

# **Green Creek Township Zoning Resolution**

Effective Date: 11-17-1972

Last Revised: 4/27/2020

1993, 2006, 2010, 2015, 2016, 2019

## **GREEN CREEK TOWNSHIP ZONING TABLE OF CONTENTS**

Chapter 100	Citation and Terminology
Chapter 200	Interpretation
Chapter 300	Administration and Enforcement
Chapter 400	Board of Zoning Appeals
Chapter 500	Zoning Commission
Chapter 600	Amendments
Chapter 700	Districts
Chapter 800	Use Regulations
Chapter 900	Yard, Lot, Density, Bulk and Height Requirements
Chapter 1000	Supplemental Regulations
Chapter 1100	Nonconforming Uses
Chapter 1200	Definitions

Revised 2010  
Revised 2015

**ZONING REGULATIONS**  
**OF**  
**GREEN CREEK TOWNSHIP, SANDUSKY COUNTY, OHIO**

A RESOLUTION ESTABLISHING TOWNSHIP ZONING IN THE UNINCORPORATED AREA OF GREEN CREEK TOWNSHIP, SANDUSKY COUNTY, STATE OF OHIO, IN ACCORDANCE WITH CHAPTERS 519 OF THE OHIO REVISED CODE.

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

**CHAPTER 100 CITATIONS AND TERMINOLOGY**

**110 Short Title**

This resolution may be cited as the “Zoning Resolution of Green Creek Township”.

**120 Terminology**

Terms used in this resolution shall be deemed to have the meanings defined in Chapter 1100.

**130 Relationship to Agricultural Uses**

All agricultural uses are 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. Agriculture is defined according to the Ohio Revised Code (519.01) as including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry. This resolution does not apply to migrant camps since they are regulated by the State of Ohio Department of Health.

## **CHAPTER 200 INTERPRETATION**

### **200 INTERPRETATION AND APPLICATION**

In interpretation and application, the provisions of this Resolution shall be held to the minimum requirements adopted for the promotion of public safety and general welfare.

Nothing herein shall repeal, abrogate, annul, or in any way impair or interfere with any provision of law or any rules or regulations, other than zoning Regulations, adopted or issued pursuant to law relating to the construction and use of building or premises.

Where this Resolution imposes a greater restriction upon the use of buildings or requires larger yards than are imposed or required by other provision of law, rules, regulations, covenants, or agreements, the provisions of this Resolution shall control, but nothing herein shall interfere with, abrogate, or annul easements, covenants, deed restrictions or agreements between parties which impose restrictions greater than those imposed by this Resolution.

### **220 VALIDITY AND SEPARABILITY**

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

## CHAPTER 300 ADMINISTRATION AND ENFORCEMENT

### 310 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 these 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.

### 320 Duties of the Zoning Inspector

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

- A. Conduct onsite inspections and maintain up to date zoning records as well as proposing amendments as necessary.
- B. Order the discontinuance of uses, activities, and/or structures violating this Resolution and ordering the action necessary to correct such violation.
- C. Accept and transmit applications for appeals, variances or special use permits.
- D. Take any other action authorized by this Resolution to insure compliance with or to prevent violation of the Resolution.
- E. Perform other such zoning responsibilities as may be required by the Board of Trustees.
- F. Distribute applications for Zoning Amendments to the general public and transmit said application to the Regional Planning Commission and Zoning Commission upon submittal.
- G. Review and decide upon applications for zoning permits.
- H. Review all subdivision plans applicable to the Township and Report violations to the Sandusky County Regional Planning Commission.
- I. Cooperate with the County Auditor in reporting Permit records.

### 330 Conditions under which Permits are required

A zoning certificate shall be required for any of the following, except as herein provided:

1. Construction or exterior alteration of any building, including accessory buildings.
2. Change in use of an existing building or accessory building to a use of a different classification.
3. Occupancy and use of vacant land (except agriculture)
4. Change in the use of land to a use of a different classification
5. Any change in the use of a non-conforming use.

### 340 Application for Permits

All applications for zoning permits, and any other request for a permit or actions, 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 18 months counting from the date of issuance to the date of completion or occupancy. If no construction activity has commenced within 180 days, the permit shall be automatically void and a new application and fee shall be required prior to the issuance of a new permit.

Upon good cause shown, the Zoning Inspector may grant a reasonable extension of time in the event no construction activity has been commenced within 180 days or construction is not completed or occupied within 18 months.

(Amended April 27, 2020)

### 350 Zoning Permit Fees

Fees for zoning permits shall be established by the Board of Township Trustees and may be amended from time to time. The fee must be paid at the time of issuance of an approved application.

**360 Enforcement**

No construction, alteration, or change, other than normal maintenance, excluding agriculture buildings and structures in agriculture districts, 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.

**370 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.

**380 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 violation taken in accordance with the Ohio Revised Code.

**390 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 persons responsible for any alleged violation. 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.

**391 Notice of Violation**

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

1) **Correction of Violation 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 Township records

2) **Petition for Appeal**

If, within the time limit set, persons 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 until after the Board has made its determination.

3) **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 deems such extension is warranted by the circumstances of the case, and if such extension will not, in his opinion, cause imminent peril to life, health or property. In acting on such a request, the Zoning Inspector shall state his 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 original notice was sent.

4) **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 1163.01, and the alleged violation is not corrected to the satisfaction of the Zoning Inspector within the time limit set, he shall take or cause to be taken such action as is warranted by continuation of an admitted violation.

**392 Prosecution of Violation**

If the notice of violation is not complied with nor an appeal proceeding started within fifteen (15) days of the service of notice, nor an extension granted by the Zoning Inspector, the Zoning Inspector shall request the Sandusky County Prosecutor to enforce the penalty provisions of this Zoning Ordinance against the person responsible for the violation or to institute the appropriate proceeding at law or in equity against the person responsible for such violation, ordering such person to:

1. Restrain, correct or abate such violation.
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.

**393 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 approval.
- 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 promulgate 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.

**394 Nuisance Abatement**

Buildings erected, altered, razed or converted, or uses carried on in violation of this Zoning Resolution, are hereby declared to be nuisances per se. The Township may petition the courts to order the nuisance abated. The owner or agent in charge of the building or land, or both the owner and the agent, may be judged to be guilty of maintaining a nuisance per se.

**395 Penalty**

**1. Specific Violations**

- a. With respect to Section 393 (c), a person is guilty of a separate offense for each day that such person fails to comply with a stop construction order validly issued by the Zoning Inspector and for each week that a person fails to comply with any other order validly issued by an enforcing agency.
- b. With respect to Section 393 (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.

- c. With respect to Section 393 (b), a person is guilty of a separate offense for each violation of a condition of a variance or special approval.
- d. With respect to any other subsection of Section 393, not otherwise provided for, a person is guilty of a separate offense for each violation of this chapter.
- e. The imposition of sentence under this section shall not be construed as excusing or permitting the continuation of any violation.

**2. General Penalty**

Violations of this Resolution, in accordance with the Ohio Revised Code, shall be considered an unclassified misdemeanor, and upon conviction thereof, the responsible person may be fined not more than Five hundred dollars, (\$500.00) for each offense. Each day the violation continues may be deemed a separate offense.

(Amended 12/07/2015)



## **CHAPTER 400 BOARD OF ZONING APPEALS**

### **410 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.

### **411 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 and in so doing shall elect a chairman at its annual organizational meeting. The Board shall meet on a designated date each month unless there is not business to be acted upon.

### **415 Quorum**

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

### **420 Voting**

The concurring vote of at least three members of the Board of Zoning Appeals shall be required to reverse any order of the Zoning Inspector or to grant a variance or special use under the terms of this Resolution.

### **425 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 450 of this Resolution shall apply.

### **430 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. In performing said powers, the Board shall not take any action which would constitute and be the same as amending these regulations.

### **435 Appeals**

The Board of Zoning Appeals has the power to hear and decide appeals where it is alleged there is error in any order, requirements 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 by any person aggrieved or an officer of the Township affected by any decision thirty (30) 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 appealed from was taken; and
- b) An appeal shall stall 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.

**440 Variances**

The Board of Zoning Appeals has the power to authorize, upon application, in specific cases, such variance from the terms of this Resolution as will not be contrary to the public interest. Such a variance may be granted where, due to special circumstances, a literal enforcement of this Resolution will result in unnecessary hardship but that the spirit and intention of the Resolution will be preserved. The Board of Zoning Appeals may grant a variance after consideration of the following items:

- a) That there are unique physical circumstances or conditions applicable to the property (including irregularity, narrowness, or exceptional physical conditions) which make its reasonable development difficult or impossible under the terms of this Resolution;
- b) That such unnecessary hardship has not been created by the applicant;
- c) That the variance, if authorized, will not alter the essential character of the neighborhood nor be detrimental to adjacent properties and property values; and
- d) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of this Resolution;
- e) That the variance, if authorized, would be an extension of an existing non conformity.

**445 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 this Resolution:)

- a. The Board of Zoning Appeals shall establish beyond reasonable doubt that both the general and specific 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 is:
  - 1) That the proposed special use is in fact a special use as established under the terms of this resolution and is on the schedule of district regulations adopted for the zoning district involved;
  - 2) Will be harmonious with and in accordance with the general objectives, or with any specific objectives of this resolution, or of the county's or township's comprehensive plan;
  - 3) 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;
  - 4) Will not be hazardous or detrimental to existing or future neighboring uses or to the community as a whole;
  - 5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services and be in compliance with all other local regulations (e.g. sub-division, health, etc.);
  - 6) Will have vehicular approaches to the property which shall be so designed as not to create interference with traffic on surrounding streets or roads; and
  - 7) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

- 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 area, 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.

(Amended 12/07/2015)

**450 Hearings of the Board of Zoning Appeals**

The Board of Zoning Appeals shall hold a public hearing within 45 days 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 set the time and place of the public hearing and the nature of the matter to be considered.

**455 Notice to Parties in Interest**

Before the public hearing, written notice of the hearing shall be mailed, by first class mail, at least ten (10) days before the day of the hearing to all adjacent property owners. The notice shall contain the same information as in the newspaper notice specified in Section 450.

**460 Action by the Board of Zoning Appeals**

After the public hearing, the Board shall either approve, approve with conditions or disapprove a request for appeal, variances or a special use permit within thirty (30) days after the first hearing. The Board of Zoning Appeals shall set forth the reasons for the particular decision and transmit a certified copy of the action to all parties in interest.

**465 Appeals from Decision of the Board of Zoning Appeals**

Any appeal from a decision of the Board of Zoning Appeals shall be made to the Court of Common Pleas. Appeals of decision shall be made within thirty (30) days of the date of the decision.

**470 Application and Fees**

The Board of Township Trustees may establish application forms for requests to 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 500 ZONING COMMISSION**

### **510 Creation of the Zoning Commission**

There shall be created and maintained a Zoning Commission in accordance with Section 519.04 of the Ohio Revised Code.

### **515 Organizational and Procedures of the Zoning Commission**

The Zoning Commission shall organize and adopt rules for its own government as provided by Section 519.04 of the Ohio Revised Code and in doing so, shall elect a chairman at its annual organizational meeting.

### **520 Quorum**

A quorum shall consist of three members of the Zoning Commission.

### **525 Voting**

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

### **530 Meetings**

All meetings and hearing of the Zoning Commission shall be open to the public. The 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 Zoning Commission in the amendment process, the procedures noted in Section 623 of this Resolution shall apply.

### **535 Powers and Duties of the Zoning Commission**

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

- A. Initiation, by resolution of the Zoning Commission, of proposed amendments to this Resolution; and
- B. Review of all proposed amendments to this Resolution and the presentation of recommendations on such amendments to the Board of Township Trustees as specified in Section 624 of this Resolution.

## CHAPTER 600 AMENDMENTS

### 610 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 Zoning Commission, amend, supplement or change the text and/or map of this Resolution.

### 615 Initiation of Amendments

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

- a. By adoption of a motion by the 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 owner or lessee of property within the area to be changed or affected by said amendment.

### 620. 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.

### 621 Zoning Commission Submission to Regional Planning Commission

Within five (5) days after receipt of an amendment request, the 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 Zoning Commission for consideration at the public hearing. The recommendation of the Regional Planning Commission is not binding on the Township.

### 622 Zoning Commission Hearing

The Zoning Commission shall schedule a public hearing not less than 20 days and not more than 40 days after the proposed amendment is filed and provide notices as specified in Section 623.

### 623 Required Notices

**Prior to the Zoning Commission Hearing.** Before holding the public hearing, the Zoning Commission shall give notice of such hearing by publication in at least one newspaper of general circulation in the Township at least ten (10) days before the date of the hearing. The notice of the hearing shall comply with the mandate of Ohio Revised Code Section 519.12(B), (C), and (D).

(Amended 4/27/2020)

### 624 Recommendation by Zoning Commission

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

### 625 Township Trustees Hearing and Notice

Within thirty (30) days after receipt of the recommendation from the Zoning Commission, the Township Trustees shall hold a public hearing giving notice of the hearing in a newspaper in the same manner as specified in Section 623.

### 626. Action by Township Trustees

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

**627. Effective Date and Referendum**

Such amendment adopted by the Township Trustees shall become effective in accordance with Section 519.12 of the Ohio Revised Code.

**630 Application and Fees**

The Board of Township Trustees may establish 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 700 ZONING DISTRICTS

### 710 Kinds of Districts

The Township is hereby divided into the following districts:

### 720 Agricultural Districts

Designated "A" are established to preserve areas for agricultural and future residential uses.

### 730 Single Family Residential Districts

Designated "R-1" are established for one (1) family dwelling units.

### 740 Medium Density Residential Districts

Designated "R-2" are established to provide for one and two and three family units when conditionally permitted.

### 750 High Density Residential Districts

Designated "R-3" are established to provide for dwelling units of four or more.

### 760 Business Districts

Designated "LB" are established to include areas that are appropriate to providing businesses and services to nearby residential areas to provide everyday convenience needs for shopping & services.

### 770 Business Districts

Designated "GB" are established to include areas that are appropriate to providing business and services to the larger community.

### 780 Manufacturing Districts

Designated "M-1" are established for limited industrial, warehousing, processing, and other uses of similar performance characteristics which are of limited nuisance to adjoining properties.

### 790. Manufacturing Districts

Designated "M-2" are established for general industrial, warehousing, processing, and other uses of a similar nature.

### 792. Manufacturing Districts

Designated "M-3" are established for aviation related or dependent and of a warehousing or processing nature that is conducive to be located near an airport.

### 799. Boundaries

Boundaries established by Section 710 are as shown on the "Zoning Map of Green Creek Township"; or as thereafter amended; which map is made a part hereof by reference, along with the scale and all notes, dimensions, and other graphics appearing thereon. When 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 district boundaries shall be interpreted by the Board of Zoning Appeals. For the purposes of this ordinance, zoned boundaries that abut road right-of-ways have their width and or depth measured from said right-of-way.

## **CHAPTER 800 USE REGULATIONS**

### **810. Primary Uses**

Primary uses are authorized in the Districts established by Districts Section show by an “X” in the following table. Where the use is indicated by an “O” the use is permitted as a Special Use Only as provided in the appropriate sections of this Resolution.

Amended 3/11/2019



**820. PERMITTED USES**

USES	DISTRICT								
	A	R1	R2	R3	LB	GB	M1	M2	M3
Adult Entertainment Establishments							X	X	X
Agriculture, farming, Etc.	X	X	X	X	X	X	X	X	X
Agriculture Products Processing (50% raised on premises)	X						X	X	X
Single Family Residence	X	X	X	X					
Duplex			X	X					
Triplex			X	X					
Multi-Family Dwelling				X					
Manufactured Home Parks				X					
Appliance Stores					X	X			
Airport	O								X
Antique Shops					X	X			
Auto Sales					X	X			
Auto Service & Repair					X	X	X	X	
Barber Shop, Beauty Shop	O	O			X	X			
Bowling Alley, Pool Hall					X	X			
Car Wash					X	X			
Carry-Out					X	X			
Cemeteries	X	X	X	X	X	X	O		
Churches	X	X	X	X	X	X			
Clothing Stores					X	X			
Contractor's Yard							X	X	
Dance Halls					X	X			
Drive In Theaters						X			
Dumps									
Farm Equipment Sales/Service	O					X	X	X	
Farm Market	X				X	X			
Firearms Dealer					X	X			
Flea Market					X	X		X	
Gas or Service Stations (With or without convenience store)					X	X	X	X	
Golf Driving Range	X					X		X	
Go Cart, Snowmobile, Bike Tracks						X			
Golf Course	X	O	O	O	O	X			
Grocery, Bakery, Dairy, Drug, Meat-Variety Stores (Less than 5000 Sq. Ft.)					X	X	X	X	
Grocery, Bakery, Dairy, Drug, Meat-Variety Stores (Over than 5000 Sq. Ft.)						X			
Hardware Stores					X	X			
Hauling Yard							X	X	X
Heavy Manufacturing Including: Processing Plants, Stamping Plants, high noise & nuisance level operations								X	

**USES**

**DISTRICT**

	A	R1	R2	R3	LB	GB	M1	M2	M3
Home Occupations	O	O	O	O	O	O	O	O	O
Home Office	X	X	X	X					
Hospitals, Orphanages, Sanitariums, Nursing Homes / Homes for the aged				O	X	X	O		
Hotel, Motel, Transient lodging						X		X	
Ice Rink, Roller Rink						X			
Insurance Agent Office	O	O			X	X			
Junk & Scrap Yards								X	
Kennels / Veterinarian Office	O				X	X		X	
Landfill									
Laundromat					X	X			
Limited Manufacturing: i.e. Bottling works, Nut / Bolt Mfg., Assembly Plants, Clothing, Lunber Yard, Small Plastic Mfg., Similar Low Nuisance Manufacturing							X	X	O
Aviation related Light Industrial									X
Mobile Homes and Trailer Sales & Service						X	X		
Movie Theaters						X			
Natural Resource Development	O							X	
Nurseries / Greenhouses	X				X	X			
Personal Storage and Mini Storage Facilities	O				X	X	X	X	
Planned Unit Development	O		O	O	O	O			
Ponds	X	O	O	O	O	O	O	O	
Printing, Photocopy						X	X	O	
Professional Offices*	O	O	O	O	X	X			
Public Gatherings	O								
Public Utilities	X	X	X	X	X	X	X	X	X
Race Tracks						X			
Retail uses not listed					O	X			
Riding Stables	O					X			
Schools (Except Business and Trade)	X	X	X	X	X	X			
Schools Conducted for Profit					X	X			
Service Business					X	X			
Small Wind Energy Systems	X				O	O	O	O	O
Swimming Pools	X	X	X	X	X	X			
Travel Offices					X	X	O		
Travel Trailer Parks	O			O					
Truck Sales / Service						X	X		
Upholstery Shops					X	X			
Warehousing							X	X	X
Wholesale outlet	O				X	X	X	X	
YMCA, YWCA, Private Lodges					X	X	X	X	

\*SEE REGULATIONS FOR HOME OCCUPATONS FOR CONDITIONAL USE REQUIREMENTS

\*\*SEE SECTION 826

(Amended 12/07/2015, 3/11/2019, 4/27/2020)

**825 ADULT ENTERTAINMENT ESTABLISHMENTS.**

Adult entertainment establishments shall only be permitted in the Manufacturing Districts (M-1, M-2, and M-3) as set forth on the Zoning Map of the Township. Additional regulations for Adult Entertainment Establishments include the following:

- A. No adult entertainment establishment shall be located within five hundred (500) 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 (500) feet from the boundaries of any residential zoning district as set forth in this Resolution as shown on the Zoning Map of the Township.

**826 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 5MW 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 and as a special use in the LB, GB, M-1, M-2 AND M-3 zoning districts 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. Furthermore, all towers and turbines shall be certified for safety and operational capacity to withstand 100 mph winds. 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 energy 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. All small wind energy systems shall be sited in such a manner as to minimize the effect of ice throw upon neighboring properties and public roads.
6. NOISE. Decibel levels for the system shall not exceed 60 dB(A) or in excess of 5dB(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. All small wind energy systems shall be installed in such a way as to minimize flicker effects upon neighboring properties and public roads to prevent a safety distraction to vehicular and pedestrian traffic.
9. In addition, one of the following shall restrict access to the wind turbine tower:
  - a. Tower climbing apparatus shall not be located within twelve (12) feet of the ground
  - b. A locked anti-climb device shall be installed and maintained; or
  - c. A locked, protective fence shall enclose a tower capable of being climbed at least ten (10) 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. (Amended 12/07/2015)

## 827 TELECOMMUNICATION TOWERS

**A. Purpose:** The purpose of this Section is to provide regulations for the installation, maintenance, and removal of wireless telecommunication facilities within Green Creek Township, Sandusky County, Ohio and to provide telecommunications providers with adequate and reasonably equivalent opportunities to provide telecommunications services within the Township and surrounding communities. It is the intent of these regulations to:

1. Protect the health and safety of Township residents by minimizing any potentially adverse health and/or safety impacts;
2. Minimize adverse visual impacts on adjacent properties;
3. Protect property values within the Township;
4. Ensure to the greatest extent possible that wireless telecommunications facilities are compatible with surrounding land uses; and
5. Promote co-location as a means of maximizing the use of existing and proposed towers and minimizing the need for separate wireless telecommunication facilities.

**B. Definitions:** As used in this section the following mean:

**Co-location:** The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

**Lattice tower:** A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.

**Monopole:** A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

**Telecommunications:** The technology which enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or electromagnetic systems.

**Wireless telecommunications antenna:** The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

**Wireless telecommunications facility:** A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

**Wireless telecommunications tower:** A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed, and lattice construction steel structures.

**C. Permitted Locations:** A wireless telecommunication tower and facility may be located in the following areas.

1. **First priority:** New wireless antennas may co-locate on existing telecommunication towers or on existing structures which have been constructed for other purposes, such as but not limited to water towers, church steeples, chimneys, or cooling towers.
2. **Second priority:** A wireless telecommunication tower and/or antenna facility may be located in an LB- Local Business District, GB-General Business, or any M-Manufacturing District as set forth on the Zoning Map.

**D. Permit Required:** Except in accordance with Ohio Revised Code Section 519.211 and the provisions of this section, no person shall in an area zoned R-1, Single Family Residential District, R-2, Medium Density Residential District or R-3, High Density Residential District, locate, erect, construct, reconstruct, change, alter, use or enlarge any wireless telecommunication tower. Whenever a notice has been received or an objection has been lodged, in the manner prescribed in Ohio Revised Code Section 519.211, regarding a wireless telecommunication tower in an area zoned R-1, R-2 or R-3, the Board of Zoning Appeals, shall, upon proper application and hearing as set forth in Chapter 400 of this Zoning Resolution, have the power to issue at its discretion a Conditional Zoning Certificate allowing the construction, location, erection, reconstruction, change, alteration or enlargement of such wireless telecommunication tower if it finds that the applicant has satisfied all of the applicable requirements of Chapter 400 and Section 827 hereof.

**E. Application Requirements:** Requests for a Special Use Zoning Certificate to install a wireless telecommunication facility in an area zoned R-1, Single Family Residential District, R-2, Medium Density Residential District or R-3, High Density Residential District, shall be filed through the Zoning Inspector to the Board of Zoning Appeals in conformance with the provisions of Chapter 400 of this Zoning Resolution.

In addition to the application requirements set forth in Section 445, the following additional requirements shall apply to all applications for wireless telecommunication facilities:

1. A locator map which shall contain the following:
  - a. The location of all the applicant's existing facilities within a radius of one (1) mile of the proposed location of the telecommunications tower.
  - b. The general location of planned future facilities within a radius of one (1) mile of the proposed location of the telecommunications tower.
  - c. For each location of the applicant's existing facilities within a radius of one (1) mile of the proposed location of the telecommunications tower, there shall be listed:
    - i. the type and size of tower at each location;
    - ii. the type of equipment located or proposed on each tower;
    - iii. the space available on the tower for additional equipment; and
    - iv. a site plan depicting any parcels on which any existing or proposed tower(s), antenna(s) or equipment is currently or is proposed to be located.
2. A scaled and dimensioned site plan for the facility that is being proposed, containing the following:
  - a. the location, type and size of existing and proposed towers, antennas and equipment located or to be located at the site;
  - b. the location of existing and proposed buildings and structures, access drives, circulation and parking areas;
  - c. detailed drawings of the landscape screening plan and related design standards;
  - d. on-site land uses, structures and zoning district, and adjacent land uses, structures and zoning districts;
  - e. setbacks from property lines and dwellings within 600 feet of the proposed tower;
  - f. legal description of the lot on which the tower is to be sited; and
  - g. any other information necessary to assess compliance with this section.
3. A written certification from a Professional Engineer stipulating:
  - a. that the tower's design is structurally sound and in compliance with all applicable federal, state and local building codes;
  - b. that the equipment placed on the tower and at the site complies with all current FCC regulations; and
  - c. that the tower will, to the extent possible, accommodate co-location of additional wireless communication antennas for future use, with a statement as to the number of antennas capable of being accommodated and the ultimate height needed for the stated co-location capacity; or, alternatively, an explanation as to the reasons why the tower will not be constructed to accommodate co-location.

**F. Special use Procedure by Board of Zoning Appeals upon Receipt of Application:**

Consistent with the procedures set forth in Chapter 400 of this Resolution, the Board of Zoning Appeals shall provide notice of, conduct a public hearing and render a decision on the special use requested in the application filed pursuant to Section 445 of this Resolution.

**G. General requirements for all telecommunications towers in residential zones:**

1. The applicant or tower provider shall demonstrate that the proposed tower location in a residential area is essential to service the applicant's service area and that there are no alternative sites in commercial, industrial or exclusively agricultural areas. If another tower or tall structure is technically suitable, the applicant must show that a reasonable request to co-locate was made and that such request was rejected. "Tall structures" shall include smoke stacks, water towers, electric transmission towers, existing antenna support structures or other telecommunications towers, utility buildings and structures over 48 feet in height.
2. The owner/operator shall remove a tower within one hundred eighty (180) days after the tower's use is discontinued.

#### **H. Development standards for all Telecommunications Towers in Residential Districts:**

1. No telecommunications tower shall be permitted to be located in any platted subdivision approved under Sections 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, when at least thirty-five percent (35%) of the lots within such subdivision or area are developed with at least one (1) dwelling unit.
2. The maximum height of a tower proposed for one (1) antenna facility for use by a single telecommunications provider shall be 100 feet. The maximum height of a tower proposed for multiple antenna facilities for shared use by multiple telecommunications providers shall be as follows:
  - a. Towers proposed for and designed to support the co-location of a total of two antenna facilities – 115 feet;
  - b. Towers proposed for and designed to support the co-location of a total of three antenna facilities – 130 feet; and
  - c. Towers proposed for and designed to support the co-location of four or more antenna facilities – 145 feet.
3. Tower height shall be the distance measured from the base of the tower, at grade, to the highest point on the tower, including any antenna. Grade shall be determined as the elevation of the natural or existing topography of the ground level prior to construction of the tower.
4. The tower base shall not be placed closer than the sum of height of the tower plus forty feet from any existing residential dwelling unit located on a lot contiguous to or directly across the street from the lot on which the tower is proposed to be constructed.
5. A tower base shall be located no closer to any lot line than the distance equal to the height of the proposed tower. Any stabilization structures or guide wires shall be located no closer to any lot line than 50 feet.
6. The tower base shall be located no closer to a street right-of-way than the height of the tower plus ten feet.
7. Reasonable and safe access and circulation shall be provided to the tower. The location and design of the access drive and circulation areas shall be subject to review and comment by the Fire Chief (or the Chief's designee) of the fire department providing primary fire service to that area of the Township and shall be constructed of suitable width and road materials as determined by the Board of Zoning Appeals to allow emergency vehicles year round access to the area and to prevent mud deposits on public roads.
8. Security fencing shall be provided to prevent uncontrolled access to the tower site. The tower shall be screened by an eight (8) foot high fence or barrier. A continuous evergreen hedge, trees or similar natural landscape materials of a size, type, area and design deemed appropriate by the Board of Zoning Appeals shall be placed outside of and along the fence or barrier. Any solid fence or barrier shall contain no advertising, but may contain one small identification sign not to exceed three square feet in size showing the names of companies with facilities at the site and their respective twenty-four (24) hour emergency telephone numbers.
9. The tower and related screening shall, to the extent practicable, be designed to be aesthetically and architecturally compatible with the surrounding environment. The tower shall not contain, or be illuminated by artificial lights, beacons or strobes, unless otherwise required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC). Any required illumination shall be fully disclosed on the site plan and any lighting for security purposes shall be permitted only with the prior approval of the Board of Zoning Appeals to insure that it will not disturb adjoining properties.

10. Unless otherwise approved by the Board of Zoning Appeals, the tower shall be of a monopole design, as opposed to a lattice or guy wire design.
11. No advertising is permitted anywhere on the tower.
12. Where the tower is located on a property which is not owned by the tower operator, the applicant shall present documentation that the owner of the property has approved the application.
13. The applicant shall provide a signed statement indicating that he or she agrees to allow for the potential co-location of other antenna facilities to the extent possible, until said tower has reached full antenna capacity.
14. A telecommunications antenna may be attached to a nonresidential building or structure that is permitted in the district, provided that the tower's height does not exceed twenty (20) feet above the existing building or structure to which the tower is attached.
15. If the applicant proposes to construct a separate equipment shelter on the site, the equipment shelter shall be shown on the site plan, be designed to be aesthetically and architecturally compatible with the surrounding environment, be located completely within the fenced area of the site, and be in compliance with the accessory building regulations of the district in which it is to be located.
16. All disturbed areas are to be fine-graded, seeded and mulched upon completion of construction.
17. Towers and sites shall be so designed so as to permit co-location by at least two (2) additional providers of telecommunications services.
18. The minimum lot area for installation of a wireless telecommunications facility shall be five (5) acres.
19. Wireless telecommunications facilities shall be considered a principal permitted building and/or use and shall not be located on the same parcel as another principal permitted building and/or use.
20. The minimum separation between wireless telecommunications towers shall be one thousand feet (1,000').
21. No wireless telecommunications tower shall be located less than five hundred feet (500') from an existing residential dwelling.

**I. Abandonment and Removal Agreement:** The owner or operator of the wireless telecommunication facility shall submit an agreement to notify the Township Zoning Inspector within thirty (30) days of permanently ceasing operation of a permitted facility and to remove a nonfunctioning facility within six (6) months of ceasing its use. All costs associated with demolition and/or removal of the tower and associated equipment and buildings shall be borne by the most recent tower operator of record unless such costs are the contractual or legal responsibility of another party. If the owner fails to remove a tower in the time provided in this section, the said agreement shall authorize the Zoning Inspector to cause the demolition and removal of the tower and recover the costs of demolition and removal from the applicant and/or property owner. The owner or operator of the wireless telecommunication facility shall provide for a cash or surety bond at the minimum rate of \$100.00 per vertical foot from the natural grade in order to assure that funds are available for the demolition and the removal of the tower if it should become necessary.

(Added 12/07/2015)



**835 Prohibited Uses**

The following uses are prohibited in the Township:

- Manufacture of explosives, fireworks and gunpowder.
- Unlicensed storage or disposal of slaughterhouse refuse, rancid fats and or garbage.
- Dumps; Chemical waste disposal; Petroleum waste disposal; Hazardous waste disposal; incineration or storage.
- Junk yards, scrap yards or salvage operations that utilize incineration.
- Privately owned and/or Commercial Landfills or Solid Waste Facilities.
- Commercial Shooting Ranges.

(Amended 10/5/2016, 3/11/2019)

**840 Accessory Uses**

Accessory uses such as the following are permitted (no permit required) in all districts; bird baths, bird houses, curbs, driveways, fences, hedges, lamp posts, mail boxes, name plates, parking spaces, public utility installations, retaining walls, trees, shrubs, plants, flowers and other landscaping, walks, swing sets and other small recreational equipment and structures and the like.

All accessory buildings shall meet the following requirements (permit is required);

**841** Accessory buildings shall be located in the rear or side yard and shall be no closer than ten feet from the main building when separated from the main building.

**842** Accessory buildings in all districts shall be no less than ten (10) feet from any alley or street, no less than ten (10) feet from a rear lot line, or a side lot line. (Amended 4/27/2020)

**843** On lots where the rear yard of a corner lot abuts an adjoining lot, the accessory buildings may not project beyond the front yard of said adjoining lot.

**844** Residential district, accessory buildings shall not occupy more than twenty percent of the rear yard, but not to exceed 1200 square feet, nor shall they exceed 18 feet in height.

**850 Special Uses General Requirements**

The Board of Zoning Appeals may grant use permits where Section 810 indicates a special use is permitted. Such permission may be granted after the requirements of this resolution are met as specified in Sections 445 and 860. (Amended 12/07/2015)

**General Requirements.**

A special use may be granted only after it has been determined to be essential or desirable to the public convenience and welfare, in harmony with the existing neighborhood and in conformance with setback, yard, off street parking, density and other requirements of the district in which it is located.

**860 Special Uses - Requirements for Specific Uses**

In addition to the requirements for all special uses. The following requirements shall be met for the following special uses:

**Ponds or lakes** shall be permitted in residential districts only after they have been shown to be a part of the overall design of a residential subdivision and the Board of Trustees is satisfied that serious safety, health and other hazards will be eliminated. Ponds shall not encroach upon any required yard.

**Manufactured Home Parks**

Shall be permitted only after the following requirements are met:

- a) A plot plan prepared by and bearing the seal of a Registered Engineer in the State of Ohio shall be presented with the request showing the location and character of all facilities, utilities, lots, walks, streets, recreation areas, service buildings; and a typical lot plan.

- b) Minimum size of a Manufactured Home Park shall be ten acres and the density of manufactured homes shall not exceed six manufactured home lots per gross acre.
- c) All Manufactured Home Lots shall abut interior streets of the park, and all manufactured homes shall be set back 15 feet from any property line and 50 feet from any street.
- d) All manufactured homes shall be at least 400 sq. feet in floor area and shall be placed on concrete pads.

**Riding Stables**

Shall be permitted in the Agricultural or Commercial Districts only after the following conditions are met:

- a) Stables and riding areas are not closer than 250 feet to any home existing at the time (except the owner's and the stable area is not closer than 75 feet to a property line and 60 feet from the street.
- b) No stable shall be located in an area which floods from stream overflow.

**Airports**

Any airport shall be established and operated pursuant to Ohio Revised Code chapters 4561.01 et seq. and 4563.01 et seq., the applicable chapters of the Ohio Administrative Code, and any and all federal statutes and regulations. (Added 12/07/2015)

**Barbershops and Beauty Salons.**

The operator/owner of a barbershop and/or beauty salon shall be permitted as a special use under the classification of home occupation and thus, shall meet all of the requirements for a home occupation. In addition, the operator/owner of a barbershop and/or beauty salon shall be required to obtain and maintain any and all licences from the State Ohio, including but not limited to chapters 4709.01 et seq. and 4713.01 et seq. of the Revised Code. (Added 12/07/2015)

**Cemetery**

- a) The site shall have direct access to a major thoroughfare, which the Board of Zoning Appeals determines is adequate to serve the size of the facility proposed.
- b) Any new cemetery shall be located on a site containing not less than twenty-five (25) acres.
- c) All buildings, including but not limited to mausoleums and maintenance buildings, shall not be located less than one hundred (100) feet from any property line.
- d) All graves and/or burial spaces shall be set back not less than fifty (50) feet from any property line. (Added 12/07/2015)

**Farm Equipment Sales and Services**

Farm equipment sales and services may be permitted in the agricultural district provided the use:

- a) Is located along an arterial highway, or a state highway.
- b) Meets setback, yard, height and other requirements of the a district,
- c) Is not located closer than 100 feet from any residential district boundary or lot line of any adjoining parcel which contains a residence. the owner's residence is exempt from this distance requirement. (Added 12/07/2015)

**Golf Courses and Driving Ranges**

- a) All buildings and structures shall be at least 30 feet from all property lines.
- b) A minimum of 2 off-street parking spaces shall be provided for each driving tee and putting green.
- c) All driveways and parking areas shall be surfaced with a hard, durable material and properly drained.
- d) All lights shall be directed away from site boundary lines and/or shielded to prevent lighting from being reflected onto adjacent properties.

- e) Fences, planting, netting or sufficient area shall be provided to insure the safety and protection of persons on all adjacent land.
- f) Except in districts where signs are allowed, one non-flashing sign, not to exceed 60 square feet in area, may be provided at the major entrance.
- g) All driving directions shall be away from any street or highway. (Added 12/07/2015)

### **Home Occupations**

It is the purpose of this section of this Resolution to promote the public health, safety and welfare through the regulation of home occupations. It is further the intent of this section to allow limited non-residential uses in residential structures which are compatible with the residential character of their surroundings.

“Home Occupation” means an accessory use which is an activity, profession, occupation, service, or craft that is subordinate to the use of the premises as a dwelling and is conducted entirely within the dwelling unit without any significant adverse effect upon the surrounding neighborhood. Such uses include, but are not limited to the following: offices for professionals such as architects, doctors, insurance agents, lawyers, real estate agents, etc.; personal services including barber shops beauty parlors, manicure & pedicure shops, pet grooming, etc.; instructional services such as music, dance, arts & crafts, etc.; babysitting services; studios for artists, musicians, photographers, etc.; workrooms for tailors, dressmakers, carpenters, etc.; and repair services including watch & clock, small appliance, computers, lawnmowers, etc. Any such use shall be conducted entirely within the dwelling unit and no use of any accessory building or yard space shall be permitted.

An occupation performed wholly within a dwelling unit requiring a conditional use permit is allowed if the following conditions are met and a valid zoning permit is obtained:

- a) Permitted activities shall include the making, servicing or repairing of goods, wares, or merchandise or the providing of goods or services for hire or gain.
- b) Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes. There shall be no change in the outside appearance of the dwelling or any other visible evidence of the conduct of such home occupation other than one (1) sign as permitted by paragraph f below.
- c) Such use shall be conducted only by persons residing in the dwelling unit.
- d) There shall be no display of any stock in trade nor any commodities sold.
- e) The use shall not involve the use of more than twenty-five percent (25%) of the floor area of only one (1) story of the home.
- f) One (1) unlighted name plate not more than two (2) square feet in area announcing the name and home occupation shall be permitted.
- g) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of the home occupation shall be met using off-street parking.
- h) Such uses shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference, excessive vehicular traffic or other causes.
- i) Vehicular traffic shall be limited to no more than two (2) cars at any one time.
- j) Such use complies with chapter 3734 et. seq. of the Ohio Revised Code regarding hazardous waste.
- k) The hours of operation shall commence and conclude as determined by the Board of Zoning Appeals based on the type of home occupation.
- l) Comply with all governmental requirements.

(Added 12/07/2015)

### **Hospitals, Orphanages, Sanitariums, Convalescent and/or Nursing Homes**

Hospitals, orphanages, sanitariums, convalescent and/or nursing homes, structures are not to exceed a height of forty (40) feet when the following conditions are met:

- a) The site shall be so developed as to create a land-to-building ratio on the lot or parcel whereby for each one (1) bed in the hospitals, orphanages, sanitariums convalescent and/or nursing home there shall be provided not less than fifteen hundred (1,500) square feet of open space. The fifteen hundred (1,500) square feet of land per bed shall provide for landscaping, off-street parking, service drives, loading space, yard requirements and spaces required for accessory uses.
- b) No building shall be closer than forty (40) feet from any property line.
- c) Hospitals, orphanages, sanitariums convalescent and/or nursing homes shall only be permitted within the high density residential (R-3) and M-1 manufacturing zoning districts.  
(Added 12/07/2015)

### **Limited Manufacturing**

Restricted to industrial uses in the M-3 district that are compatible with aviation related or dependent thereof and of a warehousing or processing nature that is conducive to be located near an airport. These industrial uses generally require a minimum of services and facilities and generate little industrial traffic. They typically operate within an enclosed structure and have little or no adverse effect on adjacent land by producing noise, odor, dust, smoke, glare or hazard.

(Added 12/07/2015)

### **Mini-Storage/Personal Storage Buildings/Facilities**

- a) Purpose - This section is to provide for the development of mini-storage buildings in the agricultural district and such use shall be a conditional use. For the purpose of this Resolution, 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 square feet and not more than four thousand 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) Conditional use-required- the Zoning Board of Appeals may, after the review and recommendation of the Commission, approve a plan for mini-storage buildings upon any tract zoned business and commercial and industrial and manufacturing districts 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 one acre.
    - b. The lot shall abut and gain direct access to a local nonresidential, collector, or arterial street as specified in the major thoroughfare plan.
    - c. The plan shall show the existing site along with surrounding land within 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 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 include on the plan along with specification of the colors of buildings and materials to be used.
    - e. Storm water management shall be incorporated into the plan so that storm water runoff from the site will not increase as a result of the proposed development. The facility shall be designed to control the storm water 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 and activities related thereto (such as the sale of boxes or padlocks, etc.) 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, shaded and focused away from all adjoining property.
- h. Building setbacks shall be as follows:
  - 1. Front yard - not less than 25 feet on which all parking and internal drives are prohibited.
  - 2. Side yard - not less than 12.5 feet on which all parking and internal drives are prohibited.
  - 3. 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. Building heights shall be limited to one story (not to exceed 14 feet at the eaves).
- j. Signs shall be regulated by the sign regulations set forth herein.
- k. Commercial activity prohibited - the sale of any item from or at a mini-storage building is specifically prohibited.
- l. It shall be unlawful for any owner, operator or lessees of any storage warehouse or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever other than leasing of the storage units, except as related to the leasing of storage units. (For example the sale of boxes, locks, etc.)
- m. Repair of autos, boats, motors and furniture prohibited because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover and other flammable materials, the repair, construction or reconstruction of any boat, engine, motor vehicle or furniture and the storage of any propane or gasoline engine or propane or gasoline storage tank or any boat or vehicle incorporating such components is prohibited within any structure on a tract of land designated as a residential storage warehouse.
- n. Violations - any violation of the regulation regarding mini-storage buildings shall be grounds for the revocation of the conditional use permit and shall also be considered to be in violation of this Zoning Resolution.

(Added 12/07/2015)

### **Nurseries**

Nurseries shall be permitted as special use in a conservation zoning district, without restriction, so long as it does not defeat the purpose of the conservation of land on which it operates upon. For purposes of this section, nursery means any grounds or premises on or in which nursery stock is propagated or grown for sale as defined in section 927.51 of the Revised Code.

(Added 12/07/2015)

### **Travel Trailer Park**

- a) All repairs shall be conducted within a wholly enclosed building.
- b) Outdoor areas used for display shall be provided within a permanent, durable and dustless surface and shall be graded and drained as to dispose of all surface water accumulated within the area in accordance with the specifications of the county engineer.
- c) Points of ingress and egress to the lot shall be a distance of at least fifty (50) feet from the right-of-way of the intersection of any two (2) streets.
- d) All lighting shall be shielded from adjacent residential districts.

(Added 12/07/2015)

### **Veterinary Clinic and Kennel**

Outdoor pens and exercise runs shall be kept in a clean and sanitary condition and shall be screened from public view. A screening plan shall be submitted to the Board of Zoning Appeals for approval.

- a) Sanitation practices shall be adequate to assure that objectionable odors shall not be noticeable on or off the lot considering various wind conditions.
- b) The applicant shall submit a written statement showing the measures and practices he/she will use to reduce the noise level in the design of the building and the management or rotation of animals in outdoor exercise runs.
- c) No dead animals shall be buried on the premises and incineration of dead animals shall not create odors or smoke.

In addition, the following shall apply:

- a) Animal hospital, veterinarians' offices and commercial animal kennels are permitted only within the agricultural zoning district, subject to the provision that all buildings, structures and facilities, including runways, are located at least 300 feet from any property line in any residential or commercial zoning district.
- b) Veterinarian outpatient clinics shall be designed, constructed and maintained so that sound emitted through exterior walls and roofs enclosing areas where animals are treated or kept during treatment shall not exceed 45 decibels.
- c) Building plans submitted for building permit application for veterinarian outpatient clinics shall include a certificate by a registered architect or acoustical engineer that the building will meet the requirements. Existing buildings that are to be used as veterinarian outpatient clinics shall also be certified by a registered architect or acoustical engineer as complying with the requirements. Standards that apply to kennels shall be as follows:
  1. Minimum lot area shall be two (2) acres.
  2. All animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls or runways shall be within the rear yard.
  3. All animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls or runways shall be a minimum of one hundred (100) feet away from all property lines.
  4. All outdoor running areas shall be enclosed to prevent the escape of animals; all such enclosures shall be a minimum of ten (10) feet from all property lines.
  5. All animal wastes shall be regularly cleaned up and properly disposed of; and
  6. The applicant shall demonstrate a working plan to prevent or alleviate any noise problems emanating from animals boarded at the site.

(Added 12/07/2015)

**CHAPTER 900 – YARD, LOT, DENSITY, BULK AND HEIGHT REQUIREMENTS**

**910 No Zoning certificate shall be issued for any construction, alteration or change in a building, structure or the use of land unless the following requirements are met in the district indicated:**

Requirements and Type of use:	District								
	A	R1	R2	R3	LB	GB	M1	M2	M3
Maximum Density for Dwelling Units Per Gross Acres									
Single Family Dwelling	1	1	4	8					
Duplex			4	8					
Triplex			4	8					
Condominium				15					
Multi-Family				15					
Minimum Lot Area for all Residential Lots	One (1) Acre								
All Residential Lots additional area per Dwelling unit over three				2.5					
Minimum width of lot in feet as measured from the road Right-of-Way	125	125	125	125	125	125	125	125	125
Addition Per Dwelling Units over 3				10					
Minimum Lot Depth in Feet	120	120	120	120	120	120	120	120	120
Maximum Percentage of Lot Coverage									
Residential Uses	25	25	30	40					
Non Residential Uses	25	25	30	40	50	60	75	75	75
Minimum Depth of Front Yard in Feet as measured from the Road Right-of-Way									
Residential Uses	35	35	35	35	35	35	35	35	35
Non Residential Uses	35	35	35	35	35	35	45	50	45
Minimum Depth of Rear Yard in Feet <sup>1</sup>	25	25	25	25	25	25	25	25	25
Minimum Width of Side Yards in Feet									
Residential Uses	10	10	10	10	10	10	10	10	10
Non Residential with side yard abutting									
Residential Districts					25	25	25	25	25
Commercial Uses					10	10	10	10	10
Industrial Uses					20	20	20	20	20
Minimum Floor area of Residential uses in Square Feet – Single Family									
Ground Floor	750	700	600	500	700	700	700	700	
Total Floor	950	900	750	650	900	900	900	900	
Minimum Total Floor Area of Residential uses in Square Feet									
Duplex and Triplex (Per Family Unit)			600	500					
Minimum Floor Area of Residential uses in Square Feet – Multi-Family									
Ground Floor Area (Total per Unit)				400					
Maximum Height of Buildings and Structures in feet	35	35	35	60	35	45	60	75	60

(Amended 4/27/2020)

<sup>1</sup> Minimum Depth of Rear Yard applies to primary buildings or structures – See Section 842 for Accessory Buildings.

## CHAPTER 1000 SUPPLEMENTAL REGULATIONS

### 1010. Supplemental Height Requirements

The maximum heights specified for buildings contained in these regulations shall not apply to:

- a. Public facilities, churches and schools, provided that for each one foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its required side and rear yard setbacks shall be increased by an additional one and one-half feet and provided that the projection does not exceed 50% of the ground floor area of the building.
- b. Flagpoles, are exempt from these regulations.
- c. All uses are required to meet all Federal Aviation Administration requirements as well as the requirements of these regulations.

(Amended 3/24/2016)

### 1020. Off Street Parking and Loading Space

No Zoning Certificate shall be hereafter issued unless there is provided the following number of off-street parking spaces:

Residential Uses — 2 spaces per dwelling unit

Business Uses — 1 space for each 200 square feet of floor area

Manufacturing Uses — 1 space per 3 employees and 1 space per 10,000 square feet of floor area

Churches and Theaters — 1 space for each 4 seats

Golf Course — 30 spaces for each 9 holes

Hotels, Motels, Rooming Houses - 1 space per sleeping room

Manufactured Home and Travel Trailer Parks - 2 spaces per MH site, 1 per camp site.

Riding stables — 1/2 space per horse

- a) Parking spaces for all uses herein required shall be 200 square feet in each area; shall be within 300 feet of the premises served; shall not be contiguous to the street; and shall be at least 9 feet wide.
- b) Off street loading spaces shall be provided for each 15,000 square feet of Commercial Land Use, or fraction thereof; and 1 berth shall be provided for each 40,000 Square feet of Industrial Land Use floor area or fraction thereof. Each loading berth shall be a minimum of 12 by 60 feet with minimum height clearance of 16 feet.
- c) Parking and loading requirements shall be met for all additions or new construction begun after adoption of this Resolution.

### 1030. Corner Lot Clearance

At the intersection corner of each corner lot, the triangular space determined by the two lot lines at that corner and by a diagonal line connecting the two points on those lot lines street. That area twenty feet respectively from the corner shall be kept free of any obstruction to vision between the heights of 2 1/2 feet and 10 feet above the established grade of the

### 1040. Signs

Signs shall be set back from the street right-of-way by the following distances:

Area of Sign (sq. ft.)	Minimum Setback (Feet)
5 or less	2
5-14	10
15-49.9	20
50-99.99	30
100 or More	60 Feet

1041. The area of the sign shall be determined by the area of the smallest circle, triangle or rectangle that can be used to enclose the area of the sign containing the message.



**1042** No free standing sign shall be closer than 10 feet from any side lot line and not closer than ten feet from any residential district.

**1043** Each establishment may be permitted two signs for each 500 feet of street frontage, or part thereof, provided that the total area of sign does not exceed the maximum area allowed for each use in this section.

**1044** The maximum size of any sign in square feet shall be as follows:

<b>Type of Sign</b>	<b>District</b>					
	A	R	LB	GB	M1	M2
Signs on Lot of place Identified						
Name Plate and Address	2	2	12	12	12	12
Business use	60		60	60	60	60
Industrial Use	300		300	300	300	300
Real Estate Development	300		300	300	300	300
For Sale Sign	12	12	12	12	12	12
Sign Not on Lot of Place Identified	60		60	60	60	60

**1045 Signs for Home Occupations**

One free standing sign or one sign affixed to the structure is permitted. The maximum sign size permitted is nine square feet.

**1050 A. Single Family Dwellings and Permanently Sited Manufactured Homes**

**A. Intent.** Green Creek Township hereby establishes the following standards for the placement of all single-family dwellings and permanently manufactured homes in areas of the Township which single-family dwellings are permitted.

- 1) All permanently sited single-family dwellings and permanently sited manufactured homes shall meet the minimum lot area, minimum setbacks, and maximum height limitations for the particular district in which it will be located.
- 2) Off-street parking shall be provided according by Section 1020.
- 3) The dwellings shall have all towing apparatus, wheels and exposed chassis, if any, removed before occupancy of any kind is permitted.
- 4) The dwelling must be approved for and permanently connected to all required utilities.
- 5) 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.
- 6) All single family dwellings and permanently sited manufactured homes shall be taxed as real property.

**B.** Manufactured housing not meeting the criteria established for a permanently sited manufactured homes (see definitions) shall be permitted in either a mobile manufactured home park or manufactured home subdivision. 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 Zoning Board of 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.

**1051 REPLACEMENT**

A manufactured home deemed a non-conforming use may be replaced by a permanently sited manufactured home provided the replacement meets the definition in Section 1200 herein and shall meet the following requirements:

- a. Meet all requirements for lot, yard, building and other requirements for the district in which it is located.
- b. Be affixed to a permanent foundation.
- c. Use a permanent perimeter enclosure.
- d. Be anchored to the ground in accordance with the manufacture's specifications.
- e. Have all wheels, axles and hitch mechanisms removed.
- f. Shall occur within 6 months of the removal of the original manufactured home.

(Amended 4/27/2020)

**1052** One travel trailer, boat and or boat trailer may be stored but not inhabited in the rear or side yard of any lot so long as it is not less than 10 feet from the lot line; or within a residential garage or accessory building any where on the lot. Otherwise, boats, boat trailers and travel trailers shall be permitted only in travel trailer parks, overnight camps, or marinas.

**1053** No basement homes will be permitted. An earth shelter home is not considered a basement home.

**1060** **Swimming pools** and non-agricultural ponds that are located in or within 500 foot of a residential district shall be fenced to prevent uncontrolled access. For purposes of this section, non-agricultural means for uses other than crop irrigation, regular watering of livestock or fish farming. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition with a gate and lock. Swimming pools as described herein shall exclude portable pools with a depth of less than 1½ feet. It may not be located in front nor closer than ten (10) feet to a required rear or side lot line.

**1061 Fence Requirements**

- a. No fence, wall or screening shall be constructed, altered or extended within the side, rear or front yard that is not in compliance with these requirements. No permit is required.
- b. In any residential or commercial district fences, or screening within front yards and side yards extending from the front line of the principal building toward the street right of way shall not exceed more than three (3) feet above the established front yard grade. Fences or screening in rear yards extending from the rear of the principal building toward the rear lot line shall not exceed more than six (6) feet above the established rear yard grade. Fences in side yards between the front and rear line of the principal building shall not exceed four (4) feet in height.
- c. Walls and fences up to eight (8) feet in height shall be permitted in the immediate area of a swimming pool or patio in the interior of a lot. A zoning certificate is required.
- d. Walls and fences up to eight (8) feet in height shall be permitted in an industrial zoned district. Screening may be required where the industrial district is abutted by a residential district. A zoning certificate is required.
- e. Barbed wire and/or razor wire fences are not permitted in Residential zones or on lots containing or abutting residences unless required by a Government entity.

## **CHAPTER 1100 NON-CONFORMING USES**

**1110 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 herein specified.

**1111** 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, setback and other requirements of the district in which it is located, and that total aggregate floor area of such additions does not exceed 30 percent of the floor area in such building at the time it became non-conforming.

**1112** 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 and the same use and occupancy continued or resumed, provided that such restoration is started within a period of one year and is completed within two years.

**1113** A non-conforming building or portion thereof, which is, or hereafter remains vacant and unoccupied for a period of two 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.

### **1120 Non-Conforming Use of the Land**

**1121** A non-conforming use of open land, where no primary building is involved, may be continued for a period of two years from the effective date of this resolution or any subsequent amendment; after which time, said use shall be discontinued.

**1122** A non-conforming use of land referred to in 1121 shall not be expanded or extended into any other part of the lot or adjoining property; nor shall the use be changed except to a nonconforming use.

**1123** Any junk yard in existence at the time this resolution takes effect, shall be fenced in accordance with existing state law, or such use shall be discontinued within 2 years of the adoption of these regulations; and thereafter, the land shall be required to be used in conformance with these regulations. For purposes of this provision, a junk yard shall be defined as in Chapter 1200 of These regulations.

**1124** A non-conforming use of land, where principal buildings are involved, shall not be expanded or extended into any other portion of the lot or any adjacent lot: and use of such land that exists at the time of adoption of this resolution any subsequent amendment may be changed only as specified for changes in use of non-conforming buildings as Section 1110 provided such change in use is due to a change in use of the principal building.

### **1130 Non-Conforming as to Lot area, Width and Depth**

Any lot of record, existing at the time of adoption of this resolution, or any subsequent amendment, where the required lot area, width, and depth do not meet the regulation herein, may where permitted be used for residential purposes; provided that yard, coverage and other requirements are met; and provided that any contiguous land in common ownership be required to be used to meet the district lot area, width and depth requirements and that no portion of such be transferred to other ownership, if such transfer reduces the lot below the minimum requirements set forth in this resolution.

**1135** A change from one non-conforming use to another may be permitted, provided that the Board of Zoning Appeals determined that the adverse effects of the proposed use do not exceed those of the previous use. In making that determination, the Board shall insure that the proposed non-conforming use in terms of traffic generation by employees or customers parking requirements and any other pertinent criteria.

## CHAPTER 1200 DEFINITIONS

As used in this Resolution the term(s): Used for” includes “designed for” and vice versa; used in the “present tense” includes the “future tense”; used in the “singular number”; includes the “plural number” and vice versa; “building” includes “structure”; “dwelling” includes “residence”; “lot” includes “plot”; “shall” is mandatory; and “may” is permissive. (All definition numbers have been deleted 12/07/2015)

### **ACCESSORY BUILDING**

means a detached subordinate building, with or without foundation, 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 land or to the use of the principal building.

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

**ADULT ARCADE** means 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 form 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.

**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 area.

**ADULT CABARET** means 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, video cassettes, 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** means the sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specified anatomical areas or specified sexual activity.

**ADULT ENTERTAINMENT ESTABLISHMENT** means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude or seminude model studio, or sexual encounter establishment. An establishment in which 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 the Revised Code*, is not an "adult entertainment establishment."

**ADULT MOTION PICTURE THEATER** means 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** means 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 upon the exposure of specified anatomical areas or specified sexual activities.

**AGRICULTURE BUSINESS** a commercial establishment dealing solely with the sale, rental, or lease of products, or equipment used or associated with normal agricultural production.

**AIRPORT** means any landing area and all necessary appurtenances designed, used or intended to be used for the landing and taking off of aircraft.

**AIRPORT RELATED MANUFACTURING** means a manufacturing operation that utilizes aviation as part of its business. Aviation related manufacturing benefits from close proximity to an airport.

**ALLEY** means a right of way, other than a street, road, cross-walk, or easement that provides secondary access for the special accommodation of the abutting property.

**ALTERATION** means 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 pro-long the life of the building or use; but not including normal maintenance and repair.

**AUTOMOBILE SERVICE STATION** means any premises used for supplying gasoline, oil or other retail direct to the motoring public; including minor accessories and services for automobiles conducted wholly within an enclosed building.

**BARBER SHOP:** A place of business with barbers, who are licensed to provide customers with services that include cutting hair, shaving, and trimming beards. (Added 12/07/2015)

**BEAUTY SHOP:** A place of business with beauticians, who are licensed to provide customers with services that include hair treatment, cutting hair, manicures, massages and facials. (Added 12/07/2015)

**BASEMENT** means a story partially or wholly underground, where no more than one-half the height of the story is above the average level of the adjoining ground.

**BUILDING** means a roofed “structure” designed 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. A mobile home or manufactured home is a building for the purpose of this Resolution, if the home is affixed to a permanent foundation and is located on land overfed by the owner of the home and the certificate of title has been surrendered and inactivated by the clerk of common pleas court that issued it so that the home may be taxed as real property.

**BUILDING AREA** means the horizontally projected area of the buildings on a lot, excluding terraces, unenclosed porches, other open areas, and architectural appurtenances that projects no more than two feet.

**BUILDING HEIGHT** means 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 deck line of a mansard roof or to the ridges of a gable, hip, or gambrel roof.

**BUILDING LINE** means the line that established the minimum permitted distance on a lot between the outside building wall and the lot line; provided that a secondary story or roof overhang may not project a distance of more than two feet into the minimum side yard.

**BUSINESS** means the use of lands or buildings for the purpose of purchase, sale or exchange of goods and services; for the purpose of maintaining office, recreational or amusement enterprises for profit.

**CEMETERY** means any one or a combination of more than one of the following involving only human remains:

- a. A burial ground for earth interments;
- b. A mausoleum for crypt entombments;
- c. A columbarium for the deposit of cremated remains;
- d. A scattering ground for the spreading of cremated remains. (Added 3/11/2019)

**CONDOMINIUM** means property in which one or more individual owned dwelling units are contained within a single building, and the units are offered together within undivided interest in the common areas and facilities of the property. For purposes of determining lot and building requirements and the approval process for the building containing dwelling units, refer to Chapter 910. The condominium shall also comply with the declaration and other requirements of Ohio Revised Code Chapter 5311.

**CORNER LOT** means a lot at the junction of, and abutting, two intersecting or intercepting streets.

**DETACHED BUILDING** means a building that has no structural connection with another building.

**DISTINGUISHED OR CHARACTERIZED BY THEIR EMPHASIS UPON** means the dominant or principal character and theme of the object described by this phrase. For instance, when the phrase refers to films "that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas," the films so described are those whose dominant or principal character and theme are the exhibition or description of specified sexual activities or specified anatomical areas.

**DRIVE IN** means 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.

**DUMP(S)** means a plot of land or part thereof used primarily for the licensed or unlicensed disposal by abandonment, dumping, burial or burning or any other means and for whatever purposes, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste materials of any kind. The term Dump includes Landfills. (Amended 4/27/2020)

**DWELLING** means a building or portion of a building designed for residential purposes, including one-family, two-family, and multi-family dwellings, but not including hotels, motels, boarding houses and/or lodging houses.

**DWELLING UNIT** means a dwelling, or part of a dwelling, used by one family, exclusively, as a place of abode.

**FAMILY** means 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, or fraternity or sorority house.

**FARM** means an area used for agricultural operations, including but not limited to, truck gardening, forestry, the operation of a tree or plant nursery, or the production of livestock and poultry; and including migrant farm labor housing.

**FARM MARKET** means a market where 50% of the gross income is derived from produce raised on the farm on which the market is located.

**FENCE** means a structural enclosure, barrier or screen whose purpose is to physically and/or visually contain certain uses and activities which are carried out on a particular zoning lot.

**FIREARMS DEALER** shall have the same definition as set forth in 18 U.S.C. Section 921 (Added 3/11/2019)

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

**FRONT LOT LINE** means the line marking the boundary between the lot and the abutting street, easement for street purposes, lake, or water course; except that for a corner lot, means the line marking the boundary between the lot and the shorter of the abutting streets, easement for street purposes, lake or watercourse.

**FRONT YARD** means a yard that is bounded by front line of the principal building, by the front lot line, and by the segments of the side lot lines that they intercept; except that on double frontage lots one such front yard may be used as a rear yard, provided that, the minimum front building line in such cases shall be complied with in placement of accessory buildings.

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

**HOME OCCUPATION** means the use of a home for a business or professional service which is conducted only by members of the family residing in the residence, and utilizing not more than twenty- five (25%) percent of the ground floor area of all on the lot.

**HOME OFFICE.** An accessory use in which work for compensation is undertaken within the primary residential structure, including but not limited to, receiving or initiating correspondence such as phone calls, mail, faxes, or e-mails; preparing or maintaining business records; word and data processing; contractors, telephone, mail order, and off-premises sales. No customer/client on-site visitations shall occur and no

more than twenty-five (25) percent of the residential floor area shall be used in the conduct of the home office. There shall not be any non-resident employees nor shall a home office business location be a meeting place for its employees to go work off-site. A home office shall not be permitted to have any signage and no more than two commercial vehicles are permitted to be parked on-site. Delivery trucks used to deliver necessary supplies are limited to passenger vehicles, mail carriers, and express carriers such as UPS. (Added 12/07/2015)

**INDUSTRIALIZED UNIT** means 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 for its 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.

**JUNK YARD** means land or buildings where waste or discarded used property and materials is accumulated and is or may be salvaged for re-use or re-sale; including but not limited to automobiles, farm equipment, manufactured homes, travel trailers, trucks, and/or parts thereof. The keeping of one or more unlicensed and/or inoperable automobiles not used for farming purposes, and not within a building, shall be deemed a junk yard.

**KENNEL** means a place primarily for keeping, selling, grooming, breeding, or boarding four or more dogs that are at least four months old.

**LANDFILL** means an area of area of land or an excavation in which wastes are placed for permanent disposal, and that is not a land application unit, surface impoundment, injection well, or waste pile as those terms are defined under 40 CFR 257.2. (Added 4/27/2020)

**LODGING HOUSE** means a building, not available to transients, in which lodging is regularly provided for compensation for at least three, but not more than ten (10) persons.

**LOT** means an area, exclusive of streets and alleys and other public places, used as a unit, and which abuts a street or road.

**LOT AREA** means the minimum lot size required by zone inclusive of right-of-ways.

**LOT COVERAGE** means the area covered by buildings times one hundred, divided by the total lot area, exclusive of streets, alleys, walkways, but including utility and other similar easements, expressed as a "percentage of lot coverage".

**LOT LINE** means the legal boundaries of the "lot", excluding streets, alleys, and other public spaces.

**LOT WIDTH** means the distance between the side lot lines measured at the right-of-way.

**LOT DEPTH** means the average distance from the street or road right of way to the back lot line as measured perpendicularly from the intersection of each side lot line with the street, or road right of way.

**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** means an area of land which three or more manufactured homes are regularly accommodated or intended for such use, with or without including any buildings, other structures, fixtures, or equipment that are used in providing that accommodation.

**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.

**MOTEL** means any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed for temporary use by automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels, motor lodges, and tourist cabins.

**MULTIPLE FAMILY DWELLING** means a dwelling or structure containing two or more dwelling units.

**NATURAL RESOURCE DEVELOPMENT** means the mining or extraction of any stone, sand, gravel, dirt, oil, or other natural resources, and shall include the processing of such natural resources.

**NON-CONFORMING USE** means a use that exists at the time a provision of this Resolution is passed, but does not comply with it.

**NUDE OR SEMI-NUDE MODEL STUDIO**

1. means 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.
2. 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.

**NUDITY, NUDE, OR STATE OF NUDITY** means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque covering; or the showing of the female breasts with less than a fully opaque covering of any part of the nipple.

**OVERNIGHT CAMP** means an area of land used or designed to be used to accommodate two or more tents, travel trailers, or other camping outfits, for no longer than a two week period.

**PARKING SPACE** means an area within a garage, main building or accessory building, a covered paved area such as a carport, having a width of 9 feet and a length of 18 feet, which is permanently reserved for the parking or storage of one motor vehicle and connected with a street or alley by a dust-free surfaced driveway which affords satisfactory ingress and egress for motor vehicles.

**PERMANENT FOUNDATION** A permanent masonry, concrete or locally approved footer or foundation, to which a manufactured or mobile home may be affixed.

**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 900 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.

**PERSON** means also a corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a unit.

**PERSONAL STORAGE OR MINI STORAGE** means a business use of buildings or rental or storage space. All storage shall be contained within buildings and use of open land for storage is permitted.

(Amended 3/11/2019)

**PRINCIPAL BUILDING** means 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 building in a substantial way, such as a roof and walls.

**PRIVATE GARAGE** means 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 use.

**PRIVATE SCHOOL** means a school other than a public school.

**PROFESSIONAL OFFICE** means an office used by members and the necessary personnel of a recognized profession such as architects, dentist, engineers, lawyers, physicians, surgeons, realty agents, insurance agents, financial advisors and brokers.

(Amended 4/27/2020)

**PUBLIC GARAGE** means a garage, other than a private garage, whose services are available to the public or to persons occupying a hotel, club, or similar facility.

**REAR LOT LINE** means a line farthest from the front lot line, and connecting the two side lot lines.

**REAR YARD** means a yard that extends across the full width of the lot and is bounded on the rear by the rear lot line, and the depth of which is the least distance from the rear lot line and the rear of the principal building.

**REGULARLY FEATURES OR REGULARLY SHOWN** means 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.

**SATELLITE DISH** means a structure erected for the purpose of receiving satellite television signals.

**SCRAP METAL DEALER OR SCRAP YARD DEALER** means the owner or operator of a business that purchases or receives scrap metal for the purpose of sorting, grading, and shipping metals to third parties for direct or indirect melting into new products and has registered with the director of public safety in accordance with section 4737.045 of the revised code.

(Added 3/11/2019)

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

**SERVICE BUSINESS** means any commercial enterprise that provides work performed by an individual or team for the benefit of its customers. The typical service business provides intangible products, including, but not limited to accounting, banking, consulting, cleaning, landscaping, legal, education, insurance, treatment, and transportation services. (Added 12/07/2015)

**SEXUAL ENCOUNTER ESTABLISHMENT** means 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.
- c. 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 the Revised Code*, is not a "sexual encounter establishment."

**SIDE LOT LINE** means a boundary line other than a front or rear lot line.

**SIDE YARD** means a yard, between the principal building and the adjacent side lot line.

**SIGN** means a visual device or structures used for advertising, identification, display, direction, or publicity purposes.

**SOLID WASTE FACILITY** means any site, location, tract of land, installation or building used for incineration, composting, sanitary landfilling or other methods of disposal of solid wastes, excluding agricultural composting or household composting from a single dwelling; or if the solid wastes consist of scrap tires, for the collection, storage, or processing of the solid wastes; for the transfer of solid wastes; for the treatment of infectious wastes; or for the storage, treatment, or disposal of hazardous waste.

(Added 3/11/2019)

**SPECIFIED ANATOMICAL AREAS** means the cleft of the buttocks, anus, male or female genitals, or the female breast.

**SPECIFIED SEXUAL ACTIVITY"** means 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.

**STREET or ROAD** means a right-of-way or easement that is established by record to provide the principal means of access to abutting property.

**STRUCTURE** means anything constructed or erected that requires location on or in the ground or attachment to something having a location on or in the ground.

**STRUCTURAL CHANGE** means a substantial change in a supporting member of a building or structure such as a bearing wall or bearing partition, column, beam, or girder, or in an exterior wall or the roof.

**THROUGH LOT** means a lot fronting on two parallel or approximately parallel streets and includes lots fronting on both a street and a watercourse or lake.

**TRAVEL OFFICES** means a person who engages in the sale of travel services and promotes tourism for profit, and is not affiliated with any political subdivision or the state of Ohio. (Added 12/07/2015)

**TRAVEL TRAILER-** A non-self-propelled recreational vehicle that does not exceed an overall length of 35 feet, exclusive of bumper and tongue or coupling, and contains less than 320 square feet when erected on site. "Travel trailer" includes tent-type and fold-out camping trailers.

**TRAVEL TRAILER PARK** means 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 in connection with providing such accommodations.

**USE** means the employment or occupation of a building, structure, or land for a person's service, benefit, or enjoyment.

**WHOLESALE OUTLET** means one whose business is the selling of goods in gross to retail dealers, and not by the small quantity or parcels to consumers thereof. (Added 12/07/2015)

**YARD** means a space on the same lot with a principal building that is open and unobstructed, except as otherwise specified by this Resolution.

Any terms not defined herein shall be as defined in the Ohio Revised Code, or if no definitions exist therein, as commonly used in the community.

**ADDITIONAL NOTE, REF. ROUTE 20 BUSINESS DISTRICT:**

**The U.S. 20 (West McPherson Highway) business zone is to be limited to a strip, 400 feet wide and parallel with and measured perpendicular from the North Line of the original 120 Ft. Right of Way line of U.S. Rt. 20 (West McPherson Highway)**

**Additional Note. Ref. Section 1050: One Manufactured home may be used on a lot for the living quarters of a relative in addition to the principal dwelling or, in an agricultural situation. The manufactured home may be used to house employees of the agriculture operation. A special use permit for such use shall be required.**