

**MIFFLIN TOWNSHIP  
ZONING RESOLUTION**

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**ARTICLE I**

**TITLE, AUTHORIZATION, PURPOSE**

SECTION 100      TITLE

This Resolution shall be known as the Mifflin Township Zoning Resolution.

SECTION 100.1      AUTHORIZATION

The authority for establishing the "Mifflin Township Zoning Resolution" is derived from Sections 519.01 - 519.99, inclusive of the **Ohio Revised Code**, as revised.

SECTION 100.2      STATEMENT OF PURPOSE

The Trustees of Mifflin Township find it necessary for the purpose of promoting public health, safety, morals, comfort and general welfare to regulate the use, size and location of buildings and other structures, the size and location of yards and other open spaces relation to buildings, and the use of land within Mifflin Township.

## 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 BUILDING: A building located on property under common ownership with the principal building which is secondary in importance to the main building, including but not limited to detached garages, storage buildings, sheds and barns. Accessory buildings shall comply with the requirements of Section 800.2.



- 1b. 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 to which it is related.

An "accessory use" includes, but is not limited to the following:

- a. Off-street parking spaces, open or enclosed.
  - b. Swimming pools, tennis courts, and other recreational facilities for residents and guest only.
  - c. Storage of goods used in the production or produced by business or industrial activities.
  - d. Garages or other casual sales of personal property shall be considered an accessory use so long as they are held no more frequently than two times per year and for no longer than three days each time. The advertising restrictions contained in this section shall not apply to such sales.
  - e. The storage of motor vehicles, trailers, recreational vehicles, or boats owned by residents of the premises only. Storage of any such items for non-residents whether or not a fee is charged, shall be defined as business. All such storage shall be closer to the road than the minimum front yard setback requirements of section 407.
  - f. Accessory use shall include the keeping, but not boarding of dogs, cats, or farm animals, but shall not allow the keeping of exotic or dangerous animals such as, but not limited to lions, gorillas, leopards, panthers, cougars, bobcats, wolves, foxes, apes, gorillas, poisonous or constrictor snakes, crocodiles, or alligators.
  - g. Ornamental ponds.
2. AGRICULTURE: Is the use of land for farming; ranching; aquaculture; apiculture; viticulture; animal husbandry including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals, poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.
3. 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.

- 3b.. ATTACHED STRUCTURE: Any structure that is attached to another structure by a common wall, by a roof, or by structural connections that allow pedestrian access to both structures. For example, decks or stairways are attached structures when they are connected to another structure. A garage may be attached to another structure by sharing a wall or by a roof enclosed structure such as a passageway. Structures connected by an “I” beam or similar connections are not considered attached.
4. BASEMENT: Is that portion of a building which is partially below and partially above ground level, and so located that the vertical distance from the grade to the floor below is greater than the vertical distance from the grade to the ceiling. When a basement floor is less than two (2) feet below the ground level, it will be rated as the first story.
5. BOARDING HOUSE: Is a dwelling in which lodging or lodging and meals are furnished to two (2) or more borders for compensation.
6. 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. 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, or structures with interior spaces not normally accessible for human use such as water towers, tanks grain elevators or similar structures.

7. 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.
8. BUILDING LINE: Is a line defining the minimum front, side and rear yard requirements.
9. CENTRALIZED SEWER SYSTEM: Is where individual lots are connected to a common disposal system whether publicly or privately owned and operated.
10. CENTRALIZED WATER SYSTEM: Is where individual lots are connected to a common water distribution system and plant facilities whether publicly or privately owned and operated.
11. DENSITY: Is the number of dwelling units developed on any given acre of land.
12. DISTRICT: Is a portion of the unincorporated area of the Township within which certain regulations and requirements or various combinations apply under the provisions of this Resolution.

13. 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.
- 13a. 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 sited manufactured home as defined in this Resolution.
14. DWELLING UNIT: Is a space within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.
15. DWELLING UNIT, ONE FAMILY: Is a building designed exclusively for and occupied by one (1) family.
16. DWELLING UNIT, TWO FAMILY: Is a building designed exclusively for, or converted for occupancy by two (2) families, living independently of each other.
17. DWELLING, MULTIPLE FAMILY: Is a building or portion thereof designed exclusively for, or converted for occupancy, by three (3) or more families living independently of each other. Multiple family dwelling will include: townhouses, garden apartment buildings, and patio housing complexes.
18. 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.
19. ESSENTIAL SERVICES: Is the erection, construction, alteration, or maintenance by public utility companies or municipal departments, or commissions of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communications, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories furnishing adequate service by such public utilities or municipal departments or commissions, or for the public health, safety or general welfare.
20. EXCAVATION: Any breaking of ground, except common household gardening and ground care.
21. FAMILY: Is one (1) or two (2) persons or parents related by marriage or immediate blood relationship occupying a premise and living as a single housekeeping unit, as distinguishing from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

- 21a. FAMILY CARE HOME: A home licensed by the State of Ohio, which provides resident services and supervision to individuals who need not be related to the resident houseparents or supervisors and who are developmentally disabled, mentally retarded, aged, socially or physically handicapped, or children in need of adult supervision. Such "Home" shall be limited to ten (10) residents, including family members, parents, and supervisors.
22. FEEDER ROAD: Is a street or road intersecting with a limited access highway and having interchange facilities with such limited access highway.
23. FLOOR AREA: For the purpose of computing the minimum allowable floor area per 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 (2) buildings. The floor area measurement is exclusive of areas devoted to basements, unfinished attics, attached garages, breezeways, and enclosed or unenclosed porches.
24. FLOOR AREA, USABLE: (For the purposes of computing the total number of parking spaces.) Is that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the buildings measured from the interior faces of the exterior walls.
25. GARAGE, PRIVATE: Is an accessory building or portion of a main building, designed and used solely for the storage of motor vehicles, boats and similar vehicles owned and used by the occupants of the building.
26. GARAGE, SERVICE: Is any premise used for the storage or care of motor vehicles, or where any such vehicles are equipped for operation, repair or for hire or sale.
27. 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 purposes of this Resolution, these 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.
28. 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 average of said total averages.

29. GREENBELT: An open landscaped area free of buildings and structures and maintained with permanent plant materials to provide a screen to abutting properties. Front, side or rear yards are not considered to be a part of any required greenbelt.
30. GROSS BUILDING AREA: Is the sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior of walls or the center line of walls separating two buildings. In particular, the building area includes: basement space, elevator shafts or stairwells, floor space for mechanical equipment, display of merchandise, balconies, mezzanines, and attic floor space providing structural head room of not less than seven feet (7'). Building area shall not include: elevator or stair bulkheads, accessory buildings, water tanks or cooling towers, uncovered steps, terraces or breezeways, provided that not more than fifty (50) percent of the perimeter of such terrace or breezeway is enclosed.
31. HOME OCCUPATION: Is any occupation 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 any 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, barber shops, beauty shops, tourist homes, animal hospitals among others shall not be deemed to be home occupations. One (1) chair barber and beauty shops shall be permitted as a "Home Occupation."
32. HOTEL: 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.
- 32a. INDUSTRIALIZED UNIT: 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 required 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.
33. JUNK YARD: Is the use of any of the area of any lot, outside a building where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to: scrap iron and other metals, paper, rags, rubber tires, bottles, and junked, dismantled or wrecked automobiles or parts thereof.
34. KENNEL, COMMERCIAL: Is any lot or premises on which three (3) or more dogs, cats or other household pets are either permanently or temporarily boarded. Kennels should also include any lot or premises where household pets are bred and sold.

35. LOADING SPACE: Is an off-street space or berth outside the street right-of-way line on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
36. LOT: Is a parcel of land occupied or intended to be occupied by one or more buildings and the accessory buildings or uses customarily incidental to it, together with such yards, lot area depths and widths as are required by this Resolution.
37. LOT AREA: The total horizontal area within the lot lines of the lot.
38. LOT, CORNER: Is a lot at the point of intersection of and abutting on two or more intersecting streets, the angle of intersection being not more than one hundred and thirty five (135) degrees.
39. LOT DEPTH: Is the horizontal distance between the street right-of-way line and rear lot lines 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. Where a major thoroughfare or collector thoroughfare is designated on the Comprehensive Land use Plan, the lot depth shall be measured from the proposed right-of-way.
40. LOT, INTERIOR: Is a lot other than a corner lot.
41. 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 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 the 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 ten (10) feet long lying farthest from the front lot line and wholly within the lot.
42. LOT WIDTH: Is the horizontal distance measured between the side lot lines, and along the minimum building setback line.
43. 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.
44. MAJOR THOROUGHFARE: Is a street which is intended to move large volumes of traffic from one part of the Township to another part or beyond the Township boundaries. A major thoroughfare may be designated as a freeway, expressway, limited access highway, parkway or equivalent terms to describe the major thoroughfare plan for Mifflin

Township. For the purposes of this Resolution, the following streets shall be classified as major thoroughfares: Laver Road, U.S. 42, I-71, S.R. 430 and U.S. 30.

- 44a. MANUFACTURED HOME: A building unit or assembly of closed construction that is fabricated in an off-site facility, and construction in conformance 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 a permanent label or tag affixed to it certifying compliance with all applicable federal construction and safety standards as specified in 42USC 5415.
- 45. MASTER PLAN: Is the Comprehensive Plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of Mifflin Township, including any part of such plan or amendments thereto.
- 46. MINIMUM BUILDING SETBACK LINE: Is a line between the front and rear lot line and parallel to the street right-of-way and at such distance from the street right-of-way line as required by the minimum front yard depth in the district in which it is located.
- 46a. MINI WAREHOUSE: A building or group of buildings that contains varying sizes of individual compartmentalized, and controlled access stalls or lockers for the storage of customers goods and wares.
- 47. MOBILE HOME: A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) body feet in length or, when erected on site, is three hundred twenty or more square feet (320 sq. ft.), is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of Section 3781.06 of the Ohio Revised Code or as an industrialized unit as defined in Division (C)(3) of Section 3781.06 of the Ohio Revised Code.
- 48. MOBILE HOME PARK: Is any parcel of land upon which two (2) or more mobile homes are parked for dwelling purposes.
- 49. 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 traveling motorist.
- 50. NONCONFORMING BUILDING: Is a building lawfully existing at the time of the enactment of this Resolution and which does not conform to the area and height regulations of the district in which it is located.
- 51. 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.

52. 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.
- 52a. NURSING HOME: (Home for the aged, convalescent home, rest home): Is a residential building with sleeping rooms where persons are housed and are furnished with meals, nursing and medical care. Such home must be licensed by the State of Ohio.
53. OFF-STREET PARKING LOT: Is a facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering and providing access for entrances and exits so as to provide parking for more than two (2) vehicles.
54. OPEN SPACE: Is any part of a lot which is in its natural state, open and unobstructed, except for natural vegetation from its lowest level to the sky.
55. OPEN SPACE DEVELOPMENT: Is 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 for a variety of residential dwellings.
56. 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.
- 56a. PERMANENT FOUNDATION: Masonry permanently connected with mortar or a poured concrete structure of sufficient width and depth below the surface to which the manufactured home may be affixed.
- 56b. PERMANENTLY SITE MANUFACTURED HOME: A manufactured home which is affixed to a permanent foundation and connected to appropriate facilities. The manufactured home, 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. The total living area of the manufactured home, excluding garages, porches, or attachments must be at least equal to or greater than any minimum dwelling size applicable within the applicable zoning district. The manufactured home has a minimum 3:12 residential roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering. The manufactured home was manufactured after January 1, 1995.
57. PLANNED UNIT DEVELOPMENT: Is any subdivision of land where both individual building sites and common property devoted to parks, playgrounds or school sites is designated and organized to be capable of satisfactory use and operation as a self-contained residential area.



- 57a. POND: Is a water impoundment made by constructing a darn or an embankment or by excavating a pit or dugout, and have an area of at least three-hundred (300) square feet and less than five (5) acres or is over twenty-four (24) inches in depth “Pond” does not include a stormwater retention structure as defined in this Resolution.
- 57b. POND, ORNAMENTAL: Is a water impoundment having an area less than three hundred (300) square feet and is twenty-four (24) inches or less in depth.
58. PUBLIC UTILITY: Is any person, firm, corporation, governmental agency or board or other entity authorized to furnish and furnishing under governmental regulations to the public, electricity, gas, steam, telephone, telegraph, transportation, water or sewerage.
59. RECREATIONAL USE, COMMERCIAL: Is a recreational use, other than those governmentally owned and/or operated, that is intended to serve the recreational needs of the immediate area, as well as those from other parts of the county or region. These uses may be operated on a for profit basis. These uses may include, but shall not be limited to golf courses, tennis clubs, riding academies, ski resorts, racquetball clubs, campgrounds and spectator sport facilities.
60. RECREATIONAL USE, NEIGHBORHOOD: Is a recreational use, other than those governmentally owned and/or operated, that is intended to serve the recreational needs of the residents living within a two (2) mile radius. These facilities shall either be free of charge, or operated by associations or nonprofit corporations, in such a way, that membership fees and user fees shall cover operational and maintenance costs. These uses may include, but shall not be limited to neighborhood swimming pools and tennis courts.
61. 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. Plans presented showing 1, 2, or 3 bedroom units and including a den, library or other extra rooms shall consider such extra rooms as a bedroom for the purpose of computing density.
62. SIGN: Is an object consisting of any material having inscribed thereon: language, pictures, electric paraphernalia, or representation of any nature 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, tacking, nailing, gluing, stocking, carving or fastening or making visible in any manner whatsoever. For the purposes of this Resolution, the word "sign" shall not include the flag, pennant, badge or insignia of any government, religious, educational or public benefit organization.
63. SIGN, BUSINESS: Is a sign which directs attention to a product, business or profession conducted upon the same premises.

- 63a. STORMWATER RETENTION STRUCTURE: Is a permanent stormwater management facility that provides for the storage of runoff by a temporary pool of water.
64. 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.
65. STREET: Is a right-of-way which affords the principal means of access to abutting properties and which has been dedicated or deeded to the public use and accepted by the Richland County Board of Commissioners.
66. STRUCTURE: Is anything constructed or erected which requires location on or below the ground, or attachment to something having a location on the ground.
- 66a. SWIMMING POOLS (RECESSED OR ELEVATED): An artificial body of water with a controlled water supply, over twenty four (24) inches in depth or one hundred and eighty (180) square feet of surface water or fifteen (15) feet in diameter, used or intended to be used by the owner thereof, his leasees or invitees.
67. TEMPORARY USE OF BUILDING : Is a use of a building permitted by the Board of Zoning Appeals to exist during periods of construction of the principal building or use, or for special events.
68. TOWNHOUSE: Is a one family dwelling designed and occupied exclusively by one family. A townhouse can be attached or detached in order to become a row, patio or terrace house having one or more stories.
69. TRAVEL TRAILER: A portable, wheeled or unwheeled structure of less than twenty-nine (29) feet in length and providing sleeping accommodations used, or intended to be used, as temporary living quarters.
70. 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.
71. YARDS: The open spaces on the same lot as the principal building, unoccupied and unobstructed from the ground upward except for natural vegetation 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 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.

71a. 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.

72. ZONING, EXCEPTION AND VARIANCE:

- a. EXCEPTION: An exception is a use permitted only after review of an application by the Zoning Board of Appeals, such review being necessary because the provisions of this Resolution covering conditions, precedent or subsequent, are not precise enough to cover all applications without interpretation, and such review is required by the Resolution.
- b. VARIANCE: Is defined as a modification of the literal provisions of the Zoning Resolution granted when strict enforcement of the Resolution would cause undue hardship owing to circumstances unique to the individual property for which the variance is granted.

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.

The Exception differs from the Variance in several respects. An exception does not require "undue hardship" in order to be allowed. The exceptions, as stated within applicable provisions of the Resolution, are a form of "special approval" or review by the Zoning Board of Appeals.

**ARTICLE III**

**ESTABLISHMENT OF ZONING DISTRICTS AND MAP**

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 purposes of this Resolution, the Township of Mifflin is hereby divided into the following Standard Zoning Districts:

C Conservation  
R-1 Residential  
R-2 Residential  
B-1 Neighborhood Business  
B-2 General Business  
I 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, the Township of Mifflin is hereby divided into the following Planned Unit Development Districts:

PUD Planned Unit Residential District  
OS Open Space Development

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, the Township of Mifflin is hereby divided into the following Special Districts:

MH Mobile Home Park District  
RD Recreational District

SECTION 300.1 OFFICIAL ZONING DISTRICTS MAP

All land in the Township of Mifflin within the scope of this Zoning Resolution is placed into Zoning Districts as is shown on the Zoning Districts Map of the Township of Mifflin, 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 is 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 Mifflin, 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)."

Two (2) copies of the official Zoning Districts 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 Mifflin.

## 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

**Except for sexually oriented businesses as defined in Section 405.3 (8), which such uses are exempted from the provisions of this Section,** 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 401      C-CONSERVATION DISTRICT

#### SECTION 401.1      PURPOSE

This District is established to provide for agricultural and conservation uses within outlying parts of the Township. The object of regulations in this district would be to discourage any development other than agriculture, recreation, or conservation projects.

SECTION 401.2      PERMITTED USES

1.      Agricultural and accessory uses.
2.      Single family residences and accessory uses.
3.      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 review and approval of a site plan as regulated in Article VIII, Section 800.18.
4.      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 401.3      CONDITIONALLY PERMITTED USES

The following uses shall be permitted, subject to the conditions listed in Article VIII and subject further to the review and approval of the Township Zoning Board of Appeals:

1.      Cemeteries subject to statutory limitations and further subject to the following conditions:
  - a.      All structures and activity areas should 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 two major thoroughfares and no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
  - c.      Points of ingress and egress shall be available only from abutting major thoroughfares or collector streets and shall not be available from any local residential street.
  - d.      Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of the intrusion of the non-residential use into a residential area.
2.      Churches and other buildings for the purpose of religious worship, subject to the following conditions:
  - a.      The proposed site shall have at least one (1) property line abutting a major thoroughfare as designated on the Comprehensive Plan. Points of ingress and egress to the site shall be available only from abutting major thoroughfares or collector streets or a service access road and shall not be available from any local



residential street.

- b. Wherever the off-street parking area is adjacent to land developed for one (1) family and two (2) 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.
3. Parochial and other private elementary schools offering courses authorized by the State of Ohio, Department of Education, in general education.
  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. Telecommunication Towers subject to the following:
    - a. Such particular elements of public utilities are controllable under township zoning per Ohio Revised Code Section 519.11. See Section 900.2 of this Resolution for statements on CONDITIONAL USE requirements.

#### SECTION 401.4      AREA AND BULK REQUIREMENTS

See Section 407, "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. Cemeteries which lawfully occupied land at the time of adoption of this Resolution.
5. Accessory buildings and uses as regulated in Article VIII, GENERAL PROVISIONS, of this Resolution.
6. 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 407, "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 two (2) family residential purposes, a continuous and obscuring year around greenbelt six (6) feet in height and twelve (12) feet in width 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 an arterial thoroughfare as designated on the Comprehensive Plan. Access to and from the site shall be provided by a major 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 recreational 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 an arterial thoroughfare, and the site shall be so planned as to provide all ingress and egress directly onto or from the 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 (1) 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. There shall be no extension or modification of said dwelling which will alter its outward appearance as a dwelling.
  - h. There shall be no more than one (1) home occupation being carried on in a single dwelling.
6. Family Care Homes provided that:
  - a. The home complies with all building, fire, health and safety standards.

- b. The home complies with, or will within a reasonable time comply with, all licensing requirements of the appropriate State agency.
  - c. Only one (1) family care home is located on a block face.
  - d. The total household size, including family members, parents, and supervisors, does not exceed ten (10) individuals.
7. Nursing homes, convalescent homes, rest homes, homes for the aged provided that:
- a. Such use shall provide a minimum parking area of one (1) space for every three beds and one (1) additional space for each employee, plus maneuvering lanes.
  - b. Such use shall be located on a major thoroughfare or collector thoroughfare. These uses may not be located on dead-end residential streets.
  - c. The building shall be limited to two (2) stories in height.
8. Telecommunication Towers subject to the following:
- a. Such particular elements of public utilities are controllable under township zoning per Ohio Revised Code Section 519.211. See Section 900.2 of this Resolution for statements on CONDITIONAL USE requirements.
9. Zero lot line common wall dwelling subject to the following conditions: (See definition #71a 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 4,750 square feet.
    - 2) The minimum lot width requirement for each dwelling unit shall be forty (40) feet.
    - 3) Each dwelling unit shall further meet the requirements of SECTION 407, “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 4,750 square feet and not less than forty (40) feet wide.

2) The exact "as built" location of the principal residential structure which shall meet the requirements of SECTION 407, "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 407, "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 sections of the Township include moderate density residential developments 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 to be 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 there will be no more than twelve (12) townhouse dwellings in any contiguous group.

4. Multiple Family Dwellings, two and one half (2½) stories or less subject to review and approval of a site plan by the Township Zoning Commission and subject further to the following:
  - a. Proposed development shall have one (1) property line abutting an arterial thoroughfare or the boundary line of a B-Business or I-Industrial District.
  - b. A twelve (12) 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 (1) or two (2) 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. 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 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 407, "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 two (2) family residential purposes, a continuous and obscuring year around greenbelt six (6) feet in height and twelve (12) feet in width 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 an arterial thoroughfare as designated on the Comprehensive Plan. Access to and from the site shall be provided by an arterial 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 an arterial thoroughfare, and the site shall be so planned as to provide all ingress and egress directly onto or from the 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 (1) 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. There shall be no extension or modification of said dwelling which will alter its outward appearance as a dwelling.
  - h. There shall be no more than one (1) home occupation being carried on in a single dwelling.
6. Nursery schools, day nurseries and day care centers subject to the following conditions:
- a. A minimum of one hundred and fifty (150) square feet of outdoor play area shall be provided for each child, separate from any required parking areas. Total outdoor play space shall have a minimum of five thousand (5000) square feet and shall be screened from any adjoining lot in any residential district by a fence or landscaping.
  - b. Outdoor play area shall not be located within any front yard.
  - c. One sign not exceeding four (4) square feet in area and mounted flush against the building, shall be permitted.
  - d. All structures shall be located at least thirty (30) feet from side or rear property lines.
  - e. All points of ingress and egress shall be located no closer than one hundred and fifty (150) feet from a street intersection measured from the street right-of-way lines.
7. Family Care Homes provided that:
- a. The home complies with all building, fire, health and safety standards.
  - b. The home complies with, or will within a reasonable time comply with, all licensing requirements of the appropriate State agency.
  - c. Only one (1) family care home is located on a block face.
  - d. The total household size, including family members, parents, and supervisors, does not exceed ten (10) individuals.
8. Nursing homes, convalescent homes, rest homes, homes for the aged provided that:

- a. Such use shall provide a minimum parking area of one (1) space for every three beds and one (1) additional space for each employee, plus maneuvering lanes.
  - b. Such use shall be located on a major thoroughfare or collector thoroughfare. These uses may not be located on dead-end residential streets.
  - c. The building shall be limited to two (2) stories in height.
9. Telecommunication Towers subject to the following:
- a. Such particular elements of public utilities are controllable under township zoning per Ohio Revised Code Section 519.211. See Section 900.2 of this Resolution for statements on CONDITIONAL USE requirements.
10. Zero lot line common wall dwelling subject to the following conditions: (See definition #71a 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 3,750 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 407, “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 3,750 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 407, “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 407, "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 404B-1 NEIGHBORHOOD BUSINESS DISTRICT

##### SECTION 404.1 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 404.2 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. All uses permitted in R-1 and R-2 Residential Districts.
2. The following retail, personal service, business and professional office uses providing a six (6) foot high obscuring fence and a greenbelt at least (30) feet in width 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, including, but not limited to the following:
    - 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, including , but not limited to the following:

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 including, but not limited to the following:

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

3. Accessory buildings and uses as regulated in Article VIII, GENERAL PROVISIONS of this Resolution.
4. Parking and loading 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, the provision of Article VIII, and subject 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. 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 only.
- f. Construction shall begin within one (1) year from the date of approval by the Township Board of Appeals.
- g. All lighting shall be shielded from all adjacent R-Residential Districts.
- h. Gasoline service stations shall provide a fence at least six (6) feet in height and a greenbelt at least twelve (12) feet in width on those side and rear lot lines abutting a R-Residential District only.
- 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 Zoning 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 Mifflin 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 Zoning 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. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, excluding storage yards.

#### SECTION 404.4      AREA AND BULK REQUIREMENTS

See Section 407, "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 405      B-2 GENERAL BUSINESS DISTRICT

##### SECTION 405.1      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 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 intersection as possible, but in no case shall it be closer than eighty (80) feet.

1. All uses permitted in B-1 Neighborhood Business District.
2. Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering service incidental to the sale of the goods, including, but not limited to the following:
  - 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
    - Children and Infants 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

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.

3. Personal and Consumer Service Establishments, including, but not limited to the following:

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

b. Commercial recreational uses whose principal activity is located within an enclosed building; including bowling alley, billiard hall, skating rink, indoor swimming pool and similar forms of indoor recreational activities.

4. Automotive

Gasoline Service Stations  
Automobile Rentals

5. Accessory buildings and 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 405.3      CONDITIONALLY PERMITTED USES

Except for sexually oriented businesses as defined in Section 405.3 (8), the following uses designated 1 thru 7 shall be permitted, subject to the conditions hereinafter imposed for each use, the provision of Article VIII, and subject 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. Outdoor sales space for the exclusive sale of new or secondhand 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. Ingress and egress shall be provided so as not to conflict with the adjacent business uses or adversely effect the movement of traffic along a major thoroughfare.
  - b. Each sleeping unit within the structure shall contain not less than two hundred (200) square feet of floor area.
  - c. No guest shall establish permanent residence at a motel for more than thirty (30) days within any calendar year.
3. Automotive Car Washes subject to the following restrictions:
  - a. A minimum setback of at least fifty (50) feet (measured from the street right-of-way line) shall be maintained.
  - b. Stacking space for waiting automobiles is provided off the street and outside the

public right-of-way for at least twenty (20) motor vehicles.

- c. The lot area shall be provided with a permanent, desirable and dustless surface, and shall be graded and drained as to dispose of all surface water runoff.
  - d. No lighting shall constitute a nuisance and shall in no way impair the safe movement of vehicles on adjacent thoroughfares nor shall any lighting shine directly onto adjacent properties.
4. Funeral homes and mortuaries subject to the following conditions:
- a. Adequate assembly area is provided off the street and outside the public right-of-way for vehicles to be used in funeral processions, and further provided that such assembly area is provided in addition to any required off-street parking area.
  - b. All points of ingress and egress shall be off an arterial thoroughfare or collector street. Access shall not be permitted off a local residential street.
5. 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-2 General Business District.
  - b. Equipment including the sale of outdoor lawn furniture, playground equipment and garden supplies shall be provided with a four (4) foot high obscuring fence wherever the proposed use abuts onto a residential district and on the side abutting the residential district only.
6. Mini warehouse and storage facilities for storage of vehicles and goods not involving regular truck traffic, and only minimal loading and unloading subject to the following conditions:
- a. No lighting shall constitute a nuisance and 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.
  - d. A minimum setback of fifty (50) feet measured from the street right-of-way shall be maintained.

7. Truck transfer or terminal facilities, subject to the following conditions:
  - a. The site shall have direct and immediate access to the national highway system (I-71 or U.S. 30) and shall not involve travel through an existing residentially developed or residentially zoned area.
  - b. An obscuring fence or obscuring greenbelt six (6) feet in height shall be provided on those side and rear yards abutting an existing residential development or residential zoning district.
  - c. No lighting shall constitute a nuisance and shall in no way impair the safe movement of vehicles on adjacent thoroughfares not shall any lighting shine directly onto adjacent properties.
  - d. 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.
  
8. Sexually Oriented Businesses subject to the following:
  - a. 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 connection 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, sculpted, 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).

b. Sexually oriented businesses shall be permitted in the B-2 General Business District if the Board of Zoning Appeals determines that each of the following conditions have been met:

(1) That the parcel of land upon which the sexually oriented business is located is a minimum of five hundred (500) feet from the nearest parcel of land containing a school, church, residence or public park.

(2) That the parcel of land upon which the sexually oriented business is located is a minimum of five hundred (500) feet from any other parcel of land containing a sexually oriented business.

(3) 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.

(4) 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.

c. The application and issuance of a Conditional Zoning Certificate for a sexually oriented business shall be as follows:

(1) An application for a Conditional Zoning Certificate shall be submitted by the applicant to the Board of Zoning Appeals on a form provided by the Township Zoning Inspector, accompanied by a filing fee of \$50.00 payable to Mifflin Township. Filing of the application is completed upon delivery to the Township office.

(2) The applicant shall provide with the application a site plan of the entire property being considered, drawn at a scale of 1"=100' and showing 1) all points of ingress and egress, and showing 2) the parcel's distance to be at least five hundred (500) feet from any parcel of land containing a school, church, residence or public park.

(3) The Board shall determine whether to issue a Conditional Zoning Certificate based solely on the standards set forth in Section 405.3 (8) (b) . The Board's decision to grant or deny the Certificate shall be made within thirty (30) days of the applicant filing a complete application. If no decision is made within thirty (30) days, the Certificate shall be issued.

#### SECTION 405.4 AREA AND BULK REQUIREMENTS

See Section 407, "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 I-INDUSTRIAL DISTRICT

##### SECTION 406.1 PURPOSE

The I Industrial Districts are intended to accommodate uses which provide for the repair, storage, compounding, processing, manufacturing or assembling of materials or parts, provided that the emission of smoke, dust, fumes, vibration, odor and noise is restricted to the premises or held to minimum levels such that they will not have an adverse or detrimental effect on surrounding

residential and business districts. The I-Industrial District is to be exclusively used for industrial purposes free from encroachment by residential or business uses.

#### SECTION 406.2      PERMITTED USES

1.      Laboratories, offices and other facilities for research, both basic and applied, conducted by or for any individual, organization or concern.
2.      Warehouse, storage and distribution facilities, buildings, railroad or truck transfer or terminal facilities and parking areas.
3.      The manufacturing, compounding, processing and assembly or repair of products when conducted wholly within a completely enclosed building, or within an area enclosed on all sides by a six (6) foot high obscuring fence or wall.
4.      Contractors offices, repair and storage yards, lumber and building materials sales yards provided all materials are located within an area enclosed on all sides by a six (6) foot high obscuring fence or wall.
5.      Public utilities installation such as gas and electrical service buildings water or gas storage tanks, pipeline pumping water or gas storage tanks, pipeline pumping stations, and similar utility uses.

#### SECTION 406.3      GENERAL CONDITIONS

The following general conditions shall apply to all industrial uses described above and permitted in an I-Industrial District:

1.      Where an industrial district abuts a residential district:
  - a.      A greenbelt thirty (30) foot in width shall be provided on those side that abut the residential district.
  - b.      The area of use, and all parking areas shall be screened by a six (6) foot high obscuring fence and appropriately landscaped to be harmonious with surrounding properties.
  - c.      Loudspeakers, horns, whistles or lighting which cause a hazard or annoyance shall not be permitted.
2.      All outdoor storage areas shall be completely enclosed by a six (6) foot obscuring device being a fence, wall, or dense plantings, etc.
3.      Truck parking areas, maneuvering lanes, and points of ingress and egress shall be designed to cause no interference with the safe and convenient movement of vehicles on adjacent thoroughfares. 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.

4. All industrial uses shall be located along major thoroughfares, railroads, and/or in an industrial park.
5. Industrial development shall not create excessive additional requirements at public cost for public facilities and services such as streets and highways, water and sewers, refuse disposal, police and fire protection, and shall not be detrimental to the economic welfare of the community.

#### SECTION 406.4      CONDITIONALLY PERMITTED USES

Except for sexually oriented businesses as defined in Section 406.4(5), the following uses designated 1 thru 4 shall be permitted, subject to the conditions hereinafter imposed for each use, the provision of Article VIII, subject 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, I 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. Points of ingress and egress shall be available only from abutting major thoroughfares or collector streets and shall not be available from any local residential street.
- c. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, individual or to the Township as a whole.
- d. 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.
- e. Such structures should be located on collector streets.
- f. 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.
- g. Loud speakers which cause a hazard or annoyance shall not be permitted.
- h. Such uses should not require the uneconomical extension of utility systems at the expense of the Township.
- i. 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 adjacent R-Residential Districts.
- h. Gasoline service stations shall provide a fence at least six (6) feet in height and a greenbelt at least twelve (12) feet in width 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 Zoning 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 Mifflin 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 Zoning 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 Zoning 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.

5. Sexually Oriented Businesses subject to the following:

- a. 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 connection 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 area characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas,” and has a sign visible from the public right-or-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, sculpted, 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).

- b. Sexually oriented businesses shall be permitted in the I Industrial District if the Board of Zoning Appeals determines that each of the following conditions have been met:

(1) That the parcel of land upon which the sexually oriented business is located is a minimum of five hundred (500) feet from the nearest parcel of land containing a school, church, residence or public park.

(2) That the parcel of land upon which the sexually oriented business is located is a minimum of five hundred (500) feet from any other parcel of land containing a sexually oriented business.

(3) 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.

(4) 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 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.

- c. The application and issuance of a Conditional Zoning Certificate for a sexually oriented business shall be as follows:

(1) An application for a Conditional Zoning Certificate shall be submitted by the applicant to the Board of Zoning Appeals on a form provided by the Township Zoning Inspector, accompanied by a filing fee of \$50.00 payable to Mifflin Township. Filing of the application is completed upon delivery to the Township office.

(2) The applicant shall provide with the application a site plan of the entire property being considered, drawn at a scale of 1"=100' and showing 1) all points of ingress and egress, and showing 2) the parcel's distance to be at least five hundred (500) feet from any parcel of land containing a school, church, residence or public park.

(3) The Board shall determine whether to issue a Conditional Zoning Certificate based solely on the standards set forth in Section 406.4(5)(b). The Board's decision to grant or deny the Certificate shall be made within thirty (30) days of the applicant filing a complete application. If no decision is made within thirty (30) days, the Certificate shall be issued.

SECTION 406.5      AREA AND BULK REQUIREMENTS

See Section 407, "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**

**SCHEDULE OF REGULATIONS**

**SCHEDULE LIMITING HEIGHT, BULK, DENSITY AND AREA BY ZONING DISTRICT**

Use Districts	D. U. Per Acre	Minimum Lot Area Requirements		Maximum Height of Building		Minimum Yard Setback (Per Lot in Feet)				Minimum Floor Area
		Area in Sq. Ft.**	Width in Ft.***	In Feet	In Stories	Front Yard	Each Side Yard	Sum of the Widths	Rear Yard	Per Unit (Sq. Ft.)
C Conservation One Family Dwelling.	.2	217,800 (5A.)	200	40	2	30	10	25	40	1,475
R-1 Residential One Family Dwelling  Two Family Dwelling  Zero Lot Line Common Wall Dwelling	4.6	9,500 (a,b)*	80 (a,b)*	40	2	30 (a,b)*	6	12	25	1,475
	9.2	9,500 (a,b)*	80 (a,b)*	40	2	30 (a,b)*	6	12	25	1,000
	9.2	4,750 (a,b)*	40 (a,b)*	40	2	30 (a,b)*	0 and 6	6	25	1,000
R-2 Residential One Family Dwelling  Two Family Dwelling  Zero Lot Line Common Wall Dwelling	5.8	7,500 (a,b)*	70 (a,b)*	40	2	25 (a,b)*	5	10	25	1,475
	11.6	7,500 (a,b)*	70 (a,b)*	40	2	25 (a,b)*	5	10	25	1,000
	11.6	3,750 (a,b)*	35(a,b)*	40	2	25 (a,b)*	0 and 5	5	25	1,000
Townhouse Dwelling	18.0 (c) *	2,400 (a,b)*	16	40	2	20	--	--	15	--
Multiple Family Dwelling	18.0 (d) *	(a,b)*	--	40	2½	35 (e)*	(e)*	--	(e)*	--
MH Mobile Home	6.7	6,500	65	25	2	20	15	30	20	--
B-1 Neighborhood Business	--	--	--	25	--	30 (f)*	(g)*	--	25 (f)*	--
B-2 General Business	--	--	--	40	--	30 (f)*	(g)*	--	30 (f)*	--
I Industrial	--	--	--	40	--	50 (i)*	(h)*	--	(h)*	--

\* Refer to Notes to Schedule

\*\* 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 Regulation

NOTES TO SCHEDULE

- a. In the R-Residential Districts not served by community water and sanitary sewer systems, the minimum lot area shall be based upon the following:
  - 1. With individual water systems and individual sewerage disposal systems, the minimum lot size shall be 20,000 square feet, 10,000 square feet for a Zero Lot line Common Wall Dwelling. The minimum lot width shall be ninety (90) feet, forty-five (45) feet for a Zero Lot Line Common Wall Dwelling. The minimum building setback shall be fifty (50) feet. These requirements and systems shall conform to the rules and regulations of the Richland County Board of Health.
  - 2. With community water system acceptable to the County and State Health Departments and with individual sewerage disposal units, the minimum lot area shall vary from 12,000 to 20,000 square feet, 6,000 to 10,000 square feet for a Zero Lot Line Common Wall Dwelling, depending upon the soil conditions and terrain. The minimum lot width shall be seventy-five (75) feet, thirty-eight(38) feet for a Zero Lot Line Common Wall Dwelling. The minimum building setback shall be forty (40) feet.
- b. In the R-Residential Districts, the minimum lot area and width requirements may be reduced according to the flexibility allowances and guidelines of Article VI, OPEN SPACE RESIDENTIAL DISTRICT and Article VII, PLANNED DEVELOPMENT DISTRICTS.
- c. In an R-2 Residential District, the permitted number of dwelling units per acre in a townhouse development shall further be based upon the following formula:
 

Maximum number of Dwellings Per Building	- 12
Minimum Lot Area Per Building of 12 Dwelling Units	- 29,000 sq. ft.
- d. In an R-2 Residential District, the maximum number of multiple family dwelling units permitted per acre shall be based upon the following formula:

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

Where X shall be based on the following:

	<u>Maximum Density/Acre</u>
One & Two Bedroom - X = 3	18

The area used for computing the density shall be the total site area exclusive of any public dedicated right-of-way of either interior or bounding streets.

- e. In a multiple family development, front, side and rear yards do not refer to the spacing between buildings for two or more buildings on the same parcel. 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 thirty-five (35) feet. Whenever the side or rear yard of a multiple family development abuts a single family residential development, the minimum side yard width and rear yard depth shall be at least thirty-five (35) feet.
- f. Off-street parking shall be permitted to occupy part of the required front yard or rear yard subject to approval of a parking plan layout by the Township Zoning Commission.
- g. 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.
- h. Side and rear yards shall be equal to at least the height of the average of various 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.
- i. 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 accord with the provisions of Article VIII, Section 800.6.

**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, as established on the 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 suitably 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 Township Zoning Commission and the Township Trustees:
  - a. The Mobile Home Park shall include at least ten (10) acres of land.

- b. The Mobile Home Park shall provide a twelve (12) foot wide greenbelt together with a six (6) foot high obscuring device on those side or rear yards of the Mobile Home Park which abut onto an "R", "B", or "I" District. The obscuring device shall provide a continuous, year-around screen.
- c. At least ten (10) percent of the gross land area of the mobile home park shall be reserved for recreational and open space uses. This amount is in addition to any open areas required by yard requirements or other sections of this Resolution.
- d. 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.
- e. An adequate road and walkway system shall be provided through the park to serve each mobile home stand. Four (4) feet wide sidewalks must be provided on each side of a road unless an internal sidewalk or walkway system is provided. The road and walkway systems shall be constructed in accordance with the required improvement specifications of the Subdivision Regulations of Richland County or the City of Mansfield, whichever apply.
- f. Each mobile home stand shall be served by a centralized sewer and water facility of the type approved by the Ohio State Department of Health.
- g. Each mobile home stand shall be furnished with power and heating systems.
- h. Each mobile home stand shall be equipped with individual trash receptacles adequately protected from spillage.  
  
The owner of the Mobile Home Park shall be responsible for furnishing each lot with trash receptacles.
- i. The Mobile Home Park shall further comply with any other county and state health department regulations, and any other Resolutions of the Township of Mifflin.
- j. Sufficient space shall be provided on the Mobile Home Park site for the storage of mobile homes vacated for more than a thirty (30) day period, except due to temporary leave of absence. The storage area shall be provided with an obscuring screen. The area used for the storage of mobile homes shall be exclusive of any parks, public spaces or rights-of-way of interior roads and said space shall not be used for the sale or service of mobile homes.
- k. A centralized radio or television tower shall be provided to service all of the mobile home units in the Mobile Home Park Development. Such tower shall be located at one corner of the parcel and shall be located at least twenty-five (25)

feet away from any lot line.

- l. The occupant of the mobile home unit shall provide a continuous opaque skirting consisting of nonflammable material around the entire base of the mobile home unit to the finished grade of the mobile home stand.
  - m. Whenever possible, storage buildings shall be located away from the patio side of an adjoining mobile home unit.
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.
  4. Unless otherwise specifically permitted by this Resolution, mobile homes shall be allowed only in the MH Mobile Home Park District.

#### 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 407, "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 an arterial thoroughfare as designated on the Comprehensive Plan. Access to and from the site shall be provided by an arterial 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 recreational 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 an arterial thoroughfare, and the site shall be so planned as to provide all ingress and egress directly onto or from the 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.
  - g. There shall be no extension or modification of said dwelling which will alter its

outward appearance as a dwelling.

- h. There shall be no more than one (1) home occupation being carried on in a single dwelling.

#### 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 502 RD RECREATIONAL DISTRICT

##### SECTION 502.1 PURPOSE

The RD Recreational District is established to accommodate the special needs of a Commercial Recreational Use, which are not suited for standard residential or business districts.

##### SECTION 502.2 PERMITTED USES

1. Governmentally owned and/or operated parks, playgrounds and golf courses, subject to the regulations listed below and site plan review and approval by the Township Zoning Commission.
2. Recreational uses, other than those governmentally owned and/or operated, such as: swimming pools, golf courses, tennis clubs, riding academies, ski resorts and racquetball courts, subject to the regulations listed below, and site plan approval by the Township Zoning Commission.
3. Uses associated with the above, but clearly subsidiary to the principle use, such as restaurants and bars, subject to the regulations listed below and site plan approval by the Township Zoning Commission.
  - a. The proposed site for any of the uses stated above shall have at least one (1) property line abutting an arterial thoroughfare, and the site shall be so planned as to provide all ingress and egress directly onto or from the 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.

**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 *	6,600	60	25	2	20	15	20	720

## 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 proposed 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 Mifflin.
- 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. The approval shall be for a period of two (2) years to allow the preparation of a required Subdivision Plat, submitted in accordance with the Subdivision Regulations of Richland County or the City of Mansfield. 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:

Districts	Standard Districts			Open Space Districts		
	D. U. 's/A	Area In Sq. Ft.	Minimum Lot Width	D. U.'s/A	Area In Sq. Ft.	Minimum Lot Width
R-1 one & two family	4.6	9,500	80.0	6.6	6,650	64.0
R-2 one & two family	5.8	7,500	70.0	8.3	5,250	56.0
Townhouse	18.0	2,400	16.0	21.0	1,700	16.0
Multiple	18.0	–	–	21.0	–	--

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 Mifflin 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 Mifflin 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 Mifflin, 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 Mifflin 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 Mifflin, 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 Mifflin a Conservation Easement vesting in the Township of Mifflin 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, the Zoning Commission shall consider the following principles governing



Planned Developments in the Township of Mifflin.

- 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. A filing fee, as established by the Township Trustees, payable to the Township Clerk, shall be submitted to the Secretary of the Zoning Commission. Said filing fee shall be used to defray the cost of the public hearing and work by the staff of the Richland County Regional Planning Commission staff, County Engineer and Township Solicitor.

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" = 50' 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, and existing streets abutting the property.
- h. Statement indicating the required modifications in the regulations in the Township of Mifflin 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 Mifflin.
- 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 Mifflin Township Trustees, shall constitute an 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 City of Mansfield or Richland County, whichever apply. The subdivision plat shall be in accord with the Plan as approved by the Mifflin 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:

District	Standard District			Planned Unit Development		
	D.U.'s/A	Area In Sq. Ft.	Minimum Lot Width	D.U.'s/A	Area In Sq. Ft.	Minimum Lot Width
R-1 one & two family	4.6	9,500	80.0	6.6	6,650	64.0
R-2 one & two family	5.8	7,500	70.0	8.3	5,200	56.0
Townhouse	18.0	2,400	16.0	23.5	1,700	16.0
Multiple	18.0	–	–	23.5	–	--

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 (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.

R-2 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 Mifflin 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 Mifflin 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 Mifflin, 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 Mifflin 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 Mifflin, the developer, or the Association established to own the common open space, shall, simultaneously with the execution of the unit plan, grant to the Township of Mifflin a Conservation Easement vesting in the Township of Mifflin 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 Mifflin 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, non-conforming uses of land and non-conforming structures which do not conform to the provisions of this Resolution, but which were in operation prior to the enactment 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 on 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 to 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 has been discontinued for a period of two (2) 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:

The lawful use of a structure or of a parcel of land 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 twelve (12) consecutive months during any three (3) year period, the structure and premises 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 Zoning Board of 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 structure and use exist, the removal or destruction of the structure shall eliminate the nonconforming status of the land.

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 as permitted in this Resolution 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.
  - a. A structure attached to the main building via a breezeway shall be considered an accessory building unless all the following conditions are met:
    1. The breezeway is fully enclosed and no longer than 12 feet
    2. The structure is built on a foundation or basement (post, pier or grade beam foundations are prohibited)
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 six (6) 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 twenty (20) 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 adjacent streets.
  - d. Accessory buildings or uses shall be considered in computing the maximum percent of land area covered by the structure.
  - e. The minimum distance between a detached accessory building and the principal structure shall be not less than ten (10) feet.
  - f. Accessory buildings in Districts R-1, R-2 or any future Residential Districts, shall not exceed 10% of total lot size upon which structure is built. A maximum of 1000 sq. ft. for lots under two (2) acres will be permitted. A maximum of 1800 sq. ft. for 2-5 acres will be permitted provided all other requirements of this Resolution can be met.
3. A zoning permit shall be required for all accessory buildings.
  - a. Exception: Accessory structures of one hundred forty four (144) square feet or less and fourteen (14) feet or less in height, and of movable design, example: sitting on a concrete slab, gravel, skids etc. shall be exempt from obtaining a permit.
    1. There is a limit of ONE exempted accessory building on lots under two (2) acres; and TWO exempted accessory buildings on lots that are over two (2)

acres and under five (5) acres.

2. The square footage of the exempted accessory buildings shall not be included in the accessory building size limit allotted per lot size.
  3. All other zoning regulations in sect 800.2 will apply to this exception such as front, side and rear setbacks, along with the location of placement.
- b. Exception: Accessory structures of one hundred forty four (144) square feet or less and fourteen (14) feet in height or less, and of a movable design, example: sitting on a concrete slab, gravel, skids etc. shall be exempt from obtaining a permit.
1. There is a limit of ONE exempted accessory building on lots under two (2) acres; and TWO exempted accessory buildings on lots that are over 2 acres and under 5 acres.
  2. The square footage of the exempted accessory buildings shall not be included in the accessory building size limit allotted per lot size.
  3. All other zoning regulations in sect 800.2 will apply to this exception such as front, side and rear setbacks, along with the location of placement.
4. Ornamental ponds shall be located no closer than six (6) feet to any side or rear lot line or street right-of-way line.

#### 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 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.

(15) Nursery Schools, Day Nurseries and Day Care Centers:

One (1) for each employee plus one (1) ten by twenty foot (10' x 20') passenger loading space for every four (4) children licensed by the State.

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, Childrens 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 use 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 lots as the building which they are intended to serve. Parking of commercial motor vehicles in the yard area shall be prohibited.
- (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.
- (4) There shall be adequate provision for ingress and egress to all off-street parking areas. Where a parking area abuts onto a public street or thoroughfare, there shall be provided an access drive of not less than twelve (12) feet nor more than eighteen (18) feet in width for each ingress and egress with a ten (10) foot planted median between each, leading to the parking or storage areas or off-street loading and unloading areas.
- (5) Each drive shall be designated as an exit or entrance and shall serve only one of these functions.
- (6) All drives must be at a ninety (90) degree angle to the public thoroughfare.
- (7) No points of ingress or egress shall be located within one hundred fifty (150) feet from the intersection of the right-of-way lines of any two (2) thoroughfares, access or exit ramps or other such access drives.

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</u>	<u>Maneuvering Length</u>	<u>Lane Width</u>
45 degrees	8'4"		20'	16'
60 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 to serve a use within an "R", "B", or "I" District shall be provided with a continuous and obscuring fence six (6) feet in height measured from the surface of the parking lot. Such fence shall abut onto a one family residential district only.

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 SQUARE FEET OF USABLE FLOOR AREA</u>
0 - 5,000	One (1) space.
5,001 - 20,000	One (1) space plus one (1) space for each 5,000 square feet in excess of 5,001.
20,001 - 100,000	One (1) space plus one (1) space for each 20,000 square feet in excess of 20,001.
Over 100,000	Five (5) spaces.

#### SECTION 800.5 TEMPORARY BUILDINGS AND STRUCTURES

Temporary buildings for uses incidental to construction work shall be permitted for a period not to exceed a one (1) year period.

#### 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.

3. 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	
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 OUTDOOR ADVERTISING**

The Sign Resolution of the Township of Mifflin shall be complied with as it applies to the location, size, use, height of structures and lighting of signs and outdoor display structures. (See Page 109)

**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 Mifflin relevant thereto.

**SECTION 800.9 SCREENING DEVICES**

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. Swimming pools shall be completely enclosed by a fence six (6) feet in height.
  - b. No 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. All fences shall comply with the requirements of the Richland County Building Code as it applies to fence installation and materials, but in no instance shall a fence contain barbed wire, electric current or charge of electricity.
  - d. Fences on recorded lots having a total area in excess of two (2) 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" District and on those sides abutting an R-1 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 R-Residential District:

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

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

- b. No 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 PRINCIPLE BUILDING

Within any R-1 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 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 800.16 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 800.17 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 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 certificate 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.

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 800.19 DRAINAGE CHANNELS

Drainage channels that exist within Mifflin 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 800.20 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 designated in accordance with the minimum improvement standards of the Richland County Subdivision Regulations or 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 or Richland County.

#### SECTION 800.21 TRAVEL TRAILERS

Travel Trailers shall be permitted in any "R" Residential District provided that when not in use it is parked no closer to the front property line than the required minimum front yard setback line. Not more than one travel trailer may be used as a residence by a visitor on occupied property owned, leased or rented by a Mifflin Township resident for a period of thirty (30) days provided that the following conditions are met:

- a. Joint application is filed with the Zoning Inspector by the aforesaid property owner or lessor and the travel trailer owner within seventy-two (72) hours after arrival on the property.
- b. All provisions of the Richland County Health Department are complied with.
- c. A fee, as established by the Township Trustees, has been paid to the Zoning Inspector who may issue a "Temporary Visitors Zoning Permit" good for a period of thirty (30) days.
- d. The travel trailer shall be parked to the side or the rear of the principle residence upon the property on which the trailer is located provided, however, that the trailer shall not be parked closer than twenty (20) feet from any other residence or within five (5) feet of any lot line of the property on which the trailer is parked.

SECTION 800.22 PONDS

1. Applicability

- a. Ponds shall be permitted in any zoning district in Mifflin Township. These regulations pertain to ponds that have an area of at least three-hundred (300) square feet and less than five (5) acres or are over twenty-four (24) inches in depth.

2. Design

- a. Ponds that have an area of greater than a quarter of an acre (10,890 sq. ft.) must be designed by a registered landscape architect and/or civil engineer.
- b. It is recommended that the landowner obtain the following from the Richland County Soil and Water Conservation District;
  - 1. the Natural Resources Conservation Service Conservation Practice Standard titled POND, Section IV, FOTG Standard 378, Code 378,
  - 2. the Natural Resources Conservation Service Construction Specification titled PONDS, Section IV, FOTG Standard 378, Code 378,
  - 3. the Natural Resources Conservation Service Conservation Practice Standard titled DRY HYDRANT, Section IV, FOTG Standard 432, Code 432.

3. Location

- a. Ponds shall be a minimum of fifty (50) feet from septic system lines and leach

beds. The toe of the dam or edge of the pond shall be a minimum of twenty-five (25) feet from any rear or side lot lines and fifty (50) feet from any street right-of-way line. This measurement shall be taken from the high water mark of the pond or the toe of the outside of the bank whichever is closest to the street right-of-way line or lot line.

#### 4. Fire Protection

Prior to the construction of any pond, the Zoning Inspector shall consult with the Mifflin Township Fire Department concerning the need for installation of a dry fire hydrant.

- a. If it is determined that the community would benefit from the installation of a Dry Fire Hydrant and the construction of a pond is approved, then the dry fire hydrant will be installed in accordance with the Natural Resources Conservation Service Conservation Practice Standard entitled DRY HYDRANT, Section 1V, FOTU Standard 432, Code 432.
- b. For the purpose of protection of public safety, the real property owner(s) within a platted subdivision containing ten (10) or more lots shall construct a pond with a dry fire hydrant in accordance with the Natural Resources Conservation Service Conservation Practice Standard entitled DRY HYDRANT, Section IV, FOTU Standard 432, Code 432.

#### 5. Application for Zoning Certificate & Pre-construction

- a. Before constructing a pond, an application shall be made to the Zoning Inspector for a Zoning Certificate. The application shall include the following:
  - (1) 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.
  - (2) The shape, size and location of all buildings and other structures already on the property and the location of on-site or public utilities.
  - (3) The dimensions and location of the pond showing the distance of the pond to the rear and side lot lines and street right-of-way line.
  - (4) Any other pertinent data as may be required to determine whether the provisions of this Resolution are being observed properly.
- b. Within twenty (2) days after receipt of the application and before construction may begin, the Zoning Inspector shall inspect the site on which the pond is to be built. The location of the pond shall be laid out on the property prior to the site inspection. The Zoning Inspector shall determine that the proposed construction is in compliance with the Zoning Resolution.

- c. After the site inspection is completed, the Zoning Inspector shall issue, in writing, permission to proceed with construction of the pond. If such permission is refused for cause, the applicant shall be notified, in writing, of such refusal and cause within the twenty (20) day period.

6. Completion of Construction and Issuance of Zoning Certificate

- a. Upon completion of the construction and prior to the pond being filled with water, the applicant for the Zoning Certificate shall notify the Zoning Inspector, who shall make a final inspection of the premises. The Zoning Inspector shall issue a Zoning Certificate for use as a pond only after the Zoning Inspector has determined the Zoning Resolution has been complied with.

Mifflin Township has no liability exposure in regard to the pond other than to see that the dry hydrant is properly installed and maintained.

## 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 the Resolution shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purpose of 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:

1. In any platted subdivision approved under Section 711.09 or 711.10 of the Ohio Revised Code or in any area consisting of fifteen or more lots approved under Section 711.31 of the Ohio Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, agriculture shall be regulated as follows:
  - a. For purposes of this resolution no agricultural use shall be permitted on any lot of one (1) acre or less.
  - b. Building or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre or less but not greater than five (5) acres shall be at least fifty (50) feet from any lot line.
  - c. No animals, except household pets, shall be permitted on lots greater than one (1) acre but not greater than five (5) acres when at least thirty-five percent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under Section 4503.06 of the Ohio Revised Code.
2. 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 in 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

The provisions of 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. The provisions of 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 ORC 519.211 and is proposed to be located in any area of the Township zoned for residential use, it shall be and is as a conditional use. Telecommunication towers shall be permitted provided the Board of Zoning Appeals determines that each of the following conditions have been met:
  - a. For the purpose of regulating such telecommunication towers in areas of the Township zoned for residential use, a telecommunication tower shall be considered to exist if the free-standing structure including antennas exceed fifty-two (52) feet in height or if an attached tower exceeds the height of the building or other structure to which it is attached by more than twelve (12) feet.
  - b. A site plan shall be provided showing the design and painted color of the tower and its location on the property.
  - c. No tower shall be constructed with lights and be painted in red/white or in other bright colors or configuration colors except when specifically required by a Federal law or regulation. When lights are required, strobe lights shall not be used unless specifically required by the Federal law or regulation.
  - d. The site shall be a minimum of 500 feet from the nearest parcel of land used for residential purposes except: (1) where a communications tower already exists on the same parcel that was the effective date of this provision, and (2) the proposed tower will not be constructed beyond a radius of one hundred (100) feet from such prior existing tower.
  - e. The minimum setback line between the base of the tower and all adjacent property lines shall be the height of the tower.
  - f. The tower shall be sited and be of a design and color(s) 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. Further, no advertising shall be permitted on the tower.
  - g. Unless the proposed tower would be located on a parcel where another tower already exists as otherwise provided in Paragraph (d) above, the applicant shall demonstrate that the need for the proposed tower cannot be accommodated by co-locating systems on an existing tower.
  - h. Each tower shall be designed to accommodate the addition and collocation of a

minimum of two additional telecommunication systems.

- i. If the tower is abandoned, it shall be removed within ninety days of its last date of operation or thereafter be removed by the township and the cost of removal billed to the property owner.
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 and the provisions of Section 1100.5(4). In no event shall any change 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 limitation contained in Section 407 Schedule of Regulations do not apply to spires, belfried, 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 900.8 SALE OR USE OF ALCOHOLIC BEVERAGES

The sale or use of alcoholic beverages shall not be prohibited in areas where the establishment and operation of any retail business, hotel or restaurant is permitted.

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 or lane, for the purposes of applying lot area requirements of this Resolution, one-half ( $\frac{1}{2}$ ) 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.

#### **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 on the first Tuesday of the month or at the call of its Chairman or the Vice Chairman acting in the capacity of the Chairman, or by the call of two 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 in conformance with Article XII of this Resolution. 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.
  
2.     The Zoning Commission shall act upon all amendment requests to the Mifflin Township Zoning Resolution to the Zoning Commission by the Township Clerk. 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.

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. 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 schedule of fees, charges and expenses and a collection procedure for zoning certificates, amendments, appeals, variances, 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 office of the Township 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 Zoning Board of Appeals finds it necessary to maintain the record of public hearing procedures or when the Township Zoning Commission or the Zoning Board of Appeals will deem it necessary to cause special studies to be made, the applicant shall bear all direct and related costs.

## 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.

#### 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

1. The Board of Zoning Appeals shall hear and determine all appeals from the refusal of the Zoning Inspector because of anything contained in this Resolution to issue a zoning certificate.
2. The Board of Zoning Appeals shall hear and determine all appeals from any decision or action of the Zoning Inspector in the administration or enforcement of this Resolution.

3. The Board of Zoning Appeals shall have the authority to grant conditional zoning certificates for the use of land, buildings, or other structures as special exceptions to this Resolution, and as specifically provided for elsewhere in this Resolution.
4. The Board of Zoning Appeals may, in individual cases, after public notice and notice to such persons as it deems immediately affected, and after hearing in accordance with such notices, and subject to such conditions and safeguards as it may establish, permit exceptions to and variations from the district regulations established by this Resolution as follows:
  - a. Permit the extension of building or use into a more restricted district immediately adjacent thereto, but not more than twenty-five (25) feet beyond the boundary line of the district in which such building or use is authorized.
  - b. Permit such modification of the yard or lot area or width regulation as may be necessary to secure the appropriate improvement of a parcel of land that is too small to be appropriately improved without such modification, which parcel was separately owned at the time of passage of this Resolution, or is adjacent to buildings that do not conform to the general restrictions applicable to their location.
  - c. Permit such modification of the requirements of this Resolution as said Board may deem necessary to secure an appropriate development of a lot where adjacent to such lot there are buildings that do not conform to the provisions and regulations of this Resolution.

#### 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 with all documents pertaining thereto. 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 (5) 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 any person, firm or corporation owning property bounding or abutting the parcel in question.

#### 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 Mifflin 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 fifteen (15) 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 prescribe and amend by resolution, a reasonable schedule of fees to be charged to applicants for appeals to the Board of Zoning Appeals. At the time the notice of appeal is filed, the said fee shall be paid to the Clerk of Mifflin Township.

The schedule of fees shall be posted in the Township Hall and office of the Township Zoning Inspector, and may be altered or amended only by the Township Trustees.

## ARTICLE XII

### AMENDMENTS

The Trustees of Mifflin Township may, from time to time, amend by resolution the number, shape, or area of districts established on the Zoning Districts Map or the Regulations set forth in this Resolution; but no such amendment shall become effective unless the Resolution proposing same shall first be submitted in writing by the Township Clerk to the Township Zoning Commission for approval, disapproval, or recommended modifications, and public hearing. Notice of said public hearing shall be given by at least two (2) notices in a newspaper of general circulation within the Township. The first notice shall be given at least fifteen (15) days prior to the public hearing. Every such amendment not approved by the Zoning Commission shall not be passed by the Township Trustees except by a unanimous vote. The Township Trustees shall hold a public hearing before the adoption of the proposed amendment. At least fifteen (15) days notice of such amendment, and of the time and place of the hearing thereon shall be given, and including a statement of opportunity will be afforded to any persons interested to be heard. Any person or persons desiring an amendment of the Zoning Map shall accompany the petition for such amendment, or the resolution introduced for this purpose, with a statement giving the names and addresses of the owners of all properties abounding or abutting any part of the property, the zoning of which would be changed by the proposed amendment if enacted.

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.

Any application for an amendment to this Zoning Resolution shall include a fee as established by the Township Trustees.

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 Mifflin 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 thirty (30) 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 County Prosecutor who shall initiate prosecution procedures.

**SECTION 1500.3   PENALTIES**

The owner or owners of any building or premises or part thereof, where anything in violation of this Resolution shall be placed or shall exist, any tenant or occupant of such building or premises, and any architect, builder or contractor who shall assist in the commission of any such violation, and any persons who shall violate any of the provisions of this Resolution or fail to comply therewith shall, for each violation or non-compliance, be deemed guilty of a misdemeanor and upon conviction be assessed the fine of not less than twenty-five (\$25.00) dollars, nor more than one hundred (\$100.00) dollars. Each day such violation or failure to comply shall exist, it shall constitute a separate 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 from and after the earliest period allowed by law.

Adopted by the Mifflin Township  
(Richland County) Trustees

Date: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Trustees

Attest by Township Clerk:

\_\_\_\_\_

Clerk

## APPENDIX

## **OUTDOOR ADVERTISING**

Outdoor advertising shall be classified as a business use and shall be permitted in all Business or Industrial Districts, and on all lands used for agricultural purposes, subject to the regulations listed below:

1. A sign which does not exceed three (3) square feet in area (one side) shall be exempt from these Regulations and shall be permitted in any district when the use of such sign is in direct relation to the use of the premises.
2. Any outdoor advertising sign or billboard, except those exempted by Paragraph 1, shall be deemed a structure and shall require a zoning certificate before being erected, constructed, or relocated or replaced.
3. No outdoor advertising sign, except those exempted by Paragraph 1, shall be placed nearer to any street or road than the minimum building setback line.
4. No outdoor advertising sign shall be located within one hundred fifty (150) feet of any intersection unless affixed to a building and such sign shall not project beyond or above such building by more than three (3) feet.
5. Any illuminated sign shall be so lighted or shaded so as not to interfere with the safe movement of traffic on an adjacent street or highway or to be an annoyance or nuisance or adjacent properties.

**MIFFLIN 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)



Sketch or Attach  
Plot Plan



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 Mifflin 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 \_\_\_\_\_

**MIFFLIN TOWNSHIP, RICHLAND COUNTY, OHIO**

APPLICATION FOR CONDITIONAL ZONING CERTIFICATE

Fee \$ \_\_\_\_\_

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: \_\_\_\_\_

**MIFFLIN 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 and Two Family Residence

Multiple Family Residence

Business District

Industrial District

MH Mobile Home Park District

b. Existing Land Use (Nonconforming with Zoning Resolution)

One and Two Family Residence

Multiple Family Residence

Business District

Industrial District

MH Mobile Home Park District

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 Mifflin Township, Richland County, Ohio, I vouch that amendments thereto, existed on \_\_\_\_\_ (date inspected)

\_\_\_\_\_  
Zoning Inspector

**MIFFLIN TOWNSHIP, RICHLAND COUNTY, OHIO**

APPLICATION FOR ZONING AMENDMENT

Application No. \_\_\_\_\_

Fee \$ \_\_\_\_\_

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 \_\_\_\_\_

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.

Date \_\_\_\_\_ Applicant \_\_\_\_\_



FOR OFFICIAL USE ONLY

**MIFFLIN TOWNSHIP ZONING COMMISSION:**

Date Filed \_\_\_\_\_

Date of Notice in Newspaper \_\_\_\_\_

Date of Notice to Adjacent Property Owner(s) \_\_\_\_\_

**MIFFLIN TOWNSHIP, RICHLAND COUNTY, OHIO**

APPLICATION FOR VARIANCE

Application No. \_\_\_\_\_

Fee \$ \_\_\_\_\_

This application when properly approved shall constitute a Variance Permit in accordance with Zoning Regulations.

Name of Applicant \_\_\_\_\_

Complete Address \_\_\_\_\_

Phone Number \_\_\_\_\_ Business Phone \_\_\_\_\_ Fax \_\_\_\_\_

LOCATION OF LAND FOR WHICH VARIANCE SOUGHT:

SUB-DIVISION \_\_\_\_\_ SECTION \_\_\_\_\_ RANGE \_\_\_\_\_ BLOCK \_\_\_\_\_

EXISTING ZONING DISTRICT \_\_\_\_\_

NATURE OF VARIANCE REQUESTED \_\_\_\_\_

SECTION OF RESOLUTION INVOLVED \_\_\_\_\_

GROUND UPON WHICH VARIANCE SHOULD GRANTED \_\_\_\_\_

Required information to be submitted with (ALL MUST ACCOMPANY APPLICATION):

1. Map of land involved with all boundaries.
2. On the map ALL structures with dimensions and location on property dimensions.
3. Sketch of all additional structures and location on map.
4. List of ALL property owners within 200 feet of all boundary lines. (Property Owners Names, Complete Addresses)
5. Check or Cash in amount of \$ \_\_\_\_\_ to cover costs.

I hereby certify that all of the information contained herein is true and correct to the best of my knowledge and ability.

\_\_\_\_\_  
Signature of Applicant

Page 2 of Variance Application

OFFICE USE:

Received: \_\_\_\_\_ Letter to Prop Owners: \_\_\_\_\_ Sent to RCRCP:

Letter to Board: \_\_\_\_\_ Legal Notice: \_\_\_\_\_ Reminder Notices:

Amount Received: \$ \_\_\_\_\_ Receipt Number:

Date of Appeals Board Meeting:

Board of Appeals Decision:

Approved Variance:

Denied Variance:

Date: \_\_\_\_\_

Chairperson Board of Appeals

Zoning Inspector

Notes:

**MIFFLIN TOWNSHIP, RICHLAND COUNTY, OHIO**

PETITION FOR APPEAL

Application No.

1. The below signed hereby appeals from the refusal of the Mifflin 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 Mifflin 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 Mifflin Township.

Clerk

Petitioner's Name and Address

**MIFFLIN 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 Appeals

By: \_\_\_\_\_

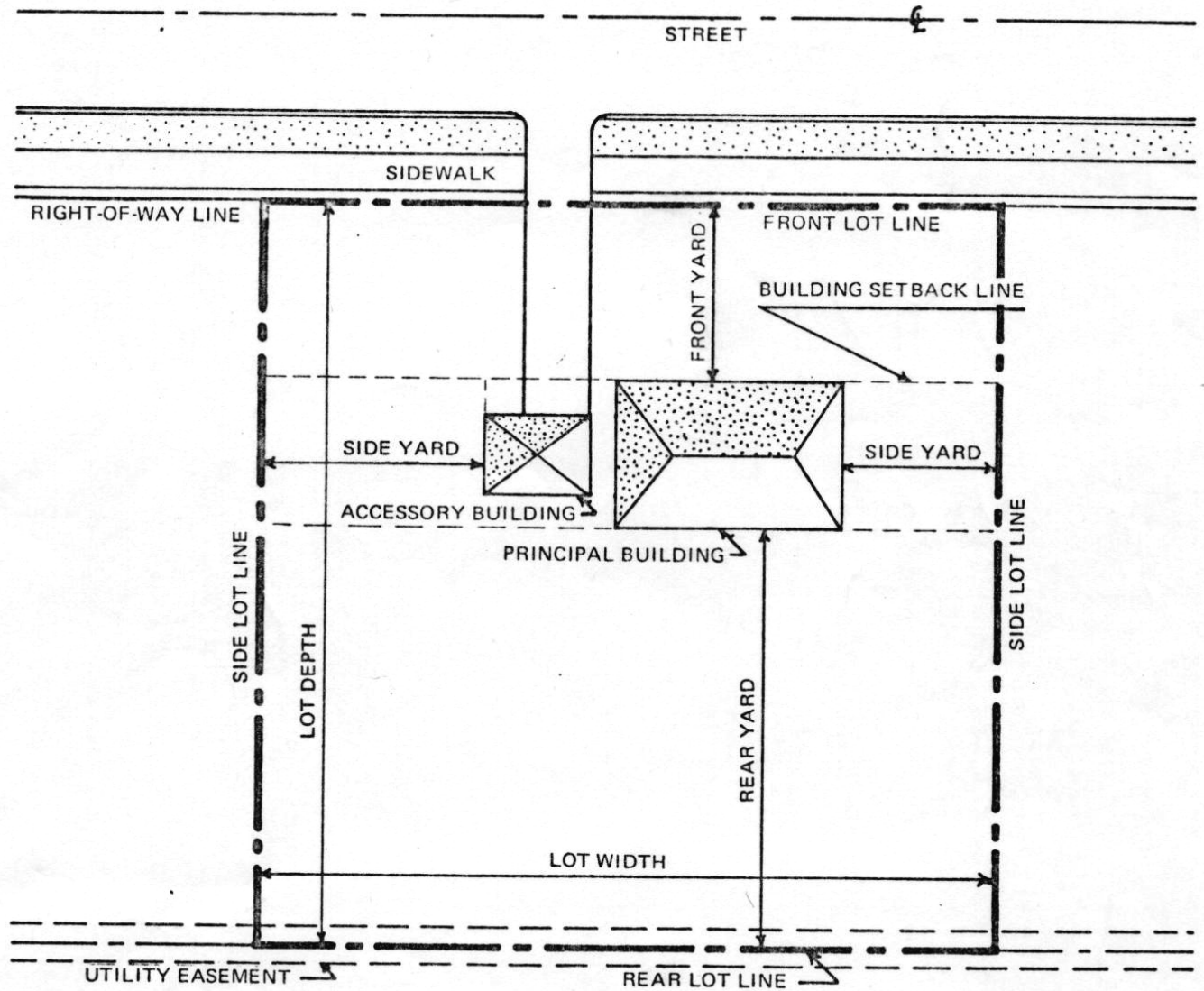
ILLUSTRATIONS

LOT TERMS

CLASSIFICATION OF THE THOROUGHFARE SYSTEM

MOBILE HOME PARK

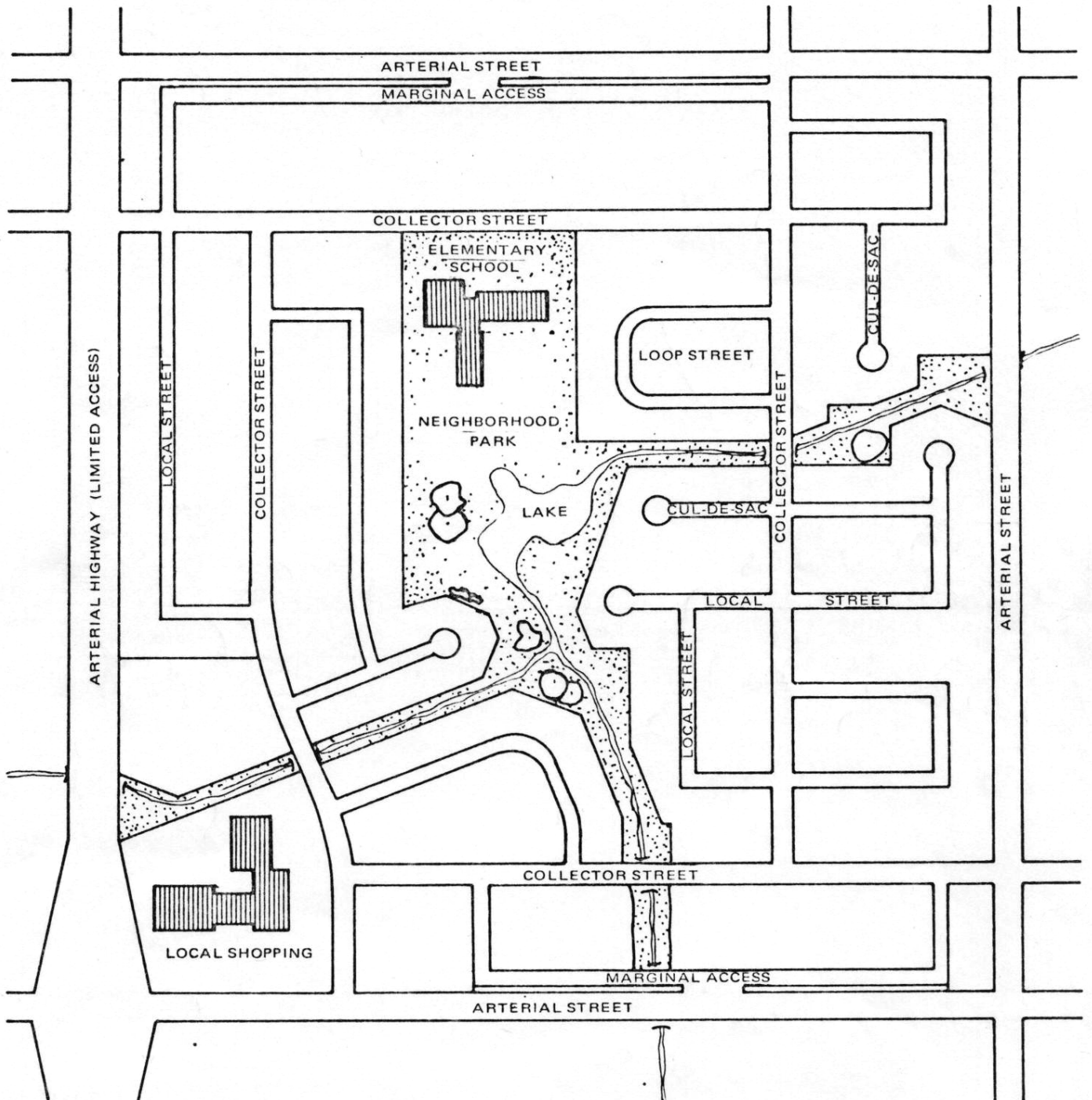
PLANNED UNIT DEVELOPMENT



LOT AREA= TOTAL HORIZONTAL AREA

LOT COVERAGE= PER CENT OF LOT OCCUPIED  
BY BUILDING

## LOT TERMS



## CLASSIFICATION OF THE THOROUGHFARE SYSTEM



**MOBILE HOME PARK**  
 . . . A Representative Design





# PLANNED UNIT DEVELOPMENT

.. A Representative Design