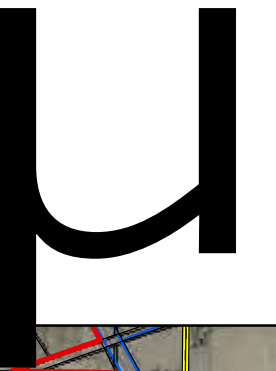


# Sandusky County, Ohio

Spring 2005






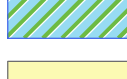
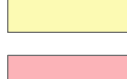



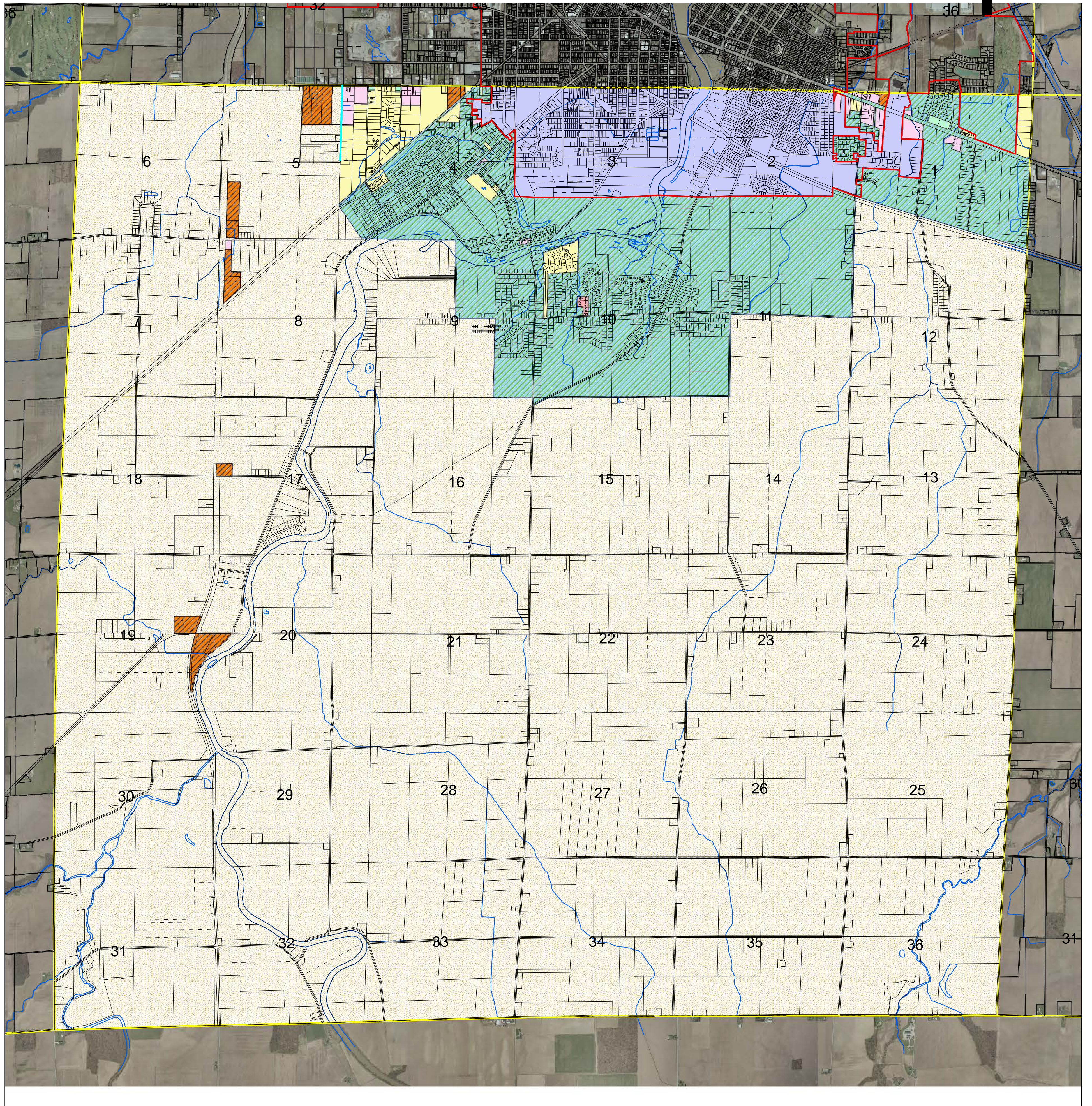
## Legend

### ba\_zone

<all other values>

### ZONTWPS

-  A
-  GB
-  LB
-  M
-  R-1
-  R-2
-  R-3
-  rd



**ZONING RESOLUTION OF BALLVILLE TOWNSHIP**  
**SANDUSKY COUNTY, OHIO**

A RESOLUTION ESTABLISHING TOWNSHIP ZONING IN THE UNINCORPORATED AREA OF BALLVILLE TOWNSHIP, SANDUSKY COUNTY, OHIO, IN ACCORDANCE WITH CHAPTER 519 OF THE OHIO REVISED CODE.

BE IT RESOLVED by the Board of Trustees of Ballville Township, Sandusky County, Ohio; in order to promote the public health, safety, moral, comfort, or general welfare; to conserve and protect property values, to secure the appropriate use of land; and to facilitate adequate but economical provision of public improvements; all in conformance with a Comprehensive Plan that:

**CHAPTER 100 - CITATION AND TERMINOLOGY**

110 SHORT TITLE

This Resolution may be cited as the "Zoning Resolution of Ballville Township".

120 TERMINOLOGY

Terms used in this Resolution shall be deemed to have the meaning as defined in Chapter 1000.

130 RELATIONSHIP TO AGRICULTURAL USES

All agricultural uses exempted from the provisions contained within this Resolution. No permits are required for agricultural buildings nor can this Resolution prohibit the use of any land for agricultural purposes except as set forth in Section 519.21 of the Ohio Revised Code. Agriculture is defined according to the Ohio Revised Code 519.01 as including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal/poultry husbandry. This Resolution does not apply to migrant camps since they are regulated by the State of Ohio Department of Health.

**CHAPTER 200 - DISTRICTS**

210 DISTRICT BOUNDARIES AND ZONING MAP

The boundaries of the districts created by Section 210 are shown on the "Zoning Map of Ballville Township"; which map is made a part hereof by reference along with the scale and all notes, dimensions, and other graphics appearing therein on file at the Ballville Township Building and may be reviewed by appointment with the Zoning Inspector. Whenever a right-of-way is vacated, the districts adjoining each side of said right-of-way are respectively extended to the center of the right-of-way so vacated. Any inconsistencies or uncertainties involving the district boundaries shall be interpreted by the Board of Zoning Appeals.

## **220 CREATION OF DISTRICTS**

The Township is hereby divided into the following districts:

**221 AGRICULTURE DISTRICT ["A"]**

This district is established to preserve areas for agricultural and future urban uses and to permit low density residential uses.

**222 SINGLE FAMILY RESIDENTIAL DISTRICT ["R-1"]**

This district is established for low density single family residences.

**223 MEDIUM DENSITY RESIDENTIAL DISTRICT ["R-2"]**

This district is established for low to medium density single family and two family residences.

**224 HIGH DENSITY RESIDENTIAL DISTRICT ["R-3"]**

This district is established for low, medium, and high density single and multiple family residences.

**225 LIMITED BUSINESS DISTRICT ["LB"]**

This district is established for commercial areas close to residential areas and appropriate to meeting the everyday convenience needs for shopping and services.

**226 GENERAL BUSINESS DISTRICT ["GB"]**

This district is established for areas that are appropriate to providing businesses and services to the larger community.

**227 MANUFACTURING DISTRICT ["M"]**

This district is established for limited industrial, warehousing, processing, and other uses of similar performance characteristics.

**228 CONSERVATION DISTRICT ["C"]**

This district is established to provide for the regulation of development in areas designed for preservation and/or subject to flooding and similar hazards.

**229 PLANNED UNIT DEVELOPMENT DISTRICT ["PUD"]**

This district is established to provide for planned unit developments as specified within this Resolution.

CHAPTER 300 - USES OF LAND IN DISTRICTS

310 PERMITTED USES, SPECIAL USES, NOT PERMITTED USES;

Permitted uses are authorized in the districts created by Section 220 as shown by a "P" in the following table.

Where the use is indicated by an "S" in the following table, the use is permitted as a Special Use after approval of the Board of Zoning Appeals as specified in Chapter 600 of this Resolution.

Where the use is indicated by an "N" in the following table, the use is not permitted.

<b>SECTION</b>	<b>310</b>											
<b>USES</b>				<b>DISTRICTS</b>								
				<b>A</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>LB</b>	<b>GB</b>	<b>C</b>	<b>M</b>	
Administrative Offices				N	N	N	N	S	P	N	S	
Adult Entertainment				N	N	N	N	N	N	N	P	
Agriculture, Dairy Farm, Farm Animals, Farming, Farm Markets, Roadside Stands, Etc.				P	P	P	P	P	P	P	P	
Airports/Heliports				S	N	N	N	S	S	N	S	
Apartment				N	N	N	P	S	S	N	N	
Apartment Hotel				N	N	N	P	S	S	N	N	
Assisted Living-Retirement Complex				S	N	N	S	P	P	N	N	
Auto/Truck & Equipment Repair Station				S	N	N	N	S	P	N	P	
Auto Wrecking/Junkyards/Salvage Yards				S	N	N	N	N	N	N	S	
Barber, Beauty Shops, Tanning Salons				S	S	S	S	P	P	N	N	
Bed/Breakfast				S	S	S	S	P	P	N	N	
Catering Business				S	S	S	S	P	P	N	N	
Cemeteries, Churches				P	P	P	P	P	P	N	P	
Club				P	N	N	N	P	P	S	N	
Commercial Recreation, Amusements, & Entertainment				S	S	S	S	S	S	S	N	
Dwellings, Multi-Family				N	N	N	P	S	S	N	N	
Dwellings, Single Family				P	P	P	P	S	S	N	N	
Dwellings, Two-Family				S	N	P	P	S	S	N	N	
Financial Institutions, Insurance, Real Estate Professional Services,												
Food Processing				S	S	S	S	S	P	N	P	
Fraternal Organizations, Lodges				N	N	N	N	S	P	N	N	
Garage, Commercial Parking				S	N	N	N	S	P	N	P	
Garage, Private				P	P	P	P	S	S	N	N	
Garage, Service				S	N	N	N	S	P	N	P	
Garage/Yard Sales (Private)				P	P	P	P	P	P	P	P	
Golf Courses, Country Clubs, Paintball				P	N	N	N	P	P	N	N	
Grain Elevators, Fertilizer Mixing				P	N	N	N	N	N	N	P	
Grocery, Bakery, Drug Stores (over 5000 sq. ft.)				N	N	N	N	S	P	N	S	

















### **315 PROHIBITED USES**

The following uses are prohibited in all zoning districts

- A. Manufacture of explosives, fireworks, gunpowder, and ammunition
- B. Storage or disposal of slaughterhouse refuse, rancid fats, garbage, dead animals, or offal material.
- C. Unlicensed dumping of any and all materials.
- D. Chemical waste disposal or petroleum waste disposal.
- E. Hazardous waste disposal, incineration or storage.
- F. Privately owned and/or commercial land-fill.

### **320 MANUFACTURING USES**

Manufacturing Uses with minimum nuisance standards shall be permitted in the "Manufacturing" District including, but not limited to the following uses:

- A. Assembly of products from previously manufactured glass; and similar types of uses of a low nuisance level,
- B. Auto repair, junk yard, salvage yard,
- C. Bakeries,
- D. Bottling works,
- E. Carting, express, or hauling establishments,
- F. Clothing manufacturing,
- G. Contractors' establishments and equipment storage (provided not stored in required yards),
- H. Dairying
- I. Electrical equipment assembly,
- J. Furniture and wood products manufacturing,
- K. Lumber yards, lumber mills,
- L. Machine shops,
- M. Manufacturing and processing of nuts, bolts, and similar small metal products,
- N. Printing shops,
- O. Radio and television stations and towers,
- P. Research laboratories (use of animals of which is prohibited),
- Q. Sheet metal shops,
- R. Extractive industries, such as quarrying shall also be classified as permitted manufacturing uses.

**330 ACCESSORY STRUCTURES AND USES**

Uses such as the following are permitted in all districts

[with or without foundation][no permit required]

- agricultural use building
- bird bath                      bird houses                      compost structures
- flag poles                      fish ponds                      wading pools
- curbs                              driveways                      lamp posts
- landscaping fencing less than 25' in length                      dog run kennels - detached
- gardening fencing less than 3' in height
- mail boxes                      name plates                      address plates
- porch railings                      garage sales                      handicap accessories
- playground equip.                      parking spaces                      shrubs
- playhouse                      bridges                      landscaping plantings
- satelite dishes                      walks                      tennis courts
- trees                              yard ornaments                      basketball courts

**Other accessory structures not included in the above list [with or without foundation] must have a permit and shall meet the requirements of a structure: [See Definition of Structure.]**

- fences                              garages
- swimming pools                      recreational ponds
- dog run kennels- attached                      accessory structures
- decks                              gazebos
- additions                              porches
- wall (retaining)                      car port
- barns                              storage sheds
- breezeway                              shelter house
- patio enclosure                      sun room

The following structures are not permitted for use as accessory structures or for storage:

1. Manufactured homes designed and licensed for transference on a public highway with their own wheels and chasis;
2. Tractor trailers, van bodies, cube cab boxes.

**331 LOCATION**

Accessory structures requiring permits shall be located in the rear yard and shall be no closer than ten (10) feet from the principal building.

**332 SETBACKS**

Accessory structures in all districts shall be no closer than five (5) feet from a rear lot line and/or either side lot line, and shall not project into the minimum rear yard of a double frontage lot. On lots where the rear yard abuts a side yard of a corner lot, an accessory structure may not project beyond the front yard setback area of said lot and may not exceed the 25% coverage limit.

**333 HEIGHT RESTRICTION - RESIDENTIAL**

In residential districts, accessory structures shall not exceed 18 feet in height. Antennas, transmission towers, water towers, and satelite dishes, are exempt from the height requirements of this section.









### **335 TEMPORARY BUILDINGS**

Temporary buildings may be permitted in conjunction with a temporary activity such as carnivals, bazaars, etc. which may be conducted for no more than seven (7) days. A zoning certificate shall be required for the buildings either individually or as a group. The buildings shall be removed within 72 hours after the completion of the activity.

A manufactured home or travel trailer used for temporary living quarters or storage of materials or equipment used in conjunction with construction work may be permitted in any district during the period that the construction is in progress. Such permitted use shall be conditional and requires approval by the Board of Zoning Appeals and shall expire upon completion of construction work. Permits for such use shall be for one year and will require renewal for continued use.



**340 MANUFACTURED HOME AND MANUFACTURED HOME PARK REGULATIONS**

**341 MANUFACTURED HOME REGULATIONS**

- A. Single Family Dwellings and Permanently Sited Manufactured Homes.
  - 1. Ballville Township hereby establishes the following standards for the placement of all single-family dwellings and permanently sited manufactured homes in areas of Ballville Township which single-family dwellings are permitted.
    - a. All permanently sited single-family dwellings and permanently sited manufactured homes shall meet the minimum lot area, minimum setbacks, maximum height limitations for the particular district in which it will be located.
    - b. Off-street parking shall be provided according to Section 420 of the zoning resolution.
    - c. The dwellings shall have all towing apparatus, wheels and exposed chassis, if any removed before occupancy of any kind is permitted.
    - d. The dwelling must be approved for and permanently connected to all required utilities.
    - e. All dwellings shall be installed with properly engineered foundation systems that meet the manufacturer’s installation requirements and/or applicable state and local building codes for residential dwellings. A properly engineered foundation system is one that provides adequate support of the dwellings vertical and horizontal loads and transfers these and other imposed forces, without failure, from the dwelling to the undisturbed ground below the frost line.
    - f. All single-family dwellings and permanently sited manufactured homes shall be taxed as real property.

**341 MANUFACTURED HOME PARK REGULATIONS**

- B. Manufactured housing not meeting the criteria established for a permanently sited manufactured home(s) (see definitions) shall be permitted in either a manufactured home park or manufactured home subdivision.
  - 1. Manufactured home parks and manufactured home subdivisions **ARE PERMITTED IN AN AGRICULTURE DISTRICT AS WELL AS R3 DISTRICT AND ARE REGULATED BY THE SANDUSKY COUNTY DEPARTMENT OF PUBLIC HEALTH.**

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## SECTION 344 SMALL WIND ENERGY SYSTEMS

**A. Purpose:** The purpose of this section is to promote the safe, efficient use of small wind energy systems, and to establish standards and procedures for the installation and operation of these systems within the township.

**B. Definitions:** Small Wind Energy System – A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW/1MW and which is intended primarily to reduce on site consumption of utility power by the property owner. Additional criteria:

1. Rotors 23 inches to 21 feet in diameter, mounted on a 65 to 140 foot tower.
2. Suitable for use by rural farms and/or residences in an Agricultural Zoning District.
3. Able to operate in areas with Class 2 to 3 wind resources.
4. Small wind energy systems shall only be installed on land owned by the applicant and shall be used solely by the applicant on that site.

Turbine – The parts of a wind system including the blades, generator and tail.

Tower Height – The height above grade of the fixed portion of the tower, excluding the wind turbine and blades.

**C. Permitted Use:** Small wind energy systems shall be a permitted use in an agricultural zoning district subject to the following requirements:

1. Notice – Notice of an application for installation of a small wind energy system shall be provided to the property owners within 300 feet of the property on which the system is to be located by regular mail, with certificate of mailing. Said notice shall be made within five days of the submission of the zoning permit application, and copies of the same shall be submitted to the zoning inspector or the permit application will be deemed to be incomplete.

2. Tower Height - Tower heights of not more than 140 feet shall be allowed on parcels of not less than five acres. For property sizes of five acres or more, there is no limitation on tower height, except as imposed by the FAA regulations, provided that the application includes evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system.

The system shall comply with all applicable Federal Aviation Administration requirements, including but not limited to Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports.

3. Setbacks – No part of the small wind system structure, including guy wire anchors, may extend closer than the height of the tower including the wind turbine and blades.

Additionally the outer and innermost guy wires must be marked and clearly visible to a height of six feet above the guy wire anchors. The setback for the tower and wind turbine shall be the combined height of the tower and wind turbine plus ten feet.

4. Compliance with National Electric Code – All small wind energy system installations shall comply with the National Electric Code.

5. Compliance with the Ohio Building Code or Uniform Building Code – All zoning applications for small wind energy systems shall include standard drawings and an engineering analysis of the wind turbine structure, including the tower, base and footings. An engineering analysis of the tower showing compliance with the Ohio Building Code or Uniform Building Code and certified by a licensed professional engineer shall also be submitted. However, a wet stamp shall not be

required provided that the application demonstrates that the system is designed to meet the most stringent wind requirements.

6. Noise – Decibel levels for the system shall not exceed 60 dB(A) or in excess of 5 dB(A) above the background noise, whichever is greater, as measured at each property line, except during short-term events such as utility outages and severe windstorms.

7. Utility Notification – No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the property owner's intent to install a small wind energy system.

8. Aesthetics – Wind turbines and towers shall be painted white, off white, or light gray to minimize visual impact upon the surrounding property owners. Neither the wind turbine nor the tower shall be used as a billboard or as an advertising device.

a. Tower climbing apparatus shall not be located within twelve feet of the ground;

b. A locked anti-climb device shall be installed and maintained; or

c. A tower capable of being climbed shall be enclosed by a locked, protective fence at least ten feet high with barbed wire fence.

All applications shall show a site plan for the wind turbine tower illustrating the fencing, signage, and color of the tower and wind turbine.



## **350 MARINAS, BOAT SALES AND SERVICE, AND RACE TRACK REGULATIONS**

### **351 MARINA AND BOAT SALES AND SERVICE REGULATIONS**

Marinas, docking facilities and ramps, and boat sales and service uses shall be permitted only if located in minimum distances of 100 feet from the nearest residential district. Boat storage may be permitted in farm buildings in the Agricultural District provided no outside storage is made. Personal boats may be temporarily stored on the owners' property.

## **360 TRAVEL TRAILER PARK, TRAILER CAMP, OVERNIGHT CAMP REGULATIONS**

### **361 LOCATION**

Such uses shall be located no closer than 100 feet from the nearest residential district, and the owner of such uses shall have control of 100 feet of land surrounding the use.

### **362 DENSITY**

Such uses shall be permitted no more than 20 camp or trailer sites per gross acre.

### **363 OTHER REGULATIONS APPLICABLE**

All other regulations pertaining to such uses shall be met including all health requirements of the Sandusky County Health Department and the Ohio Department of Health. Personal travel trailers may be temporarily stored on the owners' property.

## **370 GO-CARTS AND COMMERCIAL RACE TRACK REGULATIONS**

Such uses may be permitted only when the applicant demonstrates to the satisfaction of the Township that noise and other nuisances will not be a problem and a hazard to the adjacent properties and the community in general.

**380 PLANNED UNIT DEVELOPMENTS (PUD)**

Planned Unit Development (PUD) shall be permitted in the Planned Unit Development District (PUD) only after the approval of a zoning amendment to the PUD District, in accordance with the amendment procedure described herein, and the satisfaction of the following requirements and provisions.

**381 PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENTS (PUD)**

Because of the special characteristics of PUD, special provisions governing the development of land for this purpose are required. Whenever there is a conflict between the provisions of this section and other requirements of this Resolution, the provisions of this section shall prevail. Subjects not covered by this section shall be governed by the requirements as specified herein.

**382 USES PERMITTED**

Compatible residential, commercial, industrial, public, and semi-public uses may be combined in the PUD District provided all proposed uses will not adversely affect adjacent property or property values and/or the public health, safety, and general welfare. The amount of land devoted to specific uses (residential, commercial, industrial, etc.) shall be approved in accordance with the zoning amendment procedure.

**383 MINIMUM PROJECT AREA**

The minimum gross area of a PUD shall be 25 acres.

**384 COMMON OPEN SPACE**

A minimum of 20 percent of the area in any PUD shall be reserved for common open space and recreational facilities. Said area shall be:

- A. Held in corporate ownership by owners of the project area for the use of each owner who buys property in the PUD.
- B. Dedicated to and accepted by a public body acceptable to the Township Trustees and retained as common open space for parks, recreation, and related uses.
- C. A combination of the above-mentioned options. Easements, right-of-way, water courses and other similar areas are not acceptable for meeting the requirement unless specifically approved by the Township Trustees. The responsibility for the maintenance of said areas shall be specified by the developer at the time of submission of the application for rezoning to the PUD District.

**385 UTILITY REQUIREMENTS**

Underground utilities, including telephone and electrical systems, are required within any PUD unless proved otherwise. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if approved by the Township Trustees.

**386 DENSITY REQUIREMENTS**

The overall density of any PUD shall not exceed the maximum permitted by the zoning district previous to the PUD zoning amendment request unless approved by the Township Trustees. The maximum density in any part of a PUD shall not exceed 14 units per acre unless approved by the Township Trustees. A diversification of lot sizes and setbacks are encouraged.

**387 PERIMETER YARD AND PARKING REQUIREMENTS**

All lots abutting the perimeter of any PUD shall maintain all yard requirements specified for the applicable conventional zoning district. Off-street parking and loading areas shall be provided in accordance with the normal requirements of this Resolution except that such areas serving non-residential uses shall not be permitted within 15 feet of any residential use.

### **388 ARRANGEMENT OF COMMERCIAL AND INDUSTRIAL USES**

When any PUD proposes commercial and/or industrial uses, such uses shall be screened from the non-commercial and/or non-industrial portions of the development, to the satisfaction of the Township Trustees, utilizing landscaping, existing woodlands, plantings, and the like. Traffic circulation in these areas shall be designed to minimize through traffic related to these uses with traffic circulation in the other portions of the PUD. All planned commercial and industrial areas shall provide for the harmony of buildings and a compact grouping in order to minimize the cost of utilities. Yards for industrial uses of 50 feet shall be required adjacent to any residential use. All areas designed for future expansion shall be landscaped or otherwise maintained in a neat and orderly manner to the satisfaction of the township Trustees.

### **389 PROCEDURE FOR APPROVAL AND APPLICATION AND PLAN REQUIREMENTS**

#### **389.1 PRELIMINARY APPROVAL PROCEDURE**

The procedure for preliminary approval of a zoning amendment to PUD shall involve the holding of a public hearing on the matter with public notice provided in a newspaper of general circulation in the Township at least ten (10) days prior to the hearing. The Board of Township Trustees shall conduct the hearing and determine, upon examination of the facts, the preliminary approval or disapproval of the plan. Upon approval of the preliminary plan, the developer may proceed with the application for final approval as outlined in Section 389.3 of this Resolution. The preliminary approval shall be valid for a period of one year and may be extended only after the approval of the Board of Township Trustees.

#### **389.2 CONTENTS OF PRELIMINARY PLAN APPLICATION**

The preliminary plan application to be reviewed at the hearing in accordance with Section 389.1 of this Resolution shall include, at a minimum, the following information:

- A. Name, address, and telephone number of the applicant.
- B. A sketch of the property in question with the location and types of all proposed structures and uses displayed and the layout of all streets, open spaces, lots, yards, easements, etc. shown.
- C. A site development schedule indicating approximate dates for the start and the completion of the PUD.
- D. Any other information as deemed necessary by the Board of Township Trustees.

#### **389.3 PROCEDURE FOR FINAL APPROVAL**

The procedure for final approval to a zoning amendment to PUD shall be the same as any amendment to this Resolution as specified in Chapter 900 of this Resolution including all hearings and notices. No final plan shall be approved which deviates significantly from the approved preliminary plan.

#### **389.4 SUBMISSION OF A PLANNED UNIT DEVELOPMENT (PUD) AS A SUBDIVISION PLAT**

At the time of submission of the final application to the Township, the developer shall submit the proposal as a subdivision plat to the Sandusky County Regional Planning Commission for concurrent review in accordance with the SUBDIVISION REGULATIONS OF SANDUSKY COUNTY, OHIO. A copy of the final application shall be submitted with the plat to the Regional Planning Commission.

**389.5 CONTENTS OF FINAL APPLICATION**

At a minimum, the final application shall contain the following information:

- A. Name, address, and telephone number of the applicant.
- B. Name, address, and telephone number of a registered surveyor and engineer preparing the plan (plat).
- C. Legal description of the property.
- D. Description of existing and proposed land use.
- E. Zoning district.
- F. A vicinity map showing the site location in relation to surrounding uses.
- G. A development plan showing topography of two (2) foot intervals, the location and types of all structures and uses; the layout of all proposed streets, rights-of-way, easements, open spaces, and facilities; the layout and dimensions of all lots and yards, and other items as required by the Township.
- H. A survey of the proposed development site showing the dimensions and bearings of the property lines, the area in acres, and all existing features of the site including woodlands, structures, streets, and utilities, etc.
- I. A schedule for development of the entire site; landscaping plans; a copy of deed restrictions, protective covenants, and other legal statements to be used to control the use, development, and maintenance of the land and the improvements thereon, including those areas which are to be commonly owned and maintained.
- J. Any other requirements as deemed necessary by the Township.

**389.6 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS**

In approving any PUD, the Township may prescribe appropriate conditions when made a part of the approval, shall void all actions and be subject to the enforcement provisions of this Resolution.

**389.7 EXPIRATION AND EXTENSION OF APPROVAL PERIOD**

The approval of a PUD shall be for a period of three (3) years to allow for the approval and recording of the required subdivision plat and the development of the project. If 25% of the area has not been completely developed within three (3) years after approval is granted, the PUD approval and zoning change shall be void and the area shall revert back to its former zoning district.

An extension of this time may be approved by the Board of Township Trustees.

### **390 MINI-STORAGE BUILDINGS**

(A) Purpose - This section is to provide for the development of mini-storage buildings in the Limited Business (LB) and the General Business(GB) district and such use shall require a Special Use Permit. A mini-storage building shall mean a structure or group of structures for the dead storage of customer's goods and wares where individual stalls or lockers are rented out to different tenants for storage and where the maximum size of the stall shall be six hundred (600) square feet and not more than four thousand (4000) square feet shall be leased to a single tenant.

(B) Not to Restrict Use by Right - Nothing herein shall be deemed to limit warehouse use within an industrial district as elsewhere permitted or provided for by this Resolution.

(C) Special Use Permit Required - The Board of Zoning Appeals may through a public hearing process approve, approve with conditions or disapprove a request for a Special Use Permit according to Section 633 of this resolution a plan for mini-storage buildings upon any tract zoned Limited Business(LB) or General Business (GB) when such plan is found to comply with the conditions and requirements hereinafter set forth.

(D) Contents of Plan: Site Review

#### 1. General Requirements

- a. No lot shall be less than two acres.
- b. The lot shall abut and gain direct access to a local non-residential, collector, or arterial street as specified in Section 461 of this resolution.
- c. The plan shall show the existing site along with surrounding land within two hundred (200) feet of its border. Street rights-of-way and easements shall be included. (The area 200 feet adjacent to the site may be shown by a location map).
- d. The plan shall be drawn at a scale of one inch equals fifty (50) feet or larger. Said plan shall include all building locations, drives, parking, fencing and signage. A landscape plan shall also be incorporated as part of the site plan or submitted as a separate sheet. Building elevations shall also be included on the plan along with specifications of the colors of buildings and materials to be used.
- e. Stormwater management shall be incorporated into the plan so that stormwater runoff from the site will not increase as a result of the proposed development. The facility shall be designed to control the stormwater runoff from at least a 25-year return frequency storm as certified by a professional engineer.
- f. No business activity other than rental of storage units shall be conducted on the premises and no outside storage will be permitted.
- g. Outdoor lighting of any kind - all outdoor lights shall be shielded to direct light and glare only onto the mini-warehouse premises and may be of sufficient intensity to discourage vandalism and theft. Said lighting and glare shall be deflected, shaped and focused away from all adjoining property.

- h. Building setbacks shall be as follows:
  - Front Yard - not less than 25 feet on which all parking and internal drives are prohibited.
  - Side Yard - not less than 12.5 feet on which all parking and internal drives are prohibited.
  - Rear Yard - not less than 12.5 feet on which all parking and internal drives are prohibited, except that a rear yard is not required adjacent to commercial or industrial zoned land, then no rear yard is required.
- i. Internal drives and parking shall be paved or provided with a hard, dustless surface satisfactory to the township.
- j. Building heights shall be limited to one story (not to exceed 18 feet at the highest point).

(E) Commercial Sales Activity Prohibited - The sale of any item from or at a mini-storage building is specifically prohibited.

(F) Violations - Any violation of the regulations regarding mini-storage buildings shall be grounds for the revocation of the Special Use Permit and shall also be considered to be in violation of this zoning resolution.

### **391 ADULT ENTERTAINMENT ESTABLISHMENTS**

Adult entertainment establishments shall only be permitted in the manufacturing district (M). Additional regulations for Adult Entertainment Establishments include the following:

- A. No adult entertainment establishment shall be located within five hundred feet from the boundaries of a parcel of real estate having situated on it a church, school, library, public playground, any building, park or other facility owned by the State of Ohio or a political subdivision thereof, tavern, bar, or other adult entertainment establishment.
- B. No adult entertainment establishment shall be located within five hundred feet the boundaries of any residential zoning district as set forth in this resolution as shown on the Zoning Map of Ballville Township.
- C. That this Board of Trustees hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this board, and that all deliberations of this board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including 121.22 of the Ohio Revised Code.
- D. That the within resolution shall be effective at the earliest date permitted by law.

**CHAPTER 400 - SUPPLEMENTARY REGULATIONS**

**410 Yard lot, Density, Coverage, Bulk, and Height Requirements**

No zoning permit shall be issued for any construction, alteration, or change in building, structure, or use of land unless the following requirements are met in the districts indicated:

	<b>A</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>LB</b>	<b>GB</b>	<b>C</b>	<b>M</b>
<b>DWELLING UNITS PER GROSS ACRE (maximum density)(43,560 sq. ft. = acre)</b>								
A. Single family	2	4	4	4	4	4		
B. Two family			6	6	6	6		
C. Multi-family				9	9	9		

**MINIMUM LOT AREA FOR RESIDENTIAL LOTS (Thousands of square feet) \***

A. First dwelling unit on lot	21.78	10.89	10.89	10.89	10.89	10.89		
B. Agricultural lots with sanitary sewers	12.5							
C. Agricultural lots without sanitary sewers	43.56							

\* There shall only be permitted one principal dwelling or structure per lot in each zoning district. These requirements do not apply to condominium and PUD developments.

**MINIMUM LOT WIDTH (in feet)**

	100	80	80	80	80	80		
A. First dwelling unit on lot	100	80	80	80	80	80		

\*All pending subdivision(s) in review are exempt

**MINIMUM LOT DEPTH (feet)**

135 feet required in all districts

**MAXIMUM PERCENT OF LOT COVERAGE**

A. Residential uses	25	25	30	40	40	40		
B. Non-residential uses	25	25	30	40	40	60	15	60

**MINIMUM DEPTH OF FRONT YARD (feet)**

A. Residential uses	30	30	30	30	30	30		
B. Non-residential uses	45	35	35	35	15	15	45	35



**CHAPTER 400 - SUPPLEMENTARY REGULATIONS**

**410 Yard lot, Density, Coverage, Bulk, and Height Requirements**

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	<b>A</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>LB</b>	<b>GB</b>	<b>C</b>	<b>M</b>
<b>MINIMUM DEPTH OF REAR YARD (feet)</b>								
A. All principal building uses	25 feet required in all districts							
<b>MINIMUM WIDTH OF EACH SIDE YARD (feet)</b>								
A. Single family residential uses	10	5	5	5	5	5		
B. Two and multi-family residential uses			10	10	10	10		
C. Business uses	10				0	0	10	0
D. Industrial and other uses	25	25	25	25	0	0	10	0
E. All other non-residential uses					25	25	25	25
<b>MINIMUM AREA OF SINGLE FAMILY DWELLING UNITS (square feet)</b>								
A. Ground floor area	1000 square feet required in all districts							
B. Total floor area	1500	1200	1000	1000	1000	1000		
<b>MINIMUM FLOOR AREA OF TWO &amp; MULTI-FAMILY DWELLING UNITS (square feet)</b>								
A. Total floor area	1000 square feet per dwelling unit required in all districts							
<b>MAXIMUM HEIGHT OF BUILDINGS AND STRUCTURES (feet)</b>								
A. Primary uses	35	35	35	35	35	60	35	100





## **420 OFF-STREET PARKING AND LOADING REQUIREMENTS**

### **421 NUMBER OF PARKING SPACES REQUIRED**

No zoning permit shall be issued unless there is provided the following number of off-street parking spaces (including all additions or new construction begun after the adoption of this Resolution:)

- A. Residential Uses - two (2) spaces per dwelling unit.
- B. Commercial Uses - one (1) space per 250 square feet of floor area.
- C. Industrial Uses - one (1) space per three (3) employees.
- D. Churches, Theaters, Places of Assembly - one (1) space for each six (6) seats.
- E. Golf Courses - 30 spaces per nine (9) holes.
- F. Motels Hotels, Rooming Houses - one (1) per sleeping room, plus one (1) per employee.
- G. Manufactured Homes, RV Parks, Travel Trailer Parks and Camps - two (2) spaces per lot per site.
- H. Riding Stables - one (1) space per 5,000 square feet of floor area.

### **422 SIZE AND LOCATION OF OFF-STREET PARKING SPACES**

All required parking spaces shall be 200 square feet in each area, shall be within 300 feet of the premises served, shall be at least nine (9) feet wide, and shall not be parallel to and abut the rights-of-way line.

### **423 NUMBER, SIZE, AND LOCATION OF OFF-STREET LOADING SPACES**

One such space shall be provided for each 15,000 square feet of commercial use, or fraction thereof; and one (1) such space shall provide for each 40,000 square feet of industrial use, or fraction thereof. Each loading berth shall be a minimum of 12 feet by 60 feet (12' X 60') with a minimum height clearance of 14 feet and shall be located adjacent to the use served.



## 430 SIGN REGULATIONS

## 431 GENERAL REGULATIONS

The regulations contained herein shall apply to all signs and all zoning districts.

- a. No sign ***OR SIGN LIGHTING DEVICE*** shall be erected or maintained at any location where it might obstruct or impair traffic in any manner.
- b. No illuminated signs shall be permitted in residential districts.
- c. Movable or portable signs may be permitted if all other requirements are met.
- d. Should any sign become unsafe or in danger of falling, the owner thereof or the person maintaining same, shall upon receipt of written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign.
- e. Any illuminated sign shall employ only a source which emits a light of constant intensity; no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving lights.
- f. No sign shall be placed on the roof of any building, except those whose supporting structure is screened so the sign appears to be a continuation of the face of the building.
- g. No sign shall be placed in a public right-of-way except publicly owned signs such as traffic control signs.
- h. No projecting sign shall be erected or maintained from the face of a building more than two (2) feet.
- i. Signs designed to preserve the architectural and/or aesthetic character of a structure or site ***AS DETERMINED BY THE ZONING INSPECTOR***, may be permitted upon review at the time of issuance of a permit.
- j. THE REGULATIONS OF SIGNS ALONG INTERSTATE AND PRIMARY HIGHWAYS SHALL CONFORM TO THE REQUIREMENT OF THE OHIO REVISED CODE, CHAPTER 5516, AND THE REGULATIONS ADOPTED PURSUANT THERETO.***
- k. NON-CONFORMING SIGNS AND SIGNS ADVERTISING NON-CONFORMING USES MAY REMAIN EXCEPT THAT NO NEW SIGN SHALL BE ERECTED AND NO EXISTING SIGN SHALL BE EXPANDED OR SUBSTANTIALLY RECONSTRUCTED WITHOUT THE APPROVAL OF A VARIANCE FOR SUCH ACTIVITY FROM THE BOARD OF ZONING APPEALS.***
- l. ALL SIGNS REGULATED WITHIN SECTIONS 432-438 SHALL BE MAINTAINED IN GOOD REPAIR AS DETERMINED BY THE ZONING INSPECTOR.***
- m. NO SIGN SHALL BE CONSTRUCTED IN SUCH A MANNER AS TO OBSTRUCT VISIBILITY AS DETERMINED BY THE ZONING INSPECTOR.***
- n. ALL FREESTANDING SIGNS SHALL BE CONSTRUCTED IN SUCH A MANNER SO AS TO WITHSTAND A WIND PRESSURE OF UP TO 50 MILES PER HOUR.***

#### 432 SIGNS NOT REQUIRING A PERMIT WHICH ARE PERMITTED IN ANY DISTRICT

The following signs shall be permitted in any district and shall not require a permit:

- a. *Signs denoting the name and address of the occupants of the premises, professional name plates not to exceed two (2) square feet in area AND AFFIXED TO THE PRINCIPAL BUILDING.*
- b. For multi-family dwelling (if permitted), one (1) sign not exceeding 12 square feet in area indicating the name and address of the building and the name of the management thereof.
- c. For required parking areas, signs identifying such areas not to exceed nine (9) square feet.
- d. Signs established by, or by order of, any governmental agency.

#### 432-1 TEMPORARY SIGNS

- a. Public Interest Signs: signs such as a county fair or a church event, garage sales, private recreational activities, portable signs, on or off premise, sign not over thirty-two (32) square feet in area; such sign shall be erected not more than 60 days before the event in question, and shall be removed within seven (7) days after the event; also, directional signs, not more than three (3) square feet in area and located *NEAR THE NEAREST INTERSECTION TO THE SALE, (REFERENCE 436-d)*, showing on a directional arrow. The name of the event may be permitted, provided such sign shall not be erected more than seven (7) days before the event and shall be removed within seven (7) days after the event.
- b. Political Sign: no political sign shall be posted in any place or in any manner that is destructive to public *OR PRIVATE* property upon posting or removal. 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 (2) weeks following Election Day; or will be subject to REMOVAL by the Ballville Township *ZONING INSPECTOR*.
- c. Construction Signs: signs announcing the erection of a building, the architect, the builders or contractors may be erected for a period of 60 days plus the construction period, not to exceed 32 square feet in area per sign and located on the construction site.
- d. Real Estate Signs: one on premise sign, not exceeding 12 square feet in area, pertaining to the sale or rent of the property on which the sign is located. (Second sign requires a permit)
- e. *Refer to 439 for additional requirements for signs.*

## **440 FLOODPLAIN, FLOODWAY & WETLAND OVERLAY DISTRICT**

### **441 STATEMENT OF PURPOSE**

The Floodplain District is designed to protect those lands which are subject to predictable inundations at frequent intervals. Such regulations as herein established, while permitting reasonable economic use of affected properties, will protect the public health and reduce potential financial obligations on Ballville Township and its individuals by frequent and periodic floods. By restricting the use of flood lands, areas are reserved for the impoundment of water with a consequent stabilized stream flow which promotes and maintains the streams' ecological environment.

#### **441.1 BOUNDARIES FURTHER DEFINED**

The floodplain and floodway districts are hereby established "overlay districts", meaning that these districts are overlaid upon the districts and the land so enclosed may be used in a manner permitted in the underlying district only if and to the extent such use is also permitted in this district.

The floodplain and floodway districts are hereby established and may be reviewed at the offices of the Sandusky County Regional Planning Commission.

As used in this resolution, the terms "floodplain" and "floodway" refer in the first instance to certain areas whose boundaries are determined and can be located on the ground by reference to the specific fluvial characteristics set forth in the definitions of these terms. These terms also refer to overlay zoning districts whose boundaries are established on a map located at the office of the Sandusky County Regional Planning Commission, which boundaries are intended to correspond to the actual physical location of floodways and floodplains. (These overlay districts thus differ from other zoning districts whose boundaries are established solely according to planning or policy rather than physical criteria). The floodplain area is the same as delineated and regulated in the Floodplain Building Regulations, as provided by the Sandusky County Regional Planning Commission.

In any area that is located outside a designated floodplain but where a stream is located, no building or fill may be located within a distance of the stream bank equal to five times the width of the stream at the top of the bank or twenty feet on each side, whichever is greater.

#### **441.2 ARTIFICIAL OBSTRUCTIONS WITHIN FLOODPLAIN**

1. No artificial obstruction may be located within any floodway, except as provided in this section and with issuance of a floodplain permit from the offices of the Sandusky County Regional Planning Commission.

2. For purposes of this section, an artificial obstruction is any obstruction, other than a natural obstruction, that is capable of reducing the flood-carrying capacity of a stream or may accumulate debris and thereby reduce the flood-carrying capacity of a stream. A natural obstruction includes any rock, tree, gravel, or analogous natural matter that is an obstruction and has been located within the floodway by a nonhuman cause.



#### **441.3 PERMISSIBLE USES WITHIN FLOODWAYS**

Notwithstanding this provision of this resolution, no use of land within a floodway may be permitted unless the proposed use is listed in the underlying district and in the following list:

1. General farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm and other similar agricultural, wildlife and related uses.
2. Ground-level loading areas, parking areas, rotary aircraft ports and other similar ground-level area uses.
3. Lawns, gardens, play areas and other similar uses.
4. Golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, parks, hiking or horseback riding trails, open space and other similar private and public recreational uses.

#### **441.4 LIMITATIONS ON USES WITHIN FLOODWAYS AND FLOODPLAINS**

1. Any development within the district should meet the following criteria:

- (a) The proposed development is consistent with the need to minimize flood damage and
- (b) All public utilities and facilities such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage and
- (c) Adequate drainage is provided to minimize or reduce exposure to flood hazard and
- (d) All necessary permits have been received from the Sandusky County Regional Planning Commission and those agencies from which approval is required by federal or state law.

2. No building may be constructed and no substantial improvement of an existing building may take place within any floodway. With respect to mobile home parks that are nonconforming because they are located within a floodway, mobile homes may be replaced in such parks only if they comply with the provisions of subsection (7).

3. No new residential building may be constructed and no substantial improvement of a residential building may take place within any floodplain unless the lowest floor (including basement) of the building or improvement is elevated three feet above the base flood level.

- (1) Residential accessory structures shall be allowed within floodplains provided they are firmly anchored to prevent flotation.
- (2) Anchoring of any accessory buildings may be done by bolting the building to a concrete slab or by over-the-top ties. When bolting to a concrete slab, one-half inch bolts six feet on center with a minimum of two per side shall be required. If over-the-top ties are used, a minimum of two ties with a force adequate to secure the building is required.

4. No new residential building may be constructed and no substantial improvements of a nonresidential building may take place within any floodplain unless the lowest floor (including basement) of the building or improvement is elevated or floodproofed three feet above the base flood level. Where floodproofing is used in lieu of elevation, a registered professional engineer or architect shall certify that any new construction or substantial improvement has been designed to withstand the flood depths, pressure, velocities, impact and uplift forces associated with the base flood at the location of the building and that the walls below the base flood level are substantially impermeable to the passage of water.

5. For purposes of this section, “substantial improvement” means for a building constructed prior to the effective date of this resolution, any repair, reconstruction or improvement of a building, the cost of which equals or exceeds fifty percent of the market value of the structure either (I) before the improvement or repair is started or (ii) if the structure has been damaged and is being restored, before the damage occurred. “Substantial improvement” occurs when the first alteration on any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include with (I) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications that or (ii) any alteration of a building listed on the National Register of Historic Places or a State Inventory of Historic Places.

6. No zoning or special use permit may be issued for any development within a floodplain until the permit-issuing authority has reviewed the plans to assure that any new construction or substantial improvements shall be:

- (a) Designed (or modified) and adequately anchored to prevent flotation collapse, or lateral movement of the structure.
- (b) Constructed with materials and utility equipment resistant to flood damage.
- (c) Constructed by methods and practices that minimize flood damage.

7. Notwithstanding any other provision of this section, no mobile home may be located or relocated within that portion of the floodplain outside of the floodway, unless the following criteria are met:

- (a) Ground anchors for the tie-downs are provided.
- (b) The following tie-down requirements are met:
  - (i) Over-the-top ties are required at each of the four corners of the mobile home, with one additional tie per side at an intermediate location, for mobile homes less than fifty feet long. Two additional ties per side are required for mobile homes more than fifty feet long.
  - (ii) Frame ties are required in conjunction with each over-the-top tie.
  - (iii) All components of the anchoring must be capable of carrying a force of 4,800 pounds.
- (c) Lots or pads are elevated on compacted fill or by any other method approved by the administrator so that the lowest habitable floor of the mobile home is three feet above the base flood level.
- (d) Adequate surface drainage and easy access for mobile home hauler is provided.
- (e) Load-bearing foundation supports such as piers or pilings must be placed on stable soil or concrete footings no more than ten feet apart and if the support height is greater than seventy-two inches, the support must contain steel reinforcement.

8. Dumping or backfilling with any material or excavation in any manner is prohibited unless:

- a. Through compensating excavation and shaping of the floodplain, the flow and impounding capacity of the floodplain will be maintained or improved and will not cause an increase in the flood hazard or damage from floods and will not allow water to collect in pools that will stagnate.
- b. No significantly measurable reduction in the flow or impoundment capacity of the floodplain thereby results.
- c. Where there is dumping, backfilling or excavation in any manner, adequate site plans and engineering drawings shall be submitted to effectively show the final results of such action.

#### **441.5 SITE AND LANDSCAPING PLAN REVIEW**

For all development in the Floodplain District, a site plan shall be submitted to the Ballville Township Zoning Commission for its review and recommendations. The Ballville Township Zoning Commission, in its review of the site plan, shall have regard to the provisions of Article 25.

#### **441.6 REFERENCE TO FLOODPLAIN PERMIT**

Floodplain permits are required in accordance with the requirements of the Flood Damage Prevention and Floodplain Building Regulations provided by the offices of the Sandusky County Regional Planning Commission and Army Corp of Engineers. Applications for permits must be made through the Sandusky County Regional Planning Commission and Army Corp of Engineers.

#### **441.7 WETLANDS**

Wetlands are areas inundated or saturated by surface or ground water at a frequency or duration sufficient to support and under normal circumstances support a prevalence of vegetation adapted for life in saturated soil conditions. Size is not a limitation. Areas smaller than an acre are regulated by the Army Corps of Engineers.

#### **441.8 PERMITS REQUIRED**

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S. C. 403): Under this law you will need a permit from the Corps of Engineers for any structure or work that takes place in, under or over a navigable water or wetland adjacent to navigable waters of the United States. Section 404 of the Clean Water Act (33 U.S. C. 1344): Under this law, you need a permit to discharge dredged or fill material into a water of the United States. Remember, this includes wetlands.

**450 FENCE, HEDGE, WALL AND BUFFERING REQUIREMENTS**

The following regulations shall govern the placement and/or construction of fences (and to include all hedges, walls, and buffers).

Fences shall be permitted in all residential districts with only those lots of less than one (1) acre being subject to the regulations contained in this section. Lots of one (1) or more and/or enclosing agricultural uses, shall be exempt from these regulations, except for the regulations in **Section 484 - Requirements for Swimming Pools**, which shall apply to all lots in the township. Fences shall be maintained in good condition without any advertising thereon, and shall be constructed so as not to obstruct visibility or cause an unsafe condition for motor vehicles, cyclists or pedestrians along any adjacent road right-of-way. Fences shall be split-rail, basketweave, picket, board of batten, baffle, stockade, estate rail or solid wood, chain link, woven, welded lawn, hinge-joint, stone and/or brick masonry and other comparable types.

On all side, front, or rear yard fences of the supporting rails and posts, the rough and unfinished sides of the fence shall face the interior of the property of the owner(s) of the fence.

No fence in any side or rear yard shall exceed six (6) feet in height in the following districts; agriculture, residential, or conservation, and ten (10) feet in light business, general business, and manufacturing, Planned Unit Development (PUD) as part of the review process. Where side yards adjoin public rights-of-way, excluding controlled access highways, fences shall comply with regulations for fences in front yards.

No fence in any front yard, or in any yards adjacent to public rights-of-way, excluding controlled access highways, shall exceed two and one-half (2-1/2) feet in height. No fence in any residential district shall be constructed in whole or in part, of barbed wire, concertina wire, guard-rail or be electrified. Barbed wire, concertina wire, guard rail or electrified fencing shall be allowable in “Agriculture” districts only.

No fence shall restrict visibility in any district. Nothing shall be erected, placed, in such a manner as to impede vision in relation to vehicular or pedestrian traffic. On corner lots in any district, nothing shall be permitted which will materially impede vision between the height of two and one-half (2-1/2) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said rights-of-way lines fifty (50) feet from the point of intersection of the two (2) streets. [See figure 1 – last page]

**455 BUFFER REQUIREMENTS**

Buffering is required in the “Light Business”, “General Business”, and “Manufacturing” Districts where they abut residential zoning districts. For the purposes of this section, a buffer includes solid fences, (minimum of six (6) feet, barriers, screens, or vegetative plantings that will upon maturity attain a height of six (6) feet and block visibility and light. Building plans shall be submitted along with the application for a zoning certificate.

#### **460 ADDITIONAL LOT FRONTAGE REQUIREMENTS**

##### **461 LOT FRONTAGE ON IMPROVED STREETS REQUIRED**

No lot shall be located on a street unless said street is an approved public or private street as recorded on an approved subdivision plat in the office of the Sandusky County Recorder. An approved street is one which is physically present in terms of but not restricted to pavement, drainage, etc. No zoning permit shall be issued for any lot unless the above-mentioned conditions are met.

#### **470 ADDITIONAL YARD REQUIREMENTS**

##### **471 YARD REQUIREMENTS FOR CORNER LOTS**

The front yard requirements for corner lots shall be the same as the normal district front yard requirements for both sides of the lot fronting upon the intersecting streets. The front yard requirements may be waived for one side of the lot, provided said lot does not adjoin another front yard or undeveloped land.

##### **472 YARD REQUIREMENTS FOR DOUBLE FRONTAGE LOTS**

For interior lots fronting on streets, the front yard requirements shall apply to both sides of the lot fronting upon the streets.

#### **480 ADDITIONAL GENERAL REGULATIONS**

##### **481 BASEMENT AND GARAGE RESIDENCE**

No use, for residential purposes, temporary or otherwise, shall be made of any basement or garage unless such use is conducted in a portion of an attached, existing principal dwelling and all other requirements of this Resolution are met.

##### **482 REDUCTION OF REMAINDER LOT BELOW MINIMUM ZONING REQUIREMENTS**

Whenever a new lot is created, the remainder lot or parcel shall not be reduced below the minimum dimensional requirements for the district in which the new lot and the remainder lot are located unless a variance is granted by the Board of Zoning Appeals as described herein.

### **483 PONDS - FRESH WATER**

1. Ponds shall be permitted in agricultural districts. Ponds require a Special Use Permit in the “R-1”, “R-2”, and “R-3” Districts as a part of the overall design of a subdivision containing at least five (5) acres of land.
2. Ponds shall require a Special Use Permit in a commercial or industrial district as part of the overall design of a plant or park containing at least three (3) acres of land.
3. Minimum surface for Special Use Permit ponds shall be one-half (1/2) acre. Maximum surface area shall not exceed 25% (percent) of the net acreage of the parcel.
4. The side slope of a pond shall be horizontal to vertical at a maximum ratio of 2:1. The ratio shall be maintained to a minimum depth of 17 feet. Ponds that do not meet this ratio are required to be enclosed with a six (6) foot fence unless they are for agricultural purposes in an “Agriculture” District.
5. To prevent adverse affects of drainage to adjoining properties, a drainage system shall be installed to accommodate overflows and surface drainage from pond development, then diverted to a suitable outlet.
6. Refilling: The refilling of an area which has been excavated for the development of a pond shall be considered waste disposal and shall meet the requirements as set forth by the Sandusky County Board of Health for solid waste disposal under 3734.05 of the Ohio Revised Code.

#### **SETBACK:**

A pond shall have 100 feet minimum setback from any street right-of-way.

Ponds on a parcel of five (5) acres or less shall have a side yard setback of not less than 10% (percent) of the width of the parcel, with a minimum setback of 25 feet.

A pond shall be located no closer than 100 feet to a septic tank or leach field.

#### **484 REQUIREMENTS FOR SWIMMING POOLS**

All in-ground swimming pools and or the entire property on which they are located, shall be walled or fenced to prevent uncontrolled access from the street or adjacent properties. Said fence or wall shall not be less than FOUR (4) feet in height and maintained in good condition with a lockable gate. The required fence shall be in place within thirty (30) days after the swimming pool is constructed. Swimming pools are permitted only in the side and rear yards and a ten (10) foot setback from all lot lines must be maintained. Swimming pools, as described herein, shall exclude portable pools with a diameter of less than twelve (12) feet or with an area of less than 100 square feet **(EXCLUDES PORTABLE POOLS WITH A DEPTH OF LESS THAN 1-1/2 FEET)**.

An above ground pool is exempt from any fencing regulations providing the height of the pool is equal to or greater than FOUR feet. All access ladders for this type of pool shall be removed or in an inaccessible position when the pool is not in use or is left unattended.

**485 RETENTION BASINS**

1. Retention basins shall require a Special Use Permit in all districts.
2. All retention basins shall have a minimum interior side slope horizontal to vertical at a ratio of 4:1 or greater. Exterior side slopes shall be constructed at no less than a 4:1 ratio.
3. All retention basins shall meet all minimum setback requirements for the district in which they are located.
4. All retention basins shall be constructed in accordance with the design requirements of a professional engineer.
5. All retention basins shall either be seeded or some other approved planting or paving.
6. Refilling: the refilling of an area which has been excavated for the development of a retention basin shall be considered waste disposal and shall meet the requirements as set forth by the Sandusky County Board of Health for solid waste disposal under 3734.05 of the Ohio Revised Code.

**SETBACK:**

A retention basin shall have 100 feet minimum setback from any street right-of-way.

Retention basins on a parcel of five (5) acres or less shall have a side yard setback of not less than 10% (percent) of the width of the parcel, with a minimum setback of 25 feet.

A retention basin shall be located no closer than 100 feet to a septic tank or leach field.



## **486 AGRICULTURE/ANIMAL HUSBANDRY/STABLING OF HORSES OR PONIES**

Agriculture and animal husbandry shall be permitted in all zoning districts, except as set forth below or as may otherwise be prohibited by law, unless it is being conducted as a nuisance, in violation of section 3767.13 of the Ohio Revised Code, as currently enacted or as it may be subsequently amended.

However, animal husbandry shall not be permitted in any platted subdivision approved under section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen (15) or more lots approved under section 711.131 of the Ohio Revised Code, that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, on lots of one acre or less. Further, dairying and animal and poultry husbandry is prohibited on lots in the subdivision that are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under section 4503.06 of the Ohio Revised Code.

The stabling of horses or ponies, in residential districts, shall not be permitted on any lot of less than five (5) acres in order to prevent a public nuisance. In all other districts, the stabling of horses or ponies shall be permitted on a lot of not less than one (1) acre in area. In all cases, there shall be provided at least one (1) acre per horse or pony, and shall be a minimum of 50 feet from all property lines, and must be kept not less than 50 feet from any existing dwelling or an adjacent property.

## **487 JUNK MOTOR VEHICLES, HISTORICAL MOTOR VEHICLES AND STORAGE**

Junk motor vehicles, and/or parts, may not be stored in the open on private property for more than 72 hours unless the person is operating a licensed Junk Yard or scrap metal facility that is lawfully permitted as a use according to the requirements of this resolution.

Unlicensed historical motor vehicles, and/or parts, may not be stored in the open on private property for more than 72 hours. Historical motor vehicles must be concealed by means of either buildings, fences, vegetation, terrain, or other suitable obstruction as determined by the Zoning Inspector.

## **488 AUTO WRECKING/JUNKYARDS/SALVAGE YARDS**

The dismantling or wrecking of automobiles or the salvaging of metal materials for the sale or storage of the salvaged parts or material shall be permitted only in an "M" District subject to the approval of the Board of Zoning Commission and the Board of Township Trustees after permission has been granted by the Board of Zoning Appeals.

Any area used for an automobile wrecking yard, metal salvaging and storage, the open storage of wrecked motor vehicles or parts of wrecked motor vehicles or abandoned motor vehicles which is incidental to or accessory to a permitted use in any district, or any area used for junk storage and sales shall be effectively screened on all sides by means of walls, fences or plantings. Walls or fences shall be a minimum of eight (8) feet in height with no advertising thereon. In lieu of such wall or fence, a strip of land not less than 15 feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than six (6) feet in height may be substituted. Storage of materials shall not exceed the height of the screening.



## **490 HOME OCCUPATION**

Home occupations require a Special Use Permit in all zoned areas of the township and are subject to approval by the Board of Zoning Appeals in accordance with the requirements and procedures of this resolution.

Home occupations shall meet the following requirements:

1. No persons other than family members residing on the premises and one non-family member employee may be engaged in the home occupation on the premises.
2. The appearance of any structure on the premises shall not be altered nor shall the business within any structure be conducted in a manner that would cause the premises to differ from its residential character.
3. Accessory buildings may be used for the home occupation but the buildings shall comply with the setback and other requirements pertaining to the district in which the building is located.
4. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers, or which causes fluctuation in line voltage off the premises.
5. No traffic shall be generated by the operation of the home occupation that is greater, as determined by the Board of Zoning Appeals than traffic volumes normally expected in the neighborhood.
6. Off-street parking requirements for the business activity shall apply.
7. One (1) non-illuminated sign, not more than nine (9) square feet, shall be affixed to the structure or located on the premises and shall be erected in compliance with the sign regulations of the district.
8. No space outside a principal or accessory building shall be used for storage for any home occupation.
9. Not more than twenty-five (25%) percent of the floor area of the dwelling unit shall be used in the conducting of the home occupation with the exception of child care operations then the entire floor area of the principal building shall apply.

The following shall **NOT BE CONSIDERED FOR HOME OCCUPATIONS:**

- 1. ANIMAL HOSPITAL**
- 2. BUSINESS SCHOOL**
- 3. CLINIC OR MEDICAL FACILITY**
- 4. DANCING SCHOOL**
- 5. MORTUARY**
- 6. MUSIC SCHOOL (WITH EXCEPTION OF INDIVIDUAL MUSICAL INSTRUMENT INSTRUCTION-ONE STUDENT PER SESSION)**
- 7. PRIVATE CLUB**
- 8. TRAILER RENTAL**
- 9. RESTAURANT**
- 10. KENNEL**
- 11. BOARDING HOUSE**
- 12. YARD, LAWN OR GARAGE SALES OF MORE THAN THREE (3) CONSECUTIVE DAYS**
- 13. DRIVING SCHOOL**
- 14. MARTIAL ARTS SCHOOL**
- 15. RETAIL OR WHOLESALE OPERATIONS THAT COULD POTENTIALLY CAUSE A SEVERE IMPACT ON TRAFFIC FLOW OF THE GENERAL VICINITY**

**Home Occupation approval process:**

- 1. Submission of a completed application, materials and fees to the township Zoning Inspector.**
- 2. Approval by the Board of Zoning Appeals.**
- 3. Issuance of the zoning permit by the Zoning Inspector in accordance with the Board of Zoning Appeals requirements.**

Applications for the home occupation shall be obtained from the office of the township Zoning Inspector and when completed shall be returned to the Inspector. Upon receipt of the application the Zoning Inspector shall transmit the completed application form to the Board of Zoning Appeals within three (3) working days. The Board of Zoning Appeals shall approve, approve with modification or deny the application within sixty (60) days after transmittal by the Zoning Inspector. Approval shall not be granted unless the following conditions have been met or exceeded:

1. All requirements of the district in which the proposed home occupation is to be located are met, and no new non-conformities would be created by the approval of the home occupation.
2. All requirements of regarding signs are met.

Any change in the home occupation shall require prior approval of the Board of Zoning Appeals in accordance with the process described in this section. The Board of Zoning Appeals may then prescribe appropriate conditions and safeguards with respect to the location, maintenance and operations, in addition to those described in this Zoning Resolution so long as they are necessary for the protection of the adjacent property owners and the character of the neighborhood. The Zoning Inspector shall issue a zoning permit only in compliance with the approved requirements of the Board of Zoning Appeals.

The approval of the home occupation shall expire if within (6) months after approval the operation of the home occupation has not begun or if the home occupation is discontinued for a period of six (6) consecutive months.



## **CHAPTER 500 - NON CONFORMITIES**

### **510 NON-CONFORMING BUILDINGS**

The lawful use of any building which does not conform to these regulations, whether by original adoption or by subsequent amendment, may be continued after such adoption or amendment under the conditions specified herein.

### **511 EXPANSION OF NON-CONFORMING BUILDINGS OR STRUCTURES**

The addition to, enlargement, or expansion of any such non-conforming building may be permitted provided such addition, enlargement, or expansion complies with all height, area, parking, yard, and other requirements of the district in which it is located, and that the total aggregate floor area of such additions does not exceed twenty percent of the floor area in such building at the time it became non-conforming.

### **512 RESTORATION OF DAMAGED NON-CONFORMING BUILDINGS OR STRUCTURES**

A non-conforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake, or other calamity, or the public enemy, may be restored so long as the replacement building or structure is not larger than the original building or structure and the same use and occupancy continued or resumed provided that such restoration is begun within a period of one (1) year and is diligently pursued towards completion. Any lot whose buildings are destroyed beyond 90 percent of their total value shall not be restored to its original use and the land used by such buildings, shall thereafter be used only in conformance with the district regulations.

### **513 CHANGE OF USE OF NON-CONFORMING USES**

Any use of a non-conforming building or structure that becomes conforming shall not thereafter be made non-conforming.

A change from one non-conforming use to another may be permitted by the Board of Appeals, after conducting a public hearing, and after the following conditions are met:

1. The change in use will not involve any addition, enlargement, or expansion in excess of that which is allowed in Section 511.
2. The change in use is determined not to have any more impact on the neighboring uses in terms of traffic generated, hours of operation, noise or odors generated, parking, and any other potentially adverse impacts as determined by the Board.
3. The new non-conforming use proposed would be permitted use in the same zoning district (s) as the existing non-conforming use.

### **514 VACANCY OF NON-CONFORMING BUILDING**

A non-conforming building, or portion thereof, which is or hereafter remains vacant and unoccupied for a period of two (2) years or more, shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

#### 520 NON-CONFORMING USES OF LAND

The lawful use of any land which does not conform to these regulations, whether by original adoption or subsequent amendment, may be continued after such adoption or amendment under the conditions specified herein.

#### 521 EXPANSION OF NON-CONFORMING USES OF LAND

A non-conforming use of land shall not be expanded or extended into any part of the lot or adjoining property nor shall the use be changed except to a conforming use.

#### 522 NON-CONFORMING USE OF LAND WITH BUILDINGS INVOLVED

A non-conforming use of land, where principal buildings are involved, shall not be expanded or extended into another portion of the lot or adjoining property. The use of such land that exists at the time of adoption of this Resolution or becomes non-conforming by subsequent amendment may be changed only as specified for changes in the use of non-conforming buildings as described herein provided that such change in use is due to a change in the use of the principal building.

#### 523 NON-CONFORMING AS TO LOT AREA, WIDTH, DEPTH

Any lot of record, existing at the time of adoption or any subsequent amendment of this Resolution, where the required lot area, width, and depth do not meet the requirements herein may be used for a single family dwelling if the following conditions are met:

- a. that all yard, coverage, and other requirements are satisfied including all health regulations;
- b. that any contiguous land in common ownership be required to be used to meet the district lot area, width, and depth requirements; and
- c. that no portion of any land be transferred to another ownership if such transfer reduces the lot below the minimum requirements as specified herein.

## 630 POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall have the following powers and duties in accordance with Section 519.14 of the Ohio Revised Code.

### 631 APPEALS

The Board of Zoning Appeals has the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Resolution under the following conditions:

- a. An appeal to the Board of Zoning Appeals may be taken to any person aggrieved or an officer of the Township affected by any decision of the Zoning Inspector. Such appeals shall be taken within 20 days after the decision by filing with the Zoning Inspector and the Board of Zoning Appeals a notice of appeal specifying the grounds for the appeal. The Zoning Inspector shall transmit a copy to the Board of all papers constituting the record upon which the action applied from was taken; and
- b. An appeal shall stay all proceedings in furtherance of the action appealed from unless, in the determination of the Zoning Inspector, a stay would cause imminent peril to life or property; in this case, proceedings shall not be stayed otherwise than by order of the Board of Zoning Appeals or the courts with due cause shown.



## 633 SPECIAL USE PERMITS

The Board of Zoning Appeals has the power to grant special use permits for the use of land, buildings, or other structures as provided in this Resolution subject to the following conditions (as well as any other requirements in the Resolution):

- a. The Board of Zoning Appeals shall establish beyond reasonable doubt that the general standards pertinent to each special use shall be satisfied by the establishment and operation of the proposed special use. The Board of Zoning Appeals may also impose such additional conditions and safeguards as it deems necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Resolution shall be observed, including specific limitations as to future expansion.
- b. The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that such use in the proposed location:
  1. Will be harmonious with and in accordance with the objectives of this Resolution and a comprehensive plan;
  2. Will 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;
  3. Will not be hazardous or detrimental to existing or future neighboring uses or to the community as a whole;
  4. Will be served adequately by essential public facilities and services and be in compliance with all other local regulations (e.g. subdivision, health, etc.); and
  5. Will have vehicular approaches to the property which shall be so designed as not to create interference with traffic on surrounding streets or roads.
- c. The Board of Zoning Appeals shall review applications for special use permits which shall contain, at minimum, the following elements:
  1. Name, address, and phone number of the applicant;
  2. Legal description of the property;
  3. Description of the existing use and a description of the proposed special use;
  4. Zoning district;

5. A plan of the proposed site for the special use showing the location of all buildings, dwellings (with the number of units therein), parking and loading areas, traffic access and circulation, open spaces, landscape, utilities, signs, and other such information as the Board of Zoning Appeals may require. The plan submitted shall be considered part of the application and no deviation from this plan shall be permitted without approval of the Board of Zoning Appeals. Alteration of the plan, as determined by the Board of Zoning Appeals, shall cause the application to be voided and the permit revoked.
6. Such other information as may be required by the Board of Zoning Appeals.

#### 634 INTERPRETATIVE RESPONSIBILITY

The Board of Zoning Appeals has the power to determine in which district (s) a special use, not provided for in this resolution, may be permitted or permitted as a special use. In making this determination, the Board of Zoning Appeals shall consider the nature of the use in light of the district (s) where uses of similar nature are provided. In addition, the Board of Zoning Appeals may require such additional conditions and safeguards as it feels necessary to uphold the intent of this Resolution.

#### 640 HEARINGS OF THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall hold a public hearing, within a reasonable time, after the receipt of an application for an appeal, variance, or special use permit. Before holding the public hearing, notice of such hearing shall be given in at least one newspaper of general circulation in the Township at least ten (10) days before the date of the hearing. The notice shall state the time and place of the public hearing and the nature of the matter to be considered.

#### 641 NOTICE TO PARTIES IN INTEREST

Before the public hearing, written notice of the hearing shall be mailed by certified mail, (under 10 parcels) at least ten (10) days before the day of the hearing to all parties within 150 feet of the property. The notice shall contain the same information as in the newspaper notice specified in Section 640.

#### 642 ACTION BY THE BOARD OF ZONING APPEALS

After the public hearing, the Board of Zoning Appeals within a reasonable time, shall either approve, approve with conditions or disapprove a request for appeal, variance, or a special use permit. The Board of Zoning Appeals shall set forth the reasons for the particular decision and transmit a certified copy of the action to the requesting individuals (s) and other parties of interest, upon request.

#### 643 APPEALS FROM DECISION OF THE BOARD OF ZONING APPEALS

Any appeals from a decision of the Board of Zoning Appeals shall be made to the Court of Common Pleas.

#### 650 APPLICATION AND FEES

The Board of Township Trustees may establish application forms for requests of the Board of Zoning Appeals and may establish fees for said applications to defray the cost of public notices, mailings, etc. as it deems necessary.

## **CHAPTER 600 - BOARD OF ZONING APPEALS**

### 610 CREATION OF THE BOARD OF ZONING APPEALS

There shall be created and maintained a Board of Zoning Appeals in accordance with Section 519.13 of the Ohio Revised Code, and shall consist of five (5) members who shall be residents of the area covered by this resolution. The Board of Trustees shall appoint the members to the Board of Zoning Appeals pursuant to Section 519.13 of the Ohio Revised Code.

### 620 ORGANIZATION AND PROCEDURES OF THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall organize and adopt rules for its own government as provided by Section 519.15 of the Ohio Revised Code shall elect a chairman at its annual organizational meeting.

### 621 QUORUM

A quorum shall consist of three (3) members of the Board of Zoning Appeals.

### 622 VOTING

The concurring vote of at least four (4) members of the Board of Zoning Appeals shall be required to reverse any order of the Zoning Inspector. The concurring vote of at least three (3) members of the Board of Zoning Appeals shall be required to grant a variance or special use under the terms of this Resolution. Other matters may be decided by the concurring vote of three (3) members.

### 623 MEETINGS

All meetings and hearings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its meetings and shall have the power to compel the attendance of witnesses, administer oaths, and require the production of documents as it deems necessary. When a public hearing is required for action by the Board of Zoning Appeals, the procedure noted in Section 640 of this Resolution shall apply.

## 632 VARIANCES

Where there are practical difficulties regarding area regulations or unnecessary hardship concerning a particular use in the carrying out the strict letter of the Zoning Resolution, the Board of Zoning Appeals shall have the power to vary, modify or accept any of the provisions of this Zoning Resolution relating to the construction, structural changes in equipment or alteration of buildings or structures so that the spirit of this Zoning Resolution shall be observed, public safety secured and maintained and substantial justice done. In every instance granting a variance by the Board of Zoning Appeals there must be shown that:

- A. A strict application of the provisions of the Zoning Resolution would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and the intent of this Resolution.
- B. There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use or development of the property that do not apply generally to other properties or uses in the same zoning district or neighborhood.
- C. The granting of such variance will not be of substantial detriment to the public interest or to the property or improvements in the district in which the variance is sought, and will not materially impair the purpose of this Resolution.
- D. Specifically, the standards the Board of Zoning Appeals will apply to an application for an area variance, i.e., seeking relief from the strict letter of area, height, setback and other similar requirements contained in the Resolution, to determine whether there are practical difficulties are as follows:
  1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
  2. Whether the variance is substantial;
  3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
  4. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, refuse disposal, etc.);
  5. Whether the property owner purchased the property with the knowledge of the zoning restriction;
  6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
  7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- E. In the event that the applicant is seeking a use variance, i.e., a variance from the Resolution so as to allow a use not authorized by the Resolution in that zoning district applicable to the property involved, the Board of Zoning Appeals shall determine whether the applicant will suffer an unnecessary hardship relative to the applicable regulation set forth in the Resolution.

## 633 SPECIAL USE PERMITS

The Board of Zoning Appeals has the power to grant special use permits for the use of land, buildings, or other structures as provided in this Resolution subject to the following conditions (as well as any other requirements in the Resolution):

- a. The Board of Zoning Appeals shall establish beyond reasonable doubt that the general standards pertinent to each special use shall be satisfied by the establishment and operation of the proposed special use. The Board of Zoning Appeals may also impose such additional conditions and safeguards as it deems necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Resolution shall be observed, including specific limitations as to future expansion.
- b. The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that such use in the proposed location:
  1. Will be harmonious with and in accordance with the objectives of this Resolution and a comprehensive plan;
  2. Will 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;
  3. Will not be hazardous or detrimental to existing or future neighboring uses or to the community as a whole;
  4. Will be served adequately by essential public facilities and services and be in compliance with all other local regulations (e.g. subdivision, health, etc.); and
  5. Will have vehicular approaches to the property which shall be so designed as not to create interference with traffic on surrounding streets or roads.
- c. The Board of Zoning Appeals shall review applications for special use permits which shall contain, at minimum, the following elements:
  1. Name, address, and phone number of the applicant;
  2. Legal description of the property;
  3. Description of the existing use and a description of the proposed special use;
  4. Zoning district
  5. A plan of the proposed site for the special use showing the location of all buildings, dwellings (with the number of units therein), parking and loading areas, traffic access and circulation, open spaces, landscape, utilities, signs, and other such information as the Board of Zoning Appeals may require. The plan submitted shall be considered part of the application and no deviation from this plan shall be permitted without approval of the Board of Zoning Appeals. Alteration of the plan, as determined by the Board of Zoning Appeals, shall cause the application to be voided and the permit revoked.

6. Such other information as may be required by the Board of Zoning Appeals.

#### 634 INTERPRETATIVE RESPONSIBILITY

The Board of Zoning Appeals has the power to determine in which district (s) a special use, not provided for in this resolution, may be permitted or permitted as a special use. In making this determination, the Board of Zoning Appeals shall consider the nature of the use in light of the district (s) where uses of similar nature are provided. In addition, the Board of Zoning Appeals may require such additional conditions and safeguards as it feels necessary to uphold the intent of this Resolution.

#### 640 HEARINGS OF THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall hold a public hearing, within a reasonable time, after the receipt of an application for an appeal, variance, or special use permit. Before holding the public hearing, notice of such hearing shall be given in at least one newspaper of general circulation in the Township at least ten (10) days before the date of the hearing. The notice shall state the time and place of the public hearing and the nature of the matter to be considered.

#### 641 NOTICE TO PARTIES IN INTEREST

Before the public hearing, written notice of the hearing shall be mailed by certified mail, (under 10 parcels) at least ten (10) days before the day of the hearing to all parties within 150 feet of the property. The notice shall contain the same information as in the newspaper notice specified in Section 640.

#### 642 ACTION BY THE BOARD OF ZONING APPEALS

After the public hearing, the Board of Zoning Appeals within a reasonable time, shall either approve, approve with conditions or disapprove a request for appeal, variance, or a special use permit. The Board of Zoning Appeals shall set forth the reasons for the particular decision and transmit a certified copy of the action to the requesting individuals (s) and other parties of interest, upon request.

#### 643 APPEALS FROM DECISION OF THE BOARD OF ZONING APPEALS

Any appeals from a decision of the Board of Zoning Appeals shall be made to the Court of Common Pleas as set forth in Chapter 2506 of the Ohio Revised Code.

#### 650 APPLICATION AND FEES

The Board of Township Trustees may establish application forms for requests of the Board of Zoning Appeals and may establish fees for said applications to defray the cost of public notices, mailings, etc. as it deems necessary.

**CHAPTER 700 - ADMINISTRATIVE AND ENFORCEMENT**

710 OFFICE OF ZONING INSPECTOR CREATED

A Zoning Inspector, appointed by the Board of Township Trustees, shall administer and enforce this Resolution. The Zoning Inspector, before entering upon his duties, shall give bond as specified by Section 519.161 of the Ohio Revised Code. The Zoning Inspector may be provided with the assistance of other persons as authorized by the Board of Township Trustees.

720 DUTIES OF THE ZONING INSPECTOR

For the purposes of this Resolution, the Zoning Inspector shall have the following duties:

- a. Review and decide upon applications for Zoning Permits;
- b. Conduct on-site inspections as necessary;
- c. Investigate violations and order the discontinuance of uses, activities, and/or structures violating this Resolution and ordering the action necessary to correct such violations;
- d. Take any other action authorized by this Resolution to insure compliance with or to prevent violation of this Resolution;
- e. Maintain up-to-date records on all applications and actions related to this Resolution;
- f. Maintain a record of non-conforming uses and an up-to-date zoning text and map;
- g. Propose amendments to the Zoning Commission and Township Trustees, as necessary;
- h. Review all subdivision plats applicable to the Township and report violations to the Regional Planning Commission;
- i. Accept and transmit applications for appeals, variances, or special use permits;
- j. Cooperate with the County Auditor in reporting building activities in the Township for tax purposes; and
- k. Perform other such responsibilities as may be required by law or the Township Trustees.

730 ZONING PERMIT REQUIRED

No person shall locate, erect, construct, reconstruct, enlarge, or structurally alter any building or structure within the territory covered by this resolution without first obtaining a zoning permit, and no such zoning permit shall be issued unless the plans for the proposed building or structure fully comply with the regulations herein.

#### 731 APPLICATIONS AND PERMITS

All applications for zoning permits, and any other request for a permit or action, shall be made on forms approved by the Board of Township Trustees and by supplying such information as prescribed by this Resolution and the Board of Township Trustees. Applications for zoning permits shall be made to the Zoning Inspector who shall approve or disapprove the application, giving reasons therefore within fifteen (15) days after the filing of the application. A zoning permit shall be valid for a period of twenty-four (24) months counting from the date of issuance. If construction activity has not been completed within twenty-four (24) months, the permit shall be automatically void and a new application and fee shall be required prior to the issuance of a new permit.

#### 732 ZONING PERMIT FEES

Fees for the zoning permits shall be established by the Board of Township Trustees and may be amended from time to time.



#### **740 ENFORCEMENT**

No construction, alteration, or change, other than normal maintenance, which affects any change in the use of land or building or regulations relating thereto, shall take place until a valid zoning permit has been issued.

#### **741 ENFORCEMENT OFFICER**

The Zoning Inspector shall enforce this Resolution, along with the other zoning officials and the Board of Township Trustees, in accordance with the applicable sections of the Ohio Revised Code (ORC).

#### **742 REVOKING OF PERMITS**

Any permit issued upon false statement of material fact shall be revoked; any use or activity conducted, which varies from that use or activity specifically authorized by permit, shall cause the permit to be revoked and action to prevent such violations taken in accordance with the Ohio Revised Code (ORC),

### **743 NOTICE OF VIOLATION**

The Zoning Inspector shall give written notice, by certified mail, return receipt requested, or by other means, to ensure actual notice to person(s) responsible for any alleged violation(s). Such notice shall state the reasons why the Zoning Inspector believes there is a violation in fact and shall require an answer or a correction of the alleged violation, as determined by the Zoning Inspector, within a reasonable time limit set by the Zoning Inspector, the notice shall also state, and it is hereby declared, that failure to reply or correct the alleged violation to the satisfaction of the Zoning Inspector within the set time limit constitutes an admission of the violation.

### **744 NOTICE OF VIOLATION RESPONSE**

The manner in which person(s) responsible for an alleged violation(s) of this Zoning Resolution respond to the notice of violation(s) shall determine the course of action taken by the Zoning Inspector as follows:

- A. Correction of Violation(s) Within Time Limit. If, within the time limit set, the alleged violation is corrected, as determined by the Zoning Inspector, "violation corrected" shall be noted on his copy of the notice and retained as official records.
- B. Petition for Appeal. If, within the time limit set, person(s) responsible for the alleged violation petition the Board of Zoning Appeals for an administrative review to determine whether or not there is an error by the Zoning Inspector in regard to the interpretation of this Zoning Resolution, then no legal action shall be initiated by the Township against those responsible for the alleged violation(s) until after the Board of Zoning Appeals has made its determination.
- C. Request for Extension of Time. If a reply is received within the time limit set, indicating that an alleged violation will be corrected, but that more time is required than was granted by the original notice, the Zoning Inspector may grant an extension of time, if he or she deems such extension is warranted by the circumstances of the case, and if such extension will not, in his or her opinion, cause imminent peril to life, health or property. In acting on such a request, the Zoning Inspector shall state his or her reasons in writing, for granting or refusing to grant the extension and shall transmit the same by certified mail, return receipt requested, or other means to ensure actual notice, to those to whom the original notice was sent.
- D. No Correction and No Reply. If there is no reply within the time limit set, thus establishing an admission of the violation as provided in Section 743, and the alleged violation is not corrected to the satisfaction of the Zoning Inspector within the time limit set, he or she shall take or cause to be taken such action as is warranted by the continuation of an admitted violation(s).

## **745 PROSECUTION OF VIOLATION**

If the notice of violation(s) is not complied with, not an appeal proceeding started within fifteen (15) days of the service of notice, the Zoning Inspector shall request the Sandusky County Prosecutor or the Fremont City Law Director to enforce the penalty provisions of this Zoning Resolution against the person(s) responsible for the violation(s) or to institute the appropriate proceeding at law or in equity against the person(s) responsible for such violation(s), ordering such person(s) to:

1. Restrain, correct or abate such violation(s).
2. Remove or terminate the unlawful use of the parcel of land or building or other structure in violation.
3. Remove the work in violation.
4. Prevent the occupation or use of a parcel of land or building or other structure, or part thereof, erected, constructed or altered in violation of a plan or specification under which an approval, permit, or certificate was issued.

## **746 VIOLATIONS SPECIFIED**

No person, including an officer, director or employee of a corporation or a governmental official or agent charged with the responsibility of issuing permits or inspecting buildings or structures shall:

- A. Violate a provision of this Zoning Resolution and/or a rule for the enforcement of this Zoning Resolution.
- B. Construct or build a structure or building in violation of a condition of a zoning variance or special use permit.
- C. Fail to comply with an order issued pursuant to this chapter by the Zoning Inspector, the Board of Zoning Appeals or a court.
- D. Make a false or misleading written statement, or omit required information or a statement in an inspection report, application, petition or request for approval or appeal, to the Zoning Inspector or the Board of Zoning Appeals.
- E. Refuse entry or access to an inspector lawfully authorized to inspect any premises, building or other structure pursuant to this Zoning Resolution.
- F. Unreasonably interfere with an authorized inspection.
- G. Issue, fail to issue, cause to be issued or assist in the issuance of a certificate, permit or license in violation of this Zoning Resolution or a rule promulgated under this Zoning Resolution or another applicable law.
- H. Having a duty to report a violation of this Zoning Resolution or rule promulgated under this Zoning Resolution or other applicable law, conceal such violation.

## **750 PENALTIES FOR VIOLATION**

With respect to Section 746(A) AND (D), a person is guilty of a separate offense for each violation of this Zoning Resolution, or a rule promulgated under this Zoning Resolution, and for each false or misleading written statement or omission of required information or a statement made in an application, petition, request for approval or appeal to the Zoning Inspector or the Board of Zoning Appeals.

With respect to 746 (B), a person is guilty of a separate offense for each violation of a condition of a variance or special use permit.

With respect to any other subsection of Section 746, not otherwise provided for, a person is guilty of a separate offense for each violation of this chapter/section.

The imposition of sentence under this section shall not be construed as excusing or permitting the continuation of any violation.

Violation(s) of this Zoning Resolution, in accordance with the Ohio Revised Code, shall be considered a misdemeanor, and upon conviction thereof, the responsible person(s) may be fined no more than one hundred dollars, (\$100.00) for each offense. Each day the violation continues may be deemed a separate offense.

**CHAPTER 800 - BOARD OF ZONING COMMISSION**

810 CREATION OF THE BOARD OF ZONING COMMISSION

There shall be created and maintained a Zoning Commission in accordance with Section 519.04 of the Ohio Revised Code (ORC) and shall consist of five (5) members who shall be residents of the area covered by this resolution. The Board of Township Trustees shall appoint the members to the Board of Zoning Commission pursuant to Section 519.04 of the Ohio Revised Code (ORC).

820 ORGANIZATION AND PROCEDURES OF THE BOARD OF ZONING COMMISSION

The Board of Zoning Commission shall organize and adopt rules for its own government as provided by Section 519.05 of the Ohio Revised Code (ORC) and shall elect a chairman at its annual organizational meeting

821 QUORUM

A quorum shall consist of three (3) members of the Board of Zoning Commission.

822 VOTING

The concurring vote of at least three (3) members of the Board of Zoning Commission shall be required for action on all matters.

823 MEETINGS

All meetings and hearings of the Board of Zoning Commission shall be open to the public. The Board of Zoning Commission shall keep minutes of its meetings and maintain a record of all its actions. When a public hearing is required for action by the Board of Zoning Commission in the amendment process, the procedure noted in Section 930 of this Resolution shall apply.

## 830 POWERS AND DUTIES OF THE BOARD OF ZONING COMMISSION

For the purpose of this Resolution, the Board of Zoning Commission shall have those powers and duties in accordance with Section 519.05 of the Ohio Revised Code and the following powers and duties in accordance with Section 519.12 of the Ohio Revised Code.

- a. Initiation, by resolution of the Board of Zoning Commission, or proposed amendments to this Resolution; and
- b. Review of all proposed amendments to this Resolution and the presentation of recommendation of such amendments to the Board of Township Trustees as specified in Section 930 of this Resolution.

## **CHAPTER 900 - AMENDMENTS**

### 910 GENERAL

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of Township Trustees may by resolution after receipt of a recommendation of the Board of Zoning Commission, amend, supplement, or change the text and/or map of this Resolution.

### 920 INITIATION OF AMENDMENTS

Amendments of this Resolution may be initiated in one of the following ways:

- a. by adoption of a motion by the Board of Zoning Commission;
- b. by adoption of a resolution by the Board of Township Trustees; or
- c. by the filing of an application by at least one (1) owner or leasee of property within the area to be changed or affected by said amendment.

### 930 PROCEDURE

Upon said motion, resolution, or filing of an application, said proposed amendment shall be considered in accordance with the following procedure as specified by Section 519.12 of the Ohio Revised Code (ORC).

### 931 BOARD OF ZONING COMMISSION SUBMISSION TO REGIONAL PLANNING COMMISSION

Within five (5) days after receipt of an amendment, the Board of Zoning Commission shall transmit a copy of the proposed amendment to the Regional Planning Commission. The Regional Planning Commission shall review the proposal and make a recommendation to the Board of Zoning Commission for consideration at the public hearing.

### 933 REQUIRED NOTICES - PRIOR TO BOARD OF ZONING COMMISSION HEARING

Before holding the public hearing, the Board of Zoning Commission shall give notice of such hearing by publication in at least one (1) newspaper of general circulation in the Township, at least fifteen (15) days before the date of the hearing. The notice shall be for the time and place of the hearing, the nature of the proposed amendment, and a statement that after the conclusion of the public hearing the matter will be referred to the Board of Township Trustees. If the proposed amendment intends to rezone 10 or less parcels of land, written notice of the hearing shall be mailed, by certified mail, at least 20 days before the hearing, to all owners of property within 150 feet of area to be rezoned. The notice shall contain the same information as required of the newspaper notice.

#### 934 RECOMMENDATION BY BOARD OF ZONING COMMISSION

Within 30 days after the public hearing, the Board of Zoning Commission shall recommend to the Board of Township Trustees the approval, disapproval, or approval with modifications of the proposed amendment.

#### 935 BOARD OF TOWNSHIP TRUSTEES HEARING AND NOTICE

Within 30 days after receipt of the recommendation from the Board of Zoning Commission, the Board of Township Trustees shall hold a public hearing giving notice of the hearing in a newspaper in the same manner as specified in Section 933.

#### 936 ACTION BY THE BOARD OF TOWNSHIP TRUSTEES

Within 20 days after the public hearing, the Board of Township Trustees shall either adopt or deny the recommendation of the Board of Zoning Commission or adopt some modification thereof. If the Board of Township Trustees deny or modify the recommendation of the Board of Zoning Commission, the unanimous vote of the Board of Township Trustees is required.

#### 937 EFFECTIVE DATE AND REFERENDUM

Such amendment adopted by the Board of Township Trustees shall become effective 30 days after the date of adoption unless, within 30 days after the date of adoption, a referendum petition is submitted to the Board of Township Trustees requesting the proposed amendment be submitted to the electors of the Township, for approval or rejection, at the next primary or general election. The requirements for said petition are specified in Section 519.12 of the Ohio Revised Code (ORC). No amendment for which a referendum vote has been requested shall be put into effect unless approved by the voters.

#### 940 APPLICATIONS AND FEES

The Board of Township Trustees may establish application forms for amendment requests and require specific information of the applicant. The Board of Township Trustees may also establish fees for said applications to defray the cost of public notices, mailings, etc., as it deems necessary.



## **CHAPTER 1000 - DEFINITIONS**

### INTERPRETATION OF TERMS OR WORDS

For the purpose of this resolution, certain terms or words used herein shall be interpreted as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company, or cooperation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
4. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
5. The word "lot" includes the words "plot" or "parcel".
6. Any other terms not defined herein shall be as defined by the Ohio Revised Code (ORC), or if not such definition exists therein, as commonly used in the community.

**ACCESSORY STRUCTURE** - A detached subordinate building that is located on the same lot as a principal building and not used or designed for human occupancy; and the use of which is clearly incidental to the use of the land or to the use for human occupancy.

**ACCESSORY USE** - A use of land or buildings related to the primary use, which use is clearly subordinate to the principal use of the land or buildings, and which is not used for human occupancy.

**ADMINISTRATIVE OFFICES** - Any office for which the purpose is conducting management or employment; executive functions.

**ADULT ARCADE** – Any place to which the public is permitted or invited in which coin operated, slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and in which the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.

**ADULT BOOKSTORE** – “adult novelty store” or “adult video store” means a commercial establishment that, for any part of consideration, has as a significant or substantial portion of its stock-in-trade in, derives a significant or substantial portion of its revenues from, devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale or rental of any of the following:

1. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides or other visual representations, that are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas;
2. Instruments, devices, or paraphernalia that are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of self or others.
3. Adult bookstore, adult novelty store, or adult video store includes a commercial establishment as defined in section 2907.38 of the Revised Code. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials exhibiting or

describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty store, or adult video store. The existence of other principal business purposes does not exempt an establishment from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental for some form of consideration, such materials that exhibit or describe specified sexual activities or specified anatomical areas.

**ADULT CABERET** – A nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:

- A. Persons who appear in a state of nudity or semi nudity.
- B. Live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities;
- C. Films, motion pictures, videocassettes, slides, or other photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

**ADULT ENTERTAINMENT** – An adult arcade, adult bookstore, adult novelty store, adult video store, adult caberet, adult motion picture theater, adult theater, nude or semi nude model studio, or sexual encounter establishment. An establishment in which a medical practitioner, psychologist, psychiatrist or similiar professional person licensed by the state engages in medically approved and recognized therapy including, but not limited to, massage therapy, as regulated pursuant to section 4731.15 of the Revised Code, is not an adult entertainment establishment.

**ADULT MOTION PICTURE THEATER** – A commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

**ADULT THEATER** – A theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or semi nudity or live performances that are characterized by their emphasis uon the exposure of specified anatomical areas or specified sexual activities.

**AGRICULTURE** - For use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce provided, however that:

1. The operation of any such accessory uses shall be secondary to that of normal agricultural activities, and
2. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within 100 feet of any residential zoning district. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feed yard.

**AIRPORT** - Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings, and open spaces.

**ALLEY** - Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

**ALTERATION** - Any change in the nature of the use of land and/or buildings; and includes any change in supporting members, beams, bearing walls, column or girders which would tend to prolong the life of the building or use; but not including normal maintenance and repair.

**ANIMAL HUSBANDRY** - The branch of agriculture which is concerned with farm animals, especially in

regards to breeding, judging, care and production.

**APARTMENT** - Is a room or suite of rooms in a multi-family building arranged and intended as a place of residence for a single family or a group of individuals living together as a single housekeeping unit as herein defined.

**APARTMENT HOTEL** - Is a building designed for or containing both dwelling units and individual guest rooms or suites of rooms, which building may include any accessory use, such as a cigar store, coffee shop, etc. permitted in a hotel as defined herein, provided such uses are accessible only from the lobby.

**ASSISTED LIVING** - See dwelling, multi-family.

**AUTOMOBILE SERVICE STATION** - A building or buildings, structures and adjoining space used for supplying gasoline or oil at retail direct to the motoring public from fixed equipment into the fuel supply tanks of motor vehicles: including minor accessories and services for automobiles conducted wholly within an enclosed building.

**AUTO/TRUCK & EQUIPMENT REPAIR STATION** - The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

**AUTOMOTIVE, MOBILE HOMES, TRAVEL TRAILER AND FARM IMPLEMENT SALES** - The sale or rental of new and used motor vehicles, mobile homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

**AUTO WRECKING/JUNKYARDS/SALVAGE YARDS** - Land or buildings where waste and/or recycled or discarded, used property and materials are accumulated and are or may be salvaged for reuse or resale; including, but not limited to automobiles, farm equipment, mobile homes, travel trailers, truck and/or parts thereof.

BAKERY - A shop where bread, cake, pastry, etc. are sold at retail.

BARBER. BEAUTY SHOP, TANNING SALON - An establishment for the hairdressing, manicuring, cosmetic treatment, etc. of men and women.

BASEMENT - A story partly or wholly underground, where no more than one-half the height of the story is above the average level of the adjoining ground.

BED/BREAKFAST - See Hotel/Motel.

BOARD - The Board of Zoning Appeals of Ballville Township.

BUILDING - A roofed "structure" for the shelter, support, enclosure or protection of persons, animals, or property; where each part of such a structure that is separated from the rest by unbroken party walls is a separate building for the purposes of this resolution. Where the building is located on sloping terrain, the height may be measured from the average ground level of the grade at the front building wall, unless otherwise defined herein.

BUILDING AREA - The horizontally-protected area of any building on a lot within the building line.

BUILDING HEIGHT - The vertical distance measured from the average level of the finished grade at the front of the building to the highest point of a flat roof; to the decline of a mansard roof or to the ridges of a gable, hip, or gambrel roof.

BUILDING LINE - The line that is defined by the setback requirements of the zoning district measured from the lot lines. No part of a principal building may extend beyond this line.

BUILDING, PRINCIPAL - A building in which is conducted the main or principal use of the lot on which said building is situated.

BUSINESS, LOCAL - Commercial establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectional influences. To prevent congestion, convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pick-up facilities, and grocery stores, if less than 5,000 square feet in floor area. Uses in this classification tend to serve a day-to-day need in the neighborhood.

BUSINESS, GENERAL - Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving day-to-day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances, and furniture; department stores; discount stores; business services; auto and truck sales and service; auto service stations; and similar activities.

BUSINESS, WHOLESALE - Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

CATERING BUSINESS - A business in which food or entertainment is furnished.

CEMETERY - Land use or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

CHURCH - A building whose sole purpose is for religious worship, to conduct a religious service for a person or persons, regular religious services; public worship.

CLINIC (MEDICAL) - A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but shall not include board and room or overnight on the premises accommodations.

CLUB - Is an organization of persons for special purposes or for the promotion of sports, arts, sciences, literature, politics, social activities and other similar group activities.

COMMERCIAL ENTERTAINMENT FACILITIES - Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

COMMISSION - The Board of Zoning Commission of Ballville Township.

COMPOST STRUCTURE - An accessory structure designed and built for the specific purpose of composting vegetable matter, excluding animal or human waste, size not to exceed 6 feet cubed in a residential area and a non-restrictive limitation in an agricultural, business or industrial zone.

COMPREHENSIVE DEVELOPMENT PLAN - A plan, or any portion thereof, adopted by the Planning Commission and the legislative authority of the County of Sandusky showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

CONDITIONAL USE - See Special Use.

CONDOMINIUM - Condominium means property in which one or more individually-owned dwelling units are contained within a single building or buildings, and the units are offered together with common ownership of land. For purposes of determining lot and building requirements and the approval process for the building containing dwelling units, refer to Chapter 400. The condominium shall also comply with the declaration and other requirements of the appropriate chapter (s) of the Ohio Revised Code (ORC),

CORNER LOT - See Lot.

COUNTRY CLUB - A club or sporting facility in the outskirts of a community which may have a clubhouse, grounds, and facilities for outdoor sports.



DAIRYING - The business of producing or selling dairy products.

DAIRY FARM - Any place or premises where one or more cows or goats are kept and from which milk or milk products are provided, sold, or offered for sale to a milk plant, receiving stations, or transfer station.

DAY CARE CENTER - See Nursery, Nursing Homes.

DENSITY - A unit of measurement; the number of dwelling units per acre of land:

1. Gross Density or Acreage - the number of dwelling units per acre of the total land to be developed, excluding peripheral street rights-of-way.
2. Net Density or Acreage - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, excluding all street and utility rights-of-way and easements.

DETACHED BUILDING - A building that has no structural connection with another building.

DEVELOPMENT - Is the construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

DISTRICT - Is the portion of the unincorporated area of the township within which certain regulations and requirements or various combinations thereof apply under the provisions of this resolution.

DRIVE-IN/DRIVE-THRU/CARRYOUT - An establishment selling foods, frozen desserts or beverages to consumers. The establishment being designed, used or intended to be used for the consumption of such items on the premises outside of the building in which they are prepared.

DRUG STORE - A building where prescriptions are compounded, and drugs and miscellaneous merchandise are sold; a pharmacy.

DWELLING - Any building or structure (except a house trailer or mobile home as defined by the Ohio Revised Code 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

DWELLING, CONVERTED - Is a dwelling altered to change the number of dwelling units.

DWELLING, MULTI-FAMILY - A dwelling consisting of three or more dwelling units including condominiums with varying arrangements or entrances and party walls. Multi-family housing may include public housing, industrialized units, and assisted living.

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

DWELLING, SINGLE FAMILY - A dwelling consisting of a single dwelling unit only designed exclusively for occupancy by one family; separated from other dwelling units by open space.

DWELLING, TWO-FAMILY - A dwelling consisting of two dwelling units which may be either attached side-by-side or one-above-the-other, and each unit having a separate or combined entrance or entrances.

DWELLING UNIT - Space, within a dwelling, comprising living, dining, sleeping room (s), storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only on family and its household employees.



EASEMENT - Authorization by a property owner for the use by another, and for a specified purpose, of any designed part of this property.

ERECTED - For the purpose of this resolution shall include built, constructed, altered, reconstructed, moved upon, or any physical operation on the premises, including excavation, fill and/or drainage.

ESSENTIAL SERVICES - Is the erection, construction, alteration or maintenance by public utilities, county or township of underground, surface, or overhead gas, electrical, telephone, telegraph, steam/fuel/water, transmission or distribution system, collection, communication, supply or disposition system, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accesses in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or political units for the general health, safety, welfare.

EXCAVATION - Is any breaking of ground, except common household gardening and ground care or tilling for agricultural purposes.

EXOTIC ANIMALS - Animals belonging by nature or origin to another part of the world; brought in from abroad; an animal not native to the United States.

**FAMILY** - One or more persons living as a single housekeeping unit, but not including an unrelated group of more than six persons or a group occupying a hotel, motel, club, nurses' home, dormitory, fraternity or sorority house, or institution.

**FARM ANIMALS** - Animals belonging by nature on a farm; animals the use of which is for husbandry.

**FARMING** - The business of operating a farm; pertaining to farms; engaged in, suitable for, or use for agriculture.

**FARM MARKET, ROADSIDE STANDS** - A structure permitted in conjunction with an agricultural use where fifty (50%) percent or more is derived from produce raised on farm (s) owned or operated by the market owner/operator; size, parking areas, building setback line, ingress/egress must comply with the zoning resolution.

**FENCE** - See definition of "Structure". A fence is however exempt from all setback requirements for both side and rear yard, but does require a permit.

**FERTILIZER MIXING** - The process of making a substance such as manure or a chemical mixture for the use and purpose of making soil more capable of sustaining abundant growth.

**FINANCIAL INSTITUTION** - A building, business, institution pertaining to those dealing professionally with money and credit.

**FLOODPLAIN** - That land, including the flood fringe and the floodway, subject to inundation by the 100-year flood as defined by the U.S. Army Corp of Engineers and/or the Sandusky County Regional Planning Commission.

**FLOODWAY** - That portion of the flood plain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less-frequent recurrence are usually contained completely within the floodway.

**FLOODWAY FRINGE** - That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

**FOOD PROCESSING** - The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

**FRATERNAL ORGANIZATIONS, LODGES** - A structure used for an organization for the attainment of some mutual benefit.

**FREIGHT TERMINAL** - A station for freight that is central to a considerable area or serves as a junction at any point with other lines.

**FRONT LINE** - With respect to a building, means the foundation line that is nearest the front lot line.

FRONT LOT LINE - See Lot Frontage.

FRONT YARD - See Yards.

FLOOR AREA, GROUND - The living area of a building in square feet, as measured in a horizontal plane at the ground floor level within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, overhangs, and exterior stairways.

FLOOR AREA, TOTAL - The living area of a building, in square feet, as measured in a horizontal plane at all floor levels within their largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, overhangs, and exterior stairways.

**GARAGE\YARD SALE (Private)** - The on-premises sale of unwanted and useable household goods and/or articles. The sale may not exceed a maximum of four (4) days consecutive per calendar month, and not to exceed twelve (12) days (total) per year. Control of noise, traffic, and parking are the responsibility of the person/persons conducting the sale.

**GOLF COURSE** - The course over which a game of golf is played.

**GROCERY** - A store that deals in supplies for the table, as sugar, tea, coffee, spices, country produce; other household articles.

**GARAGE, COMMERCIAL PARKING** - Is a building or other structure which is used for the storage or parking of motor vehicles. A commercial parking garage may include the dispensing of motor fuels, lubricants, air, water and other operating commodities wholly within the building, but not readily visible from or advertised for sale on the exterior of the building. However, a commercial parking garage shall not include a building or other facility used for auto repair or primarily for storage of commercial vehicles or for dead storage of vehicles.

**GARAGE, PRIVATE** - Is an accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is an accessory.

**GARAGE, SERVICE** - Is any building used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

**GRADE (GROUND LEVEL)** - Is the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five (5) feet of a sidewalk, the above ground level shall be measured at the sidewalk, unless otherwise defined herein.

**GRAIN ELEVATOR** - A building or structure for elevating, storing, discharging, and processing grain.

**GREENHOUSES** - See Nursery, Plant Materials.

HAZARD - Expose to, exposing to, or involving danger or risk or loss. (Accident, casualty, chance, contingency, danger, fortuity, jeopardy, peril, risk, venture)

HELIPORT - See Airport.

HISTORICAL MOTOR VEHICLE - Any motor vehicle of the age of 25 years or more which is defined pursuant to the Ohio Revised Code Section 4501.01 (g) and eligible for a collector's license pursuant to Section 4503.45 of the Ohio Revised Code.

HOME OCCUPATION - An occupation conducted as a secondary activity to a dwelling unit.

HOSPITAL - An institution for the reception, care and medical treatment of the sick or wounded; the building used for the purpose; an inn or hospice.

HOTEL/MOTEL AND APARTMENT HOTEL - A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

**INDUSTRIAL PARK** - A tract, parcel, acreage of land for the use and intent of engaging in industry; denoting the processes or products of manufacture.

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

**INSTITUTIONS** - Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling or other correctional services.

**INSTITUTION (NON-MEDICAL)** - A building occupied by a corporate body.

**INSURANCE** - A building, business, or system by which pecuniary indemnity is guaranteed by one party to another party in certain contingencies as of death, accident, damage, disaster, injury, loss, old age, risk, sickness, etc.

JUNK MOTOR VEHICLE - Means a motor vehicle that meets all of the following criteria:

1. three model years old, or older;
2. apparently inoperable;
3. extensively damaged, including, but not limited to any of the following:
  - a. missing wheels,
  - b. tires,
  - c. engine,
  - d. transmission
4. having a fair market value of \$1,500 or less as determined by the Zoning Inspector (Ohio Revised Code 505.17.3, 4513.63, 4513.65).

JUNK YARD - See Auto Wrecking/Junkyards/Salvage Yards.

LANDSCAPING - See Nursery, Plant Materials.

LAUNDROMAT - A commercial establishment where the customer brings laundry to be washed and dried in coin operated automatic machines.

LOADING SPACE/OFF-STREET - Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

Required off-street parking loading spaces are not to be included as an off-street parking space in computation of required off-street parking space.

All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

LODGING HOUSE - A building, not available to transients, in which lodging is regularly provided for compensation and by pre-arrangement for a definite period of time where meals or lodging/meals are provided for at least three (3) but not exceeding ten (10) sleeping rooms.

LOT - For the purposes of this resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements or use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

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

LOT COVERAGE - The ratio of enclosed ground floor area of all buildings on a lot to the horizontally-projected area of the lot, expressed as a percentage.

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

LOT FRONTAGE - The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

LOT, MINIMUM AREA OF - The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

LOT OF RECORD - A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT TYPES - Terminology used in this Resolution with reference to corner lots, interior lots, and through lots is as follows:



1. CORNER LOT - A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street (s) shall be considered a corner lot if straight lines drawn from the foremost point of the side lot lines to the foremost point of the lot meet at an interior angle or less than one hundred and thirty-five (135) degrees.
2. INTERIOR LOT - A lot with only one (1) frontage on a street.
3. THROUGH LOT - A lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may be referred to as double frontage lots.
4. REVERSED FRONTAGE LOT - A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

LOT WIDTH - The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the lot frontage. For lots fronting on a cul-de-sac, the lot is measured at the interior limit of the front yard (building setback line). Lot width for lots in the Agricultural District is measured at the front yard lines parallel to the street.

LUMBER MILL - An establishment that processes logs into lumber for wholesale or retail sales.

LUMBER YARD - An establishment that sells lumber and other building materials from a yard.

**MAILING SERVICE** - A business system for the handling of letters, magazines, and other printed material, parcels, consigned and sent from place to place.

**MANUFACTURING** - Manufacturing, processing, assembly, extracting, storing, testing, other similar industrial uses which may require large sites, open storage and service areas, access to transportation; and may generate limited nuisances, but not beyond the district boundary.

**MARINAS AND RELATED ACTIVITIES** - A basin or safe anchorage for small vessels; especially, one at which provisions, supplies, may be obtained.

**MEDICAL INSTITUTION** - An institution pertaining to the practice of medicine; curative techniques.

**MANUFACTURED HOME** - A building unit or assembly of closed construction fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.

**MANUFACTURED HOME PARK** - Any site, or tract of land under single ownership, upon which three or more mobile homes for habitation are parked, either free-of-charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. [See Mobile Home Park Regulations - Section 340].

**MOBILE HOME** - A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than 35 body feet in length, or when erected on site, is 320 or more square feet, that is built on a permanent chassis and is transportable in one or more sections and does not qualify under this resolution's definition of a manufactured home or industrialized unit.

**MONUMENT BUSINESS** - See Professional Services.

**NON-CONFORMITIES** - A building, structure, or use of land existing at the time of enactment of this Resolution, and which does not conform to the regulations of the district or zone in which it is situated.

**NOXIOUS WEEDS** - Brush, briars, burrs, vines, multiflora rose, Russian, Canadian, or common thistles, wild lettuce, wild parsnip, wild carrots, wild mustard, oxeye daisies, ragweed, milkweed, and ironweed are all defined as weeds by Ohio law. As used in the Ohio Revised Code 5579.04 through 5579.08, “noxious weed” means shatter cane (*sorghum bicolor*), Russian thistle (*salsola kali* var. *tenuifolia*), or any plant designated a prohibited noxious weed by the Director of Agriculture. Abatement of noxious weeds on land in a district zoned for residential use shall be the responsibility of the Zoning Inspector.

**NUDE OR SEMINUDE MODEL STUDIO** – Any place where a person, who regularly appears in a state of nudity or semi nudity, is provided for money or any other form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

A modeling class or studio is not a nude or seminude model studio and is not subject to this resolution if it is operated in any of the following ways.

- A. By a college or university supported entirely or partly by taxation;
- B. By a private college or university that maintains and operates educational programs, the credits for which are transferable to a college or university supported entirely or partly by taxation;
- C. In a structure that has no sign visible from the exterior of the structure and no other advertising indicating that a person appearing in a state of nudity or semi nudity is available for viewing, if in order to participate in a class in the structure, a student must enroll at least three days in advance of the class and if not more than one nude or seminude model is on the premises at any one time.

**NUISANCE FACTOR** - Is an offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as: noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people, particularly at night, passing traffic, invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities; or harm, injury, annoying, unpleasant, obnoxious; a wrongful act that results in an unreasonable interference with the use and enjoyment of property:

- a. dependent on the character of the area of the land use.
- b. factor of land use/purchase: grandfathered agricultural use in a residential area vs. a residential district with the land purchase being for agricultural use intent.
- c. compliance with zoning resolution being a factor in a nuisance element.

**NURSERY, NURSING HOMES** - A home or facility for the care and treatment of babies, children, pensioners, or elderly persons. A small private hospital.

**NURSERY, PLANT MATERIALS** - Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

**OPEN SPACE** - An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, any other recreational facilities that the Board of Township Trustees deem permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

**ORPHANAGE** - A building or institution for the care of a child or children whose parent or parents are unable to care for them due to personal difficulty or death.

PAINTBALL - See Country Clubs.

PARKING SPACE, OFF-STREET - For the purpose of this ordinance (Resolution) an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly-related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

PATIO-DECK - A patio is a structure at ground level and a deck is a non-permanent structure at above-ground level. The ground level structure does not require a permit. The structure being six (6) inches or more above grade or ground level requires a permit. Porches included.

PERMANENT FOUNDATION – A permanent masonry substructure of a building whose exterior walls, bearing walls, columns and piers shall be supported on continuous solid masonry or concrete footings, wood foundations or other approved structural systems which shall be of sufficient design to support safely the loads imposed as determined from the character of the soil, and shall in all cases extend below the frost line to which a manufactured or mobile home may be affixed (taken from CABO codes.)

PERMANENTLY SITED MANUFACTURED HOME – Is a manufactured home that meets all of the following criteria:

1. the structure is affixed to a permanent foundation and is connected to appropriate facilities.
2. the structure, excluding any addition, has a width of at least 22 feet at one point, a length of at least 22 feet at one point, and a total living area of at least 1000 square feet, excluding garages, porches, or attachments,
3. the structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six inch minimum eave overhang, including appropriate guttering.
4. the structure was manufactured after January 1, 1995,
5. the structure is not located in a manufactured home park.

PERSONAL SERVICES - See Professional Services.

PLANNED UNIT DEVELOPMENT - An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to landscaping plans.

PLAYGROUND EQUIPMENT - Swing sets, slides, gyms, not to exceed twelve (12) feet in height and 100 square feet as defined by the outside perimeter. For the purposes of this ordinance, treehouses and/or playground structures with roofs are considered playground equipment.

POND - Means a body of water, of which none of the excavated material has been removed from the site for commercial purposes and is used for the following purposes: to provide water for the livestock, fish, and wildlife, recreational uses, swimming, and/or fire protection.

PRINCIPAL BUILDING - The building in which the principal use of the lot on which it is located is conducted, including a building that is attached to such a building in a substantial way, such as by a roof and walls.

PRIVATE GARAGE - A garage whose principal use is to house motor vehicles for the accommodation of related dwelling units or related business establishments, located on the same lot as the principal uses.

PRIVATE RESIDENTIAL SWIMMING POOL – Any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving or bathing which is located a principal dwelling with no more than three families and used exclusively by the residents and their nonpaying guests.

PROFESSIONAL SERVICES - The use of offices and related spaces for such professional activities and services as provided by medical practitioners, lawyers, architects, engineers, monument sales, personal services and similar professions.

PUBLIC BUILDINGS/USES - Public parks, schools, administrative and cultural buildings are structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

PUBLIC SWIMMING POOL – Any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving or bathing that is intended to be used collectively for swimming, diving or bathing and is operated by any person whether as the owner, lessee, operator, licensee, or concessionaire, regardless of whether or not a fee is charged for the use, but does not mean any public bathing area or private residential swimming pool.

PUBLIC UTILITY COMPANY - See Public Use.

**RECREATION CAMP** - An area of land on which two or more travel trailers, campers, tents or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

**RECREATION FACILITIES** - Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include but need not be limited to hunting, fishing, riding clubs, and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

**REGULARLY FEATURES OR REGULARLY SHOWN** – A consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the adult entertainment establishment.

**RETENTION BASIN** - Means an enclosure designed to retain storm water during designated flood interval storms. Retention basins are not designed to hold water permanently and are required to be designed by an engineer as a part of an overall drainage plan for a subdivision, condominium, or commercial/industrial development.

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

**ROOMING HOUSE, DORMITORY** - See Lodging House.

SANITARIUM - A health retreat, institution for treatment of disease; care of invalids.

SATELLITE DISH ANTENNA - A structure erected and/or placed on one's property for the purpose of receiving television transmission signals [Refer to Sections 330-333]

SCHOOL - An educational institution; place in which formal instruction is given; a body of disciples of a teacher or system; means of instruction or training; subject to rule or discipline.

SEMINUDE OR STATE OF SEMI NUDITY – A state of dress in which opaque clothing covers not more than the genitals, public region, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.

SEXUAL ENCOUNTER ESTABLISHMENT – A business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where either of the following occur:

- A. Two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.
- B. Two or more persons appear nude or seminude for the purpose of displaying their nude or seminude bodies for their receipt of consideration or compensation in any type or form.

An establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State engages in medically approved and recognized therapy, including but not limited to, massage therapy, as regulated pursuant to section 4731.15 of Revised Code, is not a sexual encounter establishment.

SETBACK LINE - A line established by the Zoning Resolution, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said code. [See Yard and Building Line]

SIGN - Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.

1. SIGN, ON-PREMISES - Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
2. SIGN, OFF-PREMISES - Any sign unrelated to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
3. SIGN, ILLUMINATED - Any sign illuminated by electricity, gas or other artificial light including reflecting or phosphorescent lights.
4. SIGN, LIGHTING DEVICE - Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
5. SIGN, PROJECTING - Any sign which projects from the exterior of a building.

SPECIAL USE - A use permitted within a district other than a principally permitted use, requiring a Special Use Permit and approval of the Board of Zoning Appeals. Special Uses permitted in each district are listed in Chapter 300 herein.

SPECIAL USE PERMIT - A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

SPECIFIED ANATOMICAL AREAS – The cleft of the buttocks, anus, male or female genitals, or the female breast.



SPECIFIED SEXUAL ACTIVITY – Any of the following:

- A. Sex acts, normal or perverted, or actual or simulated, including intercourse, oral copulation, masturbation or sodomy.
- B. Excretory functions as a part of or in connection with any of the activities described in subsection (A) above.

STABLE - For the keeping of horses, etc. for the use of the residents of the principal use and shall include the keeping of horses, etc. for others.

STREET, ROAD OR THOROUGHFARE - The full width between property lines bounding every public way or whatever nature with apart thereof to be used for vehicular traffic and designated as follows:

1. ALLEY - See “A” definition section of this zoning resolution.
2. ARTERIAL STREET - A general term denoting a highway primarily for through traffic, carrying heavy loads and volume of traffic, usually on a continuous route.
3. COLLECTOR STREET - A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets including the principal entrance and circulation routes within residential subdivisions.
4. CUL-DE-SAC - A local street relatively short in length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. DEAD-END STREET - A street currently having only one inlet/outlet for vehicular traffic which may be extended or continued in the future.
6. LOCAL STREET - A street primarily for providing access to residential or other abutting property.
7. MARGINAL ACCESS STREET - A local or collector street parallel and adjacent to an arterial or collector, providing access to abutting properties and protection from arterial or collector streets. [Also called Frontage Street]

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

SWIMMING POOLS - A pool, pond, lake, or open tank containing at least 1.5 feet in depth of water at any point and maintained by the owner or manager [See Section 484]. See “P” for private residential swimming pool/public swimming pool.

1. PRIVATE - Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel/hotel; and accessory use.
2. COMMUNITY - Operated with a charge or admission; a primary use.

**TELECOMMUNICATIONS TOWER** – A telecommunications free standing structure typically higher than its diameter and high relative to its surroundings that may stand apart or be attached to a larger structure, and that may be fully walled in or of skeleton framework; the use of which is for the technological transmission of information (ORC 519.211).

**TEMPORARY** - Lasting for a limited time.

**TEMPORARY BUILDINGS** – A temporary building(s) is a structure (s) that is not designed to be permanently constructed in a specific point location. Only the temporary buildings and structures as stated in Section 335 shall be permitted

**TRACTOR-TRAILER** - A vehicle without automotive power designed to be coupled with a cab or tractor and used to haul freight, household goods, equipped to serve as living quarters.

**TRAVEL AGENCY** - A building, business for the purpose of scheduling, booking travel for profit.

**TRAVEL TRAILER** - A vehicle or other portable structure 30 feet or less in length that is designed to move on the highway and designed or used as a temporary dwelling.

**TRAVEL TRAILER PARK** - An area of land on which two or more travel trailers are regularly accommodated with or without charge, including any buildings, structures, or fixtures or equipment that is used or intended to be used in connection with providing such accommodations.

**TRUSTEES** - The Board of Trustees of Ballville Township.

UPHOLSTERY - materials such as fabric, padding, and springs used to make a soft covering for a seat, furniture, etc.

UTILITY TRAILER - A portable trailer 30' or less in length; designed to move on the highway.

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

VETERINARY MEDICINE - A business pertaining to the diseases or injuries of animals, and to their treatment by medical or surgical means.

**YARD** - A required open space other than a court, unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility. [Also Building Line and Setback Line]

1. **YARD, FRONT** - A yard extending between side lot lines across a lot and from the road right-of-way line to the front building line. [On Corner Lots, See Section 471]

Example: Minimum of 30 feet from the road right-of-way line or 60 feet from the road centerline, whichever is greater.

2. **YARD, REAR** - A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the building line.
3. **YARD, SIDE** - A yard extending from the building line to the side lot line between the lines establishing the front and rear yards.

**ZONING INSPECTOR** - Is the administrative official responsible for the administration and enforcement of this zoning resolution.

**ZONING PERMIT** - A document issued by the Zoning Inspector and authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.