipment installations shall be located at a distance not less than ten (10') feet from any side or rear property line. Pool and appurtenant equipment shall not be permitted in the side yard between buildings.

c. Permits:

No swimming pool or appurtenances thereto shall be constructed, installed, enlarged or altered until a permit has been obtained from the Madison Township Zoning.

d. Plans:

Plans shall accurately show dimensions and construction of pool and appurtenances and distances to lot lines, buildings, walks and fences, details of water supply system, drainage and water disposal systems, and all appurtenances pertaining to the swimming pool. Detailed drawings of structure or vertical elevations; sections through the pool showing the depth shall be included.

e. Design and Construction:

All private residential swimming pools 200 sq. ft. or larger, shall be of a recirculation type in which circulation of water is maintained through the pool by pumps; the water drawn from the pool being clarified and disinfected before being returned to the pool.

f. Walk Area:

Unobstructed walk areas not less than 36 inches wide shall be provided to extend entirely around the pool. The walk area shall be constructed of impervious material and the surface shall be smooth with non-slip finish. Walks shall have a pitch of at least 1/4 inch to a foot away from the pool and to have a gutter along side walk for drainage purposes.

g. Fences:

All private residential swimming pools shall be completely enclosed by a fence erected along the periphery of the pool. The fence is to be at least three (3') feet from all property lines. All fence openings or points of entry into the pool area enclosure shall be equipped with gates. The fence and gates shall not be less than four feet (4') six inches (6") in height above grade level, and shall be constructed of not less than a number nine (9) gauge corrosion-resistant woven wire mesh material, or equivalent material approved by the Zoning official. All gates shall be equipped with self-closing and self-latching devices placed at top of gate and made

inaccessible to small children. All fence posts shall be decay or corrosion resistant and shall be set in concrete bases.

h. Steps and Ladders:

Two (2) or more means of egress in the form of steps and ladders shall be provided for all private residential swimming pools. Steps and ladders shall have a hand rail on both sides.

i. Water Supply and Discharge:

Water supply may be secured from a private well or other means of supply, providing the water is tested and approved by the health authorities. Pools shall be equipped with facilities for complete emptying of the pool and discharge of pool water to the storm sewer shall be at a rate not exceeding 250 gallons per minute. Water drained from the pool shall not be discharged directly into storm sewers without health department approval. Water drained from the pool shall not be discharged into the storm sewer system during the periods of rain or storms.

j. Sanitation:

All private residential swimming pools shall be maintained and cleaned and sanitary conditions and all equipment shall be maintained in a satisfactory condition during the periods the pool is in use.

SECTION 800.3 OFF-STREET PARKING REGULATIONS

In all districts, in conjunction with the erection or enlargement of every building or structure, off-street parking space shall be provided with adequate access to each space. In connection with all permitted uses, off-street parking spaces shall be provided before a certificate of occupancy shall be issued.

1. General Regulations:

- a. Any area once designated as required off-street parking shall never be converted, changed or occupied by another building, structure or use of land until equal facilities are provided elsewhere.
- b. Land area designated for off-street parking facilities shall be used solely for the parking of vehicles and no commercial repair work, storage or service of any kind shall be conducted on all or any part of such parking lot.
- c. Any use not specifically mentioned shall provide minimum off-street parking facilities in accordance with the requirements established for a use which is similar in type and nature.

- d. The Board of Appeals may grant an exception to the requirements of this Section where joint use is made of parking facilities, providing the operating hours of such uses do not overlap.
 - e. Required off-street parking facilities shall be located on the same lot as the structure or use served, except that a parking facility providing the sum of parking spaces required of several uses may be provided contiguous and in common to the several structures and uses served.
 - f. Public uses; such as, churches, schools and parks, may establish with business or industrial establishments joint parking facilities for fifty (50) percent or less of their required spaces, provided that a written agreement is forwarded, reviewed and approved by the Township Zoning Commission and further, provided that all parking areas so designated be within three hundred (300) feet of the public use.
2. Minimum Number of Off-Street Parking Spaces Required - Use Designation/Minimum Number of Spaces Required
- a. Residential Uses:
 - (1) One and Two Family Dwellings: Two (2) per dwelling
 - (2) Multiple Family Dwellings: One and one-half (1½) per dwelling
 - (3) Townhouse Dwellings: Two (2) per dwelling
 - b. Mobile Home Parks:

Two (2) for each mobile home site and one (1) for each employee of the mobile home park.
 - c. Business Uses:
 - (1) Auto Wash:

One (1) for each one (1) employee. In addition, adequate waiting space for autos shall be provided in accordance with Section 405.3-3 and 407.2-6 of this Resolution.
 - (2) Beauty Parlor or Barber Shop:

Three (3) spaces for each beauty or barber chair.
 - (3) Bowling Alleys:

Four (4) spaces for each one (1) bowling lane.

- (4) Dance Halls, Pool or Billiard Parlors:

One (1) space for each three (3) persons

- (5) Establishments for sale and consumption of beverages, food or refreshments on the premises:

One (1) space for each one hundred (100) square feet of usable floor area, and five (5) times this amount if the establishment is in the nature of a "drive-in".

- (6) Furniture and appliance stores, household equipment and other similar uses:

One (1) space for each eight hundred (800) square feet of usable floor area.

- (7) Gasoline Service Stations:

One (1) space for each lubrication stall or rack and one (1) space for each gasoline pump.

- (8) Laundromats and Coin Operated Dry Cleaners:

One (1) space for each two (2) machines.

- (9) Miniature or Par-3 Golf Course:

Three (3) spaces for each one (1) hole, plus one (1) for each employee.

- (10) Mortuary Establishments, Funeral Homes:

Ten (10) spaces per chapel room or parlor or one (1) for each fifty (50) square feet of usable floor area.

- (11) Motel, Hotel or other Commercial Lodging Establishment:

One (1) space for each one (1) occupancy unit, plus one (1) space for each one (1) employee.

- (12) Motor Vehicle Sales and Service Establishments:

One (1) space for each two hundred (200) square feet of usable floor area and one (1) space for each one (1) auto service stall in the service room.

(13) Planned Shopping Centers:

Three and one-half (3½) spaces per every one thousand (1000) square feet of gross building area.

(14) Retail Establishments:

Three (3) spaces for each one thousand (1000) square feet of usable floor area.

d. Office Uses:

(1) Banks, Savings and Loan Companies:

One (1) space for each one hundred (100) square feet of usable floor area.

(2) Business Offices or Professional Offices, except those professional offices listed in Item (3) below:

One (1) space for each three hundred (300) square feet of usable floor area.

(3) Doctors, Dentists Offices:

One (1) for each one hundred (100) square feet of usable floor area in waiting room, and one (1) for each examining room, dental chair.

e. Industrial Uses:

(1) Industrial, Research and Storage Establishments:

One (1) space per employee in the largest working shift.

(2) Wholesale Establishments:

Five (5) spaces plus one (1) space for every one (1) employee in the largest working shift.

f. Institutional and Recreational Uses:

(1) Auditorium, Stadium, Exhibition Hall and Assembly Halls, or similar uses:

One (1) space for each three (3) seats or six (6) feet of benches plus one (1) space for each employee.

- (2) Business and Technical Schools:
One (1) space for each one (1) teacher, employee and administrator, plus one (1) space for every two (2) students.
- (3) Churches and Temples:
One (1) space for each three (3) seats based on the maximum seating capacity as determined by the State or local Fire Marshall.
- (4) Convalescent Homes, Children's Homes:
One (1) space for each three (3) beds, plus one (1) space for each employee.
- (5) Elementary and Junior High Schools:
One (1) space for each one (1) teacher, employee and administrator plus the minimum requirements stated for an auditorium in Item (1) above.
- (6) Golf Courses other than a Miniature Par-3 Golf Course:
Four (4) spaces for each hole or green, plus one (1) space for every one (1) employee.
- (7) Hospitals and Nurses Training Schools:
One (1) space for each one (1) bed and one (1) space for each employee and doctor registered with the hospital.
- (8) Private and Municipal Swimming Pools, Tennis Clubs or other similar uses:
One (1) space for each two (2) member families or individuals.

3. Supplementary Parking Space Requirements for the uses within Specified Zoning Districts:

a. R-Residential Districts:

- (1) In one and two family residential developments the required number of off-street parking spaces shall be provided on the same lot as the building which they are intended to serve.
- (2) Multiple Family Dwelling units shall be required to meet the following off-street parking regulations:

- (a) No more than thirty-five (35) percent of the area of any required yard or any required minimum distance between buildings shall be devoted to off-street parking drives, aisles and maneuvering lanes.
- (b) Ingress and egress to a parking lot within a multiple family development shall not be across land developed for one family residential purposes.
- (c) Each entrance and exit to and from any off-street parking lot shall be located at least forty (40) feet away from adjacent property lines located in a one family residential development.

b. Business Districts:

- (1) Off-street parking shall be permitted to occupy part of the front yard after the parking plan layout, drives and aisles have been reviewed and approved by the Township Zoning Commission.

A minimum front yard setback of ten (10) feet exclusive of drives and aisles and measured from the nearest point of the off-street parking area and the nearest point of the street right-of-way line shall be maintained.

- (2) Off-street parking facilities shall be located on the same lot or within two hundred (200) feet of the building it is intended to serve. The maximum distance of two hundred (200) feet shall be measured from the nearest point of the building to the nearest point of the off-street parking lot.
- (3) Ingress and egress to parking lots or loading areas within a B-Business District shall not intersect with local residential streets serving abutting residential properties.

c. Industrial Districts:

Parking shall be permitted within the side and rear yard setback. When parking is planned for side and rear yards, the layout of drives, aisles, and maneuvering lanes shall be subject to review and approval by the Township Zoning Commission.

4. Off-Street Parking Space Layout and Standards

Whenever the off-street parking requirements indicated above require the construction of an off-street parking facility such parking lots shall be designed, constructed and maintained in accordance with the following regulations:

- a. Plans for the design of off-street parking facilities shall be prepared in accordance with the minimum requirements stated in the following schedule:

<u>Parking Angle at Base Line</u>	<u>Parking Width</u>	<u>Space Length</u>	<u>Maneuvering Lane Width</u>
45 degrees	8'4"	20'	16'
50 degrees	8'6"	20'	20'
90 degrees	9'	20'	24'

- b. Access into all parking spaces shall be through means of maneuvering lanes. Backing directly from a parking space onto a street is prohibited.
- c. Parking areas shall be of usable shape improved with bituminous, concrete or equivalent surfacing material, and graded and drained as to dispose of all surface water accumulation.
- d. All lighting used to illuminate such parking areas shall be arranged as to direct the lighting away from adjoining properties or streets and no open light sources, such as flood lights or the stringing of light bulbs, shall be permitted.
- e. Parking lots provided for multi-family, townhouses, business or industrial uses shall provide a continuous obscuring fence or obscuring greenbelt six (6) feet in height, measured from the surface of the parking lot, on any side or rear lot line abutting a one (1) or two (2) family development or a R-1, R-2, or MH District.

SECTION 800.4 OFF-STREET LOADING AND UNLOADING

Adequate space for the standing, loading or unloading of motor vehicles involving the distribution of materials or merchandise shall be provided on every lot in connection with every building or structure in order to avoid undue interference with the public use of dedicated rights-of-way. Such space shall be provided as follows:

- 1. All spaces shall be laid out in the dimension of at least sixteen by fifty (16 x 50) feet, or eight hundred (800) square feet in area, with a clearance of at least twenty (20) feet in height.

2. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface.
3. Loading space shall be provided as area additional to off-street parking spaces and shall not be considered as supplying off-street parking space.
4. All loading or unloading spaces shall be provided according to the following ratio of spaces to floor area:

<u>GROSS FLOOR AREA</u>	<u>SPACE REQUIRED PER USABLE FLOOR AREA</u>
0 - 5,000 sq. ft.	One (1) space;
5,001 - 20,000 sq. ft.	One (1) space plus one (1) space for each 5,000 square feet in excess of 5,001;
20,000 - 100,000 sq. ft.	One (1) space plus one (1) space for each 20,000 square feet in excess of 20,001.
Over 100,000 sq. ft.	Five (5) spaces

SECTION 800.5 TEMPORARY USES

The following temporary uses shall be permitted provided:

- a. An application is made for a temporary use certificate.
- b. The temporary use shall not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections and traffic controls.
- c. The temporary use shall not cause the overcrowding of parking facilities given anticipated attendance and the possible reduction in the number of available spaces caused by the temporary use.
- d. The temporary use shall not endanger the public health, safety, or welfare given the nature of the activity, its location on the site, and its relationship to parking and access points.
- e. The temporary use shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, smoke, odor, glare, litter or visual pollution.
- f. The temporary use does not involve the erection of a substantial structure or require any other permanent commitment of the land.

- g. Any structure used in conjunction with the temporary use shall meet all minimum setback requirements, shall be the subject of a valid building permit and shall be promptly removed upon the conclusion of the temporary use.

Temporary uses shall further be subject to the requirements hereinafter imposed for each use as follows and the review and approval of the Township Board of Zoning Appeals:

1. Temporary Use on a Construction Site

- a. A temporary use in the form of a travel trailer, motor home defined in this Resolution under the general class “Recreational Vehicle,” or a portable storage shed may be used on a lot incidental to construction work being performed on the lot in any Zoning District.
- b. This temporary use shall be placed on the lot so as to meet the Minimum Setback requirement for an Accessory Building in the Zoning District involved.
- c. This temporary use may be in place for a period not to exceed one (1) year after which it shall be removed from the lot.

2. Visitors Recreational Vehicle

- a. A Recreational Vehicle belonging to a visitor of residents of a permanent dwelling on a lot may use that vehicle as temporary living quarters on the same lot. The stay and such use of this Recreational Vehicle shall not exceed thirty (30) consecutive days in a one year period.
- b. The requirement for a Temporary Zoning Certificate is waived for this use.

3. Hardship from Disaster Damage

- a. A Manufactured Home may be temporarily placed and used as a dwelling on a lot when the need arises from damage to the existing permanent dwelling by fire, collapse, explosion, natural disaster or other acts of God. The Manufactured Home may be placed and so used for only a period of six (6) months. After this period, the Manufactured Home shall be removed from the lot. For just cause, the period can be extended for one additional six (6) months if such an extension is applied for and is approved.
- b. The temporarily placed Manufactured Home shall be located on the lot so as to meet all the Minimum Setback requirements for an Accessory Building in the Zoning District involved.

4. Family Hardship Instances
 - a. A Manufactured Home may be, for just reason, temporarily placed and used on a lot within an Agricultural or Residential Zoning District to house a relative of the occupant of the Principle Building (Dwelling). “Just Reason” shall be that the need to provide such housing arises from the relative(s) being infirm or recovering from an accident or medical situation.
 - b. An approved period for the stay shall be limited to twelve (12) months and immediately following expiration of the period, occupancy of the Manufactured Home shall cease and it shall be removed from the lot within thirty (30) days thereafter.
 - c. If applied for and approved, the twelve (12) month period may be extended by an additional twelve (12) months if the “just reason” for the original approval can be shown to have continued. Application for the extension shall be made no less than thirty (30) days, nor more than forty (40) days before the expiration of an approved period.
 - d. The temporarily placed Manufactured Home shall be placed on the lot so as to meet all the Minimum Setback requirements for an Accessory Building in the Zoning District involved.
5. Fund Raising or Non-Commercial Events of a Civic, Religious, or Non-Profit Nature for Non-Profit Religious, Educational or Community Service Organizations.
 - a. Such use may be permitted in any Zoning District.
 - b. Such use is conducted entirely on private property owned or leased by the sponsoring organization as a permanent facility.
 - c. Such uses shall be restricted to hours of operation between 8 a.m. to 9 p.m., to a maximum duration of 4 days, and to a maximum frequency for similar events of 2 times per calendar year.
 - d. Fee for Zoning Certificate shall be waived.

SECTION 800.6 PLANT MATERIALS

Whenever, in this Resolution, a greenbelt or planting strip is required, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant material to provide a screen to abutting properties. Suitable plant materials shall be provided in accordance with the following regulations:

1. Spacing

- a. Plant materials shall not be placed closer than four (4) feet from the property line.
- b. Where plant materials are planted in two or more rows, plantings shall be staggered.

2. Suggested Plant Materials

<u>Plant Materials</u>	<u>Minimum Height Diameter</u>
a. Evergreen Trees	3.5'
(1) Hemlock	
(2) Pine	
(3) Spruce	
(4) Fir	
b. Tree-Like Shrubs	4'
(1) Mountain Ash	
(2) Dogwood	
(3) Redbud	
(4) Hornbeam	
(5) Hawthorne	
(6) Flowering Fruit Trees	

<u>Plant Materials</u>	<u>Minimum Height Diameter</u>
c. Large Deciduous Shrubs	3'
(1) Honeysuckle	
(2) Forsythia	
(3) Lilac	
(4) Buckthorn	
(5) Russian Olive	

- (6) Viburnum
- (7) Wiegelia
- (8) Coneaster

d. Large Deciduous Trees 1"

- (1) Oaks
- (2) Birch
- (3) Honeylocust
- (4) Gum
- (5) Sycamore
- (6) Hard Maple
- (7) Ash

3. Prohibited Plant Materials

- a. Box Elder
- b. Elms
- c. Poplars
- d. Willows

SECTION 800.7 SIGN REGULATIONS

The Sign Resolution of the Township of Madison shall be complied with as it applies to the location, size, use, height of structures and lighting of signs and outdoor display structures.

SECTION 800.8 LANDFILL AND DUMPING OPERATIONS

The use of land for filling or dumping of earth, sand, gravel and decayed or decomposed waste materials, not in connection with general farming, agriculture, horticulture or landscape activities shall comply with the provisions of all other Resolutions of the Township of Madison relevant thereto.

SECTION 800.9 SCREENING DEVICES & FENCES

- 1. Fences are permitted within any R-Residential District subject to the following conditions:
 - a. Fences shall not exceed six (6) feet in height, measured from the surface of the ground.
 - b. No obscuring or privacy fence shall extend towards the front lot line beyond the front of principal buildings or structures or the required minimum front yard setback, or whichever is greater.

- c. Non-obscuring decorative fences may extend in the front yard but not beyond the property line. You will need to check with the Madison Township Zoning Inspector to determine your front yard property line which can vary street by street. Corner lots will have two property lines that will need to be determined. At no time may your fence be placed that would diminish the visibility for pedestrian or automobile traffic and, or interfere with underground utilities or surface water drainage conditions.
 - d. . No fence shall contain barbed wire, electric current or charge of electricity.
 - e. Fences on recorded lots having a total area in excess of five (5) acres and a minimum lot width of at least one hundred (100) feet, and acreage or parcels not included within the boundaries of a recorded plat are excluded from these regulations.
2. Masonry walls and fences shall be provided and maintained for multiple family developments or uses within any "B", or "I" or "P" District and on those sides abutting a Residential District. Walls and fences shall be provided in conformance with the following regulations:

- a. An obscuring fence or wall which meets the following minimum height requirements shall be required for those uses permitted in the districts listed below where the side and/or rear yard of such uses abut onto any Residential District:

<u>District</u>	<u>Minimum Height Requirement (In Feet)*</u>
P Vehicular Parking	6
B Business	6
I Industrial	6

*The minimum height requirements shall be measured from the surface of the ground.

- b. No obscuring or privacy fence or wall shall be extended toward the front lot line beyond the front of the principal building or structure or the required minimum front yard setback, whichever is greater.
- c. Required fences and walls shall be located on the property line except where such fence or wall interfere with underground utilities or surface water drainage conditions.
- d. Such walls or fences may be constructed with openings which do not in any square section (i.e. height and width) exceed twenty (20) percent of the total

surface. Where walls or fences are pierced, the openings shall be so spaced as to maintain the obscuring character required. The arrangement of the openings shall be reviewed and approved by the Zoning Inspector.

- e. All fences and walls shall be constructed of materials approved by the Zoning Inspector to be durable, weather-resistant, rustproof and easily maintained.

SECTION 800.10 CORNER CLEARANCE

No fence, wall, greenbelt, planting strip, or any other obstruction to vision above a height of two and one-half (2½) feet from the established street grade shall be permitted within the triangular area at the intersection of any street right-of-way lines formed by a straight line drawn between said right-of-way lines at a distance along each line of thirty (30) feet measured from their point of intersection.

SECTION 800.11 APPROVAL OF SUBDIVISION PLATS

No proposed plat of a new subdivision shall hereafter be approved unless the lots within such plat equal or exceed the minimum lot area and width requirements set forth in the various districts of this Resolution.

SECTION 800.12 PRINCIPAL BUILDING

Within any Residential District no more than one (1) principal building shall be permitted on any one lot.

SECTION 800.13 CORNER LOTS

Corner lots in all districts are required to meet the minimum front yard setbacks, facing both streets as indicated in that district.

SECTION 800.14 LOTS, YARDS, AND OPEN SPACES

No space which, for the proposed building or dwelling group, has been counted or calculated as part of a side yard, rear yard, front yard or other open space required by this Resolution may, by reason of change in ownership or otherwise, be counted or calculated to satisfy the yard or open space requirements of or for any other building.

SECTION 800.15 Section Deleted by Madison Township Trustees, 12-10-01.

SECTION 800.16 INCONSISTENCIES

In the event any of the requirements or regulatory provisions of this Resolution are found to be inconsistent with one another, the more restrictive or greater requirements shall be deemed in each case to be applicable.

SECTION 800.17 CONDITIONS AND SAFEGUARDS

The Township Zoning Board of Appeals shall have the power to impose any additional conditions to safeguard the intent and objectives of this Resolution.

SECTION 800.18 CONDITIONAL ZONING CERTIFICATES

1. Purpose

Provision is made in this Resolution for a more detailed consideration of each of certain specified uses or activities as it may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic, and traffic movement, concentration of population, processes and equipment employed, amount and kind of public facilities and services required together with any other public facilities and services required, together with any other factors. Land and structural uses possessing these particularly unique characteristics are designated as Conditionally Permitted Uses and are permitted through the issuance of a Conditional Zoning Certificate with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

2. Procedure

Any application for a Conditional Zoning Certificate for any land use or structure permitted under this Resolution shall be submitted in accordance with the following procedures:

a. Application to Board of Zoning Appeals:

An application for a Conditional Zoning Certificate shall be submitted to the Board of Zoning Appeals on a special form provided for that purpose. The Board of Zoning Appeals, where appropriate, may refer an application to qualified consultants for a report, if it deems the proposed use may cause undue traffic generation, population concentrations, or extra size sewer and/or water utility systems. The cost of such report shall be at the expense of the applicant, and said report shall be furnished to the Board of Zoning Appeals within thirty (30) days from the date upon which it was requested.

b. Data Required with Application:

- (1) Form supplied by the Zoning Inspector and completed by the applicant.
- (2) Site plan, plot plan or development plan of the entire property being considered, drawn at a scale of 1" = 100' and showing the location of all

abutting streets, the location of all existing and proposed structures, the types of buildings and their intended use.

c. Review by Board of Zoning Appeals:

The Board of Zoning Appeals shall review the proposed development, as presented, on the submitted plans and specifications in terms of the conditions established for the specified use. In cases where the Board of Zoning Appeals requests a report from a consultant, the application will not be reviewed until the Board of Zoning Appeals has received the report along with a receipt for the cost of such report. Such review shall be completed and made public within sixty (60) days following the date the application was submitted.

d. Issuance and Revocation of Conditional Zoning Certificates:

Only upon conclusion of review procedures, relative to a particular application, may the Commission issue a Conditional Zoning Certificate. The breach of any safeguard, condition, or requirement shall automatically invalidate the permit granted, and shall constitute a violation of this Resolution. Such violation shall be declared as a nuisance per se as per Article XV of this Resolution.

e. Continuation of Existing Uses Declared to be Conditionally Permissible:

Any use existing at the time of enactment of this Resolution and conditionally permissible within their respective districts as determined by the Board of Zoning Appeals under this Resolution, shall be issued a Conditional Zoning Certificate by the Zoning Inspector within one (1) year after the enactment of this Resolution.

SECTION 800.19 SITE PLAN REVIEW

1. A site plan shall be submitted to the Board of Zoning Appeals for approval of:

- a. Any use or development for which the submission of a development plan is required by any provision of this Resolution.
- b. Any conditionally permitted use within any District in this Resolution.
- c. Open Space Developments as provided for in the provisions of Article VI of this Resolution.

2. Every site plan submitted to the Board of Zoning Appeals shall contain such information and be submitted in such form as the Board of Zoning Appeals may prescribe in its rules. Supporting evidence in the form of a map, chart, table or drawing shall be declared as an exact or accurate representation of the development proposal shown on the site plan.

3. Approval of the site plan by the Board of Zoning Appeals shall constitute approval of the development. The breach of any requirement or the misrepresentation of facts, figures or other supporting evidence by the applicant shall constitute a violation of this Resolution. Such violations shall be declared as a penalty as prescribed in Article XV of this Resolution, and shall automatically invalidate the zoning certificate granted.

SECTION 800.20 DRAINAGE CHANNELS

Drainage channels that exist within Madison Township are essential for the maintenance of the health and general welfare of the people. Any encroachment upon filling or the destruction of channels is a violation of this Resolution. In order to provide for the development of property for its best use, such as new subdivisions, the County Engineer shall decide what facilities are adequate to maintain the primary purpose of the drainage channel.

SECTION 800.21 Section Deleted by Madison Township Trustees, 12-10-01.

SECTION 800.22 PUBLIC AND PRIVATE ACCESS REQUIREMENTS

Every dwelling shall be located on a lot having access to a public or private street. Public Streets shall be designed in accordance with the minimum improvement standards of the City of Mansfield Subdivision Regulations. All multiple family developments designed to be serviced by private drives and streets shall be approved and shall further meet the minimum improvement standards established for private streets by the Engineering Department of the City of Mansfield.

SECTION 800.23 DRAINAGE OF SURFACE WATER

For the protection of the public health and safety no building, structure or parking space shall be erected or improved on a lot or parcel that causes surface water run-off from such lot or parcel of a flow greater than that existing prior to such erection or improvement without providing such means to dispose of such increased flow.

ARTICLE IX

GENERAL EXCEPTIONS

SECTION 900 EXEMPT FROM REGULATIONS

The provisions of this Zoning Resolution shall apply to all land, every structure and every use of land or structure except agriculture, essential services and railroads, and area and height requirements as specifically exempt by law in accordance with the provisions of this Article.

SECTION 900.1 AGRICULTURE

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

- (a) In any platted subdivision approved under Section 711.05, 711.09 or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen or more lots that are under Section 711.131 of the Ohio 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 to the opposite side of the same dedicated public road, agriculture shall be regulated as follows:
 - 1) For purposes of this resolution, no agricultural use shall be permitted on any tract of land of one(1) acre or less except the keeping of chickens for the farming of their eggs for the private consumption of the property owner and regulated as follows:
 - I. The number of chickens shall be limited to six on property less than ½ acre in size and a maximum of 4 per household on greater than ½ acre. Roosters are prohibited.
 - II. A closed, well ventilated, easily accessible structure or fenced enclosure of sufficient size shall be provided and located a minimum of 4 feet from adjoining property lines, and shall be located within the side or rear yard.
 - III. Chickens and their enclosures shall be kept in neat, clean and sanitary condition free from offensive odors, excessive noise , or any other condition that would constitute a nuisance
 - IV. Chickens shall not be permitted to be outside the designated fenced enclosure and shall be closed up in their coop from dusk to dawn.
 - V. No chicken shall be slaughtered on property and no product be offered for sale on any property zoned for residential use.
 - VI. No person shall keep chicken without first obtaining a permit. There is no fee for the permit however the permit applicant shall consent to the inspection of the property where the chicken will be kept.
 2. No animals, except household pets, shall be kept on any parcel greater than (1) acre and less than five (5) acres unless the building housing said animals is at least fifty (50) feet from any lot line.

- b. For any farm market located in any agricultural, residential, commercial or industrial zoned district wherein less than fifty percent (50%) of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year, then in such case the farm market shall comply with those zoning requirements applicable to the district in which it is located in accordance with Section 519.21 (C) of the Ohio Revised Code.

SECTION 900.2 PUBLIC UTILITIES

This Zoning Resolution shall not apply to Public Utilities except where express authority has been conferred by the Ohio Revised Code on the Board of Township Trustees or Board of Zoning Appeals in which case the entire Zoning Resolution shall be applied where applicable.

1. This Zoning Resolution shall apply where authority is granted by the Ohio Revised Code for Township Trustees or Board of Zoning Appeals with respect to any telecommunications tower defined by O.R.C. 519.211 and is proposed to be located in an area of the Township zoned for residential use. When a telecommunications tower is proposed to be located in any area zoned for residential use it shall be and is as a conditional use. Telecommunications towers shall be permitted provided the Board of Zoning Appeals determines that each of the following conditions have been met.
 - a. For purpose of regulating such telecommunications towers in areas of the Township zoned for residential use, any proposed free standing tower shall not be erected to exceed sixty-four (64) feet in height. For attached towers, the maximum height shall not top at a height greater than twelve (12) feet above the building or other structure to which it is to be attached.
 - b. No tower shall be constructed with lights except those specifically required by a federal law or regulation.
 - c. The site shall be a minimum of five hundred (500) feet from the nearest parcel of land used for residential purposes.
 - d. The minimum set back line between the base of the tower and all adjacent properties shall be the height of the tower.
 - e. The tower shall be sited and be of a design that would incorporate the characteristics of the immediate surrounding area so as to provide a natural blending of the tower into its surrounding environment and aesthetically soften its intrusion into a residential area.
 - f. If the tower is abandoned, it shall be removed within ninety (90) days of its last date of operation.
2. In the event an existing tower is to be reconstructed, changed, altered or enlarged, then it

shall be permitted by the Board of Zoning Appeals subject to the conditions of this Section. In no event shall any changes or alteration be permitted that would substantially increase the tower's height.

SECTION 900.3 RAILROAD RIGHTS-OF-WAY

For the purposes of this Resolution, railroad rights-of-way shall be permitted as authorized and regulated by State and Federal Laws, it being the intent of this subsection to exempt railroad rights-of-way from the application of this Resolution. Buildings and structures intended to be erected or constructed within the railroad rights-of-way shall comply with the use, area and height regulations of the district in which it is located. Spur tracks shall be extended from the existing railroad right-of-way to adjacent industrial districts only when they are totally within Industrial Districts.

SECTION 900.4 DWELLING QUARTERS, NON-RESIDENTIAL DISTRICTS

Within any B-Business or I-Industrial District sleeping quarters of a watchman or caretaker may be permitted, providing such quarters are made a part and are attached as part of the main building or structure.

SECTION 900.5 PERMITTED HEIGHT EXCEPTIONS

The height limitations contained in Section 410 Schedule of Regulations of this Resolution do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport. Such exceptions shall not be erected at a height greater than twelve (12) feet above the height limit established for the district in which the structure is located.

SECTION 900.6 VOTING PLACE

The provisions of this Resolution shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a township, municipal or public election.

SECTION 900.7 ACCESSWAYS

For the purpose of this Resolution, any walk, terrace or other pavement surfacing providing access to rear yards and/or accessory structures, and not in excess of ten (10) inches above the finished grade, shall not be considered to be a structure, and shall be permitted in any required yard.

SECTION 900.9 PROJECTIONS INTO YARDS

Open, unenclosed, and uncovered porches or paved terraces may project not more than ten (10) feet within the minimum front yard setback, but this shall not be interpreted to include or permit fixed canopies.

SECTION 900.10 LOTS ADJOINING ALLEYS

In calculating the area of a lot that adjoins an alley, for the purposes of applying lot area requirements of this Resolution, one-half (½) the width of such alley abutting the lot shall be considered as part of such lot.

SECTION 900.11 CONSTRUCTION

Nothing in this Resolution shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the adoption of this Resolution and upon which actual construction has been diligently carried on and provided further that such building shall be completed within one (1) year from the date of passage of this Resolution.

SECTION 900.12 YARD REGULATIONS

When yard regulations cannot reasonably be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified as determined by the Board of Zoning Appeals.

SECTION 900.13 FRONT YARD VARIANCES IN RESIDENTIAL DISTRICTS

In any R-Residential District where the average depth of at least two (2) existing front yards on lots located within one hundred (100) feet of the lot in question and within the same block are less or greater than the minimum front yard setback prescribed for the district in which such lots are located, the Board of Zoning Appeals may modify the required minimum front yard depth of such lot no more than ten (10) feet.

ARTICLE X

ADMINISTRATION AND ENFORCEMENT

SECTION 1000 AUTHORITY, COMPOSITION, AND APPOINTMENT

There is hereby created a Township Zoning Commission consisting of five (5) members appointed by the Township Trustees. The Commission shall include five (5) citizens of the Township with records of civic, business, or professional leadership, and who shall not be members of the Board of Zoning Appeals. Each member shall be appointed for a period of five (5) years, except that one of the initial members shall be appointed for one (1) year and one of the initial members shall be appointed for two (2) years, and one of the initial members shall be appointed for three (3) years, and one of the initial members shall be appointed for four (4) years, and one of the initial members shall be appointed for five (5) years. In the event of the death or resignation of a member, the Township Trustees shall make the appointment for the duration of the unexpired portion of the term of the member.

The Board of Township Trustees may appoint two (2) alternate members to the Township Zoning Commission for terms to be determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.

SECTION 1000.1 ORGANIZATION

The Zoning Commission shall elect a chairman, vice chairman, and secretary from its membership, and shall prescribe rules for the conduct of its affairs.

SECTION 1000.2 QUORUM

The Zoning Commission shall require a quorum of three (3) of its members at all of its meetings, and a concurring vote of three (3) members shall be necessary to effect an order.

SECTION 1000.3 MEETINGS

The Zoning Commission shall meet monthly at the call of its Chairman or the Vice Chairman acting in the capacity of the Chairman, or by the call of two (2) other members of the Zoning Commission.

SECTION 1000.4 POWERS AND DUTIES

1. The Zoning Commission shall act on all rezone requests to the Official Township Zoning Map submitted to said Zoning Commission by the Township Clerk and/or Zoning Inspector in conformance with Article XII of this Resolution

2. The Zoning Commission shall act upon all amendment requests to the Madison Township Zoning Resolution to the Zoning Commission by the Township Clerk and/or Zoning Inspector. The Zoning Commission shall recommend approval, disapproval or modification of the original request to the Township Trustees following the procedures set forth in Article XII of this Resolution.
3. The Zoning commission shall review and approve a site plan as specifically provided for elsewhere in this Resolution.
4. The Zoning Commission shall review from time to time, any provision or provisions of this Resolution and shall recommend such changes as it deems necessary in order to promote the intent of this Resolution to the Township Trustees following the procedures set forth in Article XII of this Resolution.

SECTION 1000.5 ADMINISTRATION AND ENFORCEMENT

The provisions of this Resolution shall be administered and enforced by the Zoning Inspector, or his deputies, or such other officials as may be designated by the Township Trustees.

SECTION 1000.6 DUTIES OF THE ZONING INSPECTOR

A Zoning Inspector shall be employed for the purpose of granting zoning certificates and to make inspections of premises or buildings necessary in carrying out his duties in compliance with the provisions of this Resolution. It shall be unlawful for the Zoning Inspector to issue permits or approve any plans until he has inspected such plans in detail and found them to conform with the provisions of this Resolution. The Zoning Inspector shall record and issue nonconforming use certificates existing at the effective date of this Zoning Resolution.

The Zoning Inspector shall also be responsible for submitting to the Zoning Board of Appeals all applications for Conditional Zoning Certificates. The Zoning Inspector shall not refuse to issue a zoning certificate when the provisions or conditions of this Resolution are complied with by the applicant.

SECTION 1000.7 APPLICATION PROCEDURE - ZONING CERTIFICATE

1. Before constructing, changing the use of, or altering any building, including accessory buildings, or changing the use of any premises, application shall be made to the Zoning Inspector for a zoning certificate. The application shall include the following information:
 - a. A plot plan drawn to a scale of not less than ten (10) feet to the inch showing the actual shape, location and exact dimensions of the property to be built upon.
 - b. The shape, size and location of all buildings and other structures to be erected, altered or moved and of any building or other structures already on the property.

- c. The existing and intended use of the property, including residential areas, the total number of dwelling units to be accommodated in the building.
 - d. Any other pertinent data as may be required to determine whether the provisions of this Resolution are being observed properly except for Sexually Oriented Businesses.
2. Within twenty (20) days after the receipt of the application, the Zoning Inspector shall issue a zoning certificate if the application complies with the requirements of this Resolution and the application is accompanied by a proper fee as indicated in Section 1000.8 below. If such certificate is refused for cause, the applicant shall be notified of such refusal and cause within the twenty (20) day period.
3. Each application shall clearly state that unless construction is started within one (1) year from the date of issuance, or substantially completed within two and one half (2½) years, the zoning certificate will be revoked. (See application in Appendix.)

SECTION 1000.8 FEES

The Township Trustees shall by resolution establish a reasonable schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, exceptions, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the Township Hall and the office of the Zoning Inspector and may be altered or amended only by the Township Trustees. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

When the Township Zoning Commission or the Board of Zoning Appeals will deem it necessary to cause special studies to be made, the applicant shall bear all direct and related costs.

All fees shall be paid to the Township Clerk at the time the application or other permit is requested.

ARTICLE XI

BOARD OF ZONING APPEALS

SECTION 1100 AUTHORITY, COMPOSITION, AND APPOINTMENT

There is hereby created a Board of Zoning Appeals consisting of five (5) members appointed by the Township Trustees. The Board shall include five (5) citizens of the Township with records of civic, business, or professional leadership, and who shall not be members of the Zoning Commission. Each member shall be appointed for a period of five (5) years, except that one of the initial members shall be appointed for one (1) year and one of the initial members shall be appointed for two (2) years, and one of the initial members shall be appointed for three (3) years, and one of the initial members shall be appointed for four (4) years, and one of the initial members shall be appointed for five (5) years. In the event of the death or resignation of a member, the Township Trustees shall make the appointment for the duration of the unexpired portion of the term of the member.

The Board of Township Trustees may appoint two (2) alternate members to the Township Board of Zoning Appeals for term to be determined by the Board of Township Trustees. An alternate member shall take the place of an absent member. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.

SECTION 1100.1 ORGANIZATION

The Board of Zoning Appeals shall elect a chairman from its membership, shall appoint a Recording Secretary, and shall prescribe rules for the conduct of its affairs.

SECTION 1100.2 QUORUM

The Board of Zoning Appeals shall require a quorum of three (3) members at all its meetings, and a concurring vote of three (3) members shall be necessary to effect an order.

SECTION 1100.3 MEETINGS

The Board of Zoning Appeals shall meet at the call of its chairman or two (2) other members, and at such other regular times as it may, by Resolution, determine.

SECTION 1100.4 WITNESSES

The Board of Zoning Appeals chairman or acting chairman may administer oaths and compel the attendance of witnesses in all matters coming within the review of this Resolution.

SECTION 1100.5 POWERS AND DUTIES

The Board of Zoning Appeals shall have the following powers and duties:

1. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Resolution.
2. To grant Use and Area Variances:
 - a. The Board of Zoning Appeals shall not grant a Use Variance unless it finds that all of the following conditions apply to the case in question:
 - (1). There must exist unique circumstances or conditions, fully described in the findings, applicable to the land, buildings or uses for which the variance is sought, which are peculiar to such land, buildings or uses and do not apply generally to land, buildings or uses in the area, and which are such that the strict application of the provisions of this Resolution would deprive the applicant of the reasonable use of such land, buildings or uses. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of the land;
 - (2). There must be proof of hardship created by the strict application of this Resolution. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Resolution; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered;
 - (3). The granting of a variance application is necessary for preservation and enjoyment of substantial property rights;
 - (4). The granting of the application will not materially adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use, and will not be materially detrimental to the public welfare, or injurious to property or improvement in such neighborhoods;
 - (5). The essential character of the neighborhood, as defined by its zoning classification, will not be substantially altered, and adjoining properties will not suffer substantial detriment as a result of the variance.

The Board of Zoning Appeals shall not have the power to permit a use not normally permitted in a given zoning district except as otherwise permitted herein.

- b. The Board of Zoning Appeals shall not grant a Area Variance unless the property owner has encountered practical difficulties in the use of his/her property. The

factors to be considered and weighted by the Board are:

(1). There must exist unique circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this Resolution would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land;

(2). There must be proof of hardship created by the strict application of this Resolution. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Resolution; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered;

(3). Whether the property in question will yield a reasonable return, or whether there can be any beneficial use of the property without the variance.

(4). Whether the variance is substantial;

(5). Whether the essential character of the neighborhood would be substantially altered, or whether adjoining properties would suffer substantial detriment as a result of the variance;

(6). Whether the variance would adversely affect the delivery of governmental service (i.e., water and sewer);

(7). Whether the property owner's predicament can be remedied through some method other than a variance;

(8). Whether a balance can be accomplished between the intent of the provision of the Zoning Resolution from which the variance is sought, and providing relief for the applicant;

In granting any variance under the provisions of this Section, the Board of Zoning Appeals may designate such conditions in connection therewith as will, in the Board's opinion, still maintain a substantial compliance with the objectives of the regulations or provisions from which the variance is sought.

3. To grant conditional zoning certificates as specifically provided for elsewhere in

this Resolution.

a. The Board of Zoning Appeals shall review the particular facts and circumstance of each requested conditionally permitted use in terms of the following standards, and shall find adequate evidence that such use on the proposed location:

(1). Will be harmonious with, and in accordance with, the general objectives, or with any specific objectives, of this Resolution;

(2). Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate with the existing or intended character of the general vicinity, and that such use will not change the essential character of it;

(3). Will not be detrimental to property in the immediate vicinity, or to the community as a whole;

(4). Will have vehicular approaches to the property which shall be so designed a not to create an interference with traffic on surrounding public or private streets or roads;

(5). Will not be hazardous or disturbing to existing or future neighboring uses.

SECTION 1100.6 PROCEDURES

The Board of Zoning Appeals shall act in accordance with the procedure specified by law, including this Resolution. All appeals and applications made to the Board of Zoning Appeals shall be in writing and on the forms prescribed therefore. Every appeal or application shall refer to the specified provision of the Resolution involved, and shall exactly set forth the interpretation that is claimed, the details of the variance that is applied for, and the grounds on which it is claimed that the variance should be granted, as the case may be. Every decision of the Board of Zoning Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board of Zoning Appeals by case number under one or another of the following headings: Interpretation; Exception; Variances; together will all documents pertaining thereto. **THE DECISION OF THE BOARD OF ZONING APPEALS IS FINAL AS TO ALL ISSUES RAISED AND TO ALL PERSONS HAVING AN INTEREST IN THE SUBJECT MATTER. APPLICATIONS FOR RECONSIDERATION OF FINAL DECISIONS WILL NOT BE CONSIDERED.** In the event that the Board of Zoning Appeals will find it necessary to draw upon any planning, legal, engineering, or any other expert testimony, such fee shall be raised in order to cover all expenses of such expert testimony.

SECTION 1100.7 NOTICE OF HEARINGS

When a notice of appeal has been filed in proper form with the Board of Zoning Appeals, the Secretary shall immediately place the said request for appeal upon the calendar for hearing, and shall cause notices stating the time, place and object of the hearing to be served personally or by mail addressed to the parties making the request for appeal, at least five days prior to the date of the scheduled hearing. All notices shall be sent to addresses given in the last assessment roll. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required. Not less than fourteen (14) days prior to the date set for such hearing on appeal, written notice of such hearing shall be caused by the Board to be given by mail to all parties in interest. Notice of such public hearing by one publication in one or more newspapers of general circulation, in the County, at least ten (10) days before the date of such hearing.

SECTION 1100.8 APPEALS

Appeals to the Board of Zoning Appeals may be taken by any person, firm or corporation, or by any officer, board or department of Madison Township deeming himself or herself or itself to be adversely affected by the decision of the administrative official pertaining hereto. Appeals shall be made no later than twenty (20) calendar days after the date of any adverse decision. The applicant shall post security for the cost of all action required for the hearing of the appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative officer whose decision is appealed from shall certify to the Board of Zoning Appeals after the notice of the appeal has been filed, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed by other than a restraining order granted by the Board of Zoning Appeals or by a court having lawful jurisdiction. Within its powers, the Board of Zoning Appeals may reverse or affirm, wholly or in part or modify the order, requirement, decision or determination as in its opinion ought to be done, and to that end shall have all the powers of the officers from whom the appeal is taken, and it may issue or direct the issuance of a permit or certificate. The Board of Zoning Appeals shall decide all such appeals within ninety (90) days after date of hearing except that such time may be extended by mutual consent.

SECTION 1100.9 FEES

The Township Trustees may from time to time, to defer administrative costs, prescribe and amend by resolution, a reasonable schedule of fees to be charged to applicants for appeals to the Board of Zoning Appeals as indicated in Section 1000.8 of this Resolution.

ARTICLE XII

AMENDMENTS

Amendments to the Zoning Districts Map or the Zoning Resolution may be initiated by motion of the Township Zoning Commission, by the passage of a resolution by the Board of Township Trustees, or by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the Township Zoning Commission. The procedure provided in Section 519.12 of the Ohio Revised Code shall be followed in all zoning amendments/referendum matters.

All applications for a zoning amendment shall include:

1. Evidence that the existing Zoning Resolution is unreasonable with respect to the particular property, and it deprives the property owner of his lawful and reasonable use of the land. For the purposes of this Zoning Resolution, a limitation upon the financial gain from the land in question shall not constitute unreasonable zoning.
2. Evidence that the proposed amendment would materialize in an equal or better Zoning Resolution than that existing.

Whenever an amendment is made to the text of the Zoning Resolution, the appropriate definitions pertinent to such amendment shall be included in Article II.

The Township Trustees may from time to time, to defer administrative costs, prescribe and amend by resolution, a reasonable schedule of fees to be charged to applicants for amendments to this Zoning Resolution as indicated in Section 1000.8 of this Resolution. This fee shall not apply to any amendment introduced by the Township trustees or the Township Zoning Commission.

ARTICLE XIII

REPEALER

The Zoning Resolution previously adopted by Madison Township, and all amendments, are hereby repealed. The repeal of the above Resolution and its amendments does not affect or impair any act done, offense committed or right accruing, liability or penalty incurred prior to the enactment of this Resolution.

ARTICLE XIV

INTERPRETATION

In the interpretation and application, the provisions of this Resolution shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience or general welfare. It is not intended by this Resolution to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision, law or resolution, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law and regulations governing the use of buildings or premises; provided, however, that where this Resolution imposes greater restriction than is required by existing resolution or by rules, regulations or permits; the provisions of this Resolution shall control.

ARTICLE XV

VIOLATIONS AND PENALTIES

SECTION 1500 PUBLIC NUISANCE

Buildings erected, altered, moved, razed or converted, or any use of land or premises carried on in violation of any provision of this Resolution are declared to be a nuisance per se. Any building or land use activities considered possible violations of the provisions of this Resolution, which are observed by any Township Official, shall be reported to the Zoning Inspector.

SECTION 1500.1 INSPECTION

The Zoning Inspector shall inspect each alleged violation and shall in writing, order correction of all conditions which are found to be in violation of this Resolution.

SECTION 1500.2 CORRECTION PERIOD

All violations shall be corrected within a period of ten (10) days after the written order is issued or for a longer period of time as indicated by the Zoning Inspector in the written order. Any violations not corrected within the specified period of time shall be reported to the Prosecutor who shall initiate prosecution procedures.

SECTION 1500.3 PENALTIES

(a) Whoever is convicted of or pleads guilty to misdemeanor shall be imprisoned for a definite term or fined, or both which term of imprisonment and fine shall be fixed by the court as provided in this section.

<u>Classification of Misdemeanor</u>	<u>Maximum Term of Imprisonment</u>	<u>Maximum Fine</u>
First degree	6 months	\$1,000.00
Second degree	90 days	750.00
Third degree	60 days	500.00
Fourth degree	30 days	250.00
Minor (ORC 2929.21)	No Imprisonment	100.00

(b) Regardless of the penalties provided in Subsection (a) hereof, an organization convicted of an offense pursuant to Madison Township Zoning Resolution shall be fined, which fine shall be fixed by the court as follows:

<u>Type of Misdemeanor</u>	<u>Maximum Fine</u>
First degree	\$5,000.00
Second degree	4,000.00
Third degree	3,000.00
Fourth degree	2,000.00
Minor	1,000.00
Misdemeanor not specifically classified	2,000.00
Minor misdemeanor not specifically classified	1,000.00

- (1) When an organization is convicted of an offense not specifically classified, and the section defining the offense or penalty plainly indicates a purpose to impose the penalty provided for violation upon organizations, then such penalty shall be imposed in lieu of the penalty provided in this subsection (b).
 - (2) When an organization is convicted of an offense not specifically classified, and the penalty provided includes a higher fine than that provided in this subsection (b), then the penalty imposed shall be pursuant to the penalty provided for violation of the section defining the offense.
 - (3) This subsection (b) does not prevent the imposition of available civil sanctions against an organization convicted of an offense pursuant to Madison Township Zoning Resolution, either in addition to or in lieu of a fine imposed pursuant to this subsection (b). (ORC 2929.31)
- (c) Any person convicted of a criminal offense other than a minor misdemeanor and who is confined in a prison or station house at the expense of the City as provided in Ohio R. C. 753.02 (A) or who is confined in the Richland County Jail as provided in Ohio R.C. 1905.35 shall be required to reimburse the City, to the extent that they are financially able, for the prisoner's expenses incurred by reason of confinement, including, but not limited to, the expenses relating to the provision of food, clothing and shelter. The amount of reimbursement shall be determined by a court at a hearing held pursuant to Ohio R.C. 2929.15. The City Director of Law is hereby authorized to institute appropriate civil actions against City prisoners to recover costs of reimbursement as determined by the court, pursuant to Ohio R.C. 753.02.

SECTION 1500.4 JUNK ACCUMULATION AND VEGETATION

- (a). No occupant or tenant having possession of any lot or premises within Madison Township shall accumulate junk or permit junk or unsightly or uncontrollable vegetation that exceeds twelve (12) inches in height to be accumulated upon such lot or the open part of such premises as are in the possession of such occupant or tenant.
- (b). No owner of any vacant lot or unoccupied or partially occupied or premises within Madison Township, or the agent of such owner with respect to such lot or premises, shall accumulate junk or permit junk or unsightly or uncontrollable vegetation that exceeds twelve (12) inches in height to be accumulated upon such lot or unoccupied premises or such portion of a partially occupied lot or premises as remains under the control or possession of such owner or such owner's agent.
- (c). Notice to the owner or the agent of the owner under Subsections (a) and (b) hereof may be made by registered or certified mail, return receipt requested at such owner(s) or agent(s) last known address or to the address to which tax bills are sent.
- (d). You are hereby ordered to correct said violation(s) within 5 days, or the Zoning Inspector will be obliged to take further legal action unless conditions warrant otherwise.
- (e). Language and definition: Junk and Vegetation, see "Article II, Section 200.1 Definition #40 and #77a" of Zoning Resolution of Madison Township Richland County, Ohio.
- (f). Penalty: Whoever violates any provision of this chapter is guilty of a misdemeanor of minor degree for the first offense and a misdemeanor of the fourth degree for each subsequent offense. Prosecution shall always be as for a first offense unless the affidavit upon which the prosecution as instituted contains the allegation that the offense is a second or repeated offense.

ARTICLE XVI

VALIDITY AND SEPARABILITY

It is hereby declared to be the legislative intent of this Resolution that if any provisions of this Resolution, or the application thereof to any zoned lot, building or other structure, or tract of land, are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person, firm, corporation or situation, the effect of such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective to the zoning lot, building or other structure, or tract of land immediately involved in the controversy. All other provisions of this Resolution shall continue to be separate and fully effective, and the application of any such provision to other persons or situations shall not be affected.

ARTICLE XVII

EFFECTIVE DATE

This Resolution shall take effect and be in full force and effect from and after the earliest period allowed by law.

Adopted by the Madison Township
(Richland County) Trustees

Date:

Attest by Township Clerk:

Clerk

APPENDIX

MADISON TOWNSHIP, RICHLAND COUNTY, OHIO

APPLICATION FOR ZONING CERTIFICATE

NO. _____
NAME _____
DATE _____
FEE \$ _____

The undersigned hereby applies for a Zoning Certificate for the following use to be issued on the basis of the representations contained herein, all of which the applicant swears to be true.

1. Name of Landowner _____ Address _____
2. Location _____ Zoning _____
3. Proposed Use Residence _____ No. of D.U.'s _____
No. of Stories _____ Business _____ Kind _____
Manufacturing _____ Kind _____
Garage ___ Accessory Bldg. ___ _____
Purpose _____
House Trailer or Equal _____
Permanent ___ Temporary ___
Outdoor Advertisement _ Other _
4. Frontage ___ Depth from Right-of-Way ___ Width at Setback Line _____
Land Area _____
Clearances: Left: ___ Right: _____
Rear: ___ Dimensions of Structure ___ X ___ Ground Floor Area _____ (square feet)
5. Sewage System: Public _____ Community _____ Private _____
Water System: Public _____ Community _____ Private _____
6. Paid: Cash _____ Check _____ Date _____



Unless construction is started within one (1) year from the date of issuance, or substantially completed within two and one half (2½) years, the Zoning Certificate will be revoked.

NOTICE: In consideration of permission given, I do hereby covenant and agree to do said work in compliance with the provisions of this Madison Township Zoning Resolution pertaining to same. Approval of this application shall not excuse the applicant from complying with all building regulations of the State of Ohio, Richland County and the Health Department.

Applicant

Upon the basis of the statement in the above application, a Zoning Certificate is
(Refused) _____; (Approved) _____.

Reason for Refusal:

Date _____

Zoning Inspector

MADISON TOWNSHIP, RICHLAND COUNTY, OHIO

APPLICATION FOR CONDITIONAL ZONING CERTIFICATE

Application Number: _____

Name of Property Owner: _____

Name of Applicant, if different: _____

Address of Applicant: _____

Phone Number: _____

Application for Property Located at: _____

_____ -

(Address or Description)

Zoning District in which property is Located: _____

Conditionally Permissible Use: _____

ATTACHED and as part of this application are:

A. Site Plan showing:

1. Boundaries and divisions of property
2. Abutting streets and properties
3. Location of all existing and proposed improvements, including structures, parking, landscaping, etc.
4. Location of existing and proposed water wells, water distribution lines, septic tanks or sewer lines, or other utility features
5. Topography at five (5) foot intervals showing the slope characteristics of the property.

B. Complete plan improvement specifications for all proposed development and construction.

C. Statement supporting evidence that the proposed use has complied with each of the general and specific conditions listed below:

General Conditions:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____

Specific Conditions:

1. _____
2. _____
3. _____
4. _____

(Attach sheets if necessary)

Fee _____

Date _____

Owner's Signature

This certificate is automatically revoked if any of the conditions specified herein are not met.

Zoning Board of Appeals' Action:

Zoning Board of Appeals' Approval: _____ Disapproval: _____

Zoning Board of Appeals' Chairman: _____

Zoning Board of Appeals' Secretary: _____

Date of Issuance of Conditional Zoning Certificate:

MADISON TOWNSHIP, RICHLAND COUNTY, OHIO

NONCONFORMING USE CERTIFICATE

1. **LOCATION INFORMATION**

- a. Subdivision Name: _____
- b. Lot Number: _____ Street Address: _____
- c. Owner(s) Name: _____

2. **ZONING AND USE** (If "a" and "b" are not the same, a nonconformity exists)

- a. **District Classification (Under Zoning Resolution)**
 - One Family Residence
 - Business District
 - Office Building District
 - Vehicular Parking District
- b. **Existing Land Use (Nonconforming with Zoning Resolution)**
 - One and Two Family Residence
 - Two or More Family Residence
 - Business
 - Office
 - Other (as specified) _____

3. **RESIDENTIAL LOT AREA AND WIDTH NONCONFORMITY**

- | | |
|-----------------------|--------------------------|
| a. Lot Area | b. Lot Width |
| Required Area = _____ | Required Width = _____ |
| Existing Area = _____ | Existing Width = _____ - |
| Deficiency = _____ | Deficiency = _____ |

4. **FRONT, SIDE, AND REAR YARD NONCONFORMITY**

The front, side, and rear yards with reference to existing structures will be checked as permits for building additions are requested.
The following yards existed at time of request for expansion:

- a. Front Yard _____ feet
- b. Rear Yard _____ feet
- c. Side Yard: least = _____ feet
greatest = _____ feet

As Zoning Inspector for Madison Township, Richland County, Ohio, I vouch that amendments thereto, existed on _____
(date inspected)

— _____
Zoning Inspector

Form No. _____

Application No. _____

MADISON TOWNSHIP, RICHLAND COUNTY, OHIO

APPLICATION FOR ZONING AMENDMENT

The undersigned, owner(s) of the following legally described property hereby request the consideration of change in zoning district classification as specified below:

1. Name of Applicant: _____

2. Mailing Address: _____

Phone Number: Home _____ Business : _____

3. Locational Description:

Subdivision Name: _____

Section _____ Township _____ Range _____

Block _____ Lot No. _____

(If not located in a political subdivision attach a legal description.)

4. Existing Use _____

5. Present Zoning District _____

6. Proposed Use (If known) _____

7. Proposed Zoning District _____

8. Supporting Information: Attach the following items to the application:

- a. A vicinity map showing property lines, streets, and existing and proposed zoning.
- b. A list of all property owners within, contiguous to, and directly across the street from the proposed rezoning.
- c. A statement of how the proposed rezoning relates to the Comprehensive Plan.
- d. A copy of the proposed use plans if available.

Date _____ Applicant _____

FOR OFFICIAL USE ONLY
(Zoning Commission)

MADISON TOWNSHIP ZONING COMMISSION:

Date Filed _____

Date of Notice in Newspaper _____

Date of Notice to Adjacent Property Owner(s) _____

Fee Paid \$ _____

Recommendation of Zoning Commission: Approval _____ Denial _____

Reason for Recommendation

Zoning Commission

Date _____

Chairman

For Official Use Only
(Madison Township Trustees)

Date of Recommendation Received

Date of Notice in Newspaper

Date of Public Hearing

Action by Legislative Authority: Approval _____ Denial _____

If Denied, Reason for

Denial _____

Date _____ Clerk

Note: Three (3) copies of this form and supporting information must be filed with the Madison Township Zoning Commission.

DESCRIPTION OF IMAGINARY ZONING DISTRICT BOUNDARIES

IMAGINARY ZONING DISTRICT BOUNDARY

REASON: Proposed extension
of S.R. 39 to Pulver List Road
and Illinois Avenue.

No. _____

PETITION FOR APPEAL

1. The below signed hereby appeals from the refusal of the Madison Township Zoning Inspector to issue building permit or zoning certificate as required and refused within the last twenty (20) calendar days.
2. The petitioner hereby supplies the names and addresses of any person, firm or corporation owning premises adjoining and across the street from petitioners property which is the subject of this appeal in accordance with the provisions of Section 1100.7 of the Madison Township Zoning Resolution. Said list is attached to and made a part of this petition.
3. The petitioner hereby attaches to and makes a part hereof a brief description of his appeal.
4. Filing fee for this petition in the amount of \$ _____ is hereby tendered to the Clerk of Madison Township.

Clerk

Petitioner's Name and Address

MADISON TOWNSHIP CLERK AND ZONING BOARD OF APPEALS ACTION:

1. Date of Public Notice by Publication: _____
2. Date of Mailing Notices to petitioner and above owners in Item 2 above: _____
3. Date of Public Hearing: _____
4. Decision of Board of Zoning Appeals: _____
(Petition Approved or Disapproved)

Reasons for Decision: _____

Zoning Board of Appeal
By: _____