



Massie Township Zoning Code



Adopted: 2019

Last Update: 2021

Massie Township Zoning Code

Last Amended Effective 10-5-2021

Massie Township
Warren County OH

RESOLUTION 01-02-2019-01

**ADOPTION OF TEXT AMENDMENT TO THE MASSIE TOWNSHIP, OHIO
ZONING CODE**

WHEREAS, the said attached amendment is to add standards for permitting and regulating accessory buildings as Section 1020 to the last most recent update of the Massie Township Zoning Code adopted by the Massie Township Board of Trustees that became effective on May 4, 2017; and

WHEREAS, the Zoning Code text amendment referred to in this Resolution for adoption was prepared with assistance from the Warren County Regional Planning Commission staff as requested by the Massie Township Zoning Commission Chairman and the Massie Township Zoning Inspector as authorized by the Massie Township Trustees; and

WHEREAS, the said amendment has been reviewed and given guidance by the Township's legal counsel over the course of being prepared; and

WHEREAS, the said amendment initiated by the Massie Township Zoning Commission on October 1, 2018 has been recommended by the Warren County Regional Planning Commission on October 25, 2018 for adoption; and


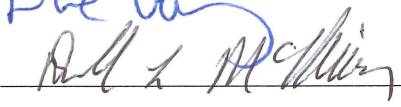
WHEREAS, the said amendment has been recommended by the Massie Township Zoning Commission for adoption following the public hearing they duly advertised and held on November 1, 2018, with no public in attendance and no objection to the said amendment; and

WHEREAS, the Massie Township Board of Trustees held their public hearing on the said proposed text amendment on January 2, 2019, following being duly properly advertised prior thereto, at which there was no objection to the amendment;

NOW THEREFORE BE IT RESOLVED, that the Massie Township Board of Trustees hereby adopt the said text amendment to the Massie Township, Ohio Zoning Code.

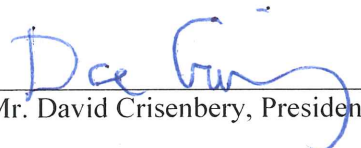
Mr. Crisenbery moved for adoption of the foregoing resolution, being seconded by

Mr. McKinney. Upon call of the roll, the following vote resulted.

Mr. David Crisenbery	Yea	
Mr. Darrell McKinney	Yea	
Mr. Mark Dawson	Absent	_____

Resolution adopted this 2nd day of January 2019.

BOARD OF TRUSTEES OF MASSIE TOWNSHIP. WARREN COUNTY, OHIO



Mr. David Crisenbery, President

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Preamble

A Resolution of the Township of Massie, Warren County, Ohio, enacted in accordance with the Township's Comprehensive Plan and the provisions of Chapter 519 Ohio Revised Code; dividing the unincorporated portion of the Township into zones and districts; encouraging, regulating, and restricting therein the location, construction, reconstruction, alteration and use of structures and land; promoting the orderly development of residential, business, industrial, recreational, and public areas; providing for adequate light, air, and convenience of access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties; limiting congestion in the public right-of-ways; providing the compatibility of different land uses and the most appropriate use of land; maintaining the predominant agricultural land use; providing for the administration of this Resolution defining the powers and duties of the administrative officers as provided hereafter; and prescribing penalties for the violation of the provisions in this Resolution or any amendment thereto, all for the purpose of protecting the public health, safety, comfort and general welfare; and, the effect of this Resolution shall be a general plan of zoning for all of the unincorporated areas of Massie Township, Warren County, Ohio at the effective date following the adoption of this Zoning Code; replacing the previous zoning regulations in effect in said Township; by Resolution of the Board of Township Trustees of Massie Township, Warren County, State of Ohio on April 4, 2017.

ARTICLE 1

TITLE, INTERPRETATION, AND ENACTMENT

Section 100: Title

This resolution shall be known and may be cited as the Zoning Resolution of the Township of Massie, Warren County, Ohio.

Section 101: Provisions of Resolution Declared to be Minimum Requirements

In their interpretation and application, the provisions of this resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this resolution are at variance with the requirement of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards shall govern.

Section 102: Severability Clause

Should any section or provision of this resolution be declared by the courts to be un-constitutional or invalid, such decision shall not affect the validity of the resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 103: Repeal of Conflicting Resolution Effective Date

All resolutions or parts of resolutions in conflict with this zoning resolution or inconsistent with the provisions of this resolution are hereby repealed to the extent necessary to give this resolution full force and effect. This resolution shall become effective from and after the date of its approval and adoption, as provided by law.

Section 104: Other Conflicts

This Zoning Resolution is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Zoning Resolution and another regulation, easement, covenant, or deed restriction conflict or overlap, which ever imposes the most stringent restrictions shall prevail.

ARTICLE 2

DEFINITIONS

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

- The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
- The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
- The word "lot" includes the words "plot" or "parcel."

A. Definitions

Accessory Building: A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Agriculture: Per Section 519.01 of the Ohio Revised Code, includes farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production; or as amended.

Agriculture, Agritourism: An agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity.

Agriculture, Agritourism Provider: A person, who owns, operates, provides, or sponsors an agritourism activity or an employee of such a person who engages in or provides agritourism activities whether or not for a fee.

Agriculture, Farm: Land that is composed of tracts, lots, or parcels totaling not less than ten acres devoted to agricultural production or totaling less than ten acres devoted to agricultural production if the land produces an average yearly gross income of at least twenty-five hundred dollars from agricultural production.

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

Alley: Definition can be found in thoroughfare

Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

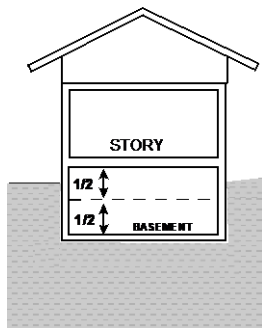
Automotive Repair: Automotive repair is the rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

Automotive, Mobile Home, Trailer, and Farm Implement Sales: The sale or rental of new and used motor vehicles, mobile homes, trailers, or farm implements, but not including repair work except incidental warranty repair of same to be displayed and sold on the premises.

Automotive Wrecking: The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

B. Definitions

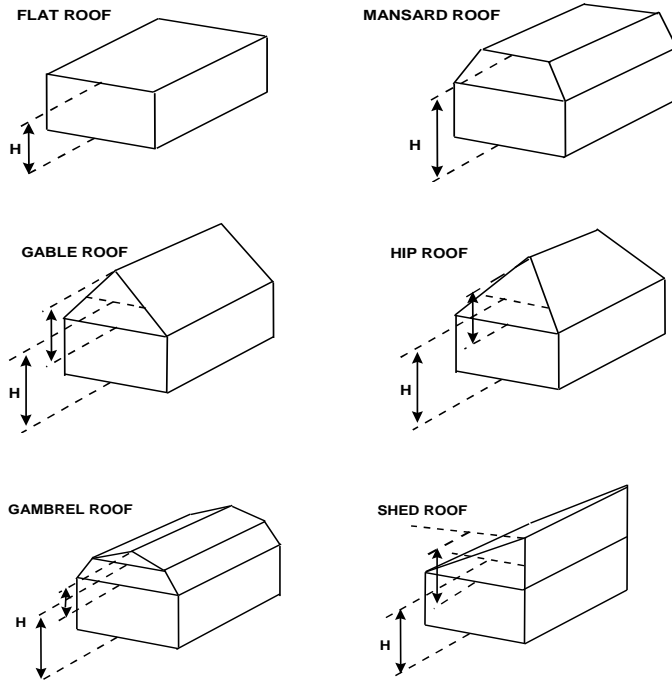
Basement: A story all or partly underground but having at least one half of its height below the average level of the adjoining ground.



Boarding House, Rooming House, Lodging House, or Dormitory: A building or part thereof, other than a hotel, motel, or restaurant where temporary lodging for 30 days or more, with or without meals, is provided to the occupants by the resident owner for compensation, where no cooking or dining facilities are provided in the sleeping rooms.

Building: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels or property.

Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to be the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.



Building Line: Definition can be found in setback Line.

Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Business, Convenience: Commercial establishments, which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pick-up facilities, and grocery stores, if less than 10,000 square feet in floor area. Uses in this classification tend to serve a day-to-day need in the neighborhood.

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

C. Definitions

Capability: The ability of the land to accommodate certain land uses without creating significant problems for either the inhabitants of the area or its environment.

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

Channel: A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

Clinic: A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are provided with board or room or kept overnight on the premises.

Club: A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

Commercial Entertainment Facilities: Any profit making activity, which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

Comprehensive Development Plan: A plan, or any portion thereof adopted by the legislative authority of the Township of Massie, Warren County, Ohio, showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major streets, parks, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

Conditional Use: A use that is potentially acceptable for the Board of Zoning Appeals (BZA) to permit in a Zoning District, but not necessarily appropriate at all locations.

Conditional Use Permit: A zoning permit issued by the Zoning Inspector for a conditional use approved by the Board of Zoning Appeals (BZA).

D. Definitions

Dead-end Street: See Thoroughfare.

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

- **Gross Density** - the number of dwelling units per acre of the total land to be developed.
- **Net Density** - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses

Density, Low Residential: Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed one (1) dwelling unit per two (2) gross acres. Such areas to be related according to the township land use plan to those places having a "suitable" or "moderately suitable" rating for residential usage.

Density, Medium-Low Residential: Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed one (1) dwelling unit per gross acre. Such areas to be related according to the township land use plan to those places having a "highly suitable" rating for residential usage.

Density, Medium Residential: Land to be utilized for residential purposes, including public housing, and industrialized units, which does not exceed four (4) dwelling units per gross acre. Such areas to be related generally according to the township plan to those places having assured public supplies of sanitary sewerage disposal and water supply.

Development: Any man-made change to improved or unimproved real estate the placement of mobile homes, streets, and other paving, utilities filling, grading including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving utilities, filling, grading, excavation, mining, dredging, or drilling operations

Dwelling, Single Family: A building consisting of a single dwelling unit only, separated from other dwelling units by open space.

Dwelling, Two-Family: A building consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

Dwelling, Multi-Family: A Multi-family dwelling is a building consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units.

Dwelling Unit: Space, within a building comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities; all used by only one family and its household employees. A MOBILE HOME IS NOT A DWELLING-UNIT.

E. Definitions

Essential Services: The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

F. Definitions

Family: One or more persons residing in a single dwelling unit as a single household, as distinguished from occupancy of persons in a boarding house, hotel, or motel, as defined in this Article.

Farm: Definition can be found in Agriculture, Farm

Flood: A flood is a general and temporary condition of partial or complete inundation of normally dry land areas.

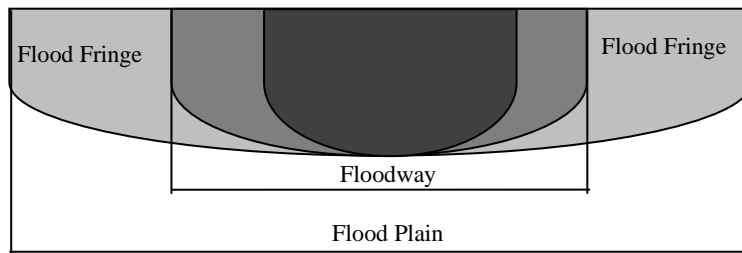
Flood Plain:

1. A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation due to the periodic overflow of surface waters.
2. An area subject to the unusual and rapid accumulation of surface waters from any source.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100 year flood without cumulatively increasing the water and surface elevation more than one (1) foot.

Floodway Fringe: The Floodway fringe is the area within the 100-year flood plain that is outside the floodway.

Flood, One-Hundred (100) Year: A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one percent (1%) chance of occurring each year, although the flood may occur in any year); frequency of one-hundred (100) year recurrence interval flood.



Floor Area of a Residential Building: The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

Floor Area of a Non-Residential Building (to be used in calculating parking requirements): The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

Floor Area, Usable: Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Food Processing: Food Processing is the preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

G. Definitions

Garages, Private: A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises and wherein:

1. Not more than one space is rented for parking to persons not resident on the premises;
2. No more than one commercial vehicle and trailer per dwelling unit is parked or stored.

Garage, Public: A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

Garage, Service Station: Building and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail, and where, in addition, the following service may be rendered and sales made:

- Sales and service of spark plugs, batteries, and distributors parts;
- Tire servicing and repair, but not recapping or re-grooving;
- Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like;
- Radiator cleaning and flushing;
- Washing, polishing, and sale of washing and polishing materials;
- Greasing and lubrication;
- Providing and repairing fuel pumps, oil pumps, and lines;
- Minor servicing and repair of carburetors;
- Adjusting and repairing brakes;
- Minor motor adjustment not involving removal of the head, the crankcase or racing the motor;
- Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principle operations;
- Provisions of road maps and other informational material to customers, provision of restroom and facilities; an
- Warranty maintenance and safety inspections.
- Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operation condition, or other work involving noise, glare fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage or a body shop

H. Definitions

Home Occupation: A business conducted in a dwelling unit by the owner occupant, as regulated in Article 10 Section 1018 of this Zoning Code.

Hotel or Motel and Apartment Hotel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

I. Definitions

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

J. Definitions

Junk Buildings, Junk Shops, Junk Yards: Any land, property, structure, building, or combination of the same on which junk is stored or processed

K. Definitions

Kennel or Cattery: Any lot or premises on which four or more domesticated animals more than four months of age are housed, groomed, bred, boarded, trained, or sold and which offers provisions for minor medical treatment.

L. Definitions

Loading Space, Off-Street: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

Location Map: See Vicinity Map

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

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

Lot Coverage: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

Lot Frontage: The frontage of a lot shall be construed to be the portion nearest the street easement or right-of-way line. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated Yards in this section.

Lot, Minimum Area of: The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

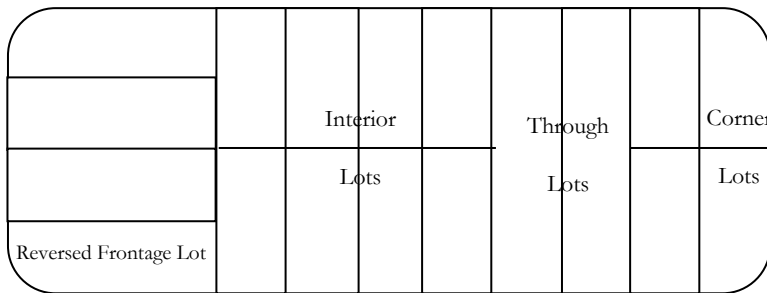
Lot Measurements: A lot shall be measured as follows:

1. Depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. Width of a lot shall be considered to be the distance between straight lines connecting from the front and rear lot lines at each side of the lot, measured at the building setback line, provided; however, that the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) per cent of the required lot width.

Lot of Record: A lot, which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types: Terminology used in this Resolution with reference to corner lots, interior lots and through lots is as follows:

1. Corner Lot: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
2. Interior Lot: A lot other than a corner lot with only one frontage on a street.
3. Through Lot: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as a double frontage lots.
4. Reversed Frontage Lot: A lot on which frontage is at right angles to the general pattern in the area: A reversed frontage lot may also be a corner lot.



M. Definitions

Maintenance and Storage Facilities: Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

Major Thoroughfare Plan: The plan adopted by the County, Regional Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the unincorporated areas.

Manufactured Building/Industrial Unit: Has the following features or characteristics: it is mass produced in a factory: designed or constructed for transportation to a site for installation and use when connected to required utilities; either an independent, individual building or a module for combination with other elements to form a building on the site.

Manufactured Home: A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974, and that has a permanent label or tag affixed to it, certifying compliance with all applicable federal construction and safety standards.

Manufactured Home (Permanently sited): A manufactured home that meets all of the following criteria:

- a. The structure is affixed to a permanent foundation and is connected to appropriate facilities;
- b. The structure, excluding any addition, has a width of at least twenty-two feet at one point, a length of at least twenty-two feet at one point, and a total living area, excluding garages, porches, or attachments, of at least twelve hundred square feet;
- c. The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;
- d. The structure was manufactured after January 1, 1995;
- e. The structure is not located in a manufactured home park.

Manufactured Home Park: Any tract of land upon which three (3) or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of the park. "Manufactured home park" does not include any of the following:

- a. A tract of land used solely for the storage or display for sale of manufactured homes or solely as a temporary park-camp;
- b. A tract of land that is subdivided and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes used for habitation and the roadways are dedicated to the local government authority;
- c. A tract of land within an area that is subject to local zoning authority and subdivision requirements and is subdivided, and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes for habitation.

Manufacturing, Heavy: Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

Manufacturing, Light: Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

Manufacturing, Extractive: Any mining, quarrying, excavating processing, storing, separating, cleaning, or marketing of any mineral natural resource.

Marina: A marina is a facility providing secure moorings and harborage for watercraft. A marina may also supply singly or multiply the typical associated support activities and functions characteristic of such a facility, such as: watercraft launching equipment or ramp, watercraft supplies and materials, watercraft maintenance, sales, service, storage, and other directly associated supportive and related facilities or activities such as watercraft licensing.

Modular Home: Definition can be found in Manufactured Home.

N. Definitions

Nonconforming Use: A building, structure, or use of land existing at the time of enactment of this resolution and which does not conform to the regulations of the district or zone in which it is situated.

Nursery, Nursing Home: A home or facility for the care and treatment of babies, children, pensioners, or elderly people

Nursery, Plant Materials: Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

O. Definitions

Open Space: Open Space are areas open to the sky, which may be on the same lot with a building. The area may include along with the natural environmental features, swimming pools, tennis courts, and any other recreational facilities that are typically provided and appropriate for such areas and land utilization. Streets, structures for habitation, and the like shall not be included.

P. Definitions

Parking Space, Off-Street: For the purpose of this resolution an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

Performance Bond or Surety Bond: An agreement by a sub divider or developer with the County for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the sub divider's agreement.

Personal Services: Any enterprise conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

Planned Unit-Development: An area of land in which a variety of housing types and/or related commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans

Professional Activities: The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.

Public Service Facility: The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants, or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

Public Uses: Public parks, schools, and administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

Q. Definitions

Quasi-public Use: Churches, Sunday schools, Parochial schools, colleges, hospitals, and other facilities of an educational religious charitable philanthropic, or nonprofit nature

R. Definitions

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

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

Recreational Vehicles: Travel trailers, campers, and motor homes are not dwelling units and must be located only in an R. V. Park. Also see Section 1005 of these regulations.

Research Activities: Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings.

Roadside Stand: A temporary structure designed or used for the display or sale of agricultural products and related products, provided a minimum of sixty percent (60%) of the total value of all products sold are raised on the premises

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

S. Definitions

Seat: For purposes of determining the number of off-street-parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

Setback Line: A line established by the zoning resolution generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above ground, except as may be provided. (See Yards)

Sewers, Central or Group: An approved sewage disposal system, which provides a collection network and disposal system and central sewage treatment facility for a single development community or region

Sewers, On-Site: A septic tank or similar installation on an individual lot which utilizes bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

Sidewalk: A Sidewalk is that portion of the road right of-way outside the roadway, which is improved for the use of pedestrian traffic. See "Walkway."

Sign: (a.k.a. Signage): Means any structure, or natural object such as a tree, rock, bush, and the ground itself, or part thereof, or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, product, place, activity, person, institution, organization, or business, or which shall display or include any letter, word, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of, an announcement. For the purpose of these regulations, direction, or advertisement word "sign" does not include the American flag, the insignia of any government, governmental agency or of any charitable organization.

Sign, Abandoned: A sign which no longer identifies a bona fide business, lesser, service, owner, product, or activity, time of event passed, and where either of the following applies:

1. No legal owner can be found; or,
2. The property owner has been given a written order to rehabilitate or demolish, and for which work has not commenced and the owner cannot demonstrate a diligent and good faith effort to implement actions; or,
3. The property taxes are delinquent and the site is not actively offered for sale, lease, or rent

Sign, Billboard: An off premise sign.

Sign, Changeable Copy: A sign or a portion of a sign with letters, characters, or graphics that are not permanently affixed to the sign structure or face allowing the letters, characters, or graphics to be modified manually.

Sign, Channel Lettering: Fabricated or formed three-dimensional letter that may accommodate a light source or a sign where only the letters/logo is illuminated.

Sign, Channel Lettering-Reverse: A fabricated dimensional letter with opaque face and side walls with an internal light source to the rear of the letters used for "halo" or "silhouette" lighting.

Sign, Gateway: A sign announcing a development.

Sign, Ground: A sign solely supported on and from the ground.

Sign, LED: An LED sign is a sign or a portion of a sign with letters, characters, or graphics displayed on an LED board that may be modified to display a variety of messages.

Sign, Memorial or Memorial Tablet: A sign cut into a masonry or metal surface indicating the name of the structure (not the use of the structure) and/or the year of the structure's erection.

Signs, Non-Conforming: Signs legally existing on the effective date of this code that does not conform to the height, size, and type provisions of this code or the setback standards for the zoning district. For the purposes of this definition the term "sign" shall include the sign face and the structure on which the sign face is attached.

Sign, Roof: Any sign that is supported on a structure which is located wholly or partly on the roof or above the roof or partly on the roof or above the roof line of any building.

Sign, Permanent: All signs that are not temporary signs.

Sign, Pole: A sign solely supported on a pole.

Sign, Roof: Any sign that is supported on a structure which is located wholly or partly on the roof or above the roof or partly on the roof or above the roof line of any building.

Sign, Signature: A sign containing name and/or logo only.

Sign, Temporary: A sign not designed or intended for display for more than thirty (30) days.

Sign, Wall: A sign painted on, attached to, or erected against an exterior wall of a building or other wall structure, with the display face of the sign parallel to and not more than twelve (12) inches from the wall and which does not project above the roof line or beyond the corner of a building on which mounted.

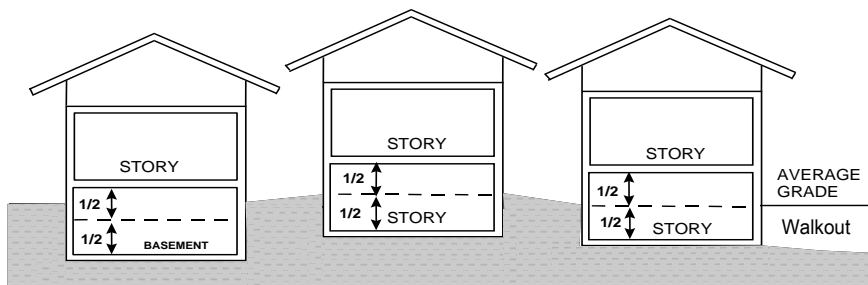
Sign, Window: A sign that is applied or attached to a window or door, or a sign located near a window within a building for the purpose of being visible to and read from the outside of the building

Site plan: A drawing that shows a piece of land for a special purpose and how buildings on ground are arranged.

Stable, Private; A building for the feeding and lodging of beasts, especially having stalls for horses.

Stable, Public: A building for the feeding and lodging of beasts, especially having stalls for horses, operated for remuneration.

Story: That part of a building between the surface of a floor and the ceiling immediately above is a story.



Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and telecommunication towers.

Substantial Improvement: Any repair, reconstruction, or improvement of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when a building permit is issued for the alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Suitability: Relationship of the physical and man-made characteristics of land to the characteristics necessary to develop specific uses. It is based on the consideration of three factors:

1. Physical Characteristics of the land.
2. Man-made characteristics.
3. Physical and man-made criteria necessary to develop specific use.

Supply Yards: A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and-similar goods.

Swimming Pool: Any body of water or any structure that contains more than 24 inches of water at any point and is maintained by the owner or manager. This includes without limitation all portable, moveable, collapsible, storable and permanent in-ground, above-ground and on-ground swimming pools, wading pools, spas, and hot tubs. Self-contained spas and hot tubs with locking safety covers do not require barrier fencing.

1. Private: Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multifamily development, or a community; the members and guests of a club; or the patrons of a motel or hotel.
2. Community: Operated with a charge for admission.

T. Definitions

Telecommunications Facility: A FCC permitted wireless telecommunications facility that exists on or after October 31, 1996.

Telecommunications Facility, Base Station: Large tower telecommunications facility transmission equipment and any non-tower structure that facilitates FCC permitted wireless communications.

Telecommunications Facility, Large Tower: A tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of Cellular Telecommunications Services or Personal Communication Services. This does not include Small Cell Towers.

Telecommunications Facility, Collocation: The installation of additional transmission equipment on an existing large tower or other permitted support structure.

Telecommunications Facility, Equipment: Equipment that facilitates transmission and reception of FCC licensed or authorized wireless communication signals, including, but not limited to, antennas, coaxial or fiber-optic cable, radio transceivers, and regular and backup power supply.

Telecommunications Facility, Eligible Facilities Request: A request to modify an existing large tower and/or base station for such tower that does not cause a substantial change to the physical dimensions of the tower or other support structure or base station, involving:

- (a) Collocating new transmission equipment;
- (b) Removing transmission equipment; or
- (c) Replacing transmission equipment.

Telecommunications Facility, Eligible Support Structure: A large tower or other support structure that exists when a modification application is filed with the Zoning Inspector.

Telecommunications Facility, Site: The area within the boundary of the leased or owned property that underlies and surrounds a large telecommunications tower, or other support structure, and base station for such, and including, but not limited to any related access driveway, utility service line, and fall-radius easements.

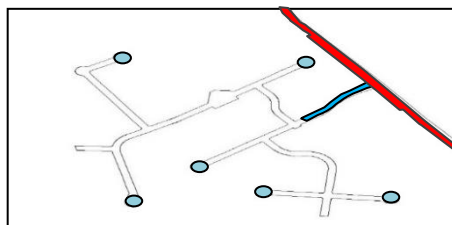
Telecommunications Facility, Small Cell Tower: A tower under fifty (50) feet in height or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of Cellular Telecommunications Services or Personal Communication Services. The term Small Cell Tower includes mini cell towers, distributed antenna system towers, micro cell towers, mini cell, or similar systems.





Telecommunications Facility, Large Tower: A guy-wired, metal lattice, or monopole structure that is for the sole or primary purpose of supporting FCC permitted antennas and any associated equipment for facilitating wireless communication services.

Telecommunications Facility, Substantial Change: Modifications to the physical dimensions of an eligible support structure that qualify according to the criteria specified in Section 2001(5).

Thoroughfare, Street, or Road: The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

- **Alley:** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- **Arterial Street:** A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous. Route
- **Collector Street:** A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- **Cul-de-Sac:** A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turn around. **Dead-end Street:** A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
- **Local Street:** A Street primarily for providing access to residential, commercial, or other abutting property.
- **Loop Street:** A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one-hundred-eighty (180) degree system of turns are not more than one-thousand (1000) feet from said arterial or collector street, nor normally more than six-hundred (600) feet from each other.
- **Marginal Access Street:** A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street.)



Arterial	
Collector	
Cul-De Sac	
Local Street	

U. Definitions

Use: The specific purposes, for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

V. Definitions

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

Veterinary Animal Hospital or Clinic: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation.

Vicinity Map: A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within Warren County in order to better locate and orient the area in question.

W. Definitions

Walkway: A dedicated public way, four feet or more in width, for pedestrian use only, whether along the side of a road or not.

Watercraft and/or recreational vehicle equipment sales, service repair, storage yard or facility: An area or structure designed used or intended to be used either singly or multiply for the sale, service, repair, storage of three or more watercraft and/or recreational vehicles, and directly related supportive equipment, such as: boat and/or recreational vehicles or haulers, coverings, cradles and the like.

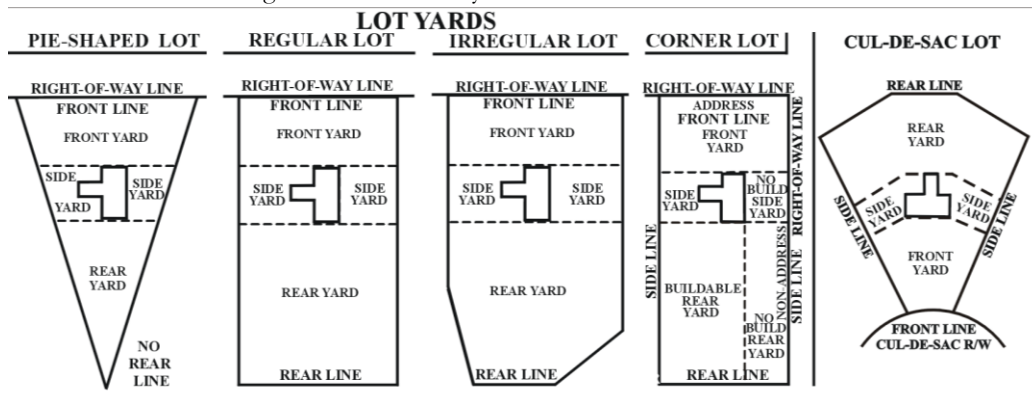
Watercraft: Means any contrivance used or designed for navigation on water, including, but not limited to any vessel, boat, motor vessel, steam vessel, vessel operated by machinery either permanently or temporarily affixed, scow, tugboat or any marine equipment which is capable of carrying passengers, excepting ferries as referred to in Chapter 4583 of the Ohio Revised Code.

X. Definitions No definitions fall under this category

Y. Definitions

Yard: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three feet above the general ground level of the graded lot upward; provided ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

- **Yard, Front:** A yard extending between side lot lines across the front of a lot and from the lot frontage line to the front of the principal building.
- **Yard, Rear:** A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
- **Yard, Side:** A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.



Z. Definitions

Zoning Permit: A document issued by the zoning inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

ARTICLE 3

ENFORCEMENT

Section 300 - Zoning Permits Required

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Inspector that does not conform with the provisions of this resolution unless he/she receives a written order from the Board of Zoning Appeals deciding an appeal, or variance, as provided by this resolution.

Section 301 - Contents of Application for Zoning Permit

The application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one year or substantially completed within two and one-half (2-1/2) years. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant;
2. Legal description of property;
3. Existing use;
4. Proposed use;
5. Zoning district;
6. Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration;
7. Building heights;
8. Number of off-street parking spaces or loading berths;
9. Number of dwelling units; and
10. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this resolution.

Section 302 - Approval of Zoning Permit

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this resolution. All zoning permits shall; however, be conditional upon the commencement of work within one year. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector.

Section 303 - Submission to State Highway Director

Before any zoning permit is issued affecting any land within three-hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the State Highway Director or any land within a radius of five-hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered or certified mail to the State of Ohio Highway Director. The Zoning Inspector shall not issue a zoning permit for one-hundred-twenty (120) days from the date the notice is received by the Highway Director. If the Highway Director notifies the Zoning Inspector that he/she shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Highway Director notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one-hundred-twenty (120) day period of any extension thereof agreed upon by the Highway Director and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this resolution, issue the zoning permit.

Section 304 - Expiration of Zoning Permit

If the work described in any zoning permit has not begun within one year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within two and one-half (2-1/2) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

Section 305 - Failure to Obtain a Zoning Permit

Failure to obtain a zoning permit shall be a violation of this resolution and punishable under Section 308 of this resolution.

Section 306 - Construction and Use to Be as Provided in Applications, Plans, Permits

Zoning permits issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this resolution, and punishable as provided in Section 308 of this resolution.

Section 307 - Complaints Regarding Violations

Whenever a violation of this resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. He/she shall record properly such complaint, immediately investigate, and take action thereon as provided by this resolution.

Section 308 - Penalties for Violation

Violation of the provisions of this resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this resolution.) shall constitute a misdemeanor. Any person who violates this resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100 or imprisoned for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues, after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violations.

Section 309 - Schedule of Fees, Charges, and Expenses

The Board of Township Trustees shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, appeals, and other matters pertaining to this resolution. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Board of Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE 4

NON-CONFORMITIES

Section 400 - Intent

Within the districts established by this resolution or amendments that may later be adopted there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this resolution or future amendments. It is the intent of this resolution to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this resolution that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Section 401 - Incompatibility of Non-Conforming Uses

Non-conforming uses are declared by this resolution to be incompatible with permitted uses in the districts in which such use is located. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

Section 402 - Avoidance of Undue Hardship

To avoid undue hardship, nothing in this resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this resolution and upon which actual building construction has been carried on diligently.

Section 403 - Single Non-Conforming Lots of Record

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this resolution notwithstanding limitations imposed by other provisions of this resolution. Such lot must be in separate ownership and not continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Zoning Appeals.

Section 404 - Non-Conforming Lots of Record in Combination

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this resolution and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this resolution and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this resolution, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this resolution.

Section 405 - Non-Conforming Uses of Land

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

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

Section 406 - Non-Conforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this resolution that could not be built under the terms of this resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity;
2. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this resolution; and
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 407 - Non-Conforming Uses of Structures or of Structures and Premises in Combination

If a lawful use involving individual structures, or of a structure and premises in combination, exists at the effective date of adoption or amendment of this resolution that would not be allowed in the district under the terms of this resolution the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any non-conforming use may be extended throughout any part of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this resolution, but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any nonconforming use of a structure or structure and premises, may as a conditional use be changed to another non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use, In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this resolution;
4. Any structure, or structure and land in combination, in or in which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;
5. When a non-conforming use of a structure, or structure and premises in combination is voluntarily discontinued or abandoned for more than two years (except when government action impedes access to the premises), the structure or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located; and
6. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

Section 408 - Uses Under Conditional Use Provisions Not Non-Conforming Uses

Any use, which is permitted as a Conditional use in a district under the terms of this resolution shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

ARTICLE 5

ADMINISTRATIVE BODIES AND THEIR RESPONSIBILITIES

Section 500 - Office of Zoning Inspector Created

A Zoning Inspector designated by the Board of Trustees shall administer and enforce this resolution. He/she may be provided with the assistance of such other persons as the Board of Township Trustees may direct.

Section 501 - Duties of Zoning Inspector

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

1. Enforce the provisions of this Resolution and interpret the meaning and application of its provisions, as well as take all necessary steps to remedy any condition found in violation by ordering in writing the discontinuance of illegal uses or illegal work in progress. Request the County Prosecutor to commence appropriate legal action when necessary;
2. Respond to questions concerning applications for amendments to the Zoning Resolution text and the Official Township Zoning Map;
3. Issue Zoning Certificates as provided by this Resolution, and keep a record of same with a notation of any special conditions involved;
4. Collect the designated fees for Zoning Certificates, amendments, variances, appeals, conditional uses, and exceptions;
5. Act on all applications upon which he or she is authorized to act by the provisions of this Resolution within thirty (30) days, or notify the applicant in writing of refusal or disapproval of such application and the reasons. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit his or her request to the Board of Zoning Appeals;
6. Conduct inspections of buildings and uses of land to determine compliance with this Resolution. In the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation, and ordering corrective action;
7. Maintain permanent and current records required by this Resolution, including, but not limited to, Zoning Certificates, inspection documents, and records of all variances, amendments, conditional uses, and supplemental conditions and safeguards according to section 622.
8. Make permanent and current records available for the use of the Board of Township Trustees, the Zoning Commission, the Board of Zoning Appeals, and the public;
9. Determine the existence of any violations of this Resolution and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed to address such violations; and
10. If requested, prepare and submit an annual report to the Board of Township Trustees and Zoning Commission on the administration of this Resolution, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Resolution. Such report shall include recommendations concerning the schedule of fees.

Section 502 - Proceedings of Zoning Commission

The Board of Township Trustees shall create and establish a township zoning commission. The Commission shall be composed of five members who reside in the un-incorporated area of the township, to be appointed by the Board. The terms of the regular members shall be of such length that and so arranged that the term of one member will expire each year. Alternate members may be appointed according to the provisions of ORC 519.04. Each regular or alternate member shall serve until the member's successor is appointed and qualified. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term. Members of the Zoning Commission shall be removed for non-performance of duty, misconduct in office, or other cause by the board, as prescribed in ORC 519.04.

The Commission shall adopt rules necessary to conduct its affairs in keeping with the provisions of this resolution. Meetings shall be held at the call of the chairman and at such other times as the Commission may determine. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be filed in the office of the Commission.

Section 503 - Duties of Zoning Commission

For the purpose of this Resolution, the Commission shall have the following duties: of reviewing all proposed amendments of this resolution and making recommendations to the Board of Township Trustees.

1. Initiate proposed amendments to this Resolution and/or the Official Township Zoning Map.
2. Recommend the proposed Zoning Resolution, including text and the Official Township Zoning Map, to the Board of Township Trustees for formal adoption.
3. Review all proposed amendments to the text of this Resolution and the Official Township Zoning Map and make recommendations to the Board of Township Trustees.
4. Review all Planned Unit Development Applications and make recommendations to the Board of Township Trustees as provided in this Resolution.
5. Carry on a continuous review of the effectiveness and appropriateness of this Resolution, and recommend such changes or amendments as it feels would be appropriate.
6. The Commission may, for their purpose, within the limits of the monies appropriated by the Board of Township Trustees, employ or contract with such planning consultants and executive and clerical assistants as it deems necessary.
7. The Commission shall make use of such information and counsel as is available from appropriate public officials, departments, and agencies, as well as the Warren County Regional Planning Commission.

Section 504 - Board of Zoning Appeals (BZA) Created

A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Board of Township Trustees each for a term of five (5) years, except that the initial appointments shall be one (1) member each for one (1), two (2), three (3), four (4), and five (5) year terms. Each member shall be a resident of the Township. Members of the BZA may be removed from office by the Board of Township Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by resolution of the Board of Township Trustees for the unexpired term of the member affected.

Section 505 - Proceedings of the Board of Zoning Appeals

The BZA shall adopt rules necessary to conduct its affairs in keeping with the provisions of this resolution. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be filed in the office of the Board.

Section 506 - Duties of the Board of Zoning Appeals

In exercising its duties, the BZA may, as long as such action is in conformity with the terms of this resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this resolution or to effect any variation in the application of this resolution.

For the purpose of this Resolution, the BZA has the following specific responsibilities:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Inspector;
2. To authorize such variances from the terms of this resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this resolution will result in unnecessary hardship, and so that the spirit of this resolution shall be observed and substantial justice done;
3. To grant conditional use permits and such additional safeguards as will uphold the intent of this Resolution; and
4. To perform such other functions and have such other powers as the Board of Township Trustees may provide.

Section 507 - Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal

It is the intent of this resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the BZA only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the BZA shall be to the courts as provided by law. It is further the intent of this resolution that the duties of the Board of Township Trustees in connection with this resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this resolution. Under this resolution the Board of Township Trustees shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this resolution as provided by law, and of establishing a schedule of fees and charges as stated in Section 309 of this resolution.

Section 508 – Failure to Attend Meetings

Per ORC Chapter 519, Any member of any of these prescribed commissions, boards, or other public bodies who fails to attend at least three-fifths (3/5th) of the regular and special meetings during a two (2) year period forfeits the member's position on said public body.

ARTICLE 6

ADMINISTRATIVE PROCEDURES

Section 600 - Procedure for Amendments or District Changes

This resolution may be amended by utilizing the procedures specified in Section 601-615, inclusive, of this resolution.

Section 601 - General

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Township Trustees may by resolution after receipt of recommendation thereon from the Zoning Commission, and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

Section 602 - Initiation of Zoning Amendments

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

1. By adoption of a motion by the Zoning Commission;
2. By adoption of a resolution by the Board of Township Trustees;
3. By the filing of an application by at least one owner or lessee of property within the area proposed to be changed or affected by said amendment.

Section 603 - Contents of Application

The application for amendment shall contain at a minimum the following information:

1. Name, address, and phone number of applicant;
2. Proposed amendment to the text or legal description;
3. Present use;
4. Present zoning district;
5. Proposed use;
6. Proposed zoning district;
7. A vicinity map at a scale approved by the Zoning Inspector showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Inspector may require;
8. A list of all property owners within, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned, and others that may have a substantial interest in the case;
9. A statement on how the proposed amendment relates to the land use plan;
10. A fee as established by the Board of Township Trustees.

Section 604 - Transmittal to Zoning Commission

Immediately after the adoption of a resolution by the Board of Township Trustees or the filing of an application by at least one owner or lessee of property, said resolution or application shall be transmitted to the Commission.

Section 605 - Submission to the Warren County Regional Planning Commission

Within five days after the adoption of a motion by the Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application by at least one owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution, or application together with the text and map pertaining to the case in question to the Warren County Regional Planning Commission. The County Regional Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

Section 606 - Submission to State Highway Director

Before any zoning amendment is approved affecting any land within three-hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the State Highway Director, or within a radius of five-hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail to the Highway Director. The Zoning Commission may proceed as required by law, however, the Board of Township Trustees shall not approve the amendment for one-hundred-twenty (120) days from the date the notice is received by the Highway Director. If the Highway Director notifies the Board of Township Trustees that he/she shall proceed to acquire any land needed, then the Board of Township Trustees shall refuse to approve the rezoning. If the Highway Director notifies the Board of Township Trustees that acquisition at this time is not in the public interest or upon the expiration of the one-hundred-twenty (120) day period or any extension thereof agreed upon by the Highway Director and the property owner, the Board of Township Trustees shall proceed as required by law.

Section 607 - Public Hearing by Zoning Commission

The Zoning Commission shall schedule a public hearing after the adoption of their motion, transmittal of a resolution from the Board of Township Trustees or the filing of an application for zoning amendment. Said hearing shall be not less than twenty (20) or more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.

Section 608 - Notice of Public Hearing in Newspaper

Before holding the public hearing as required in Section 607, notice of such hearing shall be given by the Zoning Commission by at least one publication in one or more newspapers of general circulation within the township, at least fifteen (15) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination.

Section 609 - Notice to Property Owners by Zoning Commission

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least twenty (20) days before the date of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by these regulations or the Board of Township Trustees. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 608.

Section 610 - Recommendation by Zoning Commission

Within thirty (30) days after the public hearing required by Section 607, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be not granted.

Section 611 - Public Hearing by Board of Township Trustees

Upon receipt of the recommendation from the Zoning Commission, the Board of Township Trustees shall schedule a public hearing. The date of said hearing shall be not more than thirty (30) days from the receipt of the recommendation from the Zoning Commission.

Section 612 - Notice of Public Hearing in Newspaper

Notice of the public hearing required in Section 611 shall be given by the Board of Township Trustees by at least one publication in one or more newspaper of general circulation, within the township. Said notice shall be published at least fifteen (15) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

Section 613 - Notice to Property Owners by Board of Township Trustees

If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing may be mailed by the Clerk of the Board of Township Trustees, by first class mail, at least twenty (20) days before the day of the public hearing, to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by these regulations, or the Board of Township Trustees. The notice shall contain the same information as required of notices published in newspapers as specified in Section 612.

Section 614 - Action by Board of Township Trustees

Within twenty (20) days after the public hearing required by Section 611, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission the unanimous vote of the Board of Township Trustees is required.

Section 615 - Effective Date and Referendum

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than eight percent (8%) of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

Section 616 - Procedure and Requirements for Appeals and Variances

Appeals and variances shall conform to the procedures and requirements of Sections 616 - 626, inclusive, of this resolution.

Section 617 – General

It is the purpose of Sections 616 - 626, to establish procedures and requirements for the hearing of appeals and variances. As is specified in Section 506, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

Section 618 - Appeals

Appeals of the Board of Zoning Appeals concerning interpretation or administration of this resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority for the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

Section 619 - Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.

Section 620 - Variances

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this resolution would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance.

Section 621 - Application and Standards for Variances

A variance from the terms of this resolution shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals containing:

1. Name, address, and phone number of applicants;
2. Legal description of property;
3. Description of nature of variance requested; and
4. A narrative statement demonstrating that the requested variance conforms to the following standards:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - b. That a literal interpretation of the provisions of this resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this resolution;
 - c. That special conditions and circumstances do not result from the actions of the applicant;
 - d. That granting the variance requested would not confer on the applicant any special privilege that is denied by this resolution to other lands, structures, or buildings in the same district.

Section 622 - Supplementary Conditions and Safeguards

In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this resolution. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this resolution and punishable under Section 308 of this resolution. Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this resolution in the district involved or any use expressly or implication prohibited by the terms of this resolution in said district.

Section 623 - Public Hearing By the Board of Zoning Appeals

The Board of Zoning Appeals shall hold a public hearing within twenty (20) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

Section 624 - Notice of Public Hearing in Newspaper

Before holding the public hearing required in Section 623, notice of such hearing shall be given in one or more newspapers of general circulation within the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

Section 625 - Notice to Parties in Interest

Before holding the public hearing required in Section 623, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 624.

Section 626 - Action by Board of Zoning Appeals

Within thirty (30) days after the public hearing required in Section 623, the Board of Zoning Appeals shall approve, approve with supplementary conditions as specified in Section 622, or disapprove the request for appeal for variance. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. If the request for appeal or variance is denied, the applicant may seek relief through the Court of Common Pleas.

Section 627 - Conditional Use

The conditional use process provides an opportunity to allow certain uses as not otherwise permitted in the zoning district. Permitting of a conditional use is contingent on the Board of Zoning Appeals (BZA) granting approval of an application submitted by the property owner subject to conditions, and subject to the BZA granting approval of a separate Site Plan application submitted by the property owner in accordance with Section 633 and Article 19. A conditional use may only be approved if the BZA finds that the use is in

accordance with this Section and meets applicable use-specific requirements specified in this Zoning Code and/or by the BZA. This and the following Sections 628 through 633 are the regulations and requirements for a Conditional Use application and processing.

Section 628- Application Requirements

The applicant shall submit the required application form and fee. The information required with the application submitted in request for approval of a proposed conditional use and the site plan for the use shall be the same as required for Site Plan Review, specified in Article19.

Section 629- Application Processing

The procedure by which the application shall be submitted, reviewed, and processed is as follows:

1. Pre-submittal consultation with the Zoning Inspector;
2. Formal submittal to, and processing by, the Zoning Inspector (as specified in Article19);
3. Review comments from governmental authorities with jurisdiction over matters that may be impacted by a conditional use permit being granted;
4. Quasi-judicial hearing and written decision by the BZA or any appeal to a court of competent jurisdiction; and
5. Case File Record: Application files maintained by the Zoning Inspector shall contain all written information submitted, reference the location of an audio recording of the proceedings, and include written meeting minutes and written findings of fact and decision. The BZA's written decision on the conditional use, plus the written decision on the site plan for the use, if approved, shall be placed in the case file, along with evidence the written decision was sent to the applicant and any opponents who testify during the quasi-judicial hearing.

Section 630- Public Notification

Written notice of the quasi-judicial hearing shall be mailed by the Zoning Inspector, by first class mail, at least ten days before the date of such hearing to all owners of property within five hundred (500) feet from the parcel lines of each property that is the subject of such hearing, to the addresses of the owners appearing on the County Auditor's current tax list. The failure of delivery of the written notice SHALL NOT delay or postpone any such hearing, and shall not invalidate any action taken at such hearing.

Section 631- Review Criteria

1. In reviewing conditional uses, the BZA shall consider the following in the interest of public health and safety, and, public convenience, comfort, prosperity, or general welfare:
 - a. The use is a conditional use, permitted with approval by the BZA, in the district where the subject lot is located (except as provided in subparagraph 3 of this Section if a non-conformity is involved);
 - b. Whether the use deviates from the suggestions of the Comprehensive Plan; and,
 - c. The conditional use will not substantially and/or permanently injure the appropriate use of neighboring properties.

2. In order to approve a conditional use, the BZA shall use the following review criteria:
 - a. Will the use comply with all other applicable provisions of this zoning code, including any use specific standards; and
 - b. Will the use conform to the general character of the neighborhood in which it will be located; and,
 - c. Will the imposition of special conditions or requirements mitigate adverse characteristics which are inherent to such a use, and enable compatibility with the existing neighborhood; and,
 - d. How the use may 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 the use will not change the essential character of the same area; and,
 - e. Does the use create excessive additional requirements, at public cost, for public facilities and services to the detrimental and economic welfare of the community; and,
 - f. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general welfare of the neighborhood or the community; and,
 - g. That such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and,
 - h. Only one conditional use is allowed on a parcel of property.

Section 632- Conditional Use Review for Non-Conforming Uses

In many instances, non-conforming uses or buildings/structures are integral parts of the community's fabric. In these instances, the classification "non-conformity" and resulting restriction on investment may not be what the community desires. As such, the use may be made conforming pursuant to this Section. Non-conformities may become conforming as follows:

1. **Types of Situations:** The following are two types of situations whereby a non-conforming use may become conforming:
 - a. Correct the non-conforming situation. Where a proposed change of use is different than the non-conforming use, and a conditional use permit is required, those procedures must be followed.
 - b. Apply for a conditional use permit. Under this process, where there is no change of use, the non-conforming situation may be mitigated and made conforming through application for and approval by the BZA.
2. **Procedure:** Owners of non-conforming uses, buildings, structures, or lots may apply for conditional use permitting such use to become conforming without changing the use or necessarily modifying the entire physical nature of the nonconformity.
3. **Review Criteria:** In addition to the standard criteria for Conditional Use review, the applicant shall demonstrate that the nonconformity, as conducted and managed, has minimal incompatibilities that have been integrated into the community's function. Factors to be considered include the following:
 - a. The area residents patronize or are employed at the use;
 - b. Current management practices that eliminate nuisances such as dust, odor, noise, light encroachments, waste materials, and competition for on-street parking, or similar conflicts;
 - c. The non-conformity's history of complaints against it; and,
 - d. The non-conformity has been maintained in good condition or that the non-conformity represents a disincentive for such maintenance.
 - e. The BZA must determine that the non-conformity is generally integrated into the community and has minimal adverse impacts. The BZA may require appropriate conditions and safeguards to assure that the nonconformity does not adversely affect orderly development and the general welfare of nearby property, including, but not limited to: required improvement of, or modifications to existing improvements on the property; limitations on hours of operations; and limitations on the nature of operations.
4. **The Effect:** The granting of a conditional use approval eliminates the non-conformity.

Section 633- Site Plan Review Required for Approved Conditional Use

In the event the BZA approves the Conditional Use, it shall be followed by a separate quasi-judicial hearing by the BZA on the Site Plan for the use. The site plan for development and/or operation of the approved conditional use shall be evaluated based on the applicable requirements of Article 19 (Site Plan Review).

Section 634- Applicable Requirements After Approval

1. **Permits or Approvals From Other Involved Authorities:** The applicant is responsible for obtaining all necessary permits or approvals from other approving authorities.
2. **Development and Maintenance in Compliance with the Approved Plan:** It is the responsibility of the owner of the property for which the conditional use approval has been granted, to develop, improve, operate, and maintain the site, including the buildings, structures, and all development component elements of the use, in accordance with the approved site plan and all conditions of approval.
3. **Modification of an Approved Use:**
 - a. **Minor Modification Allowances:** The following are considered minor modifications that may be approved by the Zoning Inspector:
 - (1) Changes made during development to improve safety, protect natural features; accommodate unanticipated site constraints or to comply with further requirements of other authorities. These changes should not affect surrounding property or the approved plan layout.
 - (2) Changes in landscaping that are consistent with the standards of this Code and that do not reduce the total amount of landscaping or buffering required.
 - (3) Adjustments in alignment of vehicular and pedestrian access and circulation components for purposes of improved safety or to eliminate conflict with other components in the site which will not create off-site conflicts.
 - (4) Reduction or changes in signage or lighting which will not affect offsite properties.
 - b. **Major Modifications:** BZA approval is required for any proposed change which does not meet the minor modification qualification criteria specified for a Minor Modification.
 - c. **Special Uses:** Special Uses [repealed effective date] approved prior to the effective date of the Section shall be processed in accordance with requirements specified in this Section.

ARTICLE 7

PROVISIONS FOR OFFICIAL ZONING MAP

Section 700 - Official Zoning Map

The districts established in this resolution are shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted as part of this resolution. The district boundaries shown thereon are legally described as follows:

Section 701 - Identification of the Official Zoning Map

The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Township Trustees, attested by the Township Clerk.

Section 702 - Interpretation of District Boundaries

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

1. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries;
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;
3. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by use of the scale shown on the Official Zoning Map;
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line; and
5. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of Township unless otherwise indicated.

ARTICLE 8

ESTABLISHMENT AND PURPOSE OF DISTRICTS

Section 800 - Intent

The following zoning districts are hereby established for the Township of Massie, Warren County, Ohio. For the interpretation of this resolution, the zoning districts have been formulated to realize the general purposes as set forth in the preamble of this resolution. In addition, the specific purpose of each zoning district shall be as follows:

Section 801 - Agricultural District (AG)

The purpose of the AG District is to protect and preserve agricultural lands for agricultural functions and to maintain the rural character and protect environmental resources within areas of limited infrastructure available.

Section 802 - Low Density Residential District (R1)

The purpose of R1 District is to permit the establishment of low density single family residential uses with lot sizes sufficient for individual water and sewer facilities, but not to exceed one dwelling per two gross acres. Low-density residential zones shall be generally associated with the suitable areas as shown on the Massie Township Land Use Plan for residential development.

Section 803- Medium-Low Density Residential District (R2)

The purpose of the R2 District is to encourage the establishment of medium-low density single and two family residential uses not to exceed one dwelling unit per gross acre. Medium-Low Density Residential zones shall be generally associated with the most suitable areas as shown in the Massie Township Land Use Plan for residential development.

Section 804 - Medium Density Residential District (R3)

The purpose of the R3 District is to permit the establishment of medium density single and multiple family residential uses, not to exceed, four dwelling units per gross acre. Centralized water and sewer facilities are required. Medium Density Residential Zones shall be generally restricted to the most suitable areas for residential development as shown on the Massie Township Land Use Plan for residential development.

Section 805 - Convenience Business (CB)

The purpose of the CB District is to reasonably regulate the establishment of areas for convenience business uses, which tend to meet the daily needs of the residents of an immediate community. Such districts shall normally be located in areas of suitability for commercial development as indicated on the Massie Township Land Use Plan.

Section 806 - General Business District (GB)

The purpose of the GB District is to reasonably regulate the establishment of areas for general business uses to meet the needs of a regional market area. Normally, GB districts shall be located on arterial streets in areas of general physical suitability as indicated on the Massie Township Land Use Plan.

Section 807 – Industrial District (M1)

The purpose of the M1 district is to reasonably regulate the development and location of manufacturing and wholesale business establishments, which are free of hazardous or objectionable qualities such as odor, smoke, dust, noise, or glare, operate entirely within an enclosed structure, and generate little industrial traffic. Normally, additional or future industrial development will be encouraged to locate in those areas designated as most suitable for industrial development as indicated in the Massie Township Land Use Plan.

Section 808 - Amendments

Nothing in Article 8 shall be interpreted in such a manner as to preclude amendment of the district regulations as specified in Article 6, Section 601 - 615, and 627 - 648, and as provided elsewhere in these regulations or as provided under the Ohio Revised Code, Section 519.01 through 519.99, inclusive.

ARTICLE 9

DISTRICT REGULATIONS

Section 900 - Compliance with Regulations

The regulations for each district set forth by this resolution shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located;
2. No building or other structure shall be erected or altered:
 - a. To provide for greater height or bulk;
 - b. To accommodate or house a greater number of families;
 - c. To occupy a greater percentage of lot area; and
 - d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required, or in any other manner be contrary to the provisions of this resolution;
3. No yard or lot existing at the time of passage of this resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this resolution shall meet at least the minimum requirements set forth herein.

Section 901 - Official Schedule of District Regulations Adopted

District regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted in this Article and declared part of this resolution and in Article 10 "Supplementary District Regulations" of this resolution, as well as in Articles 11 through 20 when specified applicable in these regulations.

Section 902 - Intent of District Regulations, Interpretation

It is the intent of these regulations to set forth within the district regulations the Permitted Uses, the Specially Permitted Uses, the General Requirements of the District, and other regulations as they pertain in general to each zoning district. Conditionally permitted uses are in addition to the permitted uses in each district and as such are governed by Article 6 and other articles of these regulations. Rules, regulations, requirements, standards, resolutions, articles and/or sections not specifically included for each district but which are contained in these regulations and which are applicable to each district or use shall be applied as if stated in full in Article 9 of these regulations. Uses not specifically defined or stated which cannot reasonably be interpreted by the Zoning Inspector or the Zoning Commission as permitted or conditionally permitted in any district shall be referred to the Board of Zoning Appeals for an order in the determination of such use and the district to which and under what circumstances will prevail as specified in Article 6, Administrative Procedures, Section 616 - 626, Inclusive.

Section 903 - Permitted Uses Dimensional Requirements and Other Regulations of the AG Agricultural District:

In accordance with the purpose of the AG Agricultural District, described in Section 801 to protect the agricultural production resources of Massie Township, any exempt agricultural practice determined per Ohio Revised Code Chapter 519, including, but not limited to: practices necessary for on-farm production, preparation and marketing of agricultural commodities, such as the operation of farm equipment; direct sale to consumers of agricultural commodities or foods containing agricultural commodities produced on-farm; agritourism; and construction and use of farm structures, shall not be subject to the regulations of this Zoning Code. The following regulations shall apply to non-agricultural uses permitted within the AG District:

1. **Permitted Use:** Single-family residential dwelling
2. **Permitted Accessory Uses:**
 - a. Home occupations
 - b. Family adult care
 - c. Family child care
3. **Conditional Uses or Uses Subject To Site Plan Review:** Uses that may be approved as a conditional use in accordance with Article 6 or site plan review per Article 19, and other applicable provisions of these regulations, are as follows:
 - a. Telecommunications facilities subject to approval per Article 19 in accordance with Article 20
 - b. Commercial Stables (non-exempt agricultural)
 - c. Campgrounds
 - d. Fire stations and public buildings
 - e. Home occupation as a conditional use because it does not meet Section 1018 requirements
 - f. Hunting clubs
 - g. Kennels (non-exempt agricultural)
 - h. Public and private schools, nursery schools and institutions of higher education
 - i. Churches

4. **General Requirements of the AG District: (for non-agricultural use structures)**
- a. Maximum Density: shall be one dwelling per forty-one (41) acres and there shall be no more than one residence on a lot.
 - b. Minimum Lot Area and Width: Every lot shall have a minimum width of two hundred (200) feet and a minimum lot area of not less than forty-one (41) acres, exclusive of road right-of-way, and shall be in addition to any easements of record.
 - c. Minimum Front Yard: shall be seventy-five (75) feet.
 - d. Minimum Side Yard: shall be thirty (30) feet.
 - e. Minimum Rear Yard: shall be seventy-five (75) feet.
 - f. Dwelling Area: A dwelling structure shall have a minimum area of twelve hundred (1,200) square feet of living space by outside dimensions of the structure, exclusive of porches, garages, and cellars, basements, or attics.
 - g. Height Limit: No building shall be erected or enlarged to exceed two and one-half (2 1/2) stories or thirty-five (35) feet. (See Article 10)
 - h. Maximum Lot Coverage: shall not exceed five percent (5%) of the lot area.
 - i. Off-street parking: shall be provided as required in Article 11.
 - j. Signs: Signs shall be as regulated in Article 12.

Section 904 - Permitted Uses, Dimensional Requirements, and Other Regulations of the R1 Low Residential Density District

The following regulations shall apply to the R1, Low Residential Density District:

1. **Permitted Uses:** After obtaining a zoning permit in accordance with these regulations, the following uses are permitted:
 - a. Agriculture (no permit required for those uses as defined in Article 2)
 - b. Single family dwellings
 - c. Churches
 - d. Public and private schools
 - e. Public parks and playgrounds
 - f. Governmental Buildings
 - g. Cemeteries
 - h. Clubs, golf courses
 - i. Nursery - plant materials and sales
 - j. Home Occupations
 - k. Private stables
 - l. Private swimming pools
 - m. Accessory uses and structures
2. **Conditional Uses or Uses Subject To Site Plan Review:** Uses that may be approved as a conditional use in accordance with Article 6 or site plan review per Article 19, and other applicable provisions of these regulations, are as follows:
 - a. Home occupations as a conditional use because that do not meet Section 1018 requirements
 - b. Institutions, nursing homes, clinics.
 - c. Public swimming pools, and as regulated in Article 10.
 - d. Private recreational camp, and as regulated in Article 16.
 - e. Watercraft and/or recreational vehicle storage as regulated in Article 17.
 - f. Telecommunications Facilities that are subject to approval per Article 19 in accordance with Article 20.
3. **General Requirements of the R1 District:**
 - a. Off-street parking requirements: Shall be provided as required in Article 11 of these regulations.
 - b. Height Limit: No building shall be erected or enlarged to exceed two and one-half (2-1/2) stories or thirty-five feet, (see Article 10).

- c. Lot Area, Width and Depth: Every lot shall have a minimum width of two hundred (200) feet and minimum lot area of not less than eighty seven thousand, one hundred and twenty (87,120) square feet, exclusive of road right-of-way, and shall be in addition to any easements of record.
- d. Front Yard: There shall be a front yard of not less than 50 feet in depth, provided, however, that where normal lots comprising forty (40) per cent or more of the frontage are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such developed front yards shall establish the front yard depth for the entire frontage, except as provided elsewhere in these regulations.
- e. Side Yard: - There shall be a side yard of not less than twenty-five (25) feet.
- f. Rear Yard: There shall be a rear yard of not less than fifty (50) feet.
- g. Dwelling Area: A dwelling structure shall have a minimum area of twelve hundred (1,200) square feet of living space by outside dimensions, exclusive of porches, garages, cellars, basements, or attics.
- h. Signs: Signs shall be as regulated in Article XII of these regulations.

Section 905 - Permitted Uses, Dimensional Requirements, and Other Regulations of the R2 Medium Low Residential Density District;

The following regulations apply to the R2 Medium Low Residential Density District:

1. **Permitted Uses:** after obtaining a zoning permit in accordance with these regulations, the following uses are permitted:
 - a. Agriculture (no permit required for agricultural uses as defined in Article 2)
 - b. Single family dwellings
 - c. Churches
 - d. Public and private schools
 - e. Public parks and playgrounds
 - f. Governmental buildings
 - g. Cemeteries
 - h. Clubs, golf courses
 - i. Nursery - plant materials and sales
 - j. Home occupations
 - k. Private stables as an accessory use
 - l. Private swimming pools as an accessory use
 - m. Accessory uses and structures
2. **Conditional Uses or Uses Subject To Site Plan Review:** Uses that may be approved as a conditional use in accordance with Article 6 or site plan review per Article 19, and other applicable provisions of these regulations, are as follows:
 - a. Home occupations as a conditional use that do not meet Section 1018 requirements
 - b. Institutions, nursery, nursing home, or clinics.
 - c. Telecommunications facilities that are subject approval per Article 19 in accordance with Article 20
3. **General Requirements of the R2 District:**
 - a. Off-street parking requirements: shall be as provided in Article 11.
 - b. Height Limit: No building shall be erected or enlarged to exceed two and one-half (2-1/2) stories or thirty- five feet, (See Article 10).
 - c. Lot Area, width and depth: Every lot shall have a minimum width of one hundred (100 feet) and a minimum lot area of not less than forty three thousand, five hundred sixty (43,560) square feet, exclusive of road right-of-way, and shall be in addition to

any easements of record.

- d. Front Yard: There shall be a front yard not less than fifty feet in depth, provided, however, that where normal lots comprising forty (40) per cent or more of the frontage are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such developed front yards shall establish the front yard depth for the entire frontage, except as provided elsewhere in these regulations.
- e. Side Yard: There shall be a side yard of not less than twenty-five (25) feet.
- f. Rear Yard: There shall be a rear yard of not less than fifty (50) feet.
- g. Dwelling Area: A dwelling structure shall have a minimum area of twelve hundred (1,200) square feet of living space by outside dimensions, exclusive of porches, garages, cellars, basements, or attics.
- h. Signs: Signs shall be as regulated in Article 12 of these regulations.

Section 906 - Permitted Uses, Dimensional Requirements, and Other Regulations of the R3 Medium Density Residential District;

The following regulations apply to the R3 Medium Density Residential District:

1. **Permitted Uses:** After obtaining a zoning permit in accordance with these regulations, the following uses are permitted:
 - a. Single family dwelling units.*
 - b. Two family dwelling units.*
 - c. Multi-family dwelling units.*
 - d. Churches.
 - e. Public and private schools.
 - f. Public parks and playgrounds.
 - g. Governmental buildings.
 - h. Cemeteries.
 - i. Home occupations.
 - j. Accessory uses and structures.

* Public water and sewer are absolutely necessary to accommodate these uses
2. **Conditional Uses or Uses Subject to Site Plan Review :** Uses that may be approved as a conditional use in accordance with Article 6 or site plan review per Article 19, and other applicable provisions of these regulations, are as follows:
 - a. Home Occupations as a conditional use that do not meet Section 1018 requirements
 - b. Telecommunications facilities that are subject to approval per Article 19 in accordance with Article 20.
3. **General Requirements of the R3 District:**
 - a. Off-street parking requirements: Shall be as provided as required in Article 11 of these regulations.
 - b. Height Limit: No building shall be erected or enlarged to exceed two and one-half (2-1/2) stories or thirty- five feet, (See Article 10).
 - c. Lot Area, width and depth: Every lot for a single family dwelling shall have a minimum width of least sixty (60) feet and a minimum lot area of not less than ten thousand (10,000) square feet; every lot or tract of land upon which there is erected a two family dwelling or multiple family dwelling shall have a minimum width of at least (70) feet and a minimum lot area of not less than twelve thousand (12,000)

square feet. All lot area measurements shall be exclusive of road right-of-way, and shall be in addition to any easements of record.

- d. Front Yard: There shall be a front yard of not less than thirty-five (35) feet.
- e. Side Yard: There shall be side yards of not less than five (5) feet.
- f. Rear Yard: There shall be a rear yard not less than twenty-five (25) feet.
- g. Dwelling Area: A single-family dwelling structure shall have a minimum area of eight hundred fifty (850) square feet. Two family and multi-family dwelling units shall have a minimum area of six hundred (600) square feet of living space. All dwelling bulk requirements for the R-3 district are to be determined from outside dimensions, exclusive of porches, garages, cellars, basements, or attics.
- h. Signs: Signs shall be as regulated in Article 12 of these regulations.

Section 907 -Permitted Uses, Dimensional Requirements and Other Regulations of the CB Convenience Business District

The following regulations apply to the CB Convenience Business District:

1. **Permitted Uses:** After obtaining a zoning certificate in accordance with these regulations, the following uses are permitted:
 - a. Churches.
 - b. Public and private schools.
 - c. Public parks and playgrounds
 - d. Governmental Buildings.
 - e. Cemeteries.
 - f. Local retail business or service including: grocery, fruit, or vegetable store, meat market, drug store, shoe repair shop, hardware store, barber or beauty shop, clothes cleaning and laundry pickup station, laundromat, shoe store, mortician, business or professional office and the like, supplying commodities or performing services primarily for the residents of a local community.
 - g. Lodge and fraternal organizations.
 - h. Nursery (plant materials) and/or greenhouse.
 - i. Accessory uses and structures.
 - j. Telecommunications facilities.
2. **Conditional Uses:** Uses that may be approved as a conditional use in accordance with Article 6, and other applicable provisions of these regulations, are as follows:
 - a. Hospital, clinic, nursery, nursing home.
 - b. Public swimming pool and as regulated under Article 10.
3. **General Requirements of the CB District:**
 - a. Off-street parking requirements: Shall be provided as required in Article 11 of these regulations.
 - b. Height Limit: No building shall be erected or enlarged to exceed two and one-half (2-1/2) stories, or thirty-five (35) feet. (See Article 10).
 - c. Lot Area, width and depth: Every lot shall have a minimum width of two hundred (200) feet and a minimum lot area of not less than forty three thousand, five hundred and sixty (43,560) square feet, exclusive of road right-of-way and shall be in addition to any easements of record.
 - d. Front Yard: There shall be a front yard of not less than fifty (50) feet in depth.

- e. Side Yard: There shall be a side yard of not less than forty (40) feet. (See Article 10)
- f. Signs: Signs shall be as regulated in Article 12 of these regulations.

Section 908 - Permitted Uses, Dimensional Requirements and Other Regulations of the GB General Business District

The following regulations apply to the G. B. General Business District:

1. **Permitted Uses:** After obtaining a zoning certificate in accordance with the provisions of these regulations, the following uses are permitted:
 - a. Churches.
 - b. Public and private schools.
 - c. Public Parks and playgrounds.
 - d. Governmental buildings.
 - e. All permitted uses as specified in the CB district.
 - f. General auto repair (indoor only)
 - g. Auto service station.
 - h. Auto and/or farm implement sales.
 - i. Taverns and/or restaurants or restaurants providing entertainment.
 - j. Hotels - motels.
 - k. Commercial or public entertainment fields, amusements, or establishments similar but not restricted to baseball fields, pool halls, swimming pools, skating rinks, golf driving ranges, miniature golf, bowling alleys.
 - l. Trade or commercial schools.
 - m. Wholesale business or warehousing when no processing, fabrication or assembly is involved, if conducted in an enclosed building.
 - n. Public garages.
 - o. Boarding houses.
 - p. Building materials and sales, if conducted in an enclosed building.
 - q. Accessory buildings and uses.
 - r. Telecommunications facilities
2. **Conditional Uses:** Uses that may be approved as a conditional use in accordance with Article 6, and the other applicable provisions of these regulations, are as follows:
 - a. Veterinary hospital clinic, kennel and/or cattery.
 - b. Marinas, and as regulated under Article 16.
 - c. Watercraft and/or recreational vehicle storage, and as regulated under Article 15.
 - d. Mobile home sales and/or service lot, and as regulated under Article 17.

- e. Radio or television broadcasting stations and towers, (applies to commercial station and equipment only).
- f. Airports - heliports (applies to private and commercial uses, but excludes governmental development of these uses)
- g. Private Recreational Camps, as regulated under Article 14.

3. General Requirements of the GB District:

- a. Off-street parking requirements: Shall be provided as required in Article 11 of these regulations.
- b. Height Limit: No building shall be erected or enlarged to exceed two and one-half (2-1/2) stories or thirty-five (35) feet. (See Article 10)
- c. Lot Area, width and depth: Every lot shall have a minimum width of two hundred (200) feet and a minimum lot area of not less than forty three thousand, five hundred and sixty (43,560) square feet, exclusive of road right-of-way and shall be in addition to any easements of record.
- d. Front Yard: There shall be a front Yard of not less than fifty (50) feet in depth
- e. Side Yard: There shall be a side Yard of not less than forty (40) feet. (See Article 10)
- f. Signs: Signs shall be as regulated in Article 12, of these regulations.

Section 909 - Permitted Uses, Dimensional Requirements and Other Regulations of the M1 Light Industrial District

The following regulations apply to the M1 Light Industrial District:

1. **Permitted Uses:** After obtaining a valid zoning certificate in accordance with the provisions of these regulations, the following uses are permitted:
 - a. Agriculture (no permit required for those uses as defined in Article 2).
 - b. Public parks and playgrounds.
 - c. Building materials retail sale, if conducted in an enclosed building.
 - d. Laundry, dry cleaning establishments, including laundromats.
 - e. Nursery or greenhouse.
 - f. Printing shops or publishers.
 - g. Taverns.
 - h. Outdoor Theaters.
 - i. Trade Schools.
 - j. Wholesale businesses, when there is no processing, fabrication, or assembly.
 - k. Contractors establishment and construction equipment dealers.
 - l. Carting, express or hauling.
 - m. Bottling works.
 - n. Radio and T.V. broadcasting stations and towers (Commercial only).
 - o. Public garages.
 - p. Warehouses.
 - q. Manufacture or assembly of small metal products, clothes, drugs, and medicine, electrical equipment, glass products, assembly of finished equipment.
 - r. Accessory uses and structures.
 - s. Telecommunications facilities
2. **Conditional Uses:** Any other proposed uses in the MI district must obtain a conditional use in accordance with Article 6 and the other applicable provisions of these regulations.

3. **General Requirements of the M1 District:**

- a. Off-street parking requirements: Shall be provided as required in Article 11.
- b. Height Limit: No building shall be erected or enlarged to exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height. (See Article 10)
- c. Lot Area, width and depth: Every lot shall have a minimum width of one hundred (100) feet and a minimum lot area of not less than forty-three thousand, five hundred and sixty square feet in area, exclusive of road right-of-way and shall be in addition to any easements of record.
- d. Front Yard: There shall be a front yard of not less than fifty (50) feet in depth.
- e. Side Yard: There shall be a side yard of not less than forty (40) feet. (See Article 10).
- f. Rear Yard: There shall be a rear yard of not less than forty (40) feet (See Article 10).
- g. Signs: Signs shall be as regulated in Article 12 of these regulations.

ARTICLE 10

SUPPLEMENTARY DISTRICT REGULATIONS

Section 1000 - General

The purpose of supplementary district regulations is to set specific conditions for various uses, classification of uses, or areas where problems are frequently encountered.

Section 1001 - Conversion of Dwellings to More Units

A residence may not be converted to accommodate an increased number of dwelling units unless:

1. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district.
2. The lot area per family equals the lot area requirements for new structures in that district;
3. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district; and
4. The conversion is in compliance with all other relevant resolutions, codes and applicable regulations.

Section 1002 - Private Swimming Pools

1. Use:
 - a. Swimming pools on single family residential lots shall not be used for commercial purposes.
 - b. Temporary and blow-up pools more than twenty-four (24) inches in depth at any point or greater than one hundred and fifty (150) square feet in surface area must comply with this section.
 - c. Temporary and blow-up pools must be disassembled and stored inside from October 15 through April 15.
2. Location:
 - a. Pools may not be located in front yards. Side yards start behind the front façade of the principle structure.
 - b. Pools must maintain a setback of at least ten (10) feet from property lines and a minimum of ten (10) feet away from buildings.
 - c. Surface of water cannot be closer than twenty-two and a half (22 ½) feet from overhead electric lines or five (5) feet from underground wires.

3. Fencing Requirements:

- a. The pool or the yard in which it is located shall be surrounded by a fence, wall, or barrier that is at a minimum four (4) feet in height with a lockable gate to prevent unsolicited access.
- 1) The walls of an above ground pool count towards the four (4) foot height total.
- 2) If an above ground pool cannot be gated, as long as the sides meet the four (4) foot minimum height, this section can be satisfied by the ladder or stairs removed or retracted when not in use.
- 3) All barriers shall be maintained and in good repair.
- 4) Manufactured, mechanically operated, or manually closed horizontal pool covers may be installed without a building permit, but such covers are not considered as a substitute or replacement for the enclosure required above.

Section 1003 - Public or Club Swimming Pools

Public and club swimming pools shall comply with the following conditions and requirements:

- 1. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;
- 2. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line; unless a greater setback is required; and
- 3. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the street or adjacent properties. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition.

Section 1004 - Temporary Buildings

Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a zoning permit authorized by the Board of Township Trustees.

Section 1005 - Parking and Storage of Certain Vehicles

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings; however, one boat and one travel trailer may be stored in the rear or side yard if they have a current license.

Section 1006 - Disabled Vehicles

The parking of a disabled vehicle within a residential district for a period of more than two (2) weeks shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building.

Section 1007 - Supplemental Yard and Height Regulations

In addition to all yard regulations specified in the official Schedule of District regulations and in other sections of this resolution, the provisions of Sections 1008 - 1012, inclusive shall be used for interpretation and clarification.

Section 1008 - Setback Requirements for Corner Buildings

On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

Section 1009 - Yard Requirements for Multi-Family or Group Dwellings

Group or multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and two (2) side yards as specified for dwellings in the appropriate district.

Section 1010 - Side and Rear Yard Requirements for Nonresidential Uses Abutting a Residential District

Nonresidential buildings or uses shall not be located nor conducted closer than forty (40) feet to any lot line of a residential district, acceptable landscaping or screening approved by the Zoning Inspector shall be provided. Such screening shall be a masonry or solid fence between four (4) and eight (8) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within fifty (50) feet of an intersection.

Section 1011 - Architectural Projections

Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard.

Section 1012 - Exceptions to Height Regulations

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

Section 1013 - Mobile Homes

Mobile Homes, as defined in Article 2, may be located only in an approved and licensed mobile home park, unless otherwise exempted as temporary housing per Section 1015 or for a tenant farmer on a farm.

Section 1014 - Principal dwelling and accessory uses

Only one principal dwelling or other permitted structure together with the associated accessory uses as provided in the official schedule of district regulations and other provisions of these regulations shall be permitted to be established on a lot as specified by these regulations.

Section 1015 - Temporary Housing during Construction

In the event a single family dwelling is destroyed by a natural disaster fire or other technological disaster a mobile home may be located on a lot to provide temporary housing during reconstruction provided:

1. A statement of conditions, which in the opinion of the Zoning Inspector constitutes a natural disaster, fire or other technological disaster thus requiring the use of a mobile home, must be filed with the mobile home permit application.
2. A building permit shall have been issued for construction of a single family dwelling on the same lot or tract of ground, and that actual construction has commenced before the mobile home is placed on the property.
3. The mobile home shall be located behind the dwelling unit-building site. On a corner lot, a screen shall be erected to hide the mobile home from the side-street or streets.
4. Before occupying the mobile home it shall be connected to the sewage disposal system required for the single family dwelling under construction.
5. The electrical service to the mobile home shall meet the requirements of The Revised Building Code of Warren County, Ohio.
6. The mobile home shall be securely anchored by deadmen or screw type anchors.
7. A safe and substantial set of entrance steps of steel, wood or concrete shall be installed.
8. The mobile home may be occupied for a period of six months and an additional six months period if the Massie Township Zoning Inspector is satisfied that work is progressing and additional time is required for completion of the residence. Occupancy of the mobile home

will not be permitted for longer than one year.

9. The mobile home must be vacated and removed within thirty (30) days after the residence is approved for occupancy or at the end of one year, whichever occurs first.
10. A deposit of \$250 shall be made with the Massie Township Trustees. This deposit will be returned provided the mobile home is removed within the period specified in Item 8 above. The deposit may be used by the Massie Township Trustees to defray the costs of removing the mobile home from the premises.

Section 1016 - Agricultural Uses

1. **Exemption and Exceptions:** This Resolution shall have no power to prohibit the use of any land within the zoning jurisdiction for agriculture (as defined herein), or the construction or use of buildings or structures incident to the agricultural use of land on which such buildings or structures are located, and no Zoning Permit shall be required for any such building or structure, except that the following may be regulated 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 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:
 - a. Agriculture on lots of one (1) acre or less;
 - b. Buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres: by building setback lines, height, and size; and,
 - c. Dairying and animal and poultry husbandry on lots greater than one (1) acre but not greater than five (5) acres when at least 35 percent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or to the tax on manufactured and mobile homes under ORC Section 4503.06. After 35 percent of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of such land, buildings or structures pursuant to ORC

However, the above divisions (a), (b), and (c) confer no zoning power to regulate agriculture, such buildings or structures, and dairying and animal and poultry husbandry on lots greater than five (5) acres.

Section 1017 specifies the zoning regulations of agriculture in subdivisions as allowed in accordance with the above described exemptions and exceptions.

2. **Farm Market:** The above divisions (a), (b), and (c) confer no zoning power to regulate a farm market where 50 percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year, but per ORC Section 519.02, zoning may regulate such factors pertaining to farm markets as to size of the structure, size of

the parking areas that may be required, building setback lines and egress or ingress, where such regulation is necessary to protect the public health and safety. Farm Markets and Produce Stands are permitted if the uses comply with the following as determined from Site Plan Review by the Massie Township Board of Trustees per application submitted and processed according Article 19 of this Zoning Code:

- a. Access: The use has a curb cut authorized by the approving authority.
 - b. Parking and Setback: The use complies with size of parking areas and the district setback building lines required per this Zoning Code.
 - c. Maximum Floor Area Ratio: 0.01. (1 %) The Board of Township Trustees may modulate this requirement base on the following criteria:
 - d. The design of the structure is characteristic of the Township's rural vernacular and minimizes the mass of the structure; or
 - e. The location and proposed landscaping screens the structure from the public right-of-way and adjacent properties
3. **Agritourism**: The Board of Township Trustees, as provided in Section 519.02 of the Ohio Revised Code, may regulate such factors pertaining to agritourism, except farm markets, as to size of a structure used primarily for agritourism, size of parking areas that may be required, setback building lines for structures used primarily for agritourism, and egress or ingress where such regulation is necessary to protect public health and safety. Nothing confers power on a township zoning commission, board of township trustees, or board of zoning appeals to require any parking area to be improved in any manner, including requirements governing drainage, parking area base, parking area paving, or any other improvement. Agritourism uses shall meet the following requirements:
- a. **General**: Farm must be a working farm;
 - b. **Site Plan Requirements**:
 - (1) Identify the location and dimensions of all structures, parking areas, existing and proposed driveways, parking and vehicular turning areas, areas where visitors will be permitted and restricted, and landscaping if required to buffer adjacent properties; and
 - (2) Locate sanitary facilities.
 - c. **Visitor Service**: Food and/or beverages may include value-added products, produced or grown from the farm.

- d. Transportation: An approved curb cut and adequate off-street parking is provided; Parking areas are screened from residential properties; and, No vehicles shall be parked on the shoulders of adjacent roads.
 - e. Lodging: Lodging used primarily for agritourism is limited to six rooms.
 - f. Maximum Floor Area Ratio: 0.01. (1 %) The Board of Township Trustees may modify this requirement based on the following criteria:
 - (1) The design of the structure is compatible with the Township's rural characteristics and minimizes the mass of the structure; or
 - (2) The location and proposed landscaping screens the structure from the public right-of-way and adjacent properties.
4. Viticulture: Nothing confers power on a township zoning commission, board of township trustees, or board of zoning appeals to prohibit the use of any land or the construction or use of buildings or structures that are used primarily for vinting and selling wine that are located on any part of land which is used for viticulture. If any sales or consumption of wine is to take place on the premises, the property owner must obtain a permit from the Ohio Division of Liquor Control.

Section 1017 - Agricultural Use in Subdivisions and on Lots Less Than 5 Acres

- 1. Requirements for Non-Exempt Agricultural Uses: ORC Section 519.21 exempts certain agricultural practices from local zoning authority as specified in Section 1016 (1) of this Zoning Code. Non-exempt agricultural uses shall comply with the following requirements:
 - a. The use shall not create a nuisance, disturb the peace, and result in a health or safety violation reported to or acted upon by the appropriate enforcement authority, and animals shall be contained on the site.
 - b. Agricultural structures shall comply with applicable yard setback and height requirements of the zoning district in which the property is located. No such agricultural structure shall be located in the front yard, nor in an area required for any of the following:
 - (1) On-site sewage treatment (septic);
 - (2) A well isolation radius; or
 - (3) Any easement for drainage or utilities.
- 2. Animal and Bird Units Permitted: The following table summarizes the exemptions and exceptions specified in Section 1016 from restriction and permitting according to the regulations of this Section:

UNITS	SIZE OF SUBDIVISION LOT					
	1 acre or less	35% or more of the lots are developed or where 15 or more unplatted subdivided lots are contiguous	Less than 35% of the lots are developed		More than 5 acres	
		1 to 3 acres*	3 to 5 acres*	1 to 3 acres*		
Animal Units	None Permitted	See Sec 1017 (5) & (6)(e-g)	1 per fenced acre	Exempt	Exempt	Exempt
Bird Units	None Permitted	0.5 maximum	1 per fenced acre	Exempt	Exempt	Exempt

* 1 to 3 acres: Includes lots which are less than or equal to three (3) acres, but more than one (1) acre.

* 3 to 5 acres: Includes lots which are less than or equal to five (5) acres, but more than three (3) acres.

3. **Animal Units Defined:** Each of the following constitutes one (1) animal unit:
 - a. One (1) head of cattle
 - b. One (1) horse, mule, or donkey
 - c. Two (2) ponies or burros
 - d. Two (2) swine
 - e. Three (3) alpacas
 - f. Three (3) goats
 - g. Three (3) llamas
 - h. Three (3) sheep

4. **Bird Units Defined:** Each of the following constitutes one (1) bird unit:
 - a. Eight (8) geese
 - b. Eight (8) turkeys
 - c. Twelve (12) ducks
 - d. Twenty (20) chickens

5. **Others Not Defined:** Other animals or birds not listed in subsections (3) and (4) above may be considered for allowance by the Zoning Inspector based upon the impact of the animals or birds in question. The keeping of any species not listed as domestic animals requires Zoning Inspector approval.

6. **Other Requirements and Provisions:**

- a. All animal and bird units shall be confined to a minimum one-half acre area. An accessory structure or confinement area shall be set back at least fifty (50) feet from a non-farm use if housing animal units and twenty five (25) feet if housing bird units.
- b. No more than one (1) rooster is allowed on parcels greater than three (3) acres in size. Roosters are prohibited on parcels three (3) acres or less in size.
- c. No more than five (5) swine are allowed per parcel.
- d. No more than sixty (60) chickens are allowed per parcel.
- e. On a parcel greater than one (1) acre, one (1) goat is permitted, provided the animal is contained and complies with Section 1018 (1)(a).
- f. On a parcel greater than one (1) acre, rabbits for agricultural purposes are permitted, provided they are contained and comply with Section 1018 (1)(a).
- g. On a lot that is three (3) acres or less, agricultural use may consist of the growing of crops, fruits, vegetables, flowers and plants and only animal husbandry for not more than four (4) dogs and four (4) cats if housed in an accessory structure, which shall be at least fifty (50) feet from a non-farm property line.

Section 1018 - Home Occupations

1. This Section allows limited business uses as a home occupation provided that the use is within the principal dwelling and complies with all of the following requirements as applicable. Otherwise, if not, the home occupation shall be subject to Board of Zoning Appeals (BZA) approval as a Conditional Use application submitted and processed per Section 627, unless a type prohibited per division (B) of this Section.
 - a. The use is clearly incidental and subordinate to the principal dwelling;
 - b. The use does not produce offensive noise, vibration, smoke, dust, odors, lighting, electrical interference, radioactive emission, environmental pollution, or other nuisances;
 - c. The use does not exhibit exterior indication of its presence or any variation from residential appearance, except for a sign as permitted per (j);
 - d. Minimum Site Size: Five (5) acres.
 - e. Floor Area: The area used for the home occupation does not exceed twenty-five percent (25%) of the gross floor area within the principal dwelling unit or one room, whichever is greater.

- f. Display of Goods: No commercial display of materials, merchandise, goods, or equipment is visible from public rights-of-way or surrounding properties;
 - g. Outdoor Storage: The home occupation shall not use outdoor storage.
 - h. Work Force: The home occupation is managed and owned by a person who resides in the dwelling unit and employs only family members living in the unit. There is no limit as to the number of persons employed off-site by the home occupation.
 - i. Sales: No sales of products are permitted on the premises of the home occupation.
 - j. Signage: Signage is limited to one (1) non-illuminated nameplate sign for identification purposes, not greater than four (4) square feet in area, mounted on the front face or driveway lamppost of the dwelling;
 - k. Lighting: There shall be no external lighting except for security lighting subject to BZA approval.
 - l. Parking & Loading Spaces: Off-street parking shall be provided to accommodate the anticipated number of customers and deliveries. Parking and loading spaces shall be screened by evergreen landscaping or a solid fence or wall sufficient in height to block the view of the vehicles in those spaces from surrounding residential zoned or used properties.
 - m. Truck Traffic: The use does not require the delivery or shipment of materials, merchandise, goods, or equipment by other than passenger motor vehicles and small parcel delivery services; and,
 - n. Customer Visits: Ten (10) or less per day and not more than two (2) at the same time.
 - o. Vehicles: The use does not have more than one vehicle or trailer which is identified by a sign, logo, or emblem of the occupation, business, or activity that is visible from adjoining property or public rights-of-way.
 - p. Advertising: The use shall not be advertised in a manner that invites the public to the use.
2. **Prohibited Home Occupations**: The following business uses and activities are prohibited as home occupations:
- a. Medical and dental clinics and hospitals.
 - b. Restaurants or any other eating and/or drinking establishment.
 - c. Undertaking and funeral parlor.

- d. Adult Entertainment or Sexually Oriented Businesses.
- e. Motor vehicle towing, storage, and salvage business.
- f. Veterinarian with boarding and or surgical services.
- g. Motor vehicle painting.
- h. On site, store front retail.

Section 1019 – Secondary Living Quarter

One (1) secondary living quarter is permitted in conjunction with an owner-occupied single-family dwelling, subject to following requirements:

1. **Zoning Permit Required:** The applicant shall provide a site plan, building elevations, and floor plan for review and approval in accordance with the zoning permit process specified in Article 3 (Enforcement) Sections 300 through 306.
2. **Conditions of Approval:** A secondary living quarter unit shall only be approved in accordance with the following conditions:
 - a. The unit is located entirely within the primary dwelling;
 - b. The front facade of the dwelling in which the unit is located will not be altered to provide the unit access;
 - c. The unit does not have a separate address or utilities; and
 - d. Off-street parking is sufficient to accommodate all occupants of the primary dwelling and the secondary living quarter unit.

Section 1020- Accessory Buildings

1. **Buildings Accessory to a Principal Dwelling:** These standards apply to accessory buildings accessory to a principal dwelling unit in residential zoning districts and not for buildings utilized as a principal business use. Accessory buildings, including detached garages, shall be permitted as an accessory building to a principal dwelling in any residential district subject to receiving a zoning permit in accordance with the following requirements:

(A) The number of detached accessory buildings per lot, building height, and setbacks shall be permitted as follows:

Lot Size	Total Number of Accessory Buildings	Maximum Total Footprint of all Accessory Buildings	Height (Feet)	Rear Setback (Feet) from Property Line	Side Setbacks (Feet) from Property Line
Less than or equal to 2 acres	2	No more than 125% of Principal Dwelling Footprint			
Greater than 2 acres but less than 5 acres	3	No more than 150% of Principal Dwelling Footprint	24	10	10
5 acres or greater	4	No more than 200% of Principal Dwelling Footprint			

(B) Accessory buildings require a zoning permit in compliance with Section 300. In addition to the requirements of that Section, the zoning permit application shall include the following:

- (1) A plot plan of the lot, premises, or parcel that illustrates the location of the proposed accessory building and all other buildings and structures on the property.
- (2) The approved or future site of the wastewater disposal system, if applicable.
- (3) If constructed prior to the principal dwelling, the approximate size of the principal dwelling.

(C) Accessory buildings less than one-hundred fifty (150) feet away from the right of way shall be located at or behind front facade of principal dwelling. No accessory building shall be in the front yard.

(D) An accessory building is not permitted on a lot less than three (3) acres, prior to the establishment of a principal dwelling, unless the following requirements have been met:

- (1) A building permit has been issued and the footer approved for the principal dwelling;
- (2) The location of an accessory building is found acceptable in relation to the future principal dwelling; and

- (3) The location of the accessory building does not interfere with the central sanitary sewer or the on-site wastewater disposal system as determined by the approving authority.
- (E) An accessory building is permitted on lots greater than three (3) acres prior to the establishment of the principal dwelling if the use is for storage of equipment, materials, supplies and/or vehicles and complies with the following requirements:
 - (1) One (1) accessory building with a maximum size of twelve hundred (1200) square feet shall be permitted prior to establishment of the principal dwelling.
 - (2) Minimum building setback is one hundred and fifty (150) feet from the road right-of-way.
 - (3) The location of the accessory building does not interfere with the central sanitary sewer or the on-site wastewater disposal system as determined by the approving authority.
- (F) Accessory buildings shall be set back a minimum of ten (10) feet from a principal building.
- (G) In platted subdivisions, any accessory building used for containing agricultural animals shall also be subject to the requirements specified in Section 1017.
- (H) Accessory buildings must be anchored per the building code or if less than two hundred (200) square feet then must be anchored on all four (4) corners with screw-type or post-in concrete-type of anchor.
- (I) A transportation vehicle without wheels and shipping containers shall not be used as an accessory structure.
- (J) Shipping containers that exceed 30 days shall be regulated as an accessory structure.
- (K) The location of accessory buildings shall require approval by the Warren County Combined Health District prior to the issuance of a zoning permit. Accessory buildings shall be setback a minimum of ten (10) feet from components of an onsite sewage treatment system.

2. Non-Residential Accessory Building:

Non-residential accessory buildings are subject to site plan review under Article 19

Section 1021- Fences

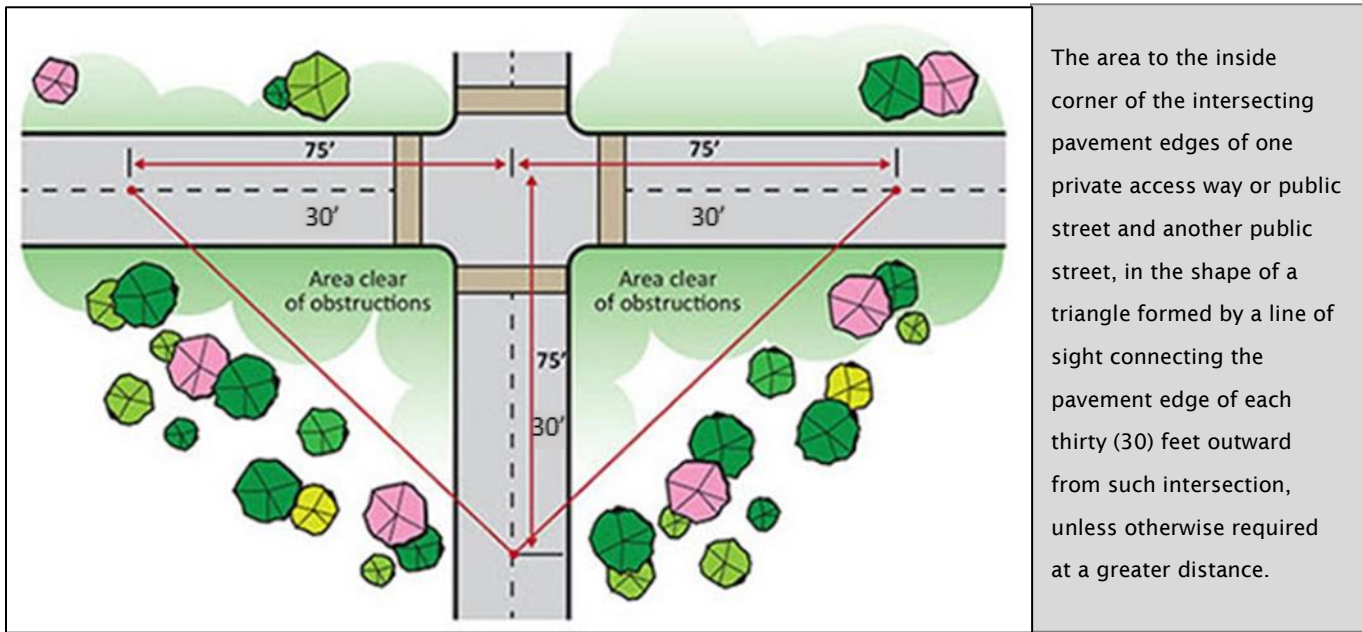
Fences are permitted in any required yard, subject to the following conditions:

1. Height:

- a. Fences located in front shall be no more than four (4) feet in height. Side streets and alleyways are exempt from this provision.
- b. Fences located in rear and side yards shall not exceed six (6) feet in height.
- c. Fence height will be measured from grade to the tallest side of the fence.

2. Location:

- a. Fences are not permitted in the right-of-way.
- b. Landscaping and fences shall not be placed in a manner that would impede the safe ingress and egress of traffic. See figure 1021-1 for Clear Sight Distance example.



3. Material:

- a. Whether or not a permit is required fences can only be constructed, maintained, enlarged, repaired, or expanded using the following materials: Iron, masonry, concrete, stone, metal tubing, wood, vinyl, or fiberglass manufactured specifically as fencing.
- b. Chain link fences shall not be permitted between a street and a principal structure.
- c. Electric and barbed wire fences shall not be permitted except for agricultural use purposes as permitted by Section 971.03 of the Ohio Revised Code.

4. Appearance and Maintenance:

- a. All fences shall be maintained and in good repair.
- b. The finished side of the fence must be facing away from the property.

Section 1022 – Solar

Pursuant to Section 4906.13(B) of the Ohio Revised Code, solar facilities that constitute major utility facilities as defined by Section 4906.01(B) and 4906.01(G) are regulated under the jurisdiction of the Ohio Power Siting Board and are excluded from the following zoning regulations. All other solar facilities shall be regulated as follows:

1. Small-Scale (Meant for personal usage):

- a. Solar panel collections systems shall be designed and installed to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of- way.

- b. Solar panel collections system utilized for power generation shall receive the appropriate approval for connection to the power grid from the utility company prior to placing the system into service. Any solar panel collection system shall also meet all local, state, federal and industry requirements for design, installation, maintenance and operation.
 - c. Solar panel collection systems shall not cause any radio, television, microwave or navigation interference. If a disturbance problem is identified, the owner of the solar panel collection system shall correct the problem within 30 days of being notified of the problem by a representative of the Township.
 - d. Solar energy equipment shall meet setback and height requirements for the district.
 - e. Roof-mounted solar energy equipment:
 - i. Shall not extend beyond the perimeter (or edge of roof) of the structure on which it is located and shall not be permitted on the front façade of the principal structure.
 - ii. May be mounted to a principal or accessory structure.
 - iii. Combined height of equipment and structure on which it is mounted shall not exceed the maximum building height allowed in that zoning district for the type of structure it is on and shall require a zoning permit.
 - f. Ground-mounted solar energy equipment:
 - i. Shall be limited to a maximum height of fifteen (15) feet and shall be located in the rear yard or side yard and screened from the public right-of-way.
 - ii. Shall count toward the maximum number of accessory structures permitted on the property and shall require a zoning permit.
 - g. Non-functioning solar energy equipment shall be removed within three months of becoming nonfunctional. Any earth disturbance shall be graded and reseeded. The solar panel collection system shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of twelve (12) continuous months.
 - h. The system’s apparatus shall be properly maintained to prevent both unsightly and unsafe conditions.
2. Ground-based solar panel collection systems designed as commercial power generation for primarily off-site consumption
- a. Are only allowed on properties 5 acres or greater;
 - b. Shall not exceed 12’ maximum height as measured from the ground to the top of the highest panel;
 - c. Shall not be placed within 100’ from all property lines;

- d. The surface area of a ground mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage;
- e. Shall meet the isolation distance of underground utilities such as septic systems (in-service or planned), sewers, etc. Any modifications to existing underground utilities will be the responsibility of the solar panel collection system owner after receiving appropriate approvals;
- f. Shall be screened from adjacent residential properties and public rights-of-way;
- g. Vegetative screening which requires the installation of trees, shrubs or bushes that will be a minimum of at least eight (8) feet in height at the time of installation and be located on all sides which abut public rights-of-way or are adjacent to residential properties.

Section 1023 – Junk, and Other Salvageable Items Restrictions

- 1. No person, firm, or corporation shall accumulate, collect, deposit, dump, dispose, maintain, or store, or allow the same on any property under the person’s control or responsibility, any junk, junk vehicle, or other types of salvageable solid waste, or construction/demolition debris, outside of a fully enclosed structure, except in the zoning district where expressly permitted.
- 2. Junk as it Pertains to Wood: Processed firewood for a property owner’s personal use is not junk. Raw material that has not been processed even though it can be processed into firewood, including, but not limited to, logs, branches, limbs, pallets, untreated dimensional lumber, and other wood products that have been painted, stained, chemically treated or coated, is not firewood and does constitute junk and is subject to Section 1006 (A).

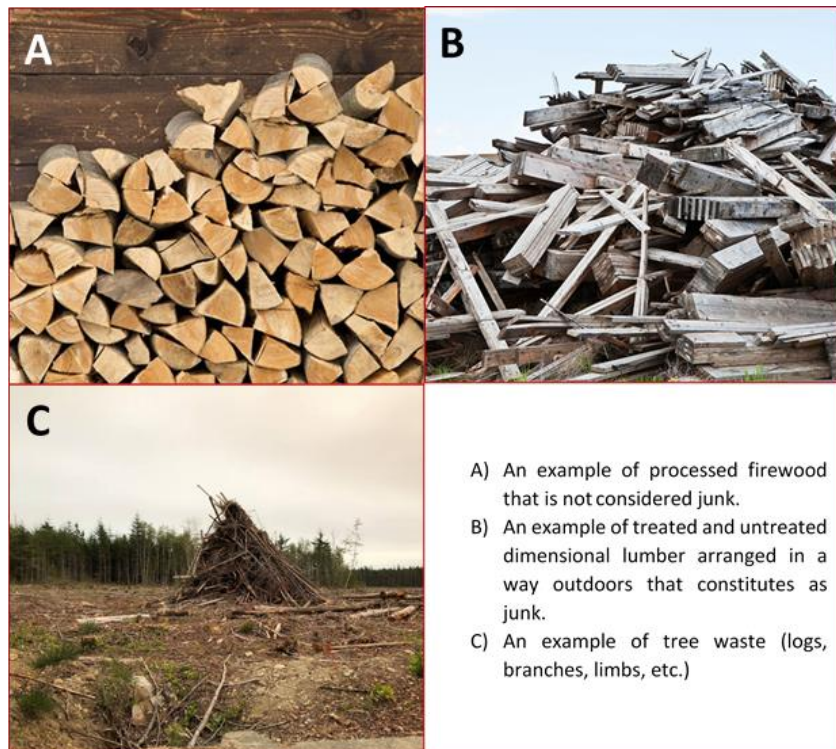


Figure 1023-1 Junk as it Pertains to Wood

3. Violation of this section shall be subject to prosecution in a court of competent jurisdiction, unless one (1) or more person, firm, or corporation which is responsible for the violation permanently removes or causes permanent removal of the violating items within seven (7) days after receipt of notice of violation to another property or use location, whereon such items are permitted to be located outdoors for the purpose of a junkyard business or are otherwise placed within a building.

ARTICLE 11

OFF-STREET PARKING AND LOADING FACILITIES

Section 1100 - General Requirements

1. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off street parking and loading spaces have been provided in accordance with the provisions of this resolution;
2. The provisions of this Article, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many of such spaces as may be required by this resolution;
3. Whenever a building or structure constructed after the effective date of this resolution is changed or enlarged in floor area, number of employees, number of housing units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change, provided wherever a building or structure existing prior to the effective date of this resolution is enlarged to the extent of fifty percent (50%) or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

Section 1101 - Parking Space Dimensions

A parking space shall have minimum rectangular dimensions of not less than:

1. Nine (9) feet in width and nineteen (19) feet in length for ninety (90) degree parking.
2. Nine (9) feet in width and twenty-three (23) feet in length for parallel parking, ten feet in width and nineteen (19) feet in length for sixty (60) degree parking.
3. Twelve (12) feet in width and nineteen (19) feet in length for forty-five (45) degree parking.

All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The number of required off-street parking spaces is established in Section 1106 of this resolution. Section 1101 shall apply to the appropriate uses in the CB, GB, and M1 districts.

Angle	Width	Length
45°	12ft	19ft
60°	9ft	23ft
90°	9ft	19ft

Section 1102 - Loading Space Requirements and Dimensions

A loading space shall have minimum dimensions of not less than:

1. Twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles, and other circulation areas.
2. One off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a modified gross floor area of up to five-thousand (5,000) square feet.
3. One loading space shall be provided for each additional ten-thousand (10,000) square feet or fraction thereof. Section 1102 shall apply to the appropriate uses in the CB, GB, and M1 districts.

Section 1103 - Surfacing

The required number of parking and loading spaces as set forth in Sections 1102 and 1106, together with driveways, aisles, and other circulation areas, shall be improved with acceptable impervious material to provide a durable and dust free surface.

Section 1104 - Location of Parking Spaces

Parking spaces for all detached residential uses shall be located on the same lot as the use, which they are intended to serve.

Section 1105 - General Interpretations

In the interpretation of this Article, the following rules shall govern:

1. Parking spaces for other permitted or conditional uses not listed in this Article shall be determined by the Board of Zoning Appeals.
2. Fractional numbers shall be increased to the next whole number.
3. Where for any reason parking requirements are unusually low, then the parking space provisions cited above may be reduced proportionately by the Board of Zoning Appeals in the case of a conditional use, or by the Zoning Commission, as approved by the Board of Township Trustees, in the case of a PUD.

Section 1106 - Parking Space Requirements

For the purpose of this resolution the following parking space requirements shall apply:

Section 1107 - Residential

1. Single family or two family dwelling: Two for each unit.
2. Apartment hotels, apartments, or multi-family dwellings: Two for each unit.
3. Boarding houses, rooming houses, dormitories, and fraternity houses which have sleeping rooms: Two for each sleeping room or two for each permanent occupant.

Section 1108 – Commercial, Recreational or Entertainment**Commercial:**

1. Automobile service stations, which also provide repair: Two for each gasoline pump and four for each service bay.
2. Hotels, motels: One per each sleeping room plus one space for each two employees.
3. Funeral parlors, mortuaries and similar type uses: One for each 100 square feet of floor area in slumber rooms, parlors, or service rooms.

Recreational or Entertainment:

1. Dining rooms, restaurants, taverns, nightclubs, etc.: One for each 200 square feet of floor area.
2. Bowling Alleys: Four for each alley or lane plus one additional space for each 100 square feet of the area used for restaurant, cocktail lounge, or similar use.
3. Dance floors, skating rinks: One for each 100 sq. ft. of floor area used for the activity
4. Outdoor swimming pools, public or community or club, farm vacation enterprise: One for each five persons capacity plus one for each four seats or one for each 30 square feet of floor area used for seating purposes, whichever is greater.
5. Auditoriums, sport arenas, theaters, and similar uses: One of each 4 seats.
6. Retail stores: One for each 250 square feet of floor area.
7. Banks, financial institutions and similar uses: One for each 200 square feet of floor area.
8. Offices, public or professional administration, or service buildings: One for each 400 square feet of floor area.
9. All other types of business or commercial uses permitted in any commercial district: One for each 300 sq. ft. of floor area.

Section 1109 – Institutional

1. Churches and other places of religious assembly: One for each 5 seats.
2. Hospitals: One for each bed.
3. Sanitariums, homes for the aged, nursing homes, children homes, asylums, and similar uses: One for each two beds.
4. Medical and dental clinics: One for every 200 square feet of floor area of examination treating room office, and waiting room.
5. Libraries, museums, and art galleries: One for each 400 square feet of floor area.

Section 1110 - Schools (Public, parochial, or private)

1. Elementary and senior high schools: Two for each classroom and one for every eight seats in auditoriums or assembly halls.
2. High schools: One for every ten students and one for each teacher and employee.
3. Business, technical and trade schools: One for each two students.
4. Colleges, universities: One for each four students.
5. Kindergartens, childcare centers, nursery schools, and similar uses: Two for each classroom but not less than six for the building

Section 1111 - Industrial

1. All types of manufacturing, storage, and wholesale uses permitted in any industrial district: One for every two employees (on the largest shift for which the building is designed) plus one for each motor vehicle used in the business.
2. Cartage, express, parcel, delivery, and freight terminals: One for every two employees (on the largest shift for which the building is designed) and one for each motor vehicle maintained on the premises.

Section 1112 - Additional Regulations

Additional parking requirements or parking requirements different than those stated in Article 11 may be imposed as regulated by the terms in granting a conditional use or a PUD.

ARTICLE 12

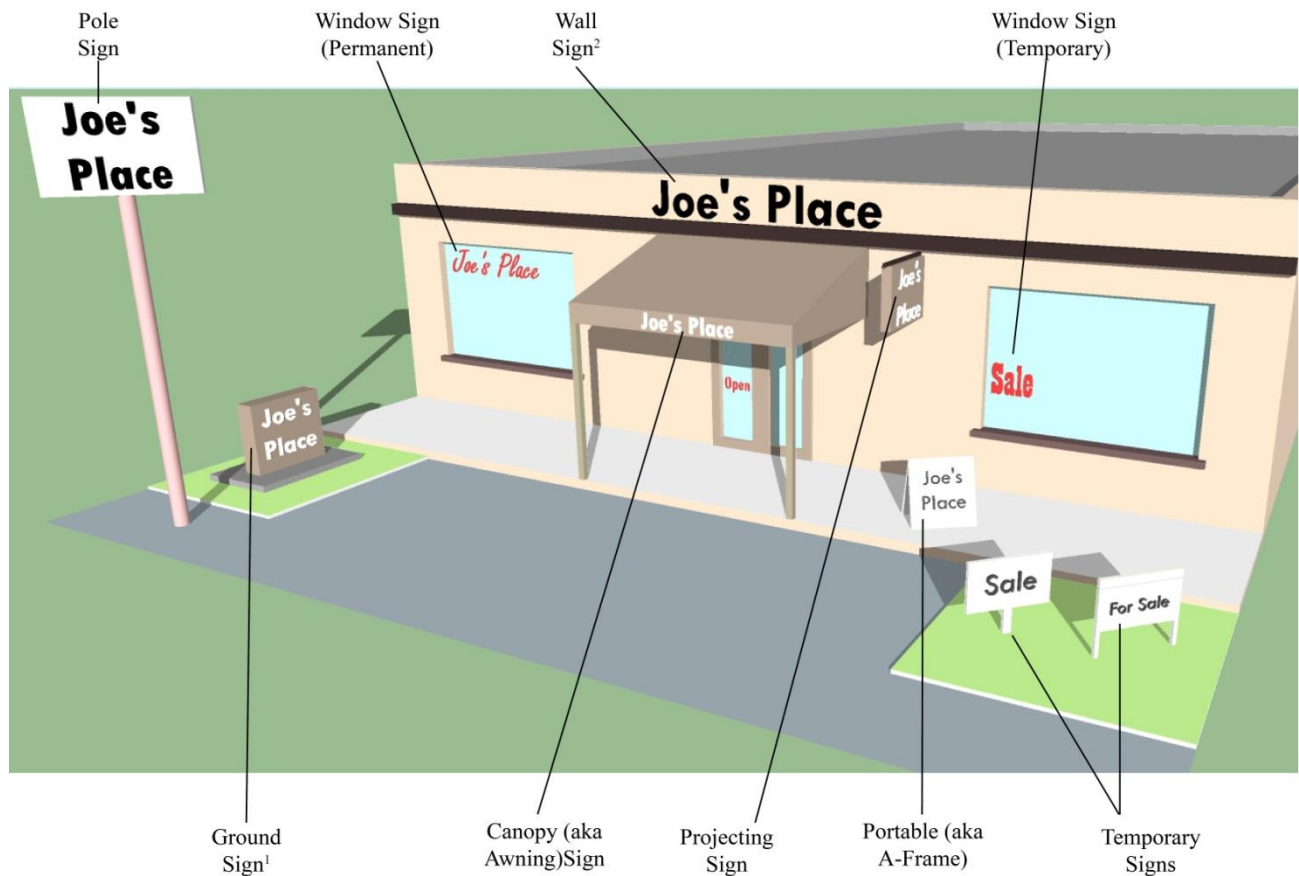
SIGNS

Section 1200 - Intent and Purpose

The purpose of this Article is to regulate and encourage the orderly development of signs while recognizing the need for adequate business identification, informational and advertising communication, and the value of visual attractiveness. The purpose of this Article is intended to:

1. Protect and promote the public health, welfare, and safety;
2. Promote and maintain visually attractive residential, retail, commercial, and mixed use districts free from signage clutter;
3. Complement the scenic and natural beauty of communities and the countryside;
4. Encourage sign design and placement that minimizes distraction and confusion; and
5. Establish review procedures to evaluate the appropriateness of signs.

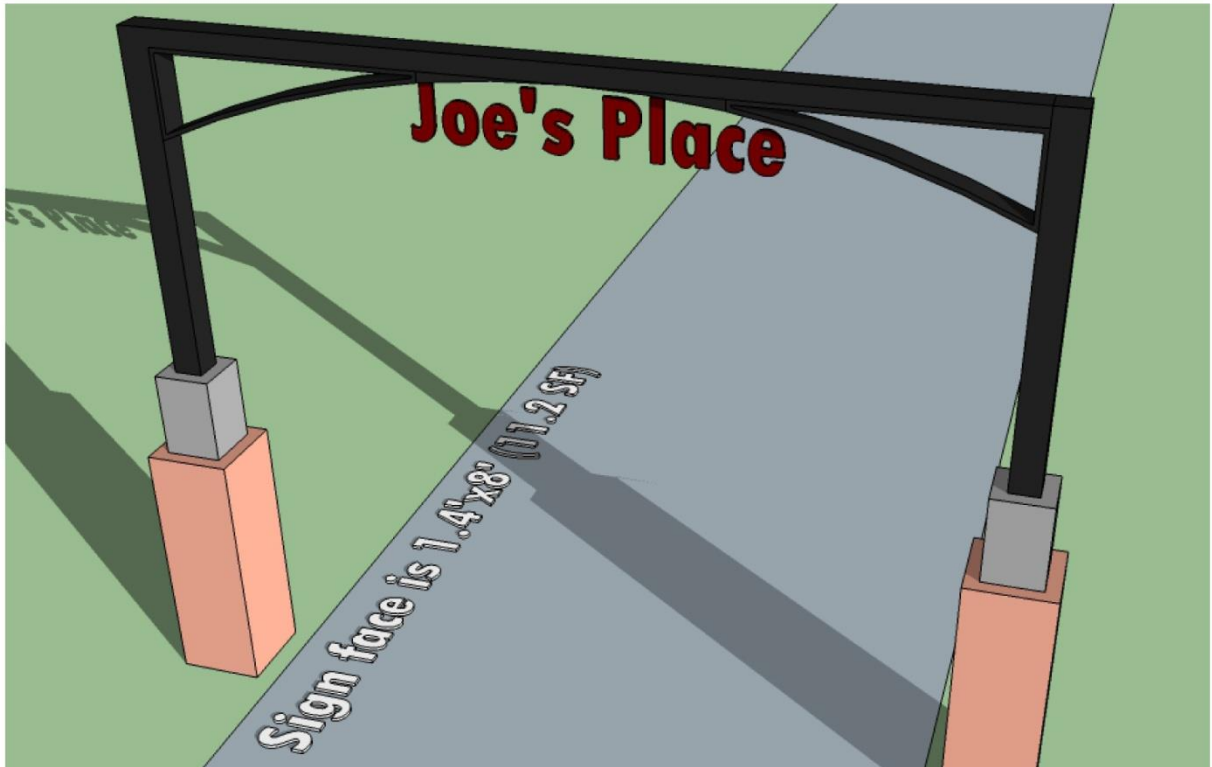
Section 1201 - SIGN TYPES



¹ See the examples of a ground sign on following page

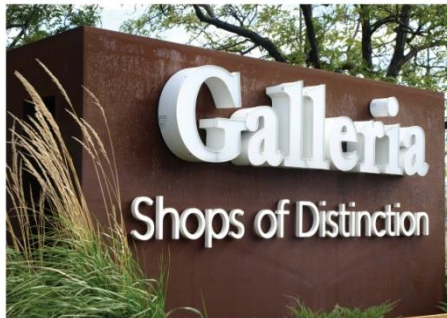
² See examples of a wall sign on the following page

Example of a Development Gateway Pole Sign



Examples of a Ground Sign

Monument Sign



Monument Sign - Multiple Businesses



Changeable Letter Sign



LED Changeable Copy Sign



Examples of a Wall Sign

Cabinet Sign



Internally Illuminated Cabinet Sign



Channel Lettering



Reverse Channel Lettering



Section 1202 - APPLICABILITY

1. Unless expressly exempted, no exterior or window signage shall be erected, constructed, enlarged, expanded, structurally altered, relocated, or reconstructed unless a zoning permit and building/electrical permit evidencing the compliance of such sign with the provisions of this Article have been issued by the Zoning Inspector. Repainting, replacement of part and preventative maintenance do not require a permit.
2. For the purpose of this resolution "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation.

Section 1203 - APPLICATION REQUIREMENTS

Application for permit shall be in accordance with Article 3 and include the following information:

1. Position of the sign in relation to nearby buildings, structures, and property lines.
2. Plans illustrating dimensions, materials, method of construction and attachment or placement.

Section 1204 - STATE PERMIT

In addition to the zoning permit required pursuant to this Article, a state permit issued by the State Director of Transportation may be required prior to the issuance of any zoning permit for outdoor advertising signs located within six hundred sixty (660) feet of streets that are part of the interstate or primary highway systems.

Section 1205 - REVIEW PROCEDURE

The zoning permit for a sign is subject to Zoning Inspector approval in accordance with this Article. The review of signs submitted in conjunction with a development requiring site plan review shall be in accordance with Article 20.

Section 1206 - DESIGN STANDARDS

1. Freestanding and Ground Signs shall be made of solid materials of a permanent nature known and used in the sign construction industry and shall include, but are not limited to, brick, simulated brick material, stone, EIFS, polished or honed finish metals, decorative precast concrete, wood, architectural masonry, steel and/or metal, and glass.
2. The structure must be an integral part of the sign display and no exposed structural members will be permitted, unless it contributes to the sign concept.
3. The components necessary for operation or fastening of the signage shall not be exposed or visible to the general view, unless it contributes to the sign concept.
4. All freestanding signs shall be located in a landscaped or hardscaped setting to provide the desired continuity and street-scene effect of the development. The preferred type of sign shall be a Ground Sign with indirect illumination.
5. The source of illumination shall be arranged so as to not reflect onto or cause glare to pedestrians or vehicles.
6. All electrical service must be hidden underground with meters or drops screened from the general view.
7. Landscaping must screen any exposed light source on the ground.
8. No internal or structure illuminated boxed or cabinet type signs will be allowed. This prohibition shall not preclude channel lettering, reverse channel lettering, or LED signs.
9. Plywood, plastic, and unfinished wood are not permitted.
10. Vinyl lettering is permitted when used as a substrate material.
11. Signs shall not obstruct windows, doors, fire escapes, balconies, stairways, ladders, vents, or other means of building ingress/egress.
12. No sign shall be placed in any public right of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.

13. No sign shall be placed in such a manner as to obstruct free and clear vision of traffic on public or private property. A determination will be made by the Zoning Inspector, based upon input from the Warren County Engineer and/or the Ohio Department of Transportation (ODOT).
14. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector proceed at once to put such sign in a safe and secure condition or remove the sign.

Section 1207 - SIGN DIMENSIONS

The following regulations shall control the computation and measurement of sign area, sign height, window area, and building frontage:

1. Determining Sign Area and Dimension:

- a. The sign area shall include the display area of the sign, including the frame, but shall not include the structural support unless such structural support is illuminated or determined to constitute an integral part of the sign design. Whether a sign is composed of a sign face or individual letters and other communication elements, the sign area shall be the area of one rectangular shape that encompasses the perimeter of all the elements of the display.

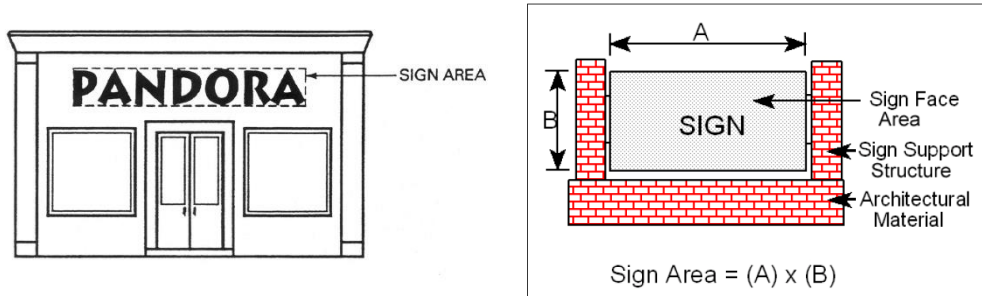


Illustration of sign area calculation for a wall sign (left) and a ground sign (right).

- b. The sign area for a sign with more than one (1) face (multi-faced signs) shall be computed by adding together the area of all sign faces.
- c. When two (2) identical faces are placed back to back, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than twenty four (24) inches apart, the sign area shall be computed by the measurement of one of the faces.

2. **Determining Sign Height:**

The height of a sign shall be measured from the average grade at the base of the sign or support structure to the tallest element of the sign structure. Decorative caps, finials, and similar design elements not exceeding twelve (12) inches in height and located on the top of supporting posts for a ground sign shall not be included in the calculation of sign height.

3. **Multi-Occupant Buildings:** The portion of a building that is owned or leased by a single occupant and has a public entrance shall be considered a building unit. The primary building frontage for such building unit shall be measured from the centerline of the party walls defining such building unit.
4. **Determining Sign Setback:** The setback of all ground signs shall be measured from the right-of-way to the nearest point of the sign.

Section 1208 – PROHIBITED SIGNS

1. Advertising devices erected or maintained on trees, or painted or drawn upon rocks or other natural features.
2. No sign shall contain words, images, or graphic illustrations of an obscene nature.
3. No sign or part thereof, except for feather flag signs, shall contain or consist of pennants, ribbons, streamers, spinners, or other similar devices. Such devices, as well as strings of lights, shall not be used for purpose of advertising or attracting attention when not part of a sign.
4. Signs or portions of a sign that cycle, revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention except for feather flag signs as defined in this Code.
5. Beacons and searchlights, except for temporary events and emergency purposes.
6. Promotional balloons suspended from, or affixed to, a structure, vehicle, or ground.
7. Flashing neon.
8. Audio message delivery signage.
9. Signs that emit any flames, smoke, fumes, vapor, or any similar substance.
10. Statues, real or simulated utilized for advertising purposes.
11. Signs attached to, painted on, or placed on a motor vehicle, trailer, or other licensed or unlicensed vehicle or conveyance, which is located in such a manner to serve exclusively as a permanent, temporary, or portable sign.

12. Advertising devices that prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.
13. Advertising devices illuminated so as to interfere with the effectiveness of, or obscure, an official sign, signal or device.
14. Advertising devices which attempt, or appear to attempt, to direct the movement of traffic, or which interfere with, imitate, or resemble an official sign, signal or device.
15. Signs displayed at off-site locations, whether permanent or temporary, except for Section 1214 (Billboards).
16. No sign, unless permitted under Section 1214 (Billboards), shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease, or for such purpose as the notification of present danger or the prohibition of trespassing.
17. Roof signs, except roof signs used for identification purposes on agricultural buildings.
18. Window signs that occupy more than fifty percent (50%) of the window surface.

Signs not specified within this Section shall require the Zoning Inspector to make a determination as to whether the sign listed shall be allowed as a permitted sign or otherwise prohibited, based on being similar one or more signs specified. The Zoning Inspector may convene the Board of Zoning Appeals to make a determination if he or she believes the sign is not easily categorized.

Figure 1: Examples of prohibited sign types.



Section 1209 - EXEMPT SIGNS

The following signs are exempt from the requirement of a zoning permit. Exempt signs shall not be illuminated, directly or indirectly, and shall be set back at least ten (10) feet from the street right-of-way line.

1. **Temporary Signs in Residential Zoning District:** Subject to the following:
 - a. Removed within thirty (30) days following: the closing of the sale, rental, or lease of the property; termination of the activity/announcement; or, completion of construction
 - b. Maximum of one (1) sign per residence or lot.
 - c. Maximum sign area and height is seven (7) square feet with a maximum height of four (4) feet in the R1 and R2 districts and twelve (12) square feet with a maximum height of four (4) feet in the R3 district.
2. **Temporary Signs in Non-Residential Zoning District:** Subject to the following:
 - a. Maximum sign area of twenty-four (24) square feet with a maximum height of six (6) feet.
 - b. Removed within seven (7) days following the termination of the activity, announcement, or event.
3. **Street Number:** All principal buildings shall be permitted to display their assigned street number in a manner legible from the street right-of-way, not exceeding four (4) square feet in area.
4. **Professional Name Plates:** Not exceeding two (2) square feet in area, identifying the name of the business or occupants of a building or lot.
5. **Window Signs:** Not exceed fifty percent (50%) of the window surface.
6. **Vehicular Directional Signs:** Vehicular directional signs which provide on-site directional assistance within a multi-family or non-residential development in accordance with the following:
 - a. Maximum Area: Six (6) square feet
 - b. Quantity: One (1) per access point, not to exceed four per parcel
 - c. Maximum Height: Thirty (30) inches
 - d. Design: No logos or advertising copy
7. **Pedestrian Directional Signs:** Pedestrian directional signs, containing no advertising, may be posted in a multi-family or non-residential development, provided they do not exceed four (4) square feet per side, and cause no visibility problems.
8. **Memorial Signs or Tablets:** Not to exceed four (4) square feet.

Section 1210 - SIGNS PERMITTED IN ALL DISTRICTS

1. **Gateway Signs:** Architectural features with signage may be erected at each entry point, subject to the following:
 - a. One (1) sign is permitted on each side of the entrance.
 - b. Gateway signs shall maintain clear zones for pedestrians and motorists and comply with the following:
 - (1) Maintain a setback of ten (10) feet from public street right-of-way line(s) as determined on the Warren County Thoroughfare Plan;
 - (2) Ten (10) feet from the edge of driveway; and,
 - (3) Five (5) feet from any sidewalk or paved path.
 - c. A maximum height of ten (10) feet from average grade.
 - d. A maximum sign face of twenty-four (24) square feet in residential zones, all other zones subject to Table 1 Ground Signs “Maximum Sign Area Per Sign”.
 - e. Proof of an established mechanism to ensure the ongoing maintenance of the entire entrance structure and associated landscaping shall be submitted to the Zoning Inspector as part of the sign permit application.

2. **Changeable Copy Sign:** The use of changeable copy signs shall be permitted subject to the following:
 - a. One changeable copy sign shall be permitted per property.
 - b. Changeable copy signs shall be considered ground signs when determining the number of permitted signs allowed in accordance with the requirements of Section 1212. (Ground Signs for Non-Residential Zones). Any portion of the permitted sign may be used as changeable copy. The total area of a changeable copy sign shall not exceed twenty (20) square feet.
 - c. Changing of the copy does not require a permit.



Figure 2: Illustration of a sign for an institutional use on a brick base with foundation plantings.

3. **Arch Signs:** An arch sign shall be subject to the following standards:
 - a. Maximum height for signage, including any structural elements: 25 ft. A height in excess of 25 ft. may be approved subject to site plan review.
 - b. Minimum clearance: 14 ft., 4 in.
 - c. Maximum width: The maximum width of the signage and any structural elements shall equal the width of the paved driveway or roadway that passes under the sign, plus 5 ft (2.5 ft. on both sides).
 - d. Maximum area of sign face: 2 ft. multiplied by the width of the span of the arch.
 - e. Maximum number of sign faces: 2
 - f. Maximum number of poles (structural supports): 2; one on either side of the driveway/roadway.
 - g. Minimum setback from right-of-way: 10 ft.
 - h. Permitted materials: see Section 1206 1.
 - i. Prohibited materials: See Section 1206 1.

Section 1211 - NON-RESIDENTIAL DISTRICT SIGNS:

1. **Quantity:**

	<u>Wall Signs</u>	<u>Pole, Arch & Ground (including LED) Signs¹</u>	<u>Canopy/Awning Signs¹</u>	<u>Projecting Signs</u>	<u>Signature Wall Signs</u>
<u>Single Building with One User</u>	One (1) per exterior building wall, including side walls.	One (1) per street frontage	One (1) per building	One (1) per building frontage	One (1) per building greater than 45' in height on one wall that fronts an interstate.
<u>Multi-Tenant Building or Multiple Buildings on one Parcel</u>	One (1) per business for multi-tenant buildings, or one (1) per exterior building wall for buildings with one user	One (1) per street frontage per multi-tenant building, or one (1) per street frontage per multi-tenant parcel; or one (1) per street frontage per comprehensively developed collection of buildings.	One (1) per business on ground level	One (1) per business on ground level	None

1 A building may have a pole sign OR a ground sign OR an Arch Sign as stated in the table above: it may not have some combination of the three types.

2. **Building Mounted Signs:** All building mounted signs shall be located either along the front of the building where the street right-of-way is located, facing a parking lot for the business, or along the side or back of a building where there is visibility from a public access point, and subject to the following:
 - a. **Wall Signs:**
 - (1) **Sign Area:** A wall sign shall be permitted with an area not to exceed one (1) square foot in area for each one linear foot of building frontage to a maximum size of one hundred fifty (150) square feet.
 - (2) **Signature Wall Signs:** Such wall signs shall conform to the following provisions:
 - (a) Signature wall signs shall not exceed one (1) square foot per lineal foot of building frontage along the interstate highway, with an area not to exceed two hundred (200) square feet.
 - (b) The top of a signature wall sign shall be located within ten (10) feet of the roof line of a building to which it is attached, and shall not extend above the building roof line.
 - b. **Projecting Sign:** Projecting signs are attached to the primary building.
 - (1) Sign area shall not exceed nine (9) square feet.
 - (2) Signs shall be installed to achieve a minimum vertical clearance of eight (8) feet from the bottom of the sign to the finished grade.
 - (3) Prohibited over a vehicular access way.
 - c. **Awnings/canopy:** Sign area shall not exceed twenty (20) square feet.
3. **Ground Signs:** The following shall apply to all ground signs. (also see Section 1211 1. Gateway Signs):
 - a. **LED Signs:** Use of the LED sign shall be permitted per the following:
 - (1) One changeable copy sign shall be permitted per property.
 - (2) Changeable copy signs shall be considered ground signs when determining the number of permitted signs allowed in accordance with the requirements of Section 1211 3. b. (Ground Signs for Non-Residential Zones). The LED display panel may constitute any portion of the permitted signage area.
 - (3) Any portion of the permitted sign may be used as changeable copy. The total area of the sign face, including the LED display panel, shall not exceed twenty (20) square feet.

- (4) Changing of the copy does not require a permit.
- (5) The luminosity of the LED board shall be dimmed between dusk and dawn when the LED sign such that the sign shall emit no more than 0.2 foot-candles at all property lines.

b. Dimensional Requirements for Ground Signs: per the following table

Sign Location	Sign Requirements		
	Maximum Sign Height (Feet)	Maximum Sign Area Per Sign (Sq. Ft.)	Maximum Number of Signs
Signs located in the CB and GB Districts	6	48	1
Signs located in the M1 Industrial District	8	60	1
On a lot occupied by three (3) or more uses (i.e. shopping center, office building, apartments, etc.) and has an area greater than 50,000 square feet in gross floor area	12	96	1

4. **Pole Signs:** A permanent pole sign supported by one (1) or more uprights, poles, or braces placed in or upon the ground surface and not attached to any building. Such sign may also be commonly known as a pylon sign.
- a. **Sign Area:** Pole signs shall be permitted with an area not to exceed eighty (80) square feet per face.
 - b. **Sign Setbacks:** All such signs shall be set back a minimum of ten (10) feet from any street right-of-way or adjoining property line and maintain the required Clear Sight Distance Triangle.
 - c. **Sign Height:** No such signs or any portion of the structure they may be integral with, shall exceed twenty (20) feet from grade and shall be at least eight (8) feet off the ground.

Section 1212 - RESIDENTIAL DISTRICT SIGNS

- 1. **Wall Signs:**
 - a. One (1) non-internally illuminated pole or wall sign not exceeding four (4) square feet is permitted.

- b. For buildings greater than four thousand (4,000) square feet: One non-internally illuminated wall sign not exceeding one (1) square foot of sign surface area for each six (6) feet of building frontage shall be permitted provided the total surface area of wall signs and ground or pole signs as measured collectively, shall not exceed thirty two (32) square feet.

2. Pole Signs:

The following shall apply to all pole signs in residential districts, per the table specifying height, size, and quantity of the sign face.

Zoning District	Maximum Height (feet)	Maximum Size (sq. ft.)	Maximum Number of Signs
R1 & R2	4	9	1
R3	3	12	1

- a. **Sign Setbacks:** All such signs shall be set back a minimum of ten (10) feet from any street right-of-way or adjoining property line and conform to the Clear Sight Distance Triangle.
- b. **Sign Height:** No such signs, or any portion of the structure they may be integral with, shall exceed six (6) feet from grade.

Section 1213 - BILLBOARDS

Off-premises signs with the primary purpose to display advertising.

1. **Site Plan Review:** Subject to site plan approval and permitted along interstate highways in all commercial districts, industrial districts, and/or lands used for agricultural purposes.
2. **Prohibited:** Along a national or state scenic byway, as identified by the Ohio Department of Transportation and all non-interstate roads.
3. **Sign Area:** No billboard shall exceed three hundred (300) square feet in area per side and no more than two sides.
4. **Sign Height:** No billboard structure shall exceed twenty five (25) feet in height.
5. **Sign Location and Setbacks:** All billboards shall comply with the following setbacks:
 - a. The minimum roadway distance between billboards is two thousand (2,000) feet.
 - b. All billboards shall be located at least one hundred (100) feet from any property line.

- c. All billboards shall be located at least five hundred (500) feet from uses such as residential dwellings, parks, natural preserves, scenic roadways, schools, cemeteries, historic sites or areas, hospitals, retirement homes, or government/institutional buildings.
 - d. All billboards along interstate highways shall conform to the regulations established in Chapter 5516 of the Ohio Revised Code.
 - e. All billboards shall meet the minimum setback requirements of the zoning district and all properties where such signs are located shall meet the applicable minimum lot area.
6. **Proof of Other Regulations Compliance:** Billboards shall comply with all regulations set forth in this Chapter and this Zoning Code. Billboards shall comply with all other local, state and federal permitting procedures.
7. **Landscaping:** Billboards shall be erected in a landscaped setting that has a minimum size equal to, or exceeding, twice the sign face area. The landscaped area shall include one (1) tree and two (2) shrubs per ten (10) linear feet of sign width. The exact location of the landscaped area shall be approved by the Zoning Inspector. Trees shall be minimum eight (8) feet high and two (2) inches DBH and shrubs shall be a minimum three (3) gallon pot size with a minimum eighteen (18) inches height and spread. The landscaping requirement shall not apply to billboards located in dense shrubbery or wooded areas where the existing vegetation is four (4) feet in height or taller.
8. **Illumination:** The illumination of billboards shall comply with the following:
- a. Billboards located within one thousand (1,000) feet of a residential district shall not be illuminated.
 - b. Outdoor advertising signs located in a nonresidential district may be externally illuminated through fixtures located external to the sign face and no internal light sources or light-producing elements in the sign face or message media shall be permitted.
 - c. Illumination shall be concentrated upon the area of the sign face so as to prevent glare upon the roadway or adjacent properties.
9. **Changeable Messages:** An electronic changeable message is permitted, provided:
- a. That the sign face is stationary and of constant intensity and color at all times when the message is displayed; and,
 - b. Each message is displayed for at least eight (8) seconds and a change of message is accomplished within one (1) second.

Section1214 - COMPREHENSIVE SIGN PROGRAM

A Comprehensive Sign Program intended to integrate the design of proposed signs with the design of the structures, into a unified architectural statement or to define common sign standards for multi-tenant projects shall be required whenever any of the following conditions exist:

1. Multiple tenants or use signs are proposed for a new or existing development.
2. Multiple tenant or use signs are proposed for a single structure or separate structures that are physically or functionally related.
3. A planned shopping center.
4. The Zoning Inspector determines that a Comprehensive Sign Program is needed because of special project characteristics.

The comprehensive sign plan shall include the location, size, height, color, lighting and orientation of all proposed signs, in addition to any other information deemed necessary by the Zoning Inspector in conjunction with the required preliminary Site Plan for the development. If the comprehensive sign plan is found to be acceptable, exceptions to the provisions of this Code may be granted, if such exceptions result in an improved relationship between the various parts of the plan. A Comprehensive Sign Program shall comply with the following standards:

- a. The signs shall enhance the overall development, be in harmony with, (materials, colors, and styles) and relate visually to other signs included in the Comprehensive Sign Program, to the structures and/or developments they identify;
- b. The overall sign size shall be related to the scale and type of development;
- c. The program shall accommodate future revisions that may be required because of changes in use or tenants;
- d. The program shall comply with the standards of this Article, except that flexibility is allowed with regard to sign area, number, location, and/or height to the extent that the Comprehensive Sign Program will enhance the overall development and will more fully accomplish the purpose of this Article; and,
- e. Revisions to a Comprehensive Sign Program may be approved by the Zoning Inspector if the intent of the original approval is not affected. Revisions that would substantially deviate from the original approval shall require the approval of a new Comprehensive Sign Program.

Section 1215 - ILLUMINATION AND MAINTENANCE STANDARDS

In addition to the size, type, and location of signs, all signs shall meet the following standards:

1. **Illumination:** Unless otherwise limited in this chapter, signs shall be permitted to be illuminated as provided in the following:
 - a. Source: Light sources to illuminate permanent signs may be internal or external. This includes channel lettering, reverse channel lettering, and LED display boards.
 - b. Intensity: Illuminated by devices that has a constant intensity subject to not exceeding 0.2 footcandles at the property line unless otherwise approved.
 - c. Location: Shall not constitute a traffic hazard or nuisance.
 - d. Design: Temporary, moveable, or portable signs shall not be illuminated.
2. **Maintenance:** All signs shall be maintained as follows:
 - a. The property owner, occupant, or other person responsible for the sign shall maintain the sign in a condition suitable for the intended use and shall have a continuing obligation to comply with all building code requirements. The final responsibility for maintenance and compliance rests with the property owner.
 - b. If the Zoning Inspector finds that any sign is unsafe or a hazard to public safety, notice shall be given in writing by the Zoning Inspector to the property owner. The property owner shall, within one (1) week of such notification, correct such unsafe condition or remove the sign. In the event of an immediate threat to the public health, safety, or general welfare, the Zoning Inspector is authorized to immediately take corrective action.
 - c. Defective signs (e.g. lighting that is no longer functional; damaged, broken, missing, or exposed parts or pieces; loose or exposed wiring or parts) shall be repaired or removed within thirty (30) days.
 - d. The removal of a sign for maintenance purposes does not require a zoning permit provided that the following conditions are met:
 - (1) No alterations to the sign face, lettering, base, or support.
 - (2) No enlargements of the sign or its structure.
 - (3) The sign is accessory to a legally allowed use.

Section 1216 - NON-CONFORMING SIGNS AND BILLBOARDS

The purpose of this Section is to provide for the continuation of legally non-conforming signs and to provide reasonable standards for the maintenance, servicing, alteration, and removal of such signs.

1. **Continuation:** This Section provides for the continuation of legally non-conforming signs. A legally non-conforming sign is defined as a sign which was legally permitted at the time of adoption of this resolution but which does not meet the development standards of this Article.
2. **Maintenance of Non-conforming Sign:** Non-conforming signs shall be maintained in good condition and may continue until such sign is required to be removed as specified in this Article.
3. **Alteration, Relocation, or Replacement of the Non-conforming Sign:** A non-conforming sign shall not be structurally altered, relocated, or replaced unless it is brought into compliance with the provisions of this Article.
4. **Reconstruction of Damaged Sign:** If a sign face and/or its support structure are damaged to the extent where the repair cost exceeds fifty percent (50%) of the replacement cost of the sign, the sign shall be removed or brought into compliance with the provisions of this Article. If the repair costs do not exceed fifty percent (50%) of the replacement costs of the sign, the Zoning Inspector shall permit the sign to be repaired, provided all repair work is completed within sixty (60) days of the date the damage occurred.
5. **Termination:** A non-conforming sign shall immediately lose its legal nonconforming status, and shall be brought into conformance with this Article or removed, when any of the following occur:
 - a. The sign is enlarged, relocated, illuminated, or replaced.
 - b. The sign is part of a use that has been abandoned two (2) or more years.

Section 1217 - REMOVAL OF SIGNS

1. The Zoning Inspector may cause the removal of any sign illegally placed within the right-of-way of any road within the zoning jurisdiction.
2. A sign face identifying a business that no longer exists or products and services no longer being rendered shall be removed from the premises within ninety (90) days from the date of termination of such activities.

ARTICLE 13

PLANNED UNIT DEVELOPMENT

Section 1300 - Statement of Intent and Policy

It shall be the intent and policy of the Zoning Commission and the Board of Township Trustees of Massie Township, Warren County, Ohio to follow goals, objectives, physical environmental data and recommendations regarding density standards, location of planned development and other recommendations as contained in the adopted Massie Township Land Use Plan.

Section 1301 - Relationship of Plan to Policy

As indicated in the adopted Massie Township Land Use Plan, the physical environmental characteristics combine in a manner, which renders most of the township unsuitable for increased or high residential densities. Excessive residential densities cannot now be accommodated in Massie Township without possible severe degradation of environmental quality, which directly affects or could affect the public health, safety, and welfare of existing and planned development at lower densities as indicated under the Massie Township Land Use Plan.

Section 1302 - Public Utilities Required

In addition to the requirements specified in Article 6 and 13 as well as other provisions of the Massie Township Zoning Resolution, a Planned Unit Development shall not be approved by the Zoning Commission or the Board of Township Trustees unless publicly supplied utilities (water and sewer) shall be available to service the development at the time of the first residential occupancy. All public utilities shall be defined, established and regulated as provided by the Ohio Public Utilities Commission, Warren County Commissioners or legally established municipality, or sub-district of Warren County or any sub-district of a municipality or adjoining county.

Section 1303 - Conflict and Interpretation

In accordance with Section 101 of the resolution, Article 13 is declared to be the minimum requirements applicable to Planned Unit Developments in any interpretation and application necessary for the continuation and promotion of the public health, safety and general welfare of the community. Whenever the requirements of this resolution are at a variance with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive, or that imposing the higher standard(s) shall govern.

Section 1304 - Relationship to Warren County, Ohio Subdivision Regulations

The provisions of the Massie Township Zoning Resolution are in addition to any requirements, procedures, and regulations as contained in the Warren County Subdivision Regulations. Nothing in these regulations shall be taken as interpreted as nullifying or superseding the subdivision platting requirements as defined in Section 711 of the Ohio Revised Code, and as further defined, administered and regulated in the Warren County, Ohio Subdivision Regulations.

Section 1305 - Additional Requirements

In addition to any other requirements contained in these regulations, the following must be taken into consideration prior to any type of approval by the Zoning Commission and Board of Township Trustees:

1. A Planned Unit Development must provide a maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements;
2. A Planned Unit Development must provide a more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services;
3. A Planned Unit Development must provide a development pattern which reserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns;
4. A Planned Unit Development must provide a more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets;
5. A Planned Unit Development must provide a development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the Township land use plan, and the Regional Development Plan of the Warren County Region.

Section 1306 - Provisions Governing Planned Unit Developments

Because of the special characteristics of planned unit developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this article and those of the other articles of this resolution, the provisions of this article shall prevail for the development of land for planned unit developments. Subjects not covered by this article shall be governed by the respective provisions found elsewhere in this resolution.

Section 1307 - Uses Permitted

Only those uses permitted or specially permitted in each district or interpreted to be included under Article 9 of this resolution may be proposed for development under the planned unit development approach. Compatible residential, commercial, industrial, public, and quasi-public, uses may be combined provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare.

The amount of land devoted to commercial and/or industrial use in a residential-commercial-industrial or residential-commercial development shall be determined by the Zoning Commission and approved by the Board of Township Trustees.

Section 1308 - Minimum Project Area

The gross area of the tract to be developed under the planned unit development approach shall conform to the following schedule:

Type of PUD	Minimum Area (Acres)
Residential	40
Commercial	10
Industrial	30
Residential-Commercial	40
Commercial-Industrial	40
Residential-Commercial Industrial	40

When the planned unit development is a mixture of uses, no more than eight percent (8%) of the tract may be devoted to commercial activities nor more than twelve percent (12%) of the tract to industrial activities.

Section 1309 - Project Ownership

The project land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation.

Section 1310 - Common Open Space

A minimum of twenty percent (20%) of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be disposed of as required in Section 1311 of this resolution.

Section 1311 - Disposition of Open Space

The required amount of common open space land reserved under a planned, unit development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the County or Township and retained as common open space for parks, recreation, and related uses. All land dedicated to the County or Township must meet the Zoning Commission's requirements as to size, shape, and location. Public utility and similar easements and right-of-ways, for water courses and other similar channels are not acceptable for common open space dedication to the County or Township unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Zoning Commission.

The responsibility for the maintenance of all open spaces shall be specified by the developer, before approval of the final development plan.

Section 1312 - Utility Requirements

Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems, which can be effectively screened, may be excepted from this requirement if the Zoning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

Section 1313 - Residential Planned Unit Development

Residential planned unit developments may be developed following the provisions of Sections 1314-1320.

Section 1314 - Minimum Lot Sizes

1. Lot area per dwelling unit may be reduced by not more than forty percent (40%) of the minimum lot area required in the Official Schedule of District Regulations.
2. Lot widths may be varied to allow for a variety of structural designs. It is also recommended that setbacks be varied.

Section 1315 - Lots Abutting upon Common Open Space

Every property developed under the planned unit development approach should be designed to abut upon common open space or similar areas. A clustering of dwellings is encouraged. In areas where town houses are used, there shall be no more than eight town house units in any contiguous group.

Section 1316 - Parking

Off-street parking, loading, and service areas shall be provided in accordance with Article 9 of this resolution. However, off-street parking and loading areas shall not be permitted within fifteen (15) feet of any residential use.

Section 1317 - Open Space

Open space gained through the varying of setback and area requirements as established in Section 1310 is to be used for the development of open plazas, pedestrian malls, tot lots, and other public spaces and uses with adequate arrangement, design, and planting.

Section 1318 - Industrial Planned Unit Developments

The provisions of Section 1319 to 1320 shall apply to industrial planned unit development.

Section 1319 - Arrangement of Industrial Uses

Planned unit development of industrial establishments is encouraged by varying the setback and other requirements if it can be shown that the development results in a more efficient and desirable use of land. Industrial uses and parcels shall be developed in park-like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas or docks, and/or outdoor storage of raw materials or products. A planned industrial area shall provide for the harmony of buildings and a compact grouping in order to economize in the provision of such utility services as is required. Thoroughfares shall be kept to a minimum throughout a planned industrial area in order to reduce through traffic. Project side yards of forty (40) feet and a rear yard of fifty (50) feet shall be required if the project is located adjacent to any residential district or residential planned unit development. All intervening spaces between the right-of-way line and project building line and intervening spaces between buildings, drives, parking areas, and improved areas shall be landscaped with trees and plantings and properly maintained at all times.

Section 1320 - Height Requirements

For each foot of building height over the maximum height regulations specified in Article 9, the distance between such buildings and the side and rear property lines of planned unit development project area shall be increased by a one foot addition to the side and rear yard required in the district.

Section 1321 - Commercial Planned Unit Developments

The provisions of Sections 1322 to 1323 shall apply to commercial planned unit developments.

Section 1322 - Arrangement of Commercial Uses

Commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planning screens or fences shall be provided on the sides of the development abutting areas occupied or likely to be occupied by residences. The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding existing or potential developments.

All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Zoning Commission.

Section 1323 - Permitted Uses

Certain types of commercial uses such as restaurants, central secretarial and stenographic pools, or other business service type uses, repair services, or clinics as may form a small commercial center to serve the needs of the industries or their personnel, may be permitted in an industrial planned unit development as accessory uses.

ARTICLE 14

PRIVATE RECREATIONAL CAMPS

Section 1400 - Purpose and Intent

It is the purpose and intent of the Private recreational camp conditional use, in accordance with Articles 6, 9, and 14 as well as any other applicable provisions of these regulations to reasonably and properly regulate the location, the relationship with surrounding land uses, associated commercial activity, setbacks, fencing requirements, parking requirements, minimum area and space requirements and other aspects of a recreational camp not specifically regulated under the Ohio Sanitary Code.

Section 1401 - Further Definition

As used in these regulations, "recreational camp" shall be taken to mean, camp, cottage complex camp, cottage complex camp site, day camp, family camp A and B, family camp A site and family camp B site, primitive camp and for resident camp, travel trailer park, travel trailer overnight port, and as further defined and regulated under Ohio Revised Code Chapters 3729 and 3733 and Ohio Administrative Code 3701-25.

Section 1402 - Minimum area, minimum spaces, minimum frontage

The minimum area required for a recreational camp shall be five acres. At least fifty (50) sites, plots, lots, or places of accommodation shall be available and licensed by the Warren County District Board of Health at the first occupancy. Minimum frontage shall be two-hundred (200) feet.

Section 1403 - Related Commercial Activity

No commercial activity shall take place on any recreational camp except the sale or exchange of those items, commodities, fees and services directly related but incidental in nature or value. Related commercial activity will be restricted to only those transactions that lend direct yet incidental support to the recreational camp, as regulated and permitted under a conditional use permit. Nothing in the section shall be interpreted in such a manner as to supersede or nullify the commercial zoning provisions found elsewhere in these regulations.

Section 1404 - Parking Requirements

Parking shall be as required by the Ohio Sanitary Code, and by the provisions of Article 11 of these regulations.

Section 1405 - Fencing, Buffering Requirements

All private recreational camps shall be completely enclosed with a farm fence with gates where appropriate. Said fence shall be maintained in good repair. In addition to fencing, the Board of Zoning Appeals may require suitable vegetative plantings or screenings along those sides or portions of lot lines that adjoin an established nonagricultural land use.

Section 1406 - Setback Requirements

All structures and activity areas shall be located no closer than one hundred (100) feet from any property line.

Section 1407 - Signs, Advertising Devices

No more than one sign or advertising device oriented to each abutting public road identifying the nature of the conditional use shall be permitted. Signs and advertising devices must be set back at least fifty (50) feet from the edge of the road right-of-way, and may not exceed fifty (50) square feet in area. All other provisions of Article 12 shall be complied with.

Section 1408 - Compliance with other Rules, Regulations

All aspects, structures and appurtenance shall comply with all other applicable laws, codes, regulations, rules and other applicable provisions of the jurisdiction having original authority.

ARTICLE 15

WATERCRAFT AND/OR RECREATIONAL VEHICLE STORAGE

Section 1500 - Intent and Purpose

It is the intent and purpose of this Article, in accordance with the provisions of Articles 6, 9 and any other applicable provisions of these regulations to properly and reasonably regulate the location, the relationship with surrounding land uses, associated commercial activity, setbacks, fencing and buffering requirements, parking requirements and other aspects of a Watercraft and/or Recreational Vehicle Storage facility as a conditional use that may be granted by the Board of Zoning Appeals stated in this or other articles of the Massie Township, Warren County, Ohio Zoning Resolution.

Section 1501 - Further Definition

Watercraft and/or recreational vehicle storage facility shall be as defined in Article 2 of these regulations.

Section 1502 - Minimum Area, Minimum Frontage

The minimum area for a watercraft and/or recreational vehicle storage facility shall be five acres. Minimum frontage shall be at least 200 feet.

Section 1503 - Related Commercial Activity

Commercial activity shall be directly related to those sales, transactions or exchange, which are directly related to storage, sales or services offered on the premises. Nothing in this section shall be interpreted in such a manner as to supersede or nullify the commercial zoning provisions found elsewhere in these regulations.

Section 1504 - Parking Requirements

At least one parking space shall be provided for each four hundred (400) square feet of building space. All other provisions of Article 11 shall be complied with.

Section 1505 - Enclosure

All watercraft and/or recreational vehicle storage, sales, repair and the like, as permitted, shall be conducted in an enclosed building. No outside storage, sales, repair and the like, as permitted, shall take place other than in the approved enclosed structure.

Section 1506 - Fencing, Buffering Requirements

All watercraft and/or recreational vehicle storage, sales, repair and the like shall be enclosed at the property line with a farm fence with gates where appropriate. Said fence shall be maintained in good repair. In addition to fencing, the Board of Zoning Appeals may require suitable vegetative plantings or screenings along those sides or portions of lot lines that adjoin on established nonagricultural land use.

Section 1507 - Setback Requirements

All structures and activity areas shall be located no closer than one hundred (100) feet from any property line.

Section 1508 - Signs, advertising devices

No more than one sign or advertising device oriented to each abutting public road identifying the nature of the conditional use shall be permitted. Signs and advertising must be set back at least fifty (50) feet from the edge of the road right of-way, and may not exceed fifty (50) square feet in area. All other provisions of Article 12 shall be complied with.

Section 1509 - Compliance with other rules, regulations

All aspects, structures and appurtenances shall comply with all other applicable laws, codes regulations, rules and other applicable provisions of this resolution or any other jurisdiction having original authority.

ARTICLE 16

MARINAS

Section 1600 - Intent and Purpose

It is the intent and purpose of this Article, in accordance with the provisions of Article 6, 9, and other applicable provisions of these regulations to properly and reasonably regulate the location, the relationship with surrounding land uses, associated commercial activity, setbacks, fencing and buffering requirements, parking requirements and other aspects of a marina facility as defined in Article 2 stated in this or other articles of the Massie Township, Warren County, Ohio Zoning Resolution, subject to site plan review per Article 19.

Section 1601 - Minimum Area, Minimum Frontage

As specified in Article 9 of these regulations.

Section 1602 - Related Commercial Activity

Commercial activity shall be directly related to those sales, transactions or exchanges, which are directly related to storage, sales or services offered on the premises. Nothing in this section shall be interpreted in such a manner as to supersede or nullify the commercial zoning provisions found elsewhere in these regulations.

Section 1603 - Parking Requirements

At least one parking space shall be provided for dock, or mooring site or each two-hundred (200) square feet of building or structure space; whichever is greater. All other provisions of Article 11 shall be complied with.

Section 1604 - Enclosure

All marina facilities, services and sales and the like as permitted shall usually be required to be conducted in an enclosed building, excepting those facilities, services and sales which are typically associated with a marina facility and which are usually conducted in other than an enclosed building. Examples of facilities, services, and sales not usually conducted in an enclosed structure are gasoline and/or fuels or oils sales, pumps and tanks, launching ramps, launching hoists, bait tanks and/or bait sales, ice or soft drink boxes, chests or -machines and/or sales, boat rentals, boat rides, charter boats, boat docking, boat mooring and the like. Examples of facilities, services and sales which shall be conducted only in an enclosed building or structure are: storage of boats, boat cradles, strong backs, covers, and the like, sales of boats and/or boat equipment including any other type of recreational vehicles or watercraft and/or related equipment, sales of all other equipment, supplies and licenses.

Section 1605 - Fencing - Buffering Requirements

All marina facilities shall be enclosed at the property line, excluding the watered boundary portion of the property as well as access roads and/or drives with a farm fence with gates where appropriate. Said fence shall be maintained in good repair. In addition to fencing, the Board of Zoning Appeals may require suitable vegetative plantings or screenings along those sides or portions of lot lines that adjoin a residential land use.

Section 1606 - Setback Requirements

All structures shall conform to the provisions of Article 9, and other applicable regulations of this resolution. Facilities, services and sales conducted in other than on approved enclosed structure shall observe the same setback requirements except that the rear setback line facing the watered property line may be reduced to zero (0). Side setback lines may also be reduced to zero (0) for those approved facilities services and sales conducted in other than on approved enclosed structure located within twenty-five (25) feet of the watered property line.

Section 1607 - Compliance With Other Rules, Regulations

All aspects, structures and appurtenances shall comply with all other applicable laws, codes, regulations, rules and applicable provisions of this resolution or any other legal jurisdiction having original authority.

ARTICLE 17

MOBILE HOME AND/OR SERVICE FACILITY

Section 1700 - Intent and Purpose

It is the intent and purpose of this Article, in accordance with the provisions of Articles 6, 9, and any other applicable provisions of these regulations to properly and reasonably regulate the location, the relationship with surrounding land uses, associated commercial activity, setbacks, fencing and buffering requirements, parking requirements and other aspects of a Mobile Home Sales and/or Service facility as a conditional use granted by the Board of Zoning Appeals stated in this or other articles of the Massie Township, Warren County, Ohio Zoning Resolution.

Section 1701 - Further Definition

Mobile Home sales and/or service facility shall be defined as a lot, area, or structure and premises used or intended to be used for the purposes of sales, storage, service and related office space as necessary and directly related to mobile homes.

Section 1702 - Minimum Area, Minimum Frontage

As specified in Article 9 of these regulations.

Section 1703 - Related Commercial Activity

Commercial activity shall be directly related to those sales, transactions or exchanges, which are directly related to storage, sales or services offered on the premises. Nothing in this section shall be interpreted in such a manner as to supersede or nullify the commercial zoning provisions found elsewhere in these regulations.

Section 1704 - Parking and Surfacing Requirements

At least one automobile parking space shall be provided for each employee. In addition, at least one automobile parking space shall be provided for each mobile home intended to be stored on the premises, up to a total of ten. The mobile home sales and/or service lot or premises used for the sales and/or service of mobile home shall have a surface of a quality and type as approved by the State of Ohio, Registrar of Motor Vehicles.

Section 1705 - Enclosure

An approved enclosure or structure shall be required for all office functions normally associated with this use. A temporary structure not permanently attached to public utilities, such as a mobile home intended for sale but used as a temporary sales office, shall be prohibited. Industrialized units or mobile homes specifically designed for office use may be approved for office use if rendered unfit as a conveyance upon the highways, by removal of wheels, trailer tongue or hitch, and placed upon a foundation or blocks and attached in a permanent fashion to approved public utilities. Office space shall be as further regulated by the State of Ohio, Registrar of Motor Vehicles. All other activities, services, facilities, and storage may be conducted in other than an approved structure if approved by the Board of Zoning Appeals, and as further regulated by the State of Ohio, Registrar of Motor Vehicles.

Section 1706 – Fencing, Buffering Requirements

All mobile home sales and/or service facilities shall be enclosed at the property lines, excluding the front property line with a fence and gates sufficient to delineate the property lines; satisfy the requirements of the State of Ohio, Registrar of Motor Vehicles and as approved by the Board of Zoning Appeals. In addition, suitable vegetative planting may be required to screen those sides or portions of lot lines that adjoin a residential land use.

Section 1707 - Setback Requirements

All structures shall conform to the provisions of Article 9, and other applicable regulations of this resolution. All facilities, services, storage, sales and related activities not conducted within an approved structure shall comply with the setback requirements of Article 9.

Section 1708 - Compliance with other Rules, Regulations

All aspects, structures, activities, and appurtenances shall comply with all other applicable laws, code, regulations, rules and applicable provisions of this resolution or any other legal Jurisdiction having original authority.

ARTICLE 18

FLOOD PLAIN REGULATIONS

Section 1800 - Application

The regulations set forth in this article, or set forth elsewhere in the Zoning Resolution, are the zoning regulations for flood plain areas and shall apply to all lands within the jurisdiction of the Zoning Resolution.

Section 1801- Findings of Fact

The flood hazard areas of Massie Township are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and welfare.

These flood losses are the result of the cumulative effect of obstructions in flood hazard areas, which cause increases in flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

Section 1802 - Purpose

The purpose of the flood plain regulations is the promotion of the public health, safety and general welfare, and the minimization of public and private losses due to flood conditions in specific areas. This is accomplished by:

1. Regulating uses, activities, and development, which, acting alone or in combination with other existing or future uses, activities, and developments, will cause unacceptable increases in flood heights, velocities and frequencies.
2. Restricting and prohibiting certain uses, activities, and developments from locating within areas subject to flooding.
3. Requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage.
4. Protecting individuals from buying lands and structures, which are unsuited from intended purposes because of flood hazards.

Section 1803 - Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights maybe increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris.

This article does not imply that areas outside the flood plain areas, or that land uses permitted within such areas, will be free from flooding or flood damages.

This article shall not create liability on the part of Massie Township or any officer or employee thereof for any flood damages that result from reliance on this zoning code or any administrative decision lawfully made there under.

Section 1804 - Basis of Flood Plain Areas

The flood plain shall include all areas subject to inundation by waters of the one hundred (100) year flood. The flood plain is comprised of two parts, the floodway and the floodway fringe. The basis for the delineation shall be the US Federal Emergency Management Agency, National Flood Insurance Program. This study with accompanying maps and any revisions thereto is hereby adopted by reference and declared to be part of this zoning code. The Flood Insurance Study is on file in the office of the Warren County Regional Planning Commission. For that area denoted on the Flood Insurance Study maps as "Approximate 100 Year Flood Boundary" areas for which no detailed flood profiles or elevations are provided other sources of data may be used such as:

1. U.S. Army Corps of Engineers - Flood Plain Information Reports.
2. U.S. Geological Survey - Flood Prone Quadrangles.
3. U.S. Department of Agriculture, Soil Conservation Service - Soil Survey of Warren County, Ohio and Flood Hazard Analysis Studies.
4. Ohio Department of Natural Resources - Flood Hazard Reports and Flood Profile Charts.
5. Known high-water marks from past floods.
6. Other sources.

Where the one-hundred (100) year flood elevation cannot be determined for this area using other sources of data, the applicant for the proposed use, development and/or activity shall, if requested to do so by the Zoning Inspector, determine the one-hundred (100) year flood elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by registered professional engineers who shall demonstrate that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by Massie Township.

Section 1805 - Flood Hazard Area Provisions

All uses, activities, and development occurring within any flood plain shall be undertaken only in strict compliance with the provisions of this zoning code and with all other applicable codes and regulations of Massie Township.

Prior to any proposed alteration or relocation of a watercourse, notification of the proposal shall be given to all affected adjacent communities. Copies of such notifications shall be forwarded to both the Federal Emergency Management Agency; the Flood Insurance Coordinator, Ohio Department of Natural Resources; and the U.S. Army Corps of Engineers, Louisville District.

Section 1806 - Permitted Uses

No use, activity, or any other development shall be permitted in the Floodway except the following uses; provided the property is zoned properly for the intended use and the use is not prohibited by any other regulations or paragraph or section of this Article:

1. Agricultural uses with the exception of any building or structure;
2. Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, trap and skeet ranges, and hunting and fishing areas with the exception of any building or structure; and
3. Utilities and public facilities improvements such as railroads, streets, bridges, transmission lines, pipe lines, and other similar or related uses with the exception of any buildings.

No development, use or activity (including fill, grading and/or substantial improvements to structures, etc.) shall be permitted in the Floodway Fringe unless the applicant for the proposed development, use or activity has demonstrated that the proposed undertaking, when combined with all other existing and anticipated development, uses and activities, will not increase the water surface elevation of the one-hundred (100) year flood more than one foot at any point. The engineering principle, equal reduction of conveyance, shall be used to make the determination of increases in flood heights.

The following uses and activities having a low flood damage potential and not obstructing flood flows are permitted in the floodway fringe provided the property is zoned properly for the intended use and the use is not prohibited by any other regulations or paragraph or section of this Article; and further that no building or structure shall be erected, constructed, reconstructed, altered or moved into a premises unless a Planned Unit Development or a Conditional Use Permit as appropriate depending on the zoning district for such use has been approved:

1. Agricultural uses.
2. Public and private recreational uses and activities such as parks, camps, picnic grounds, golf courses, boat launching and swimming areas, hiking, biking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and sheet ranges, and hunting and fishing areas.

3. Accessory residential uses such as yard areas, gardens, play areas, and pervious parking areas
4. Accessory industrial and commercial uses such as yard areas, and previous parking and loading areas.
5. Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewage treatment plants, and other similar or related uses.
6. Temporary uses such as circuses, carnivals, and similar activities.
7. Storage of materials and equipment provided that they are not subject to major damage by flooding, and provided that such material and equipment is firmly anchored to prevent flotation or movement and/or can be readily removed from the area within the time available after flood warning.
8. Other similar uses and activities provided they do not cause more than the maximum allowable increase in flood heights and/or velocities. All uses, activities, and structural developments shall be undertaken in strict compliance with the flood protection provisions contained in all other applicable codes and regulations.

No freestanding sign shall be permitted in the flood plain. All other signs are permitted provided they meet the regulations of Article 12, Signs.

ARTICLE 19

SITE PLAN REVIEW

Section 1900 - Site plan requirements

1. No person shall commence any use or construction or alter any structure without first obtaining approval of a site plan except provided in Section 1904.
2. A site plan for development shall be approved prior to the issuance of zoning, building or occupancy permits.
3. No use shall be carried on; no structure shall be constructed or altered, and no other improvement or construction undertaken except as shown on an approved site plan.
4. This section shall apply to all zones, which specifically require an approved site plan, except where a Planned Unit Development is required.

Section 1901 - Site Plan Submission

1. Prior to the submission of a site plan, any owner, builder, or developer shall first consult with the Zoning Inspector.
2. All site plans shall be submitted to the Massie Township Zoning Inspector.
3. Six identical copies of the site plan shall be submitted. Additional copies may be requested by the Zoning Inspector.
4. All site plans shall be drawn at a scale of not more than one hundred (100) feet to the inch.
5. Site plans shall be on one or more sheets, which are 24 x 36 inches in size and shall be clearly and legibly drawn.
6. A filing fee shall be established by the Massie Township Trustees. This fee shall be paid upon the submission of a site plan.

Section 1902 - Site Plan Contents

1. Every site plan shall be signed by the owner of the land to which the site plan applies, or, if a corporation, by a duly authorized officer to the corporation.
2. Every site plan shall include the following:
3. The name, addresses and telephone numbers of the owner, developer, and designers.
4. Location of the property by Military Survey Number, Township, County and State.
5. The legal description of the property included in the site plan
6. The boundary lines of a property, including bearings, dimensions and a reference to a section corner, quarter corner or a point which has been established on a record plat

7. The scale of the site plan, a north point, a date and title
8. The zoning classification of the property included in the site plan and all adjoining properties
9. A vicinity sketch showing the location of the property in relation to the surrounding roadway system
10. The names of all subdivisions and property owners and the location of all property lines within five-hundred (500) feet of the property included in the site plan
11. Locations, widths and names of all existing streets, easements, permanent buildings, and corporation, township and county lines within five hundred (500) feet of the property included in the site plan
12. Existing and proposed grades, drainage systems and structures with topographic contours at intervals not exceeding:
 - a. One foot for 0% to 6% slopes
 - b. Two feet for 6% to 18% slopes
 - c. Five feet for slopes over 18%
13. Natural features such as wooded lots, streams, lakes, ponds, marshes and an indication as to whether they are to be retained, removed or altered.
14. The types of soils found on the site and seasonal wind directions
15. All flood prone areas using the one-hundred (100) year flood plain as a standard
16. The existing and proposed uses of the property and all structures therein
17. The shape, size, location, height and floor area of all existing and proposed structures on the property with their final ground floor elevations and an indication as to whether a structure is to be retained, removed, or altered
18. Front, side and rear elevations of all proposed or altered structures
19. The location and associated dimensions of all proposed streets, driveways, parking areas and sidewalks with directional indications for one way streets and driveways. Design geometrics should be included.
20. Perform a traffic impact study on the surrounding roadways
21. The location and size of all existing and proposed public and private utilities such as sewer, water, gas and electric facilities with an indication as to whether they will be retained, removed or altered
22. Location and size of any outside storage areas, loading docks and dumpsters
23. The location, dimensions and other relevant data for all proposed landscaping, fences, walls or similar structures

24. The location, dimensions, lighting and description of all signs
25. The location, intensity and orientation of all exterior lighting
26. A plan, which illustrates the manner in which surface drainage will be accommodated. This plan shall include any temporary erosion and sediment control measures to be employed during on-site construction. All drainage areas influencing or influenced by the site shall be identified.
27. A time, which indicates the anticipated starting and completion dates for construction. If the development is to be staged, indication shall be made as to how the staging is to proceed.
28. Any additional information that may be deemed necessary for proper and complete review when a proposed development presents difficult or unusual problems.

Section 1903 - Modification of Requirements

1. The Zoning Inspector may modify or eliminate any or all of the requirements. This action does not result in insufficient information for property site plan review.
2. Any requirement altered shall be noted to the Zoning Commission in a report prepared by the Zoning Inspector.

Section 1904 - Site Plan Review

1. All site plans shall be reviewed by the Zoning Commission and approved by the Massie Township Trustees, except in the case of a conditional use which is subject to Board of Zoning Appeals (BZA) review and approval as specified in Article 6.
2. Review comments concerning any site plan may be solicited from local, state, and federal agencies including but not limited to the Warren County Engineer, Massie Township, Ohio Department of Transportation, Ohio Department of Natural Resources and the Soil Conservation Service and the Warren County Regional Planning Commission.
3. All site plans shall be reviewed for their impact upon the health, safety, and general welfare of both the general public and the occupants of nearby properties. Among the factors to be considered include:
4. The adequacy and arrangement of vehicular and pedestrian circulation facilities.
5. The adequacy, location and arrangement of parking and landing facilities.
6. The location, arrangement, size and placement of all buildings, lighting facilities and signs.
7. The arrangement of landscaping, fences, and walls.
8. The adequacy and design of storm water drainage facilities.

9. The treatment of environmentally sensitive areas such as woodlands, steep slopes greater than 8%, areas with highly erodible soils and aquifer recharge areas.
10. Any other factors necessary for a complete review by the Massie Township Trustees.
11. The Massie Township Trustees may grant approval of a site plan subject to conditions, which it shall specify. Upon the satisfaction of said conditions as determined by the Zoning Inspector, approval shall be complete.
12. Upon approval of a site plan by the Massie Township Trustees, the Zoning Inspector shall endorse two (2) copies, one (1) to be retained by the Zoning Inspector, and one (1) to be returned to the applicant.
13. Minor modifications (as defined by the Zoning Inspector) to an approved site plan, may be approved by the Zoning Inspector. The Massie Township Trustees shall approve all other modifications, except for in conditional use subject to BZA approval as specified in Article 6.. A change in the building where a site has been previously approved, may, at the discretion of the Zoning Inspector, be considered a minor modification.
14. An approved site plan shall expire two (2) years after the date of its approval unless construction of the project has started.
15. An approved site plan shall run with the land and shall not expire do to change in land ownership.

Section 1905 - Exemptions from the Site Plan Requirements

1. The lawful construction, removal, or alteration of a single family or two family dwelling and any associated structures shall be exempt from the site plan requirements of Article19.
2. Any lawful use, construction, removal, or alteration on land used for agricultural purposes shall be exempt from the site plan requirements.
3. Any alteration to a building, when confined to the interior of the structure, shall be exempt from the site plan requirements.

ARTICLE 20

TELECOMMUNICATIONS FACILITY TOWERS

Section 2000 – Purpose & Applicability

The location, erection, construction, reconstruction, change or alteration or enlargement of a telecommunications facility tower, base station, support structure, and/or small cell tower shall be subject to the following provisions pursuant to ORC Section 519.211, as amended.

Table 2000: Applicability

Telecommunications Facility	General Description	Review Process	Relevant Sections
Large Tower	50 ft in height or greater	Site Plan Review (per Article 19)	2201-2202
Small Tower	Less than 50 ft in height, but greater than base zoning district height restriction	Administrative Review (i.e. Zoning Inspector)	2203-2204
Exemptions	Less than base zoning district height restriction and not considered a “substantial change”	N/A	2201.6 and 2203.4

Section 2001 – Review Process for Telecommunications Facility Large Tower

1. **Justification Study:** A justification study shall be provided for the proposed telecommunication facility. The applicant shall provide copies of certified mail correspondence with surrounding facility owners, demonstrating efforts made to collocate on an existing telecommunication facility tower in the vicinity of the proposed facility. The justification study shall identify the service area of the proposed facility tower and demonstrate how it will meet the communications need for the particular area. The Zoning Inspector may request additional information.

- a. Based on the justification study, the applicant shall locate the facility according to the following priority locations, listed from greatest priority (i) to least priority (v):
 - i. Collocation on another facility that meets the requirements of this section.
 - ii. On an existing utility structure such as a water tower.
 - iii. On an existing structure such as a steeple where the antenna can be camouflaged to retain the appearance of the structure.
 - iv. On a site where the tower will largely be screened from view from residential property and public rights-of-way by distance, intervening buildings, and vegetation.
 - v. On another location, with screening as approved.

2. Modification and/or Collocation Request:

- a. An application request that constitutes a substantial change to an existing eligible facility shall be reviewed and acted on by the Massie Township Board of Trustees, either for approval as submitted, approval with conditions, or disapproval, within 90 days after submitted to the Zoning Inspector, inclusive of tolling that may have been granted per subparagraph (3) of this Section.
 - b. An application request that does not constitute a substantial change to an existing eligible facility shall be approved by the Zoning Inspector within 60 days after submitted to the Zoning Inspector, inclusive of tolling that may have been granted per paragraph (3) of this Section.
3. **New Facility Request:** A Site Plan Review in accordance with Article 19 shall be reviewed and acted on by the Massie Township Board of Trustees, either for approval as submitted, approval with conditions, or disapproval, within 150 days after submitted to the Zoning Inspector, inclusive of tolling that may have been granted per subparagraph (3) of this Section.
4. **Tolling:** The review period begins when the application is filed, and may be tolled only by mutual agreement by the Massie Township Board of Trustees and the applicant, or in cases where the Zoning Inspector determines that the application is incomplete. To toll the timeframe for incompleteness, the Zoning Inspector must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application. Following a supplemental submission, the Zoning Inspector will notify the applicant within ten (10) days about the completeness of the application. Subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness. The timeframe resumes upon confirmation by the Zoning Inspector that the application is complete.

5. Substantial Change:

- a. Collocations and modifications of an existing eligible facility are deemed a substantial change subject to approval by the Massie Township Board of Trustees pursuant to Article 19 (Site Plan Approval) if the modification meets any of the following criteria:
 - i. There is a single increase in the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater. For other eligible support structures, the height of the structure is increased by more than 10% or more than ten (10) feet, whichever is greater;
 - ii. There is an addition of an appurtenance to the body of the tower that would protrude more than twenty (20) feet from the edge of the tower, or more than the width of the structure at the level of appurtenance, whichever is greater. For other eligible support structures, an appurtenance added to the body of the structure would protrude by more than six (6) feet from the edge of the structure;
 - iii. Entails any excavation or deployment outside the existing site;
 - iv. Would defeat the concealment elements of the eligible support structure; or
 - v. Would not comply with conditions associated with site approval for the construction or modification of the eligible support structures or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in above items (i) through (iii).

6. **Exemptions:** Collocations and modifications of an existing eligible facility shall be approved by exemption from zoning following Zoning Inspector determination per the criteria specified above in (1) that the request would not substantially change the physical dimensions of the tower or base station, involving:
 - a. Collocation of new transmission equipment;
 - b. Removal of transmission equipment; and/or
 - c. Replacement of transmission equipment.

Section 2002 - Development Standards for Large Tower Telecommunications Facility

1. **Collocation:** A new tower facility shall provide at least two (2) collocation opportunities.
2. **Setbacks:** The setback distance from the center of the tower to an adjacent property line shall be equal to the tower height as a clear falling zone and the tower site boundary shall be at least twenty (20) feet from any adjacent property line.

- a. A tower may encroach within the required setback only upon securing the following:
 - i. An easement for the affected area from an adjacent/involved property owner; or,
 - ii. Certification by the American National Standards Institute (ANSI), the Electronic Industry Association (EIA), the Telecommunication Industry Association (TIA), and/or other recognized authorities that the tower's engineered fall radius of the tower will be contained within the parcel boundary in which the site is located.
 - b. Setbacks for accessory structures may be reduced at the sole discretion of the Zoning Inspector to allow the integration of a telecommunication device into an existing or proposed structure such as a church steeple, lighting structures, electric transmission tower, or similar structure.
3. **Screening and Landscaping:**
- a. Existing on-site vegetation shall be maintained to the greatest extent possible to screen the view of the tower and base facility.
 - b. In addition, the perimeter of the site shall be planted with at least one (1) row of evergreen shrubs capable of forming a continuous hedge at least five (5) feet in height within two (2) years of planting and spaced not more than five (5) feet on center. For towers one hundred (100) feet or greater in height, in addition to the above, additional landscaping and alternate means of screening the base of the tower and any equipment buildings or off-street parking may also be required, which may include painting the tower green below the prevailing treetop level.
4. **Equipment Buildings:**
- a. Equipment shall be automated to the greatest extent possible to reduce traffic congestion.
 - b. These facilities shall not include business offices, long-term vehicle storage, outdoor storage, or other uses not necessary to transmission or reception, or broadcast studios, except for emergency purposes.
 - c. Support facilities of the base station are subject to the maximum building height permitted by the zoning district in which located.
5. **Site Access:**
- a. Shall be exclusively from a collector street or higher functional classification, unless the site has road frontage from a local street only.
 - b. Shall be installed and maintained by the site owner;
 - c. Shall be constructed of a dust-free surface material and load-bearing capacity sufficient to provide for safe intersection of the public road;
 - d. Shall be of a width that facilitates ingress/egress by vehicles anticipated to visit the site; and,

- e. Shall be approved by the applicable fire/rescue department and the Warren County Engineer or the Ohio Department of Transportation.
6. **Driveways and site circulation:**
- a. All driveways shall include a T-turnaround or parking area configured to facilitate forward movement by vehicles.
 - b. All driveways shall be a minimum width of ten (10) feet with a 20 foot wide segment or segments provided.
7. **Off-street parking:**
- a. For un-manned facilities, at least one (1) parking space shall be provided.
 - b. For manned facilities, one (1) parking space per staff person plus one additional space for a maintenance or delivery vehicle shall be provided.
8. **Lighting:**
- a. Telecommunication towers shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other applicable Federal or State Authority.
 - b. If required, lighting shall be shielded and/or oriented upwards or downward, so as not to project onto surrounding residential properties. In any case, overall site illumination shall be such that measurements along the perimeter of the site shall not exceed 0.20-foot candles.
 - c. If security lighting is required it shall be motion-sensor activated.
9. **Security Fencing:**
- a. A security fence, not less than six (6) foot tall with a locking gate, shall enclose equipment areas and the base of the tower.
 - b. On each face of the fence, signage shall prominently be displayed stating “Keep Out - No Trespassing,” and if the fence is electrified additional signage warning “DANGER – HIGH VOLTAGE” shall be displayed
 - c. Fencing shall be setback at least 20 feet from any adjacent property line.
10. **Structural Sufficiency:** The structural sufficiency of all new or altered telecommunication towers shall be certified by an engineer licensed in the state of Ohio, according to current standards of the Telecommunication Industry Association (TIA). To ensure structural integrity and the health, safety and general welfare of the public, telecommunication tower inspections shall take place as follows:
- a. Mono-pole towers at least every ten (10) years; self-support towers at least every five (5) years; guyed towers at least every three (3) years.

- b. Inspections are the sole responsibility of the tower operator of record and shall be performed by an individual or company that is a member of the National Association of Tower Erectors. Results of inspections shall be provided in writing to the Zoning Inspector. Based upon such results, the Board of Massie Township Trustees may require the repair or removal of a telecommunication tower.
11. **Liability Insurance:** The owner of the telecommunications facilities and/or site owner shall secure and at all times maintain public liability insurance for personal injuries, death, and property damage.
12. **Abandonment:**
 - a. The facility owner shall, within thirty (30) days of ceasing operation of a telecommunication facility, provide written notice of abandonment to the Zoning Inspector.
 - b. The abandoned telecommunications tower and all related equipment and buildings of the tower base station shall be removed within sixty (60) days by the tower owner following written notice from the zoning inspector via certified mail.
 - c. All costs associated with demolition and removal of the tower and associated facilities shall be borne by the tower owner or the property owner of record at the time when the facility was abandoned.

Section 2003 - Review Process for Small Cell Towers

1. **Pre-Application Conference:** A pre-application conference with the Zoning Inspector is required. Upon receipt of this request, the Zoning Inspector will coordinate with the applicant, any applicable utility providers, and the owner of the right of way or property on which the Small Cell Tower is proposed to be installed. The applicant shall provide preferred locations, structure design style and structure height upon request for the pre-application meeting.
2. **Application Submittal:** Small Cell Tower applications shall be subject to administrative review and approval by the Zoning Inspector. The factual determination approving or rejecting such plans shall be made in accordance with requirements of this and other applicable sections of the Massie Township Zoning Code. Where the Zoning Inspector finds that circumstances or conditions relating to the particular application are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more requirements unreasonable, the Zoning Inspector may modify or waive such requirement, either permanently or on a temporary basis. Any modification or waiver shall be requested in writing by the applicant.
 - a. **Application Information:** Applications are limited to ten (10) towers per application. Applicants for the construction of Small Cell Towers shall submit:
 - i. The required application fee;

- ii. A written description and map showing the coverage area of the provider's existing facilities in the general and site-specific areas that are the subject of the application;
 - iii. A statement of the telecommunications objectives for the proposed location, whether the proposed facility is necessary to prevent or fill a gap or capacity shortfall in the applicant or provider's service area, whether it is the least obtrusive means of doing so, and whether there are any alternative sites that would have fewer aesthetic impacts while providing comparable service;
 - iv. A statement by an authorized representative that the applicant or provider holds all applicable licenses or other approvals required by the Federal Communications Commission, and any other agency of state or federal government with authority to regulate telecommunications facilities that are required in order for the applicant to construct the proposed facility;
 - v. A full description of the number and dimensions of all Small Cell Towers proposed to be installed;
 - vi. A site plan, signed and sealed by a professional engineer registered in Ohio, showing the proposed location of the tower and existing structures within five hundred (500) feet of the proposed site. For Applications in which multiple towers are proposed, an overall site plan showing all proposed locations must be provided;
 - vii. A vertical profile sketch or drawing of the towers, signed and sealed by a professional engineer licensed in Ohio, indicating the height of the tower and placement of all antennas and equipment enclosures;
 - viii. Written approval from the property owner stating the applicant or provider has permission to construct a facility on their property. In the case of public right-of-way or public property, written approval must be submitted from the duly-authorized representative of the governing body holding ownership; and
 - ix. Description of whether other overhead utilities exist within five hundred (500) feet of the proposed antenna location.
3. **Review and Decision:** The Zoning Inspector shall review and take final action on applications for Small Cell Towers within sixty (60) days of a completed application. This time period will not begin until the filing fee is submitted and the application is deemed complete. The Zoning Inspector shall notify the applicant once the application is deemed complete. The Zoning Inspector shall either: approve, approve with conditions, or deny the application. After a Small Cell Tower is approved, separate applicable building, zoning, and electrical permits, and permission from the local jurisdiction, or property owner are required prior to the beginning of construction. An applicant claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal,

or decision of the Zoning Inspector in the administration of these regulations may appeal the action to the Board of Zoning Appeals.

4. **Substantial Change:** Any amendments to plans, except for the minor adjustments outlined below, shall be made in accordance with the procedure of this Section, subject to the same limitations and requirements as those under which such plans were originally approved. The following activities shall be considered minor adjustments from the original approval of an application for towers located in public rights of way. Changes are measured cumulatively from the original approval of the tower or base station.
 - a. Tower height increases by less than ten (10) percent or ten (10) feet, whichever is greater.
 - b. Change in the tower width of less than ten (10) percent or six (6) feet, whichever is greater.
5. **Exemptions:** Administrative review by Staff is not required for antennas locating on existing telecommunications structures, water towers, buildings, utility poles, or other existing structures. These facilities must adhere to all other applicable federal, state, and local zoning codes, building codes, or permits.

Section 2004 - Development Standards for Small Cell Towers

1. **Design:** The design criteria and standards for Small Cell Towers are based on the zoning district in which the facility is located.
2. **Small Cell Towers in Residential Zoning Districts:**
 - a. Temporary, mobile, and wheeled cellular antenna towers are prohibited.
 - b. Small Cell Towers shall not exceed the maximum building height for the zoning district within which they are located.
 - c. Small Cell Towers shall be designed and constructed to accommodate a minimum of two (2) service providers.
 - d. Small Cell Towers may be located on public or private land or within a public Right-of-Way provided it does not interfere with other utilities, functionality of sidewalks, visibility, or other matters of public safety.
 - e. Small Cell Towers shall not include advertisements and may only display information required by a federal, state, or local agency. Such display shall not exceed one (1) square foot in area, unless required by state or federal regulations, or unless a larger display is integral to the stealth technology. Such display shall not exceed the width of the pole, unless a wider sign is integral to the stealth technology such as a design which integrates a decorative banner.

- f. Small Cell Towers shall not be illuminated, except in accord with state or federal regulations, or unless illumination is integral to the stealth technology, such as a design intended to look like a street light pole.
- g. Small Cell Towers located in an area with primarily underground utilities shall adhere to stealth technology that incorporates the telecommunications equipment into a streetscape amenity, such as a decorative lamp post, street light or other approved design. In areas with overhead utilities, cylindrical antennas are required.
- h. Small Cell Towers shall not be located closer than fifty (50) feet to an existing residential structure or the front setback line of a residentially zoned parcel.
- i. Small Cell Towers shall not be located within five hundred (500) feet of an existing Small Cell Tower. Multiple carriers are permitted and encouraged to locate on one tower, where possible.