

WELLER TOWNSHIP

ZONING RESOLUTION

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ARTICLE 100

TITLE, AUTHORIZATION, PURPOSE

SECTION 101 TITLE

This Resolution shall be known and may be cited to as the "Zoning Resolution of Weller Township, Richland County, Ohio," except as referred to herein, where it shall be known as "this Resolution."

SECTION 102 AUTHORIZATION

A Resolution enacted under Chapter 519 of the Ohio Revised Code, governing the use of land within the unincorporated areas of Weller Township, Richland County, and in accordance with a comprehensive plan to regulate the location height, number of stories and size of buildings, and other structures, including tents, cabins and trailer coaches, percentage of land areas which may be occupied, setback lines, size of yards, courts and other open spaces, the density of population, the uses of buildings and other structures including tents, cabins and trailer coaches and the uses of land for trade, industry, residences, recreation or other purposes.

SECTION 103 PURPOSE

Weller Township serves primarily as a low-density residential and agricultural community in Richland County. Weller Township also serves as a major watershed protection area for the Charles Mill Reservoir. In contrast to these two (2) purposes, Weller Township is now and will in the future experience the demand for further residential, commercial and light industrial development. It is essential to the well-being of Weller Township that such development shall take place in an orderly and coordinated manner.

To effectively cope with the existing conditions and problems, and those that will arise in the future, it is necessary to employ regulatory measures that are geared to the situation of today and can be effectively used to guide future decisions.

For the above stated reasons and in the interests of public health, safety and general welfare, this Zoning Resolution was developed.

ARTICLE 200

CONSTRUCTION OF LANGUAGE AND DEFINITIONS OF WORDS AND TERMS

SECTION 201 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. Words and Terms not herein defined shall have the meaning customarily assigned to them by standard dictionaries.

SECTION 202 DEFINITIONS OF WORDS AND TERMS

1. **ACCESSORY BUILDING:** (see Accessory Structure)
2. **ACCESSORY STRUCTURE:** Is anything constructed or erected on or below the surface of the ground and is to serve a use which is secondary to the Principal Use being made of the lot. An Accessory Structure may be totally separate in location or may be connected to the Principal Building by a common wall, a breezeway, or other connecting means. Examples of an Accessory Structure are an attached garage, a detached garage, a storage building totally or partially enclosed, a carport, or a pet facility. Where a portion of a Principal Building extends over an Accessory Structure, each retains its individual identification. Mobile homes, trailers, or motor homes do not qualify as accessory structure.
3. **ACCESSORY USE:** A use which is incidental and subordinate to the principal use and carried out on the same lot.
4. **AGRICULTURE:** Is the use of land for farming purposes including dairying, pasturage, apiculture, floriculture, horticulture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing of produce.
5. **ALLEY:** Is a public right-of-way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.
6. **ALTERATION:** Any change, addition, 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.
7. **BASEMENT:** Is that portion of a building which is entirely or partially below ground level. The bottom portion of a building will be considered a basement if its floor is more than two (2) feet below grade.
8. **BOARDING HOUSE:** Is a dwelling in which meals and/or lodging are provided for compensation to two (2) or more people.
9. **BUILDING:** (see Principal Building or Accessory Structure)
10. **BUILDING, MODULARLY CONSTRUCTED:** A building constructed in modules, off site, and when approved by the Ohio Department of Industrial Relations, Board of Building Standards, then carries the designation INDUSTRIALIZED UNIT. Note this type of building, as described, is not within the Manufactured Home category.
11. **BUILDING, STICK BUILT:** A building constructed in place, on site from basic materials.
12. **CARPORT:** Is an Accessory Structure which provides roofed space and is otherwise partially enclosed.
13. **CENTRALIZED SEWER SYSTEM:** Is a collection and treatment facility which serves a number of individual lots and may be publicly or privately owned.
14. **CENTRALIZED WATER SYSTEM:** Is a collection, treatment, and distribution system which serves a number of individual lots and may be publicly or privately owned.
15. **CLUB:** Is an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like.

16. CLINIC: Is an establishment where human patients who are not lodged overnight are admitted for examination or treatment by a group of physicians, dentists or similar professions.
17. COLLECTOR'S VEHICLE: Any motor vehicle or agricultural tractor or traction engine of special interest, whether operable or not that is owned, operated, collected, preserved, restored, maintained and used essentially as a collectors item, leisure pursuit, or investment, but not as the owner's principal means of transportation.
18. CONDITIONAL USE: A use in this category amongst those sanctioned by this Resolution by district and requiring the approval of the Board of Zoning Appeals.
19. CONVALESCENT OR NURSING HOME: Is a Principal Building with sleeping rooms where persons are housed and are furnished with meals, nursing and medical care.
20. DENSITY: Is the number of dwelling units developed on a specified area of land.
21. DEVELOPMENT: Is the construction or relocation of a Principal Building or Accessory Structure on a lot, or the change in use of a lot.
22. DISTRICT: Is a portion of the unincorporated area of Weller Township defined by the zoning map within which certain regulations and requirements apply under the provisions of this Resolution.
23. 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.
24. DWELLING: Is a Principal Building which is wholly or partly used or intended to be used as living quarters for one or more human occupants.
25. DWELLING UNIT: Is the whole or portion of a dwelling having all of the amenities to provide living quarters for a single family.
26. DWELLING, ONE FAMILY: Is the Principal Building on a lot designed to house a single dwelling unit.
27. DWELLING, TWO FAMILY: Is a Principal Building on a lot designed to house two dwelling units that are attached side-by-side or one over the other and which have separate or coordinated entrances.
28. ERECTED: Built, constructed, altered, moved upon, reconstructed, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like shall be considered a part of erection.
29. ESSENTIAL PUBLIC SERVICES: Are those provided by common facilities to serve some portion of a population with such necessities as water, sewerage disposal, electricity, telephone, etc. The term implies the inclusion in each facility of all the housing and accessories necessary to provide its service. Such facilities may be publicly or privately owned. Telecommunication Towers proposed to be located in an area zoned for residential uses, schools and garbage/industrial waste disposal or treatment facilities are not included within this definition.
30. EXCAVATION: Any breaking of ground, except common household gardening and ground care.
31. FAMILY: One or more persons living together as a single housekeeping unit, sharing living, cooking and sleeping facilities as distinguishing from a group occupying a boarding house, lodging house, club, fraternity, hotel, motel or nursing home.

32. FENCE: An artificially constructed barrier of any material or combination of materials, erected for the purpose of enclosing or screening areas of land.
33. FENCE, DECORATIVE: An artificially constructed barrier of any material or combination of materials, erected for aesthetic purposes only.
34. FLOOR AREA, USABLE: Is the sum of the horizontal areas of all floors of the building, measured from the exterior walls but minus the portions of area that are devoted to stairs, hallways, utilities or sanitary facilities, storage or merchandise processing.
35. GARAGE: An Accessory Structure enclosed on all sides and designed or used for the storage of motor driven vehicles, boats and similar vehicles.
36. GARAGE, SERVICE REPAIR: A business where the following services are carried out: general repair, engine rebuilding, sale of engine fuels, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame or fender straightening and repair; overall painting and undercoating of automobiles.
37. GASOLINE SERVICE STATION: Is a business for the supply of gasoline, oil, or other fuel for the propulsion of motor vehicles. For the purpose of this Resolution, it will include facilities for greasing, polishing, washing, or doing minor servicing on such motor vehicles.
38. GRADE: Is the ground elevation adjacent to a building or structure used as reference to measure height. When the ground is not level, this is the average elevation taken around the four sides.
39. GREENBELT: An open landscaped area free of buildings and structures and maintained with permanent plant materials to provide a screen to abutting properties.
40. HEIGHT, MAXIMUM: The distance from GRADE to the highest point of the object involved.
41. HOME OCCUPATION: Is an activity, occupation, profession, service, craft or revenue enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the Dwelling Unit, or in an Accessory Structure.
42. INDUSTRIALIZED UNIT: A modularly constructed building, manufactured off-site but carrying the verified approval of the Ohio State Department of Industrial Relations, Board of Building Standards.
43. JUNK: Scrap metals, wood of all types except firewood, bones, rags, used cans or bottles or paper packaging, old or used machinery, tools, equipment, appliances, motor vehicles or parts thereof, used construction materials and any other manufactured goods which are so worn, deteriorated or obsolete so as to make them unusable in their present condition, but which may be subject to salvage or remanufacture. The definition of junk motor vehicle as defined elsewhere in this section shall apply herein.
44. JUNK MOTOR VEHICLE: Any motor vehicle which is in wrecked, dismantled or worn-out condition and unfit for operation as a motor vehicle, except a collectors vehicle as defined elsewhere in this Section.
45. JUNK YARD: A parcel of land where junk is bought, sold, exchanged, baled, packed, disassembled, stored or handled.
46. LOADING SPACE: Is an off-street space inside 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 and goods.

47. LOT: Is a parcel of land of sufficient size to at least meet minimum zoning requirements and may consist of:
 - a. A single lot of record;
 - b. A portion of a lot record;
 - c. A combination of complete lots of record, of complete lots of record and portions of lots of records, or of portions of lots of record.
48. LOT AREA: The total ground area within the lot lines of the lot.
49. LOT, CORNER: Is a lot at the point of intersection of and abutting on two or more intersecting streets, the angle of intersection not being more than one hundred and thirty five (135) degrees.
50. LOT DEPTH: Is the horizontal distance between the adjacent street right-of-way line and rear lot line measured along the median between the side lot lines. Where the right-of-way width is not established, it shall be assumed to be sixty (60) feet.
51. LOT, INTERIOR: Is a lot other than a corner lot.
52. 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, is that line which defines the outer limit of the street right away on the same side of the street as the lot. (See right-of-way).
 - b. SIDE LOT LINE: Is any lot line other than the front or rear lot line.
 - c. REAR LOT LINE: Is that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than thirty (30) feet long lying farthest from the front lot line and wholly within the lot.
53. LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the Richland County Recorder, or a lot described by metes and bounds, the description of which has been recorded in the office of the Richland County Recorder.
54. LOT WIDTH: Is the horizontal distance between the side lot lines, measured between the two points where the side lot lines intersect the front lot line.
55. MANUFACTURED HOME: Is a structure that is fabricated in an off-site facility and constructed in compliance 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," 88 Stat. 700.422 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.
56. MASTER PLAN: Is the Comprehensive Plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and private land use development of the Township of Weller, including any part of such plan or changes thereto.
57. MOBILE HOME: Is the structure that is fabricated in an off-site facility that is more than thirty-five body feet in length or, when erected on site, is three hundred twenty or more square feet, that is built on a permanent chassis and transportable in one or more sections, and that does not qualify as a manufactured home as defined in Section 202, #55.

58. MOTEL: A building kept, used and maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered for pay to transient guests.
59. NONCONFORMING PRINCIPAL BUILDING OR ACCESSORY STRUCTURE: Is a Principal Building or Accessory Structure lawfully existing prior to the time this Resolution, or amendments thereto went into effect but does not meet the requirements of this Resolution or its subsequent amendments.
60. NONCONFORMING USE: Is a use lawfully pursued prior to the time this Resolution or amendments thereto went into effect but does not meet the requirements of this Resolution or its subsequent amendments.
61. NONCONFORMING LOT: Is a lot that was lawfully existing prior to the time this Resolution, or amendments thereto went into effect but does not meet the requirements of this Resolution or its subsequent amendments.
62. NURSERY: Is a space, building or structure, or combination thereof, for the growing and 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.
63. NURSERY, DAY: Is a building, structure, place, or location, or any combination thereof, and other physical property therewith included, that is used for the purpose of housing and caring for children.
64. OFF-STREET PARKING LOT: Is a facility providing vehicular parking spaces along with adequate drives and aisles, off the street and outside the right-of-way line, for maneuvering and providing entrances and exits so as to provide parking for more than two (2) vehicles.
65. OPEN SPACE: Is a volume which projects vertically from an area on the ground and is not occupied by any building or structure.
66. OPEN STORE FRONT: A business establishment so developed that service to the patron may be extended beyond the walls of the building or structure.
67. 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.
68. PERMITTED USE: A use of property in this category amongst those allowed within a given district by this Resolution.
69. PRINCIPAL BUILDING: Is the building accommodating the principal use being made of the lot but does not include any portion attached by a common wall, a breeze way, or other connecting means, which serves an accessory use. Mobile homes, trailers, or motor homes do not qualify as a Principal Building.
70. PRINCIPAL USE: The primary use made of a lot and its facilities as distinguished from an accessory use.
71. PUBLIC UTILITY: (See Essential Public Services.)
72. RECREATIONAL VEHICLE: A mobile, self-propelled or non-self-propelled, self-contained vehicle designed or intended to be used as temporary sleeping or living quarters, Recreational vehicles include travel trailers, tent campers, truck campers and motor homes.

73. **RIGHT-OF-WAY:** An area or strip of land, either public or private, on which an irrevocable right of passage has been recorded for the use of pedestrians or vehicles or both. In addition to a roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges. Where the right-of-way limits cannot be established, or the relationship of the roadway to the right-of-way cannot be determined, the right-of-way shall be assumed to be sixty (60') feet wide measured thirty (30') feet either side of the centerline of the roadway.
74. **SETBACK:** A distance between the nearest point of a building, structure, or object and an adjacent lot line as measured along the horizontal.
75. **SIDE LOT LINE:** Is any lot line other than the front or rear lot line.
76. **SIGN:** Any display constructed of any possible material intended to draw public attention through a written or pictorial message or some physical characteristic (pin wheels, pennants, bunting, etc).
77. **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.
78. **STREET OR ROAD, PUBLIC:** Is a right-of-way which affords the principal means of vehicular access to abutting property and which has been properly dedicated, improved and accepted for the public use.
79. **STREET OR ROAD, PRIVATE:** Is an approved right-of-way owned and maintained by the abutting property owners, or by an association of property owners, excluding off-street parking areas, driveways, and driveways to off-street parking areas.
80. **STRUCTURE:** (See Accessory Structure.)
81. **SWIMMING POOL (RECESSED OR ELEVATED):** An artificial body of water with a controlled water supply.
82. **TELECOMMUNICATIONS TOWER:** (paraphrased from O.R.C. 519.211)

Is any free-standing or any structure to be attached to a building or other structure that meets all the following criteria:

1. The free standing or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.
 2. The free standing or attached structure is proposed to be located in an area of the township zoned for residential use.
 3. The free standing structure is proposed to top at a height that is greater than 50 feet.
 4. The attached structure is proposed to top at a height that is greater than the height of the building or other structure to which it is to be attached.
 5. The free standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.
83. **TEMPORARY FACILITY:** A Manufactured Home or Recreational Vehicle serving its use for only

a specified period of time.

84. THOROUGHFARE, ARTERIAL: Is a street or road which moves or is intended to move traffic from one part of the Township to another part or beyond the Township. For the purpose of this Resolution, "Arterial Thoroughfares" are designated on the Thoroughfare Plan for Weller Township.
85. THOROUGHFARE, COLLECTOR: Is a street or road which moves or is intended to move traffic from local thoroughfares to arterial thoroughfares. For the purpose of this Resolution "Collector, Thoroughfares" are designated on the Thoroughfare Plan for Weller Township.
86. THOROUGHFARE, LOCAL: A street or road which provides access to abutting property. For the purpose of this Resolution, "Local Thoroughfares" are designated on the Thoroughfare Plan for Weller Township.
87. THOROUGHFARE PLAN: A plan adopted by Weller Township as part of this Resolution indicating the location of arterial, collector, and local thoroughfares within Weller Township. See Appendix.
88. TRAVEL TRAILER: (See "Recreational Vehicle".)
89. VARIANCE: An allowed deviation from a particular requirement(s) of this Resolution by the Zoning Appeals Board to alleviate hardship resulting from natural conditions on a particular lot.
90. YARDS: The ground areas on a lot surrounding the Principal Building and further defined as follows:
 - a. FRONT YARD: Is a ground area extending the full width of the lot, the depth of which is the horizontal distance between the street right-of-way line and the nearest point of the principal building.
 - b. SIDE YARD: Is a ground area between the side lot line and the principal building, extending from the rear of the front yard to the front of the rear yard, the width of which is the horizontal distance between the side lot line and nearest point of the principal building.
 - c. REAR YARD: Is a ground area extending the full width of the lot, the depth of which is the horizontal distance between the rear lot line and the nearest point of the principal building.
91. ZONING CERTIFICATE - CONDITIONAL USE: A Document on which application is made and then approval granted or denied by the Board of Zoning Appeals and the Zoning Inspector to implement or change on the lot involved, a particular Conditional Use amongst those sanctioned by this Resolution.
92. ZONING CERTIFICATE - NONCONFORMANCE: A document on which application is made and then recognition is granted or denied by the Zoning Inspector that stated conditions on the lot involved are legal although not meeting all requirements of this Resolution and/or its amendments. Legality results from the stated conditions having legally existed prior to the enactment of this Resolution and/or its revisions and amendments.
93. ZONING CERTIFICATE - PERMITTED USE: A document on which application is made and then approval granted or denied by the Zoning Inspector to implement or change on the lot involved, a particular Permitted Use amongst those sanctioned by this Resolution.

94. ZONING CERTIFICATE - TEMPORARY FACILITIES: A document on which application can be made and approval granted or denied by the Zoning Inspector for a temporary facility on the particular lot.

1. ZONING CERTIFICATE - VARIANCE: A document on which application can be made and approval granted or denied by the Board of Zoning Appeals and Zoning Inspector for a Variance from a particular requirement(s) in a Permitted or Conditional Use to alleviate hardship resulting from natural conditions on the particular lot.

ARTICLE 300

ESTABLISHMENT OF ZONING DISTRICTS AND MAP

SECTION 301 ESTABLISHMENT OF DISTRICTS

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

- RR Rural Residential
- R-1 Residential
- B-1 Neighborhood Business
- I-1 Light Industrial

SECTION 302 OFFICIAL ZONING DISTRICT MAPS

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

The Zoning Districts Map shall be certified 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 Weller, 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 Weller.

SECTION 303 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 304 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 305 DISTRICT REQUIREMENTS

All Principal Buildings, Accessory Structures, and uses in any district shall be subject to this Resolution.

ARTICLE 400

STANDARD DISTRICT REGULATIONS

SECTION 401 GENERAL STATEMENTS

SECTION 401.1 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 300, and as shown on the Zoning Districts Map, are hereby established and adopted.

SECTION 401.2 Permitted Uses

Only a use designated as a PERMITTED USE by this Resolution 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 401.3 Conditional Uses

A use designated as a CONDITIONAL USE by this Resolution 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 grant Conditional ZONING PERMITS when it finds, based upon the evidence presented to it, that each condition contained in the Resolution as to the proposed use as well as the provisions of ARTICLE 800 of this Resolution has been met..

SECTION 401.4 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 402 RURAL RESIDENTIAL DISTRICT

SECTION 402.1 Purpose

This district is established to control the nature of low density residential growth in this area mainly agricultural in times past. In shaping the growing residential element it is also the intention to minimize its impact on continuing agricultural operations.

SECTION 402.2 Permitted Uses

The following uses shall be permitted, subject to:

- a. Regulations imposed.
 - b. The review and approval of the Zoning Inspector and the issuance of an approved Use Zoning Certificate.
 - c. Provisions of Article 800 of this Resolution.
1. A Single One Family Dwelling.
 2. A Single Two Family Dwelling.
 3. A Home occupation subject to the following:
 - a. The home occupation shall be carried on entirely within the dwelling and not in an accessory structure.
 - b. The external appearance of the dwelling in which the use is conducted shall not be altered.
 - c. A single sign as regulated in Section 807.
 - d. No external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted.
 - e. There shall be no outside storage of any kind related to the use, and only commodities produced on the premises may be sold on the premises; no display of products shall be visible from the street.
 - f. Not more than thirty (30) percent of the gross floor area of the dwelling shall be devoted to the use.
 - g. No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.
 - h. No additional parking demand shall be created.
 - i. Only residents of the premises shall participate in the home occupation as an employee or volunteer.
 4. Accessory Uses as regulated by Section 406 of this Resolution.
 5. Temporary Facilities as regulated in Section 805 of this Resolution.

6. Principal Building as regulated by Section 402.4 of this Resolution.
7. Accessory Structures as regulated in Section 402.4 of this Resolution.
8. Automobile parking spaces as regulated in Section 802 of this Resolution.

SECTION 402.3 Conditional Uses

The following uses shall be permitted, subject to:

- a. Conditions imposed.
 - b. The review and approval of the Board of Zoning Appeals and the issuance of an approved Conditional Use Zoning Certificate.
 - c. Provisions of Article 800 of this Resolution.
 - d. Principal Buildings and Accessory Structures as involved and their location on the lot shall in accordance with Section 402.4 except as may be modified within the statements of conditional regulations which follow.
1. 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.
 2. Recreational facilities for public use, other than those governmentally owned, for archery, boating, fishing, golfing, swimming and hunting, including public and private country clubs, riding stables, gun clubs and similar uses consistent with the rural character of the area subject to the following conditions:
 - a. The proposed site for any of the uses stated above shall have at least one (1) property line abutting 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 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 Section 802.
 - f. All points of ingress and egress shall be located no closer than one hundred and fifty (150) feet from an intersection, measured from the street right-of-way lines at the intersection.
 3. Cemeteries subject to statutory limitations and further subject to the following conditions:
 - a. All structures and activity areas shall be located at least one hundred (100) feet from all property lines.

- b. Points of ingress and egress should be located no closer than one hundred and fifty (150) feet from an intersection, measured from the street right-of-way lines.
 - c. Points of ingress and egress shall be available only from abutting arterial or collector thoroughfares and shall not be available from any local thoroughfare.
4. Churches and other buildings for the purpose of religious worship, subject to the following conditions:
- a. Principal Buildings and Accessory Structures of greater height than the maximum allowed in Section 402.4 may be allowed provided front, rear and side setbacks are increased above the minimum allowed setbacks by one (1) foot for each one (1) foot the building exceeds the maximum height allowed.
 - b. Wherever the off-street parking area is adjacent to land developed for one (1) family and (2) two family residential purposes, a continuous and obscuring 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 Section 805.
 - c. The proposed site shall have at least one (1) property line abutting an arterial thoroughfare as designated on the Thoroughfare Plan. Access to and from the site shall be provided by an arterial thoroughfare or a service access road.
 - d. All points of ingress and egress shall be located no closer than one hundred and fifty (150) feet from an intersection, measured from the street right-of-way lines at the intersection.
5. Gas and oil wells subject to the following conditions:
- a. All permitted installations shall be maintained in a neat orderly condition so as to prevent injury to any single property, individual or part of the community as a whole.
6. Public schools and related parks and recreational facilities, subject to the following conditions:
- a. Principal Buildings and Accessory Structures of greater height than the maximum allowed in Section 402.4 may be allowed provided front, rear and side setbacks are increased above the minimum required setbacks 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) 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 Section 805 of this Resolution.
 - c. Whenever the proposed school is to be an intermediate or secondary school, the proposed site shall have at least one (1) property line abutting an arterial thoroughfare as designated on the Thoroughfare Plan. Access to and from the site shall be provided by an arterial thoroughfare or a service access road.
 - d. All points of ingress and egress shall be located no closer than one hundred and fifty (150) feet from an intersection, measured from the street right-of-way lines at the intersection.

7. Parochial and other private elementary and intermediate schools offering courses in general education, subject to the following conditions:
 - a. Principal Buildings and Accessory Structures of greater height than the maximum allowed in Section 402.4 may be allowed provided front, rear and side yards are increased above the minimum setbacks 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 to land developed for one and 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 Section 805 of this Resolution.
 - c. Whenever the proposed school is to be an intermediate or secondary school, the proposed site shall have at least one (1) property line abutting an arterial thoroughfare as designated on the Thoroughfare Plan. Access to and from the site shall be provided by an arterial thoroughfare or a service access road.
 - d. All points of ingress and egress shall be located no closer than one hundred and fifty (150) feet from an intersection, measured from the street right-of-way lines at the intersection.
8. Gravel extraction and open pit mining subject to the following conditions:
 - a. The site shall be completely enclosed by a continuous and obscuring fence at least six (6) feet in height.
 - b. All areas shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural. All slopes and banks shall be reasonably graded and treated to prevent erosion of any other potential deterioration. No rehabilitated slope shall exceed an angle with a horizontal of thirty (30) degrees.
 - c. Established routes for truck movements into and out of the development shall be indicated in such a way that it will minimize the wear on public streets.
 - d. Top soil may be stripped from the construction and excavation areas, piled separately but not removed from the site or used as spoil. As many trees as can be reasonably utilized in the final development plan should be retained, and the grading should be adjusted to the grade at the existing line of trees.
9. Home Occupations with expanded allowances subject to the following conditions:
 - a. The Principal Building (dwelling) may be involved in the home occupation, but not more than 30% of its total floor area shall be devoted to the occupation and the external appearance of the dwelling shall not be altered.
 - b. The home occupation may be conducted in an Accessory Structure but must be totally enclosed within it as the application must demonstrate. The total floor area of all Accessory Structures used for home occupation shall not exceed 800 square foot.
 - c. Only residents on the lot shall be engaged in the home occupation.

- d. Sales of commodities not produced on the premises may be permitted, provided that the commodities are specified in the permit application and are reasonably related to the home occupation.
 - e. A single sign is permitted as regulated in Section 806.
 - f. No equipment, process, materials or chemicals shall be used which create offensive noise, vibrations, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.
 - g. Tractor-trailer trucks shall not be used to move materials and products associated with the home occupation in and out of the site.
 - h. No more than two (2) additional parking places shall be permitted in conjunction with the home occupation, and shall not be located within the minimum front setback. Additional parking facilities shall be fully described in the permit application.
10. Telecommunication Towers
- a. Such particular elements of essential public services are controllable under township zoning per Ohio Revised Code O.R.C. 519.211. See Section 902 of this Resolution for statements on CONDITIONAL USE requirements.

SECTION 402.4 Principal Building, Accessory Structure, And Lot Requirements

1. Lot Occupancy (permitted use) - maximum density of a single dwelling unit per acre.
2. Lot Dimensions - minimum area 43560 sq. ft. (1 acre) (single dwelling unit.)
 minimum area 87120 sq. ft. (2 acres) (two dwelling units.)
 minimum width 200 foot.

3. Building & Structure Dimensions -

	MAXIMUM HEIGHT	FLOOR AREA	MINIMUM SETBACK (8)		
			FRONT	SIDE	REAR
PRINCIPAL BUILDING	30 ft.	1000 sq. ft. Minimum (1) (7)	40 ft.	20 ft. (4)	40 ft.
ACCESSORY STRUCTURES	(5)	(2)	(6)	(3) (4)	(3) (4)

- (1) The sum of the horizontal areas of each story of the building measured from the interior faces of the outside walls. Floor areas of the basement, unfinished attic, and closed and unenclosed porches shall be excluded.
- (2) Total ground floor area of all Accessory Structures shall not exceed 600 sq. ft. plus 2.3% of the lot area in sq. ft., or 4600 sq. ft., whichever is less.
- (3) Shall be at least as much as the lesser of the building's width + length divided by 3, or 30 ft.
- (4) On a corner lot or when the rear lot line abuts another street, the minimum setback from either street shall be the same as specified for the front.
- (5) 25 feet, except if the Accessory Structure is closer than 50 feet to the Principal Building at the nearest proximity, the height of the Accessory Structure shall not exceed that of the Principal Building.
- (6) Shall be the actual setback of the Principal Building or 200 feet whichever is less.
- (7) For a two family dwelling, the minimum allowed applies to each dwelling unit.
- (8) See over.

- (8) Setback is the minimum distance measured on the horizontal between the nearest point of the building or structure and the front, rear or side lot line being considered. When a lot line runs along a road (street), the setback is measured from the adjacent right-of-way line of that road as established by deed. When the description of the right-of-way limits for the particular location cannot be found, they shall be assumed as 30 feet on either side of the surveyed centerline of the road.

SECTION 403 R-1 RESIDENTIAL DISTRICT

SECTION 403.1 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 adjacent to the Mansfield Urban Area; land in and adjacent to the unincorporated communities in the Township such as Olivesburg, Pavonia and Epworth; lands where the established use, character and density of development would best be 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 403.2 Permitted Uses

The following uses shall be permitted, subject to:

- a. Regulations imposed.
 - b. The review and approval of the Zoning Inspector and the issuance of an approved Zoning Certificate.
 - c. Provisions of Article 800 of this Resolution.
1. A Single One Family Dwelling.
 2. A Single Two Family Dwelling.
 3. Accessory Uses as regulated by Section 406 of this Resolution.
 4. Temporary Facilities regulated in Section 805 of this Resolution.
 5. Principal Building as regulated by Section 403.4 of this Resolution.
 6. Accessory Structures as regulated in Section 403.4 of this Resolution.
 7. Automobile parking spaces as regulated in Section 802 of this Resolution.

SECTION 403.3 Conditional Uses

The following uses shall be permitted, subject to:

- a. Conditions imposed.
- b. The review and approval of the Zoning Board of Appeals and the issuance of an approved Conditional Use Zoning Certificate.
- c. Provisions of Section 800 of this Resolution.
- d. Principal Buildings and Accessory Structures as involved and their location on the lot shall in accordance with Section 403.4 except as may be modified within the statements of conditional regulations which follow:
 1. Public schools, parks and recreational facilities, subject to the following conditions:

- a. Buildings of greater height than the maximum stated in Section 403.4 may be allowed provided front, rear and side setbacks are increased above the minimum required setback by one (1) foot for each one (1) foot the building exceeds the maximum height allowed.
 - b. Wherever the off-street parking area is adjacent to land developed for one family and two family residential purposes, a continuous and obscuring 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 Section 805 of this Resolution.
 - c. Whenever the proposed school is to be an intermediate or secondary school, the proposed site shall have at least one (1) property line abutting an arterial thoroughfare as designated on the Thoroughfare 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 or intermediate schools offering courses in general education, subject to the following conditions:
- a. Principal Buildings or Accessory Structures of greater eight than the maximum stated in Section 403.4 may be allowed provided front, rear and side setbacks are increased above the minimum required setback by one (1) foot for each one (1) foot the building exceeds the maximum height allowed.
 - b. Wherever the off-street parking area is adjacent to land developed for one family and two family residential purposes, a continuous and obscuring 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 Section 806 of this Resolution.
 - c. Whenever the proposed school is to be an intermediate or secondary school, the proposed site shall have at least one (1) property line abutting an arterial thoroughfare as designated on the Thoroughfare Plan. Access to and from the site shall be provided by an arterial thoroughfare or a service access road.
 - d. All points of ingress and egress shall be located no closer than one hundred and fifty (150) feet from an intersection, measured from the street right-of-way lines at the intersection.
3. Churches and other buildings for the purpose of religious worship, subject to the following conditions:
- a. Principal Buildings or Accessory Structures of greater height than the maximum stated in Section 403.4 may be allowed provided front, rear and side setbacks are increased above the minimum required setback by one (1) foot for each one (1) foot the building exceeds the maximum height allowed.
 - b. Wherever the off-street parking area is adjacent to land developed for one family and two family residential purposes, a continuous and obscuring 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 Section 806 of this Resolution.
 - c. The proposed site shall have at least one (1) property line abutting an arterial thoroughfare as designated on the Thoroughfare Plan. Access to and from the site shall

be provided by a major thoroughfare or a service access road.

- d. All points of ingress and egress shall be located no closer than one hundred and fifty (150) feet from an intersection, measured from the street right-of-way lines at the intersection.
4. Recreational facilities for public use, other than those governmentally owned, for archery, boating, fishing, golfing, swimming and hunting, including public and private country clubs, riding stables, gun clubs and similar uses consistent with the rural character of the area subject to the following conditions:
- a. The proposed site for any of the uses stated above shall have at least one (1) property line abutting 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 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 Section 802.
 - f. All points of ingress and egress shall be located no closer than one hundred and fifty (150) feet from an intersection, measured from the street right-of-way lines at the intersection.
5. A Home occupation subject to the following:
- a. The home occupation shall be carried on entirely within the dwelling and not in an accessory structure.
 - b. The external appearance of the dwelling in which the use is conducted shall not be altered.
 - c. A single sign as regulated in Section 807 shall be permitted.
 - d. No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted.
 - e. There shall be no outside storage of any kind related to the use, and only commodities produced on the premises may be sold on the premises; no display of products may be visible from the street.
 - f. Not more than thirty (30) percent of the total floor area of the dwelling shall be devoted to the use.
 - g. No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.

- h. No additional parking demand shall be created.
 - i. Only residents of the premises may participate in the home occupation as an employee or volunteer.
- 6. Telecommunications Towers
 - a. Such particular elements of essential public services are controllable under township zoning per Ohio Revised Code O.R.C. 519.211. See Section 902 of this Resolution for statements on CONDITIONAL USE requirements.

SECTION 403.4 Principal Building, Accessory Structure, And Lot Requirements

1. Lot Occupancy - maximum density of Single dwelling unit per 16500 sq. ft. of lot area. (6)
2. Lot Dimensions - minimum area 16500 sq. ft. (single dwelling unit.)
minimum area 33,000 sq. ft. (two dwelling units.)
minimum width 100 foot.
3. Building & Structure Dimensions -

	MAXIMUM HEIGHT	FLOOR AREA	MINIMUM SETBACK (9)		
			FRONT	SIDE	REAR
PRINCIPAL BUILDING	30 ft.	1000 sq. ft. Minimum (1) (8)	40 ft.	20 ft. (4)	40 ft.
ACCESSORY STRUCTURES	(5)	(2)	(7)	(3) (4)	(3) (4)

- (1) The sum of the horizontal areas of each story of the building measured from the interior faces of the outside walls. Floor areas of the basement, unfinished attic, and closed and unenclosed porches shall be excluded.
- (2) Total ground floor area of all Accessory Structures shall not exceed 600 sq. ft. plus 2.3% of the lot area in sq. ft., or 3600 sq. ft., whichever is less.
- (3) Shall be at least as much as the lesser of the building's width + length divided by 3, or 30 ft.
- (4) On a corner lot or when the rear lot line abuts another street, the minimum setback from either street shall be the same as specified for the front.
- (5) 25 feet, except if the Accessory Structure is closer than 50 feet to the Principal Building at the nearest proximity, the height of the Accessory Structure shall not exceed that of the Principal Building.
- (6) Where both/either centralized sewer and/or water systems are available. More strict standards may be imposed by the Richland County Health Department if centralized sewer and/or water are/is not available or if other factors dictate.
- (7) Shall be the actual setback of the Principal Building or 200 feet, whichever is less.
- (8) For a two family dwelling, the minimum allowed applies to each dwelling unit.
- (9) See over:

- (9) Setback is the minimum distance measured on the horizontal between the nearest point of the building or structure and the front, rear or side lot line being considered. When a lot line runs along a road (street), the setback is measured from the adjacent right-of-way line of that road as established by deed. When the description of the right-of-way limits for the particular location cannot be found, they shall be assumed as 30 feet on either side of the surveyed centerline of the road.

SECTION 404 B-1 NEIGHBORHOOD BUSINESS DISTRICT

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.

SECTION 404.2 Permitted Uses

The following uses shall be permitted, subject to:

- a. Regulations imposed.
 - b. The review and approval of the Zoning Inspector and the issuance of an approved Zoning Certificate.
 - c. Provisions of Article 800 of this Resolution.
1. Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods:
 - Hardware stores
 - Grocery stores
 - Meat and Fish markets
 - Candy, Nut and Confectionery stores
 - Dairy Products stores
 - Retail Bakeries
 - Drug and Proprietary stores
 - Liquor stores
 - Florists
 - Toy and Gift stores
 2. Personal Service Establishments:
 - Self-service laundries
 - Beauty shops
 - Barber shops
 - Shoe repair shops, shoe shine shops
 - Radio and Television repair shops
 - Pressing, Alteration and Garment repair
 3. Business and Professional Offices:
 - Commercial and Stock Savings Banks
 - Credit Agencies
 - Personal Credit Unions
 - Insurance Agents, Brokers and Service
 - Real Estate Agents and Brokers
 - Offices of Physicians and Surgeons
 - Offices of Chiropractors
 - Legal Services
 4. A use normally considered accessory to the Principal Use.

5. Parking and loading as regulated in Sections 802 and 803 of this Resolution.
6. Principal Building as regulated by Section 404.4, of this Resolution.
7. Accessory Structures as regulated by Section 404.4, of this Resolution.
8. Temporary Facilities as regulated in Section 805 of this Resolution.

SECTION 404.3 Conditional Uses

The following uses shall be permitted, subject to:

- a. Conditions imposed.
 - b. The review and approval of the Zoning Board of Appeals and the issuance of an approved Conditional Use Zoning Certificate.
 - c. Provisions of Article 800 of this Resolution.
 - d. Principal Buildings and Accessory Structures as involved and their location on the lot shall be in accordance with Section 404.4 except as modified within the statements of conditional regulations.
1. Eating and drinking establishments including those with drive-through facilities.
 - a. All lighting shall be shielded from adjacent properties that are in either a Residential or Agricultural District.
 2. Gasoline service stations, subject to the following conditions:
 - a. Such stations shall be used for the sale of gasoline, oil, minor accessories, and minor repairs only.
 - 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. Such curb cuts shall be not less than (20) feet from an adjacent Residential or Agricultural Districts boundary.
 - 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 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 and/or Agricultural District.
 - f. All lighting shall be shielded from abutting properties that are in either a Residential or Agricultural District.
 - g. 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 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 Weller 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.

- h. 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.

3. Garage, Service Repair

Subject to the following:

- a. Shall be for the purpose of providing general repair, engine and transmission rebuilding, sale of engine fuels, rebuilding or reconditioning of motor vehicles, collision service, frame and body straightening, painting, and undercoating.
- b. All activity and vehicle or parts storage shall be within a totally enclosed accessory structure(s).
- c. The site shall have at least one property line abutting an arterial or collector thoroughfare as designated on the Township Thoroughfare Plan, and all points of access to and

egress from the site shall be from said thoroughfares.

- d. Lighting shall not impair safe movement of traffic on any street and shall be shielded from adjacent properties.
- e. An obscuring fence or obscuring greenbelt six (6) feet in height shall be provided on those side and rear yards abutting a Residential or Agricultural District

SECTION 404.4 Principal Building, Accessory Structure, And Lot Requirements

1. Lot Dimensions - no requirements.
2. Building & Structure Dimensions -

	MAXIMUM HEIGHT	FLOOR AREA	MINIMUM SETBACK (5)		
			FRONT	SIDE	REAR
PRINCIPAL BUILDING	40 ft.	-	30 ft. (1)	(2) (4)	25 ft. (2) (3) (4)
ACCESSORY STRUCTURES	40 ft.	-	30 ft. (1)	(2) (4)	25 ft. (2) (3) (4)

- (1) Off-street parking will be permitted in the front yard after approval by the Township Zoning Inspector of the parking facilities plan which shall include identification of point of ingress and egress.
- (2) A six (6) foot obscuring fence or screen or a thirty (30) foot wide greenbelt shall be provided along side and rear lot lines when these lines abut Agricultural or Residential District boundaries.
- (3) Off-street loading space shall be provided in the rear yard in accordance with the provisions of Section 803 of this Resolution and shall be provided in addition to any required off-street parking facilities.
- (4) On a corner lot or when the rear lot line abuts another street, the minimum setback from either street shall be the same as specified for the front.
- (5) Setback is the minimum distance measured on the horizontal between the nearest point of the building or structure and the front, rear or side lot line being considered. When a lot line runs along a road (street), the setback is measured from the adjacent right-of-way line of that road as established by deed. When the description of the right-of-way limits for the particular location cannot be found, they shall be assumed as 30 feet on either side of the surveyed centerline of the road.

SECTION 405 I-1 LIGHT INDUSTRIAL DISTRICT

SECTION 405.1 Purpose

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

SECTION 405.2 Permitted Uses

The following uses shall be permitted, subject to:

- a. Regulations imposed.
 - b. The review and approval of the Zoning Inspector and the issuance of an approved Zoning Certificate.
 - c. Provisions of Article 800 of this Resolution.
- I. The following basic research, design, and experimental firms whose business is conducted within a completely enclosed building(s).
 - a. Pharmaceuticals, electrical instruments and devices.
 - b. Processing of experimental film or testing, providing no operations shall be conducted or equipment used which would create hazards, noxious or offensive conditions.
 2. The manufacturing, compounding, processing and assembly of the following products conducted wholly within a completely enclosed building(s), or within an area enclosed on all sides by a six (6) foot fence or wall. Such fence or wall shall be completely obscuring on those sides of the lot that abut a Residential or Agricultural District.
 - a. Bakery goods, candy, cosmetics, toiletries, and food products; except fish, sauerkraut, yeast and the refining or rendering of fats and oils.
 - b. Products from the following previously prepared materials: bone, canvas, cloth, cellophane, cork, feathers, fur, glass, hair, horn, leather, plastics, precious or semi-precious metals or stones, sheet metal, shell, textiles, tobacco, wood and yarns.
 - c. Musical instruments, toys, novelties, rubber or metal stamps and other small rubber or plastic molded products.
 - d. Electrical appliances, television sets, radios, phonographs, household appliances.
 - e. Tool, die, garage and machine shops.
 3. Warehouse, storage and transfer facilities, gas and electrical service buildings. Water supply and sewage disposal plants, water and gas tanks, railroad transfer and storage tracks and freight terminal facilities.
 4. Building materials, sales yards, lumber yards provided all materials are located within a building or within an area enclosed on all sides by an obscuring fence or wall six (6) feet in height.

5. A use normally considered accessory to the Principal Use.
6. Parking and loading as regulated in Sections 802 and 803 of this Resolution.
7. Principal Building as regulated by Section 405.4, of this Resolution
8. Accessory Structures as regulated by Section 405.4, of this Resolution.
9. Temporary Facilities as regulated in Section 805 of this Resolution.

SECTION 405.3 Conditional Uses

The following uses shall be permitted, subject to:

- a. Conditions imposed.
 - b. The review and approval of the Zoning Board of Appeals and the issuance of an approved Conditional Use Zoning Certificate.
 - c. Provisions of Article 800 of this Resolution.
 - d. Principal Buildings and Accessory Structures as involved and their location on the lot shall be in accordance with Section 404.4 except as modified within the statements of conditional regulations.
1. Restaurants or other places serving food or beverages subject to the following:
 - a. The entire activity shall be conducted within a totally enclosed Principal Building. Further, all abutting or adjacent properties must be zoned for Neighborhood Business or Light Industrial purposes.
 - b. A drive-through facility is prohibited.
 2. Strip mining and gravel extraction operations subject to the following restrictions:
 - a. A completely enclosing 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. Gasoline service stations, subject to the following conditions:
- a. Such stations shall be used for the sale of gasoline, oil, minor accessories only.
 - 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. Curb cuts shall be not less than twenty (20) feet from an adjacent Residential or Agricultural District boundary.
 - 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 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 Residential or Agricultural District boundary.
 - f. Construction shall begin within one (1) year from the date of approval by the Township Zoning Inspector.
 - g. All lighting shall be shielded from abutting properties that are in either a Residential or Agricultural District.
 - h. Gasoline service stations shall provide an obscuring fence at least six (6) feet in height and a greenbelt at least ten (10) feet in width on those side and rear lot lines abutting Residential or Agricultural District boundary.
 - 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 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 Weller 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 Principal Building.

SECTION 405.4 Principal Building, Accessory Structure, And Lot Requirements

1. Lot Dimensions - minimum area 87120 sq. ft. (2 acres)
 minimum frontage - no requirement.

2. Principal Building & Accessory Structure Dimensions -

	MAXIMUM HEIGHT	FLOOR AREA	MINIMUM SETBACK (7)		
			FRONT	SIDE	REAR
PRINCIPAL BUILDING	50 ft.	-	50 ft. (1) (3)	(4) (5) (6)	(2) (4) (5) (6)
ACCESSORY STRUCTURES	50 ft.	-	50 ft. (1) (3)	(4) (5) (6)	(2) (4) (5) (6)

- (1) Off-street parking will be permitted in the front yard after approval by the Township Zoning Inspector of the parking facilities plan which shall include identification of point of ingress and egress.
- (2) Off-street loading space shall be provided in the rear yard in accordance with the provisions of Section 803 of this Resolution and shall be provided in addition to any required off-street parking facilities.
- (3) When the front of a lot in the Light Industrial District faces a lot in the same district, the minimum front setback allowed becomes 25 ft.
- (4) Minimum-allowed side and rear setbacks are each equal to the average height of the buildings on the lot, excluding towers and other appurtenances. When side and rear yards abut the Residential, Agricultural or Neighborhood Business Districts, these minimum become 100 ft.
- (5) A six (6) foot obscuring fence or screen or a thirty (30) foot wide greenbelt shall be provided along side and rear lot lines when these lines abut Agricultural, Residential or Neighborhood Business Districts.
- (6) When side or rear lot lines abut another street, the minimum, setback to either street shall be the same as specified for the front or specified in (4), above, whichever is greater.
- (7) Setback is the minimum distance measured on the horizontal between the nearest point of the building or structure and the front, rear or side lot line being considered. When a lot line runs along a road (street), the setback is measured from the adjacent right-of-way line of that road as established by deed. When the description of the right-of-way limits for the particular location cannot be found, they shall be assumed as 30 feet on either side of the surveyed centerline of the road.

SECTION 406 ACCESSORY USES

This class of use is incidental and subordinate to a Principal Use and allowed as referred to within the individual District requirements.

- a. Residential accommodations for servants, caretakers, or night watchmen.
- b. Off-street parking and loading spaces, open or enclosed subject to the off-street parking and loading regulations of the zoning district in which the lot is located.

- c. Swimming pools for use of the occupants of a residence or their guests.
- d. The storage of motor vehicles, trailers, recreational vehicles, or boats owned by residents of the lot. Placement of these objects on the lot shall meet the minimum setbacks for Accessory Structures as stated in the particular district regulations.
- e. Dish antenna or similar Satellite receiving stations used for reception of communication signals, provided these shall be located on the principal building or in rear yard and shall meet minimum rear or side setback requirements for the district in which they are located.
- f. The accommodation of motor vehicles, trailers, or recreational vehicles of visitors of residents of the lot for a period to not exceed 30 days. Location of these objects on a lot shall meet the minimum setbacks for Accessory Structures as stated in the particular district regulations.
- g. Any use in addition to those above which is normally considered accessory to the Principal Use (storage of household items, housing of family animals, etc.)

ARTICLE 800

GENERAL PROVISIONS

The requirements of these GENERAL PROVISIONS shall apply in all zoning districts except when stated otherwise in a particular provision.

SECTION 801 SCOPE OF THE ZONING RESOLUTION

The provisions of this Zoning Resolution shall apply to all land in the Township of Weller, 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 802 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 and conditional uses, off-street parking spaces shall be in place before occupancy.

SECTION 802.1 General Regulations:

1. 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.
2. In the Neighborhood Business and Light Industrial Districts, 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.
3. For the Neighborhood Business and Light Industrial Districts the Zoning Inspector may approve joint use of a parking area by businesses occupying separate lots providing that operating hours do not overlap.
4. 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 Zoning Inspector and further, provided that all parking areas so designated be within three hundred (300) feet of the public use.

SECTION 802.2 Minimum Number of Off-Street Parking Spaces Required.

1. Residential Uses:

- a. One and Two Family Dwellings: Two (2) per dwelling unit

2. Business Uses:

a. Auto Wash:

One (1) for each one (1) employee. In addition, adequate waiting space for autos shall be provided subject to review and approval of the Township Zoning Inspector.

b. Beauty Parlor or Barber Shop:

Three (3) spaces for each beauty or barber chair.

c. 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-through".

d. Furniture and appliance stores, household equipment and other similar uses:

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

e. Gasoline Service Stations:

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

f. Laundromats and Coin Operated Dry Cleaners:

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

g. Miniature or Par-3 Golf Course:

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

h. 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.

i. 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.

j. Retail Establishments:

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

3. Office Uses:
 - a. Banks, Savings and Loan Companies:
One (1) space for each one hundred (100) square feet of usable floor area.
 - b. 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.
 - c. 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 or dental chair.
4. Industrial Uses:
 - a. Industrial, Research and Storage Establishments:
One (1) space per employee in the largest working shift.
 - b. Wholesale Establishments:
Five (5) spaces plus one (1) space for every one (1) employee in the largest working shift.
5. 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.
6. Convalescent Homes, Children's Homes:
One (1) space for each three (3) beds, plus one (1) space for each employee.
7. Elementary and Junior High Schools:
One (1) space for each one (1) each teacher, employee and administrator plus one (1) space for each three (3) seats or six feet of bench of any auditorium or stadium.
8. 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.
9. Private and Municipal Swimming Pools, Tennis Clubs or other similar uses:
One (1) space for each two (2) member families or individuals.

SECTION 802.3 Supplementary Parking Space Requirements For The Uses Within Specified Zoning Districts:

1. R-Residential Districts:
 - a. On one and two dwelling unit properties the required number of off-street parking spaces

shall be provided on the same lot as the dwelling units they are intended to serve.

2. Business Districts:

- a. A minimum front 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.
- b. Off-street parking facilities shall be located on the same lot or within two hundred (200) feet of the building to be served. 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.
- c. Ingress and egress to parking lots or loading areas within a B-Business District shall not be made onto local streets serving an abutting Residential or Agricultural District.

3. Industrial Districts:

Parking shall be permitted within the side and rear setbacks.

SECTION 802.4 Parking Space Layouts And Standards

Off-Street Parking Space Layout and Standards in the Neighborhood Business and Light Industrial Districts, parking facilities shall be designed, constructed and maintained in accordance with the following Regulations:

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

Parking Angle at Base Line	Parking Width	Space Length	Maneuvering Lane Width
45 degrees	8'4"	20'	16'
60 degrees	8'6"	20'	20'
90 degrees	9'	20'	24'

- a. Access into all parking spaces shall be through means of maneuvering lanes. Backing directly from a parking space onto a street is prohibited.
- b. 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.
- c. 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.

SECTION 803 OFF-STREET LOADING AND UNLOADING

In the Neighborhood Business and Light Industrial Districts, 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 total floor area of the Principal Building and Accessory Structures:

TOTAL FLOOR AREA	SPACE REQUIRE PER SQUARE FEET OF TOTAL FLOOR AREA
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 804 ALLOWABLE BUILDING SERVING PRINCIPAL OR ACCESSORY USES.

Buildings serving Principal or Accessory uses shall be either:

1. Constructed on site (stick built) to meet the requirements of the Richland County Building codes and Regulations.
2. An Industrialized Unit.
3. A Manufactured Home but with the following restrictions:
 - a. The Manufactured Home shall be affixed to a permanent foundation and be connected to appropriate facilities.
 - b. The Manufactured Home, shall at no point be less than twenty-two (22) feet wide, shall at no point be less than twenty-two (22) in length, and shall have a total living area of at least one thousand (1000) square feet. These requirements are excluding garages, porches, additions or any other structures.
 - c. The Manufactured Home shall have a minimum 3:12 residential roof pitch, conventional residential siding, and a six (6) inch minimum eaves overhand, including appropriate guttering.
 - d. The Manufactured Home must be manufactured after January 1, 1995.

SECTION 805 TEMPORARY FACILITIES

SECTION 805.1 On A Construction Site

1. A temporary facility in the form of a travel trailer, motor home defined in this Resolution under the general class "Recreational Vehicle", or a portable storage shed may be used on a lot incidental to construction work being performed on the lot but not as sleeping or living quarters.
2. This temporary facility shall be placed on the lot so as to meet the Minimum Setback requirements for an Accessory Structure in the Zoning District involved.
3. This temporary facility may be in place for a period not to exceed 1 year after which it shall be removed from the lot.

SECTION 805.2 Visitors Recreational Vehicle

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

SECTION 805.3 Hardship From Natural Disaster Damage

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

SECTION 805.4 Family Hardship Instances

1. A Manufactured Home may be, for just reason, temporarily placed and used on a lot within an Agricultural or Residential District to house a relative of the occupant of the Principal Building (Dwelling). "Just Reason" shall be that the need to provide such housing arises from the relative(s) being infirm or recovering from an accident or medical situation.
2. An approved period for the stay shall be limited to 12 months and immediately following expiration of the period, occupancy of the Manufactured Home shall cease and it shall be removed from the lot within 30 days thereafter.
3. If applied for and approved, the 12 month period may be extended by an additional 12 months if the "just reason" for the original approval can be shown to have continued. Application for the extension shall be made no less than 30 days, nor more than 40 days before the expiration of an approved period.
4. The temporarily placed Manufactured Home shall be placed on the lot so as to meet all the Minimum Setback requirements for an Accessory Structure in the Zoning District involved.

SECTION 806 PLANT MATERIALS

Whenever, in this Resolution, a greenbelt or planting strip is required, it shall be planted within six (6)

months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant material to provide a screen to abutting properties. Suitable plant materials shall be provided in accordance with the following regulations:

1. Spacing

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

2. Suggested Plant Materials

Plant Materials	Minimum Height Diameter
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 807 SIGN REGULATIONS

SECTION 807.1 General

1. The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising clutter, distraction and obstruction that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public right-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development by permitting signs which are compatible with their surroundings.

SECTION 807.2 Except as otherwise expressly provided, this chapter does not regulate the following:

1. Signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation.
2. Scoreboards and sponsorship signs at public schools or institutional athletic fields.

SECTION 807.3 General requirement for all Signs and Districts.

1. The regulations contained in this section shall apply to all signs and all use districts;
2. Any illuminated sign or lighting device shall employ one light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotation, or moving lights or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefore to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance;
3. No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise makes use of motion to attract attention. Subsections (1) and (2) of this section shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations or similar services;
4. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect, if any;
5. No projecting sign shall be erected or maintained from the front face of a building at a distance of more than two (2) feet.

6. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Zoning Administrator, proceed at once to put such sign in safe and secure condition or remove the sign;
7. No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property;
8. All signs shall be so designed and supported as to carry the weight of the sign, and shall comply with the local building code in effect;
9. All signs shall be secured in such a manner as to prevent significant movement due to wind;
10. No advertising signs shall be attached to or supported by tree, utility pole, trash receptacle, bench, vending machine, or public shelter;
11. No sign shall contain words, images, or graphic illustrations of an obscene or indecent nature;
12. No sign shall be attached in such manner that it may interfere with any required ventilation openings;
13. No sign shall be located on a vacate lot, except for the purpose of advertising the lot for sale or lease, or for such purpose as the notification of present danger, or the prohibition of trespassing;
14. No sign shall be located nearer than eight (8) feet vertically or four (4) feet horizontally from any overhead electrical wires, conductors, or guide wires;
15. No vehicle or trailer may be parked on a business premises or a lot for the purpose of advertising a business, product, service, event, object, location, organization, or the like.

807.4 Permit required – (See Section 1008.1, #3).

1. No person shall locate or maintain any sign, or cause a sign to be located or maintained, unless all provision of this Article have been met. To assure compliance with these regulations, a sign permit issued pursuant to the Ordinance (Resolution) shall be required for each sign unless specifically exempted in this Article.

2. A sign initially approved for which a permit has been issued shall not be modified, altered or replaced, nor shall design element of any building or lot upon which such sign is maintained be modified, altered or replaced if any such design element constituted a basis for approval of such sign unless a new or amended permit is obtained consistent with these regulations.
3. The repainting, changing of parts and preventive maintenance of signs shall not be deemed alterations requiring a sign permit.

SECTION 807.5 Signs Permitted in all Districts Not Requiring a Permit.

1. Signs advertising the sale, lease or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet per display area, except in all residential districts where the area of the sign shall not be more than six (6) square feet per display area;
2. Professional name plates not to exceed four (4) square feet per display area;
3. Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet per display area.

SECTION 807.6 Signs Permitted in Any District Requiring a Permit.

1. One sign or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies, which signs or bulletin boards shall not exceed thirty-five (35) square feet per display area and which shall be located on the premises of such institution;
2. Any sign advertising a commercial enterprise, including real estate developers or sub dividers, in a district zoned residential shall not exceed thirty five (35) square feet per display area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such a sign is located.
3. One non-illuminated sign, not exceeding six (6) sq. ft. per display area is allowed on any lot to advertise a Home Occupation carried out on that lot.

SECTION 807.7 – Signs Permitted in Light Industrial and Neighborhood Business Districts Requiring a Permit.

1. In a Light Industrial and Neighborhood Business Districts, each business shall be permitted one flat or wall on-premise sign. Projection of wall signs shall not exceed two (2) feet measured from the face of the main building. The area of all permanent on-premises signs for any single business enterprise may be an area equivalent to one and on half (1-1/2) square sign area for each lineal foot of building width, or part of a building, occupied by such enterprise but shall not exceed a maximum area of thirty-five (35) square feet per display area.
2. In a Light Industrial district, two off-premises signs with a total area not exceeding two hundred (200) square feet may be permitted a single location. No single off-premises

sign shall exceed one hundred (100) square feet, nor shall off-premises signs visible to approaching traffic have a minimum spacing of less than two hundred (200) feet. Off-premise signs shall conform to all applicable yard and height regulations for the appropriate zoning district, except that such signs intended to be viewed from an elevated highway shall be not more than twenty (20) feet above the level of the roadway at its nearest point. Off-premises wall signs shall have a structural and supporting members concealed from view.

SECTION 807.8 – Temporary Signs

1. Temporary signs not exceeding fifty (50) square feet in area, announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period. Such temporary signs shall conform to the general requirements listed in Section 807.3, the setback requirements in Sections 807.12-807.15 and in addition, such other standards deemed necessary to accomplish the intent of this article and stated in section 807.1.

SECTION 807.9 – Free Standing Signs

1. Free-standing on-premises signs not over ten (10) feet in height, not exceeding thirty-five (35) square feet per display area, located not closer than forty (40) feet from the established center line of a paved thoroughfare and not closer than thirty (30) feet to any adjoining lot line may be erected to serve a group of business establishments. There shall be only one free-standing sign for each building, regardless of the number of businesses conducted in said building.

SECTION 807.10 – Wall Signs Pertaining to Non-conforming Uses.

1. On-premises wall signs pertaining to a non-conforming use shall be permitted on the same premises of such use provided the area of such sign does not exceed thirty-five (35) square feet per display area.

Section 807.11 – Political Signs.

1. No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of way nor shall any such sign be posted on a utility pole. No political sign shall be posted more than sixty (60) days before an election. ALL candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two weeks following Election Day.

SECTION 807.12 – Sign Setback Requirements.

1. Except as modified in Sections 807.13-807.16, on-premise signs where permitted shall be set back forty (40) feet from the established center line of a paved thoroughfare. No off-premise sign shall be erected in front of the required setback line for the appropriate zoning district.

SECTION 807.13 – Increased Setback.

1. For every square foot by which any on-premise sign exceeds fifty (50) square feet, the setback shall be increased by one-half (1/2) foot but need not exceed one hundred (100) feet.

SECTION 807.14 – Setbacks for Off-Premise Signs.

1. If a setback line is not established for the appropriate zoning district, off-premise signs shall be set back a minimum of twenty (20) feet from the right-of-way line.

SECTION 807.15 – Setbacks for Public and Quasipublic Signs.

1. Real estate signs and bulletin boards for church, school or any other public, religious or educational institution may be erected not less than ten (10) feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility and street or highway intersections.

SECTION 807.16 – Special Yard Provisions.

1. On-premise signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on-premise signs shall not be erected or placed within twelve (12) feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than twelve (12) feet the latter shall apply.

SECTION 807.17 – Limitation.

1. For the purposes of this Article, outdoor advertising off-premise signs shall be classified as a business use and be permitted in all districts. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of Ohio Revised Code Chapter 5516 and the regulations adopted pursuant thereto.

SECTION 807.18 – Maintenance.

1. All signs shall be maintained in safe and sound structural condition at all times and shall be presentable. The Zoning Administrator shall remove any off-premise advertising signs or structure found to be unsafe or structurally unsound within thirty (30) days of issuing a notification. The Zoning Administrator shall remove any on-premise sign which

is determined to be unsafe or structurally unsound within ten (10) days of issuance of notification.

SECTION 807.19 – Non-Conforming Signs and Structures.

1. Advertising signs and structures in existence prior to the effective date of this Ordinance (Resolution) which violate or are otherwise not in conformance with the provisions of this Article shall be deemed non-conforming. All such legal nonconforming signs and structures shall be maintained in accordance with this Article. The burden of establishing the legal non-conforming status of any advertising sign or structure shall be upon the owner of the sign or structure.

SECTION 808 LANDFILL AND DUMPING OPERATIONS

The use of land for the deposit of garbage, hazardous waste, or toxic materials on land surface or as land fill is prohibited. The use of land for facilities to incinerate these items is also no allowed.

SECTION 809 FENCES AND WALLS

SECTION 809.1 Fences And Walls Permitted Within Residential And Agricultural Districts

Fences and walls are permitted within any R-Residential and A-Agricultural District. They are subject to the following conditions if they are closer than 80 feet to the lot line.

1. Fences or walls shall not exceed six (6) feet in height, measured from the surface of the ground except in the case of swimming pools which shall be completely enclosed by a fence no less than six (6) feet in height.
2. Fences or walls, except those serving a purely decorative purpose, shall be within the side and rear lot lines and the minimum front setback allowed for the principal building. For lots which also abut a street (road) at a side and/or the rear, a fence or wall shall have a minimum setback the same as for the front, at such abutments.
3. A purely decorative fence or wall shall not exceed 4 ft. in height. It shall be within the side and rear lot lines and the inner line of the street right-of- way at the front. For lots which also abut a street (road) at a side and/or the rear, the same requirements as for the front applies at such abutments.

SECTION 809.2 Fences and Walls Required In The Neighborhood Business and Light Industrial Districts

Obscuring walls or fences required in the Neighborhood Business and Light Industrial Districts regulations shall conform to the following:

1. A minimum height of 6 feet as measured from the ground.
2. Shall be within the side and rear lot lines and the minimum front setback allowed for the Principal Building. For lots which also abut a street (road) at a side and/or the rear, a fence or wall shall have a minimum setback the same as for the front, at these abutments.
3. May have openings for ingress and/or egress but these shall be designed and spaced to best preserve the obscuring characteristics required. The arrangement of openings shall be reviewed and approved by the Zoning Inspector.

SECTION 810 SUBDIVISION PLATS

In the subdivision of any lot, the remainder of the original lot and the newly created lot(s), including all existing buildings or those of the future, must meet or be capable of meeting all requirements of this Resolution.

SECTION 811 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 812 DRAINAGE CHANNELS

Drainage channels that exist within Weller 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 813 WATER WELL OR SEPTIC TANK SYSTEMS

Where a private water well and/or private septic system is employed, evidence shall be presented to the Zoning Inspector that such facilities have been approved by the Richland County Health Department before a Zoning Permit to cover a building or structure can be issued.

SECTION 814 PUBLIC AND PRIVATE ACCESS REQUIREMENTS

1. A lot which does or will contain a Principal Building and Accessory Structures shall have access to a public street (road). This access may be from abutment to the public street or from abutment to a private street that in turn connects to the public street.
2. The private street shall be either on land having common ownership with the lot or on legally established easements along the route.
3. The public or private street shall meet the minimum standards established for such by the Richland County Engineering Department.

SECTION 815 REGULATION OF JUNK AND JUNK YARDS

Junk yards and the storage of junk shall be a prohibited land use in Weller Township.

SECTION 816 BUSINESS AND INDUSTRIAL DISTRICTS INGRESS AND EGRESS REQUIREMENTS

All points of ingress and egress shall be located no closer than one hundred and fifty (150) feet from an intersection, measured from the street right-of-way lines, for all Permitted and Conditional Uses in the Business and Industrial Districts.

SECTION 817 REQUIREMENTS FOR ZONING CERTIFICATES AND PERMITS.

SECTION 817.1 Zoning Certificate For A Permitted Use

An approved Permitted Use Zoning Certificate is required before any Permitted Use can be implemented, conducted, or changed on a lot. See Section I005. For the following exceptions, however, the certificate requirement is waived.

1. A **single** storage building (class of Accessory Structure) having a floor area less than 80 sq. ft. and standing on a temporary foundation (skids, cement blocks, corner stone supports, etc.)
2. The accommodation of motor vehicles, trailers, or recreational vehicles of visitors of residents of a lot, for a period not exceeding 30 days.

SECTION 817.2 Zoning Certificate For A Conditional Use

An approved Conditional Use Zoning Certificate is required before any Conditional Use can be implemented, conducted, or changed on a lot. See Section I005.

SECTION 817.3 Zoning Certificate For A Temporary Facility

Unless specifically waived within this Resolution, a Temporary Use Zoning Certificate is required before any Temporary Facility can be put in place and used on a lot. See Section I005.

SECTION 817.4 Zoning Certificate For A Variance

When an entry in the application for a Permitted Use or Conditional Use Zoning Certificate does not meet the Requirements of this Resolution an approved variance Zoning Certificate is needed in order for the processing of the Use Certificate to proceed.

SECTION 817.5 Zoning Certificate For Non-Conformance

A Zoning Certificate for Non-Conformance to establish for record, the legality of such a condition is recommended but is not mandatory. See Section I005.

ARTICLE 900

EXCEPTIONS TO THIS RESOLUTION

SECTION 901 AGRICULTURE

Agriculture including farming, dairying, pasturage, horticulture, floriculture, viticulture and animal, fish, and poultry husbandry shall be exempt from requirements of this Resolution. The use of any land for agricultural purposes or the construction or use of any building or structure incident to the use for agricultural purposes of the land on which such buildings or structures are located shall be likewise exempt and no zoning permit shall be required for any such building or structure.

SECTION 902 ESSENTIAL PUBLIC SERVICES

Essential public services as authorized and regulated by the State of Ohio, Richland County or other resolutions of Weller Township shall be exempt from the requirements of this Resolution. Lacking such authorization or regulation, the exemption does not apply. Further, exemption does not apply where specific regulating authority remains with the Township Trustees and the Board of Zoning Appeals as conveyed by Ohio Revised Code O.R.C. 519.211. In this case, this Zoning Resolution shall be applied.

Accordingly, this Resolution shall apply to any TELECOMMUNICATIONS TOWER as defined in O.R.C. 519.211 and quoted in Section 202 of this Resolution when such a tower is proposed to be located in a district zoned for residential use. It shall be as a CONDITIONAL USE permitted by the Board of Zoning Appeals upon meeting the following conditions:

1. The Telecommunications Tower may be free-standing (without guys) and the following shall apply:
 - a. The height of the tower shall not exceed 150 feet.
 - b. The siting shall be such that the setback of the closest above ground point of the tower structure is a minimum of 200 feet from any lot line of the host property. If a legal right-of-way runs wholly or in part through host property, 200 foot also applies with respect to the centerline of that right-of-way.
 - c. Security fencing shall be provided to control access to the Tower Site.
 - d. There shall be no Tower lighting unless specifically required by federal law or regulation.
 - e. A no-trespassing and an identification sign is required at the site but shall be the only signs permitted.
 - f. The tower shall be unattended except for periodic and necessary maintenance.
 - g. It shall be demonstrated on a technical basis why the Tower must be located as proposed. Disclosure shall also be made as to whether the tower parameters, as initially permitted, make allowances for possible future modifications or additions while still meeting the requirements of this Resolution.
 - h. The color of the Tower and landscaping around it shall be designed to minimize the intrusion of its appearance in the surrounding area. Installation plans, in this regards, shall be part of the presentation to the Board of Appeals.
2. The Telecommunication Tower may be attached to a building or structure which itself is permitted in the residential district involved. A Tower so attached shall not exceed the height of said

building or structure by more than 20 feet.

3. If a telecommunications tower use is terminated, it shall be removed within 90 days following termination.
4. Modifications or additions to an existing permitted tower shall be permitted by the Board of Zoning Appeals if said tower, as changed, still meets the requirements of this Resolution.

SECTION 903 NON-CONFORMING LOT/USE/PRINCIPAL BUILDING/ACCESSORY STRUCTURE

SECTION 903.1 Purpose

The purpose of this Section is to provide for the eventual and equitable elimination of non-conforming lots, non-conforming uses of land and non-conforming structures to the provisions of this Resolution, but which were in being or operation proper to the enactment of this Resolution. Nonconforming lots, uses and structures are declared to be incompatible with the permitted uses in the district involved.

SECTION 903.2 Intent

Within the districts established by this Resolution or amendments that may later be adopted, there exist lots, uses of land, structures, and uses of structures and land in combination which were lawful before this Resolution was passed or its present amendments adopted, but which would be prohibited, regulated or restricted under the terms of this Resolution or amendments. It is the intent of this Resolution to permit these non-Conformities to continue but not to encourage their survival.

SECTION 903.3 Uses Under Conditional-Use Provisions Not Non-Conforming Uses

Any use which is permitted as a conditional use in a district under the terms of this Resolution shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

SECTION 903.4 Incompatibility Of Non-Conformities

Non-conformities are declared by this Resolution to be incompatible with permitted uses in the district in which such use is located. A non-conforming use of a building structure or land, or of a building, structure, and land in combination shall not be extended or enlarged more than ten (10) percent after passage of this Resolution.

SECTION 903.5 Avoidance Of Undue Hardship

To avoid undue hardship, nothing in this Resolutions shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be construction, providing that work shall be carried out diligently.

SECTION 903.6 Certificates For Non-Conforming Uses

The Zoning Inspector may upon his own initiative, or shall upon the request of any owner, issue a certificate for any lot, building, use of land, use of building structure or use of land and structure in combination, that certifies that the lot, building structure or use is valid non-conforming. The certificate shall specify the reason why the use is a non-conforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the non-

conforming use, and the extent that dimensional requirements are non-conforming. The purpose is to protect the owners of land or building structures that are or become non-conforming. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner and one copy shall be retained by the Township, which shall maintain as a public record, a file of such certificates.

SECTION 903.7 Substitutions Of Non-Conforming Uses

So long as no structural alterations are made, except as required by enforcement of other codes or resolutions, any non-conforming use may, upon appeal to the approval by the Board of Zoning Appeals, be changed to another non-conforming use of a less intensive classification, or the Board shall find that the use proposed for substitution is more appropriate to the district than the existing non-conforming use. In permitting such change, the Board may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this Resolution. Whenever a non-conforming use has been changed to a less intensive use, such use shall not thereafter be changed to a more intensive use.

SECTION 903.8 Single Non-conforming Lots Of Record

In any district in which single family dwellings are permitted, a single family dwelling and customary Accessory Structures may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution, regardless of limitations imposed by other provisions of this Resolution. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable within the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements of this Resolution other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals. No portion of any lot shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution.

SECTION 903.9 Non-Conforming Uses Of Land

Where, at the time of adoption or amendment of this Resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided:

1. No such non-conforming uses shall be enlarged or increased, nor extended to occupy more than ten (10) percent more of the greater area of land than was occupied at the effective date of the adoption or amendment of this Resolution.
2. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of the adoption or amendment of this Resolution.
3. If any non-conforming uses of land are discontinued or abandoned for more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.
4. No additional building/structure not conforming to the requirements of this Resolution shall be erected in connection with such non-conforming use of land.

SECTION 903.10 Non-Conforming Building/Structures

Where a lawful building/structure exists at the effective date of the adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, lot

coverage, height, yards, its location on the lot, or other requirements concerning the building/structure, they may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming building/structure may be enlarged or altered in a way which increases its non-conformity, but any building/structure or portion thereof may be altered to decrease its non-conformity.
2. Should such nonconforming building/structure or non-conforming portion of a building/structure be destroyed by any means, it may be reconstructed as long as its non-conformity is not increased.
3. Should any Principal Building/Accessory Structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 903.11 Non-Conforming Uses of Principal Building/Accessory Structure and Land In Combination

If a lawful use involving individual Principal Building/Accessory Structure, or a Principal Building/Accessory Structure and land in combination, exists at the effective date of adoption or amendment of this Resolution that would not be allowed in the district under the terms of this Resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing Principal Building/Accessory Structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged or extended by more than ten (10) percent, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such a use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such Principal Building/Accessory Structure.
3. Any Principal Building/Accessory Structure, or Principal Building/Accessory Structure and land in combination, in or on which a non-conforming use is superseded by a permitted use for a period of two (2) years, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
4. When a non-conforming use of Principal Building/ Accessory Structure or Principal Building/Accessory Structure and land in combination, is discontinued or abandoned for more than two (2) years, the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
5. Where non-conforming use status applies to a Principal Building/Accessory Structure and land in combination, removal or destruction of the Principal Building/Accessory Structure shall eliminate the non-conforming status of the land.

SECTION 903.12 Repairs And Maintenance

On any non-conforming Principal Building/Accessory Structure, or portion thereof containing a non-conforming use, work may be done on ordinary repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased except as hereabove provided. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any

official charged with protecting the public safety, upon order of such official.

SECTION 904 DWELLING QUARTERS IN BUSINESS OR INDUSTRIAL DISTRICTS

Within any Neighborhood Business or Light 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 Principal Building or Accessory Structure.

SECTION 905 PERMITTED HEIGHT EXCEPTIONS

Penthouse or roof structures for the housing of elevator, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain a building, and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, radio and television aerials, wireless masts, water tanks, and similar structures may be erected above the maximum height limitations established herein. Such structure shall not be erected at a height greater than twenty (20) feet above the height limit established for the district in which the structure is located. Such structure shall not occupy more than twenty-five (25) percent of the total roof area of the building or be used for residential purposes.

SECTION 906 VOTING PLACE

The temporary use of any property as a voting place in connection with a township, municipal or public election shall be exempt from this Resolution.

SECTION 907 ACCESSWAYS

For the purpose of this Resolution, any patio, 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 exempt from any consideration as a structure.

SECTION 908 PROJECTIONS INTO YARDS

Open, unenclosed, and uncovered porches or paved terraces may have up to 10 feet less setback than the minimum allowed for a Principal Building or Accessory Structure. Fixed canapes are not included in this exception.

SECTION 909 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 (1) the width of such alley abutting the lot shall be considered as part of such lot.

SECTION 910 RAILROAD RIGHT-OF-WAYS

Railroad right-of-ways as regulated by Federal and State laws, are exempt from the requirements of this Resolution but with the proviso that spur tracks, extended from railroad right-of-ways shall serve only in adjacent Industrial Districts and shall also be contained within them.

ARTICLE 1000

TOWNSHIP ZONING ADMINISTRATION

SECTION 1001 TOWNSHIP ZONING COMMISSION, ORGANIZATION, AND PROCEDURES

SECTION 1001.1 Compositions 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 1001.2 Organization

The Zoning Commission shall elect a chairman and vice chairman from its membership, shall have the Township Clerk as its Secretary, and shall prescribe rules for the conduct of its affairs.

SECTION 1001.3 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 1001.4 Meetings

The Zoning Commission shall meet quarterly on the third Thursday 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 1001.5 Powers, Duties, And Procedures

1. The Zoning Resolution and Zoning Maps are the final responsibility of the Township Board of Trustees. The Trustees position and actions on Zoning matters, however, rely mainly on the authorship of the Resolution and the Maps by the Zoning Commission and that Commission's recommendations regarding these Zoning documentations. In keeping, it is the Zoning Commission's power and duty to provide this authorship and make these recommendations.

It is the Zoning Commissions responsibility to enter all amendments and changes to the Zoning Resolution or Maps as approved by the Trustees on the Original Documents so that they are ready for public use.

2. The Zoning Commission shall, from time to time, review the Zoning Maps and this Resolution for the purpose of keeping them abreast of any changed condition within the Township, change in the Ohio Revised Code, or recommendations from the Richland County Regional Planning Commission. The Zoning Commission shall prepare such amendments it deems necessary from this review and shall follow them through the process of adoption using the procedures stated in 1007.3.
3. The Zoning Commission shall act on all requests for amendments to the Zoning Maps or this Resolution received from a Township landowner or a Township Board or Officer. Procedures

used shall be as stated in 1007.4.

SECTION 1002 ADMINISTERING AND ENFORCING THE RESOLUTION (THE ZONING INSPECTOR)

The provisions of this Resolution shall be administered and enforced by a Zoning Inspector, or his deputy(s), as shall be designated and employed by the Township Trustees.

SECTION 1003 ZONING INSPECTOR'S DUTIES AND PROCEDURES

SECTION 1003.1 Make Inspections

The Zoning Inspector shall make necessary inspections of land, buildings, and structures within the allowances of statutes to determine their compliance with the provisions of applicable Zoning Certificates and this Resolution.

SECTION 1003.2 Initiate Corrective Actions

The Zoning Inspector shall upon determining any instance of noncompliance with the requirements of this Resolution, take steps aimed at correction of the non-compliance. The procedure to be followed are those set out by the Richland County Prosecuting Attorney as stated in an appendix to this Resolution.

SECTION 1003.3 Provide Total Interface With Any Applicant For Any Type Zoning Certificate

1. Shall Maintain a supply of forms for all type Zoning Certificates.
2. Shall assist applicant, if requested, in filling out the application portion of the applicable Zoning Certificate(s).
3. Shall receive the executed application(s) from the applicant along with the necessary fee.
4. Shall deliver the processed Zoning Certificate(s) to the applicant establishing approval or denial.

SECTION 1003.4 Initiate Involvement Of The Board Of Zoning Appeals Where Required

1. Shall forward to the Board of Zoning Appeals for their appropriate actions, all Zoning Certificate applications in the Conditional Use and Variance categories. When the Variance request relates to a Permitted Use, the Permitted Use application shall also be forwarded but only for the Boards information.
2. Shall receive back from the Board, applications in the above categories, approved or denied by them and, therefore, ready for the Zoning Inspector's own final processing.

SECTION 1003.5 Issue Finally Processed Zoning Certificates Of All Categories

1. Shall verify that all information stated meets the Resolution requirements except as may be modified by an approved Variance.
2. Shall sign the certificate(s) as approved or denied and return it to the applicant with a copy remaining in Township files.

SECTION 1004 TOWNSHIP BOARD OF ZONING APPEALS, ORGANIZATION, AND PROCEDURES

SECTION 1004.1 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 1004.2 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 1004.3 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 1004.4 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, deem necessary.

SECTION 1004.5 Witnesses

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

SECTION 1004.6 Powers, Duties, And Procedures

1. The Board of Zoning Appeals shall hear and decide appeals from any person, firm, township official, or board where it is alleged that there is an error in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this Resolution. The procedures stated in Section 1006 shall be used.
2. The Board of Zoning Appeals shall hear and decide appeals for a Variance from certain requirements of this Resolution when the need rises from unique circumstances on a lot and undue hardship is caused. Legitimate circumstances cannot be any caused by a present or previous owner nor can undue hardship relate to property value. The procedures stated in Section 1005 shall be used.
3. The Board of Zoning Appeals shall hear and act upon specific appeals for approval of a Conditional Use as sanctioned by this Resolution.

In hearing and acting upon a specific request, for a Conditional Use sanctioned by this Resolution, the facts and circumstances shall be reviewed to establish adequate evidence that such use on the proposed location shall also:

- a. Be harmonious with and in accordance with the general objectives or with any specific objective of this resolution.
- b. Be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.

- c. Not be hazardous or disturbing to existing or future neighboring uses.
 - d. Not be detrimental to property in the immediate vicinity or to the community as a whole.
 - e. Have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.
4. The Board of Zoning Appeals shall not have the power to authorize any use not normally permitted in a given zoning district.
 5. The Board of Zoning Appeals shall have the power to revoke an authorized Variance certificate or an authorized Conditional Use certificate if any condition of the Variance or Conditional Use are violated.
 6. Every Board of Zoning Appeals decision shall be by resolution, each of which shall be covered by a full written record of the findings.
 7. In the event the Zoning Board of Appeals requires any expert testimony, they shall obtain same. The related fees and costs shall be borne by the applicant.

SECTION 1004.7 Notice Of Hearings

When an appeal has been filed in proper form through the Zoning Inspector, the Board Secretary shall immediately place the appeal upon the calendar for hearing by the Zoning Board of Appeals. The Secretary 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 appeal, at least ten (10) 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 premises and lands bounding and abutting upon the land concerned in the appeal.

SECTION 1005 PROCEDURE FOR OBTAINING ANY TYPE ZONING CERTIFICATES

An appropriate approved Zoning Certificate(s) is required before proceeding with any development or change on a lot or to establish the legality of a Non-Conformance. Zoning Certificates are obtained as follows:

SECTION 1005.1 Making Application

Obtain the necessary Zoning Certificate form(s) from the Zoning Inspector and fill out the "application" portion(s). The Zoning Inspector will give assistance if requested.

SECTION 1005.2 Zoning Inspectors Reaction

Return the filled out Zoning Certificate form(s) to the Zoning Inspector who will handle all aspects of processing the application(s). The Inspector will issue the processed certificate(s) which will establish approval or denial.

SECTION 1006 APPEALING AN ACTION OR DECISION OF THE ZONING INSPECTOR.

An appeal may be made to the Board of Zoning Appeals via the Zoning Inspector by any person, Township Officer, or Board aggrieved by any action or decision of the Zoning Inspector believed to not be

in accordance with the provisions of this Resolution. Such appeal shall be taken within 20 days of the questioned action or decision by filing a written request for a hearing. The request shall also contain a statement of the grievance and identification of the requirements of the Resolution that are at issue.

SECTION 1007 AMENDING THE ZONING MAP OR THE RESOLUTION.

SECTION 1007.1 Authority To Amend.

The Trustees of Weller Township are authorized by law to amend by resolution, the number, shape, or area in Districts established on the Zoning Maps or the regulations set forth in this Resolution. They do so upon consideration of recommendations from the Township Zoning Commission in accordance with the procedures of 1007.5.

SECTION 1007.2 Initiation Of Amendments Considerations

The Zoning Commission considers amendments of the Zoning maps and/or the Resolution on the basis of any one of three circumstances. They are:

1. The Zoning Commission own recognition of the need for an amendment.
2. Application for an amendment received from an owner of land within the Township.
3. Application for an amendment received from any officer or board of the Township.

SECTION 1007.3 Procedure For Adoption Of A Zoning Commission- Initiated Amendment(s).

1. The Zoning Commission shall submit their proposed amendments to the Richland County Regional Planning Commission for their review, comments, and recommendations.
2. The Zoning Commission shall bring their proposed amendment(s) to Public Hearing scheduled at least 15 days after notice of said hearing has appeared in a newspaper of general circulation within the Township. The recommendations of the Regional Planning Commission shall also be read at said hearing.
3. Weighing into account the substance from the Regional Planning recommendations and the Public Hearing, the Amendment(s) in final form shall be recommended to the Board of Trustees, along with the explanatory letter of transmittal, for their action on adoption.

SECTION 1007.4 Procedure For Handling An Amendment Request From A Township Landowner Or A Township Board Or Officer.

1. A request in writing shall be submitted to the Zoning Commission, via the Commission Secretary and accompanied by the required fee.
2. The request shall clearly state the changes being sought in the Zoning Map(s) and/or the Resolution. Evidence shall be presented as to why the Map and/or Resolution as existing is/are unreasonable with respect to the particular property. Note: A limitation on financial gain from the property or its use shall not constitute unreasonable zoning.
3. The Zoning Commission shall submit a copy of the Amendment Request to the Richland County Regional Planning Commission for their recommendations on the matter. This shall be done within 5 days after receipt of Request.
4. After having received the Regional Planning Commission's recommendations, the Zoning Commission shall bring the Amendment Request and Regional Planning's recommendations to

Public Hearing. Said hearing shall be scheduled at least 15 days after a notice of the Hearing has been placed in a newspaper of general circulation within the Township.

5. Weighing into account the substance from the Public Hearing and Regional Planning recommendations, the Zoning Commission shall carry out its own deliberation on the Amendment Request and reach its decision on the matter of approval, denial, or approval with modifications. As required by its decision, the Zoning Commission shall make the necessary changes in the Resolution and/or the Zoning Map(s). These shall be forwarded with an explanatory letter of transmittal to the Board of Trustees for their action on adoption. The forward shall be within 30 days following the Public Hearing.

SECTION 1007.5 Board Of Trustee's Response To A Zoning Commission Recommendation On Amendment Of The Resolution And/Or Zoning Map(s)

1. The Board of Trustees shall within 30 days of receipt of such recommendation, set a date for a Public Hearing on same. The Board shall have notice of the Hearing published in a newspaper of general circulation within the township, at least 15 days before the Hearing date.
2. Within 20 days after the Public Hearing, the Board of Trustees shall adopt, deny, or adopt with modifications the recommendations of the Zoning Commission. In the event the Board denies or modifies the recommendation, a unanimous vote by their members shall be required.
3. An amendment adopted by the Board of Trustees shall become effective 30 days after adoption unless a properly authorized petition is presented to the Board requesting that the amendment be submitted to the registered Township voters for acceptance or rejection. Definition of proper petition authorization and procedure shall be as specified in 519.12 of the Ohio Revised Code.

SECTION 1008 FEES AND CHARGES FOR REQUESTED ACTIONS RELATIVE TO ZONING.

SECTION 1008.1 Fees For Zoning Certificates

A fee shall be paid when requesting each of the following approval actions leading to a Zoning Certificate. The fee is payable at the time of making the request.

1. Approval of a proposed Variance by the Board of Zoning Appeals as certified by a signed Zoning Certificate.
2. Approval of a proposed Conditional Use by the Board of Zoning Appeals as certified by a signed Zoning Certificate.
3. Approval of plans for any Principal Building, Accessory Structure, including signs, or Temporary Facility by the Zoning Inspector as certified by a signed Zoning Certificate.

SECTION 1008.2 Fee For Appealing An Action Or Decision Of The Zoning Inspector

A fee shall be paid when registering an appeal to the Board of Zoning Appeals regarding a questioned action or decision of the Zoning Inspector. The fee is payable when initiating the appeal.

SECTION 1008.3 Fee For Requesting An Amendment To The Zoning Map(s) or Resolution

A fee shall be paid by any Township landowner requesting an amendment of the Zoning Map or Resolution by the Township Trustees after recommendation from the Zoning Commission. The fee is payable when initiating the request.

SECTION 1008.4 Fee Amounts

The amounts to be paid for the various required fees are set by the Township Trustees. Information about these amounts is available from the Board of Trustees Secretary.

SECTION 1008.5 Incidental Charges

In the process of acting upon the various requests to which they must respond, the Zoning Commission or the Board of Zoning Appeals may find it necessary to elicit the assistance of some outside source. Any cost which is incurred in this process shall be charged to and paid by the one whose request is under consideration.

SECTION 1009 APPROVALS REQUIRED BY RICHLAND COUNTY DEPARTMENTS WHICH ARE IN ADDITION TO THOSE ASSOCIATED WITH THIS WELLER TOWNSHIP RESOLUTION.

SECTION 1009.1 General Statement

In general, approvals from the Richland County Department of Health and Department of Building Codes and Regulations are also required before a property owner may proceed with the installation of a water or septic system or the construction of a building or structure. It is the property owner's responsibility to investigate and meet the requirements of these Departments as will be monitored by the Township Zoning Inspector. The Zoning Inspector may, upon request, be able to offer advice on proceeding with these County Departments.

SECTION 1009.2 Sequence Of Permits Issue

As assistance to the property owner, the following sequence is generally followed in the matter of the various permits that can be involved in development on a lot.

1. A permit from the Richland County Department of Health for any water or septic system involved.
2. A Zoning Certificate from the Township Zoning Inspector is required before the Richland County Department of Building Codes and Regulations will consider a Building or Structure Permit.

SECTION 1010 REPEALING SUPERSEDED ISSUES OF THE RESOLUTION

The Zoning Resolution previously adopted by Weller Township, and all its amendments, are hereby repealed. The repeal of the superseded 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 current Resolution.

SECTION 1011 INTERPRETATION OF THE RESOLUTION

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.

SECTION 1012 VIOLATIONS AND PENALTIES

SECTION 1012.1 Declared 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 1012.2 Inspection Of Violations

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 per I003.2.

SECTION 1012.3 Correction Period

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

SECTION 1012.4 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.

SECTION 1013 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 1100

EFFECTIVE DATE

ARTICLE 1200

APPENDICES

ZONING CERTIFICATE, PERMITTED USE

ZONING CERTIFICATE, CONDITIONALLY PERMITTED USE

ZONING CERTIFICATE, TEMPORARY FACILITIES

ZONING CERTIFICATE, VARIANCE

ZONING CERTIFICATE, NON-CONFORMANCE

APPLICATION FOR AMENDMENT TO THE WELLER TOWNSHIP ZONING RESOLUTION

COMPLAINT FORM TO BOARD OF ZONING APPEALS

COPY OF PROSECUTING ATTORNEY PROCEDURES FOR VIOLATIONS

THOROUGHFARE PLAN

WELLER TOWNSHIP, RICHLAND COUNTY, OHIO

ZONING CERTIFICATE

PERMITTED USE

I. APPLICANT (OWNER) INFORMATION

Name _____

Address _____

Phone Number _____

2. SUBJECT OF APPLICATION

This application is for approval of the following as will serve the described use(s) on the described lot:(Check one)

Principal Building or Modification to same _____

Accessory Structure or Modification to same _____

Both of Above _____

3. LOT UTILIZATION

The Principal Use or change in Principal Use of the lot is - describe:

If there is an Accessory Use or a change in an Accessory Use - describe

4. ADDITIONAL APPROVALS

This application covers the lot, building, and/or structures for implementing the use(s) described in 3 above. If this use(s) is in the "Conditionally Permitted" category, a separate application covering this Conditionally Permitted Use shall accompany this Permitted Use application.

Is a Conditionally Permitted Use Certificate Required? (Check one) no _____
yes _____

If any aspect of this application does not meet the requirements of the Zoning Resolution but is justifiable under allowable reasons for a Variance, an application for a Variance Zoning Certificate shall accompany this Permitted Use Application.

Is a Variance Certificate Required? (Check one) no _____
yes _____

5. LOT INFORMATION

Identification No.(s) in County Records _____

Address or Location _____

Zoning District _____

* May be several contiguous lots with common ownership.

Septic Systems (Check one) Private _____
Public _____

Water System (Check one) Private _____
Public _____

Lot Area sq.ft. _____

Lot Frontage (width) ft. _____

6. PRINCIPAL BUILDING INFORMATION

Provide the following information if this application applies to a Principal Building:

Maximum Height ft. _____
Floor Area, Usable sq.ft. _____
Front Setback ft. _____
Side Setback, Right ft. _____
Side Setback, Left ft. _____
Rear Setback ft. _____

This building will be constructed on site, in place,
from basic building materials. (stick built). _____

or (Check one)

Will be modularly constructed with industrialized units. _____

7. ACCESSORY STRUCTURE INFORMATION

NOTE: In accordance with the Zoning Resolution, the Accessory Structure category includes in part an attached or detached garage.

Provide the following information if this application applies to an Accessory Structure.

Identify the Accessory Structure(s):

No. 1 _____

No. 2 _____

	No.1	No.2
Maximum Height	ft. _____	ft. _____
Ground Floor Area	ft. _____	ft. _____
Front Setback	ft. _____	ft. _____
Side Setback, Right	ft. _____	ft. _____
Side Setback, Left	ft. _____	ft. _____
Rear Setback	ft. _____	ft. _____

Closest distance to
 Principal Building ft. _____ ft. _____
 Total Ground Floor
 Area of all existing
 Accessory Structure ft. _____ ft. _____

Sign (if involved) Length ft. _____
 Width ft. _____

This building will be constructed on site, in place,
 from basic building materials.
 (stick built). _____

or (Check one)

Will be modularly constructed
 with Industrialized Units. _____

8. SITE PLAN

Attach a site plan which shows:

Boundary dimensions of lot

Abutting streets/roads

Identification and setbacks of building/structures existing on lot.

Identification and setbacks of building/structures per this application.

Identification and location of any sign involved.

Location and size of Parking and/or Loading facilities, if applicable, including points of
 ingress and egress.

Any additional information requested by the Zoning Inspector.

9. ACKNOWLEDGMENTS

I attest to the accuracy of the information presented in this application and understand that
 approval, if granted, becomes void if the development on the lot deviates in any way.

I understand that approval becomes void if said development does not start within one year after
 the grant and is not completed within 2 1/2 years.

Further, I understand that if a building covered by this application is an Industrialized Unit, a
 document of certifications must be in the hands of the Zoning Inspector before said unit can be
 moved on site. This certification shall be from the Ohio Department of Industrial
 Relations, Board of Building Standards to the manufacturer.

Signature _____
 Applicant (owner)

Date _____

In consideration of the information of this application as measured against the requirements of the
 Zoning Resolution, approval of this Certificate is: (Check one)

Granted _____

Denied _____

Reason, if denied _____

Signature _____

(Zoning Inspector)

Date _____

WELLER TOWNSHIP, RICHLAND COUNTY, OHIO

ZONING CERTIFICATE

CONDITIONALLY PERMITTED USE

I. APPLICANT (OWNER) INFORMATION

Name_____

Address_____

Phone Number_____

2. LOT INFORMATION

Identification No.(s) in County Records

Address or Location_____

Zoning District_____

* May be several contiguous lots with common ownership.

Septic Systems (Check one) Private_____ Public_____

Water System (Check one) Private_____ Public_____

Lot Area sq.ft._____

Lot Frontage (width) ft._____

3. Description of Conditionally Permitted Use

Describe the particular Conditionally Permitted Use for which this application is made. This shall be one of those sanctioned by the Zoning Resolution for the zoning district involved.

4. Use - Development Particulars

All aspects of developing the described Conditionally Permitted Use on the lot shall be covered on an accompanying Permitted Use Zoning Certificate application.

5. ACKNOWLEDGMENTS

I attest to the accuracy of the information presented in this application.
I understand that approval, if granted, becomes void if implementation of the Conditionally Permitted Use on the lot deviates in any way from this information.

I further understand that development of this Conditionally Permitted Use on this lot cannot proceed until the separate but associated Permitted Use Certificate has been approved.

Signature _____
Applicant (owner)

Date _____

In consideration of the information in this application as measured against the requirements of the Zoning Resolution and of the Public Hearing, approval of this certificate is: (Check one)

Granted _____

Granted with Restriction(s) _____

Denied

Restriction(s), if applied _____

Reason(s), if denied _____

Signature _____
(Chairperson - Board of Zoning Appeals)

Date _____

WELLER TOWNSHIP, RICHLAND COUNTY, OHIO

ZONING CERTIFICATE

TEMPORARY FACILITIES

I. APPLICANT (OWNER OR TENANT) INFORMATION

Name _____

Address _____

Phone Number _____

2. USE OF THE TEMPORARY FACILITY (Check one)

To provide a temporary shelter but not as sleeping or living quarters on a lot where an approved Principal Building or Accessory Structure is being constructed. Attach a written statement establishing the need for the temporary use. _____

To provide temporary living accommodations for a relative(s) who is infirm or is recovering from a medical situation or accident. Attach a written statement justifying the need for this temporary use. _____

To provide temporary living accommodations on a lot where the existing permanent dwelling has been damaged by an act of God. Attach a written statement justifying the need for this temporary use. _____

3. TEMPORARY FACILITY EMPLOYED (Check one)
(As allowed by the Zoning Resolution for the stated use.)

Manufactured Home (Mobile Home) _____

Travel Trailer _____

Motor Home _____

Portable Storage Shed _____

4. LOT INFORMATION RELATING TO THE TEMPORARY FACILITY

Identification No.(s) in County Records _____

Address or Location _____

Zoning District _____

* May be several contiguous lots with common ownership.

Septic Systems (Check one) Private _____
Public _____

Water System (Check one)

Private_____

Public_____

5. SETBACKS ON LOT OF THE TEMPORARY FACILITY

Front Setback

ft. _____

Side Setback, right

ft. _____

Side Setback, left

ft. _____

Rear Setback

ft. _____

6. ACKNOWLEDGMENTS

I attest to the accuracy of the information presented in this application and understand that approval, if granted, becomes void if implementation of the Temporary Facility deviates in any way.

I am fully aware of the time limitation imposed by the Zoning Resolution on the presence of the Temporary Facility on the lot and will abide thereby.

Signature_____

Applicant

Date_____

In consideration of the information of this application as measured against the requirements of the Zoning Resolution, approval of this Certificate is: (Check one)

Granted _____

Denied _____

Reason(s), if denied_____

Signature_____

(Zoning Inspector)

Date_____

WELLER TOWNSHIP, RICHLAND COUNTY, OHIO

ZONING CERTIFICATE

VARIANCE

I. APPLICANT (OWNER) INFORMATION

Name_____

Address_____

Phone Number_____

2. LOT INFORMATION

Identification No.(s) in County Records_____

Address or Location_____

Zoning District_____

* May be several contiguous lots with common ownership.

Septic Systems (Check one) Private_____

Public_____

Water System (Check one) Private_____

Public_____

Lot Area sq.ft._____

Lot Frontage (width) ft._____

3. Description of Variance

Describe the particular Variance for which this application is made. This shall be within the limitations sanctioned by the Zoning Resolution for the zoning district involved.

4. Lot - Development Information As Includes The Variance

Prepare and submit herewith a separate application for a Permitted Use Zoning Certificate covering the development or additional development on the lot, including the entries that are at variance with the Zoning Resolution requirements.

5. Justification Of Variance

In order for the Variance to be granted, the following factors must apply. Attach a separate sheet of comments which establish that such are the case.

- a. Special natural conditions exist peculiar to the lot in question.
- b. The special conditions are natural and do not result from action of the present or previous owner(s).
- c. A literal interpretation of the Zoning Resolution would deprive the applicant of rights enjoyed by other property owners.
- d. The requested Variance is the minimum variance that will allow a reasonable use of the lot.

6. ACKNOWLEDGMENTS

I attest to the accuracy of the information presented in this application.

I further understand that development on the subject lot incorporating this Variance cannot proceed until the associated Permitted Use Certificate has been approved.

Signature _____
Applicant (owner)

Date _____

In consideration of the information in this application as measured against the requirements of the Zoning Resolution and of the Public Hearing, approval of this certificate is: (Check one)

Granted _____

Granted with Restriction(s) _____

Denied _____

Restriction(s), if applied _____

Reason(s), if denied _____

Signature _____

(Chairperson - Board of Zoning Appeals)

Date _____

WELLER TOWNSHIP, RICHLAND COUNTY, OHIO

ZONING CERTIFICATE

NON-CONFORMANCE

I. APPLICANT (OWNER) INFORMATION

Name _____

Address _____

Phone Number _____

2. LOT INFORMATION

Identification No.(s) in County Records _____

Address or Location _____

Zoning District _____

* May be several contiguous lots with common ownership.

Septic Systems (Check one) Private _____
Public _____

Water System (Check one) Private _____
Public _____

Lot Area sq. ft. _____

Lot Frontage (width) ft. _____

3. Description of Non-Conformance(s)

Describe the Non-Conformance that exists in any or all of:

a. The lot use _____

b. The Principal Building and/or its location on the lot _____

c. Any Accessory Structure(s) and/or its/their location on the lot

4. Initiation Dates

The above identified Non-Conformance(s) were initiated on dates as follows:

a, above _____

b, above _____

c, above _____

Attach copies of all available proofs regarding the above dates.

5. ACKNOWLEDGMENTS

I attest to the accuracy of the information presented in this application.

Signature _____
Applicant (owner)

Date _____

The issue - date of the Zoning Resolution or a subsequent amendment with which the above is non-conforming is:

Date _____

In consideration of the information in this application and the above Resolution - issue date against the provisions in the Zoning Resolution for allowable Non- Conformance, approval of this certificate is: (Check one)

Granted _____

Denied _____

Reason(s), if denied _____

Signature _____
(Zoning Inspector)

Date _____

WELLER TOWNSHIP, RICHLAND COUNTY, OHIO

APPLICATION FOR AMENDMENT
OF
THE WELLER TOWNSHIP ZONING RESOLUTION
TO THE
ZONING COMMISSION

I. APPLICANT (PROPERTY OWNER)

Name _____

Address _____

Phone Number _____

2. APPLICANT'S PROPERTY THAT WOULD BE AFFECTED BY THE REQUEST AMENDMENT

Lot Identification No.(s) in County Records _____

Address or Location _____

Zoning District of Lot _____

3. NATURE OF THE REQUEST AMENDMENT. (CHECK AS APPROPRIATE)

Modify the Zoning Map (Plan) to change
certain District Boundaries _____

Add a New District in the Zoning Plan _____

Modify the Zoning District in the Zoning Plan _____

4. SPECIFICS OF THE REQUESTED AMENDMENT

Attach document(s) providing the following information:

a. A clear statement of the amendments requested to the Zoning Plan (map) and/or the Zoning Resolution. Cite the specific portions of the Zoning Resolution that are involved.

b. A site plan of the applicant's property that would be effected by the requested amendment(s). The plan shall show boundaries and dimensions of same, as well as abutting streets (roads).

c. A statement by the applicant as to why he/she believes the requested amendment(s) could be enacted without compromising the protection of the public health, safety, welfare, and morals provided by the zoning regulations as they stand.

5. SIGNATURE OF APPLICANT

DATE _____

WELLER TOWNSHIP, RICHLAND COUNTY, OHIO

COMPLAINT TO BOARD OF ZONING APPEALS
RE
ZONING INSPECTOR'S DECISION OR ACTION

I. COMPLAINANT

Name _____

Address _____

Phone Number _____

2. NATURE OF COMPLAINT

If the complaint is with respects to the Zoning Inspectors final action on a Zoning Certificate(s) application, check as appropriate:

ZONING CERTIFICATE, PERMITTED USE _____
ZONING CERTIFICATE, CONDITIONALLY PERMITTED USE _____
ZONING CERTIFICATE, TEMPORARY FACILITIES _____
ZONING CERTIFICATE, VARIANCE _____
ZONING CERTIFICATE, NON-CONFORMANCE _____

Date of the application(s) at issue in/are _____

If the complaint is about the Zoning Inspectors action other than regards to a Zoning Certificate consideration, check here

3. SPECIFICS OF THE COMPLAINT

On a separate attached document, state the specifics of the complaint. Cite the particular portions of the Zoning Resolution you believe have been misinterpreted, improperly applied, or were not applied by the Zoning Inspector in the situation about which complaint is made.

4. SIGNATURE OF COMPLAINANT

DATE _____

ZONING VIOLATION PROCEDURES

Zoning Violation Procedures to be followed by
Zoning Inspector

STEP 1: IDENTIFY VIOLATION

- A. Identify what section of the zoning resolution is being violated.
- B. Identify how the resolution is being violated.
- C. Identify where the violation is located (address of property).
- D. Take pictures of the violation and list date, time, property owner & address and who took the pictures on the back of the pictures.
- E. If necessary action results from a complaint, get Complaint forms for violations signed & notarized by the person filing the complaint.

STEP 2: FIRST VISIT TO THE PROPERTY IN VIOLATION

- A. Determine ownership of property (3 ways to get the information required)
 1. Ask person in possession of the property who owns the property.
 2. Information can be obtained through the tax records in the Richland County Auditor's Office.
 3. Information can be obtained through the deed records in the Richland County Recorder's Office.
- B. Advise owner of violation
 1. Orally (if possible)
 - a. Advise the owner of the property the section of the zoning resolution that has been violated, how it has been violated and length of time (10 days) to be corrected (Time may be extended if 10 days is not enough for violation and/or circumstances).
 - b. Advise owner that violation of township zoning is prohibited by state law in the O.R.C. Section 519.23.
 - c. Advise owner of penalty for violation as stated in O.R.C. Section 519.99.
 2. In writing (whether oral notification is given or not given)
 - a. Follow up oral notifications with written notice indicating that the violation must be corrected within 10 days. (Time may be extended if 10 days is not enough for violation and/or circumstances.)
 - b. Use violation form provided by the township and keep a copy for the township records.

NOTE: If owner of the property in violation is not the person in possession of the

property, written notice alone is sufficient notification to the owner of the property.

STEP 3: SECOND VISIT TO THE PROPERTY IN VIOLATION

- A. Make your second visit to the property in violation at least 10 days after your first visit or as defined in First Visit by Zoning Inspector according to Violation and/or Circumstances.
- B. If violation still exists, repeat the oral notification (if possible) and the written notification indicating that the violations must be corrected in 10 days.
- C. Take another picture and list date, time, property owner & address and who took the pictures on the back of pictures.

STEP 4: THIRD VISIT TO THE PROPERTY IN VIOLATION

- A. Make your third visit at least ten (10) days after your second visit.
- B. If violation has not been corrected, contact the Law Director's office at the Municipal Court, make an appointment, give details and evidence of the violation and the Court Date will be set.

_____ TOWNSHIP
RICHLAND COUNTY, OHIO

_____ Date

TO: _____

RE: NOTICE OF ZONING VIOLATION

Dear Sir or Madam:

I have this date inspected your property and found its use to be in violation of Section(s) _____ of the township zoning resolution. Section(s) read(s) as follows:

Since the presence of two or more unlicensed vehicles in wrecked or worn-out condition constitute a junkyard, as defined in Revised Code Section 4737.05, and the area in which your property is located is zoned R1, Residential, present use of the property for a junkyard is not permitted. I must, therefore, advise you that the cause of this violation, i.e., _____ must be removed within 10 days or I shall be obliged to take further legal action.

Very truly yours,

Zoning Inspector

_____ Township