

# Zoning Resolution

Muskingum Township

Washington County, Ohio

Zoning Resolution of 1954  
Effective: June 5, 2019

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# **Zoning Resolution** **For Muskingum Township**

**Passed At Election May 4, 1954**

**Revised June 19, 1993/March 6, 2001/September 7, 2006/  
November 8, 2014/May 6, 2019**

The Board of Trustees of Muskingum Township, enact this revised zoning resolution and adopt the revised zoning map in order to:

1. Act in the interest of and promote the public health, safety, morals, convenience, comfort, and general welfare;
2. Conserve and protect property and property values;
3. Secure the most appropriate use of land;
4. Facilitate adequate but economical provisions for public improvements and in accordance with a comprehensive plan, do hereby adopt the following resolution to govern and regulate.
  - a. The location, size, and use of buildings and structures, in the zoned area of the Township known as Muskingum.
  - b. The percentage of lot area which may be occupied.
  - c. Set-back lines, sizes of yards and other open spaces.
  - d. The use of land for trade, industry, residences, recreations and other purposes and for such purposes divides the area of Muskingum into districts and zones.

In interpreting and applying the provisions of this Resolution, they shall be held to be the minimum requirements for the interest of public convenience, comfort, prosperity, or general welfare. Whenever the regulations of this Resolution require: a greater width or size or yards or other open spaces, a lower height limit, greater percentage of lot to be left unoccupied, a lower density of population, a more restricted use of land, or impose other higher standards than are required in any other resolution or regulation, private deed restrictions or private covenants, this Resolution shall govern.

WHEREAS, the Trustees of the Township of Muskingum, Washington County, Ohio, deem it necessary in the interest of public convenience, comfort, prosperity and general welfare to provide for the zoning and districting of the Township of Muskingum, Washington County, Ohio, as permitted by provision of section 519.01 et seq of the Revised Code of the State of Ohio, now therefore.

**BE IT RESOLVED BY  
THE TOWNSHIP TRUSTEES OF MUSKINGUM  
TOWNSHIP, WASHINGTON COUNTY, AND STATE OF  
OHIO:**

**ARTICLE I**

**GENERAL PROVISIONS**

**Section 1.01 DEFINITIONS**

For the purpose of this Resolution certain terms and words are hereby defined as follows:

Words used in the present tense include the future: Words in the singular number include the plural number and words in the plural number include the plural number and words in the singular number include the singular number: the word “building” includes the word “structure”; the word “lot” includes the word “plot”: the words “used for” include the meaning “designed for”: and the word “shall” is mandatory and not directory.

**ACCESSORY BUILDING**

An accessory building, the use of which is incidental to the main building, is a subordinate building or portion of the main building.

**ALLEY**

A public way contemplated for the use of vehicular traffic which affords secondary means of access to property abutting thereon.

**APARTMENT**

A room or suite of rooms used as a single-family dwelling including bath and culinary accommodations, located in a building in which are two or more such rooms or suites.

**APARTMENT HOTEL**

An apartment building under resident supervision, which maintains an entry lobby through which all tenants must pass to gain access to the apartments and which may furnish for the exclusive use of its tenants by previous arrangement services ordinarily furnished by such hotels.

**APARTMENT HOUSE**

A building or portion thereof used or intended to be used as a residence for two or more families living in separate apartments.

**BED AND BREAKFAST**

A private residence, where rooms are set-aside for overnight guests and whose paid accommodations include breakfast.

## BOARDING HOUSE

A building other than a hotel where lodging and/or meals for five or more persons but not exceeding twenty persons are provided for compensation pursuant to a previous arrangement.

## BLOCK

That property abutting on one side of a street between the two nearest intersecting streets or other natural barriers

## BUILDING

A structure that has a roof supported by columns or walls. When separated by a division wall without an opening, each portion of such building shall be deemed a separate building.

## BUILDING AREA (For Building Permit Dimensions Only)

The maximum horizontal projected area of a building and its accessories, excluding open porches, steps, and terraces.

This definition is used to determine the area of a building to calculate the fees for obtaining a building permit.

## BUILDING, FRONT OF

The portion of building line or yard line, adjacent to the street line affording principal access to the building.

## BUILDING, REAR OF

That portion of a building line or yard line, opposite to the front line of a building whether or not affording service access to the building.

## BUILDING LANE

The clearance line that limits the approach to a lot line of a building exclusive of open porches, terraces, walkways or separate accessory buildings.

## CARPORT

A carport is a covered vehicle parking space, for not more than two vehicles, which is not completely enclosed by walls or doors and located on the same lot as a dwelling.

A carport does not necessarily have to be attached to the main building.

## CONDOMINIUM

“Condominium” means a form of real property ownership in which a declaration has been filed submitting the property to the condominium form of ownership pursuant to Chapter 5311 of the Ohio Revised Code and under which each owner has an individual ownership interest in a unit with the right to exclusive possession of that unit and an undivided ownership interest with the other unit owners in the common elements of the condominium property. Condominiums are conditionally permitted uses in the residential zone.

COURT

An open space on the same lot with a building which is surrounded by walls on two or more sides and unoccupied and unobstructed from its lowest level upward except as otherwise provided herein.

COURT, INNER

A court surrounded on all sides by walls or by walls and a lot line.

COURT, OUTER

A court surrounded on three sides by walls and the fourth side opening on a street, alley, or yard.

COURT, LENGTH OF OUTER

The mean horizontal distance between the open and closed ends of the court.

COURT, WIDTH OF

The least horizontal dimension of a court at its lowest level.

DISTRICT

A section of the Township of Muskingum, Washington County, State of Ohio, for which the regulations governing the use and area of buildings and premises are the same.

DWELLING

Any building or portion thereof, which is designed or used primarily for resident's purposes, including condominiums but excluding hotels, motels, boarding houses, lodging houses, and tourist dwellings. An attached garage shall be considered a part of the dwelling.

DWELLING, MUTIPLE

A building designed or erected for or occupied by more than one family.

ERECT

The word "erect" shall mean construct, build, raise, or establish, either under, upon or above the ground surface.

EXTEND

To enlarge or increase area used or occupied.



## FAMILY

A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

(1) any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship; (2) two unrelated people; or (3) two unrelated people and any children related to either of them by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship. "Family" does not include any society, club, fraternity, sorority, association, lodge, federation, or like organization; any group of individuals whose association is temporary or seasonal in nature; any group of individuals who are in a group living arrangement as a result of a criminal offense. This definition is not, however, intended to prohibit those living arrangements among individuals which is specifically set forth in and authorized by applicable law as being permitted uses with the residential zoning district.

## FENCE

A barrier, railing, or other upright structure, typically of wood or wire, enclosing an area of ground to mark a boundary, control access, or prevent escape.

## FENCE, OPEN

A fence constructed for its functional, ornamental, or decorative effect and, when viewed at right angles, have not more than 50% of its vertical surface area open to light and air. Example varieties include chain link (vinyl coated or painted), split rail, or wrought iron.

## FRONTAGE

That part of a lot or lots, which abuts upon a street between two (2) consecutive intersecting streets.

## GARAGE, PRIVATE

A separate or a subordinate portion of the main dwelling enclosed on all sides and designed or used for the storage of not more than three automobiles or incidental personal property owned and solely used by the occupants of the dwelling to which it is accessory. A private garage shall not be used as a dwelling.

## GARAGE, PUBLIC

A building or portion of a building in which four or more vehicles are, or are intended to be housed under arrangements made with patrons for renting or leasing such space and accommodation. No repair work will be done in a public garage.

## GRADE, ESTABLISHED

The grade at the inside line of the sidewalk as fixed by the Township Zoning Inspector.

## HEDGE

A fence or boundary formed by closely growing bushes or shrubs.

## HOME OCCUPATION

An accessory use of a dwelling for a legitimate business, profession, trade, service or vocation, whether or not for profit, carried on within an enclosed dwelling residing therein.

### INDUSTRY

The term “industry” embraces operations involved in manufacture, production, or conversion of materials into articles of use.

### JUNK MOTOR VEHICLE

Any vehicle, including but not limited to cars, trucks, buses, trailers and boats, shall be deemed a junk motor vehicle when meeting any of the following criteria:

1. Inoperable
2. Extensively damaged, including, but not limited to any of the following: missing wheels, tires, engine, or transmission.
3. Unable to be moved under its own power and pass vehicle/boat safety and operability inspection.
4. Lacking a current State of Ohio license plate registered or boat registration to the vehicle/boat and displayed upon the vehicle/boat.

### JUNK YARD

The use of more than twenty-five (25) square feet of any land, building, or structure, whether for private and/or commercial purposes, where waste, discarded or salvaged materials including but not limited to: used lumber, used glass, discarded motor vehicles, paper, rags, rubber, cordage, barrels, etc., are sold, stored for more than fifteen (15) days, bought, exchanged, baled, packed, sorted, disassembled, dismantled, or handled.

### LOT

Land occupied or to be occupied by a building and its accessory buildings together with such open spaces as are required under this resolution and having its principal frontage upon a street or officially approved place.

### LOT, CORNER

A lot abutting upon two (2) or more streets at their intersection.

### LOT, DEPTH OF

The mean horizontal distance between the front lot line and the rear lot line.

### LOT, INTERIOR

A lot other than a corner lot.

### LOT LINES

Lines bounding a lot as defined herein.

### LOT, THROUGH

A lot having frontage on two streets that are parallel or nearly so.

## MANUFACTURED HOME

A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with federal construction and safety standards established by the Secretary of Housing and Urban Development (HUD) and has a permanent label or tag affixed to it certifying compliance with all applicable federal construction and safety standards.

## MODULAR HOME

A building unit or assembly of closed construction that is fabricated in an off-site facility and that meets the siting and construction codes regulated by state and local agencies, the same way in which site-built homes are regulated. The Ohio Building Code may be obtained from the Department of Commerce Board of Building Standards, or under the Ohio Administrative Code at Chapter 4101:1-1, et seq.

## NON-CONFORMING USE

Any building or land lawfully occupied by and/or in use on the effective date of these regulations or any amendment or supplement thereto, which does not conform to the Use Regulations of the District in which it is situated.

## PERSON

The word “person” shall include an individual, partnership, corporation, club or association, church, or governmental entity.

## PLACE

An open unoccupied space permanently reserved for purposes of access for abutting property.

## PREMISES

Land and everything of a permanent nature.

## RECREATION VEHICLE

Any vehicle used for recreational purposes, including but not limited to, all-terrain vehicles, boats, boat trailers, jet skis, motorcycles, motor homes, travel trailers, truck campers, fifth wheel campers and trailers, and snowmobiles.

## ROADSIDE STAND

A removable structure used or intended to be used solely by the owner or the tenant of a property on which it is located for the sale of seasonal agricultural products produced on the premises and to be removed and stored back of the building line on the property, at the conclusion of the seasonal sales.

## SIGN

A structure of part thereof or any device attached to land or buildings and which direct attention to a person, institution, organization, activity, place, object, product, or business.

### SOLAR PANEL

A photovoltaic panel or collector device, including any accessory equipment and mounting structures or hardware, which relies upon solar radiation as an energy source for the generation of electricity or heating.

### SOLAR PANEL, FREE STANDING

A solar panel that is not attached to a principal structure as an accessory structure and is mounted on a structure attached to the ground.

### SOLAR PANEL, ROOF MOUNTED

A solar panel attached to the roof of a principal structure. STREET  
Any roadway or public way dedicated to public use, except an alley.

### STREET LINE

A lot line bordering a street, park or other public way other than an alley line.

### STREET WALL

The main wall or front line nearest to and facing on a street including sun-parlors and roofed porches, open or closed, but excluding open steps or entrance ways.

### STRUCTURE

Anything constructed or erected, the use of which required permanent location on the ground or attached to something having a permanent location on the ground, including advertising signs, billboards, pergolas, farmers roadside stands, TV dishes and/or satellite dishes (disc), but not including fences or walls used as fences.

### STRUCTURAL ALTERATIONS

Any change in the supporting members of a buildings, such as bearing walls or partitions, columns, beams or girders, or any increase in the area of cubical contents of a building.

### TEMPORARY BUILDING

A building for use incidental to construction work that may be erected in any of the zoned districts herein established, and which shall be removed once the construction is completed.

### TERRACE

A natural or artificial embankment between a building and its lot lines.

### TRAILER OR MOBILE HOME

Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation, or use as selling or advertising device, or use for storage or conveyance for tools, equipment, or machinery and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor powers. A mobile home does not qualify as a manufactured home and is not HUD approved.

### TRAILER PARK OR MOBLIE HOME PARK

A tract or parcel of land open to the public upon which spaces for trailers or mobile homes are provided for a consideration, whether for overnight, by the day, the week, the month, or longer.

### Wall

A continuous vertical brick or stone structure that encloses or divides an area of land.

### YARD

An open, unoccupied space, other than a court, on the same lot with a building, unobstructed from the ground to the sky, except as otherwise provided herein.

### YARD, FRONT

An open unoccupied space on the same lot with a building, between the front line of a building and the front line of the lot, excluding steps and open terrace.

### YARD, REAR

An open unoccupied space on the same lot with a building between the rear line of the building (excluding accessory buildings) and the rear line of the lot, extending the full width of the lot.

### YARD, REAR, DEPTH OF

The mean distance between the rear line of the building and the center line of the alley (provided an alley exists), otherwise the rear lot line.

### YARD, SIDE

An open unoccupied space on the same lot with a building between the building and the side line of the lot extending through from the street line to the rear yard.

### ZONING CERTIFICATE or ZONING PERMIT

A statement signed by the Township Zoning Inspector, setting forth that a building or structure complies with the Zoning Resolution or that a building structure or parcel of land may lawfully be employed for specified uses, or both.

### ZONING MAP

The Zoning Districts Map of Muskingum Township, Washington County, Ohio.

**Section 1.02 SHORT TITLE**

This Resolution shall be known as the “Zoning Resolution,” and the map herein referred to indicating the boundaries of each District which is identified by the title “Township of Muskingum, Washington County, State of Ohio, Zoning Map”, and which, together with the legends, words, figures, letters, symbols, and explanatory matter thereon, is hereto attached and hereby declared to be and made a part of this ordinance, shall be known as the “Zoning Map”.

**Section 1.03 DISTRICT REGULATIONS**

That, for the purpose of regulating and restricting the location of building and other structures and of premises to be used for trade, industry, residence or other specified uses; and for the purpose of regulating the bulk and location of buildings and other structures hereafter erected or altered, set back building lines, and the area of yards, courts and other open spaces; the Township of Muskingum, County of Washington, State of Ohio, is hereby divided into Four Classes of Districts.

The use and area regulations shall be uniform in each class of District and said districts shall be known as:

“R”	Residence District;
“R-2”	Multiple Dwelling District
“C”	Commercial District;
“I”	Industrial District; and
“U”	Unrestricted District

The Districts are hereby established as designated on the Zoning Map.

**Section 1.04 APPLICATION OF REGULATIONS**

Except as hereinafter provided:

1. Hereafter no land shall be used or occupied and no building or structure shall be erected, altered, used or occupied, except in conformity with the regulations prescribed by this Resolution for the District in which such land, or building or structure is located as shown by the Zoning Map.
2. In cases of mixed occupancy, the zoning regulations shall apply to the whole of the lot affected.
3. No yard, court or other open space, provided about any building or structure for the purpose of complying with the provisions of this Resolution, shall be considered as a yard, court or other open space for more than one building or structure.
4. Inconsistencies: In the event any of the requirements or regulatory provisions of these regulations are found to be inconsistent one with another, the more restrictive or greater requirements shall be deemed in each case to be applicable.

## **ARTICLE II**

### **“R” RESIDENCE DISTRICT REGULATIONS**

#### **Section 2.01 PERMITTED USES**

In the “R” Residence District, no building or premises shall be used and no building therein shall be erected or altered, unless otherwise provided in this Resolution, except for the following uses:

1. Single Family Dwellings
2. Churches or other places of worship, including parsonages or convents.
3. Municipal utilities and buildings.
4. Public libraries and museums.
5. Public parks, public playgrounds, public recreation buildings and community centers.
6. Public water supply reservoirs, towers or filter beds
7. School
8. Farming and the buildings necessary thereto.
9. Uses customarily incidental to any of the above purposes, but not including the conduct of any retail or wholesale business, manufacture or repair
10. Home occupation permitted

#### **Section 2.02 GENERAL USES**

1. Temporary buildings: such temporary building or buildings shall be removed upon the completion or abandonment of the construction work. Under no circumstance shall a temporary building remain erected for over one (1) year from the start of construction.
2. Accessory buildings; including a private garage or a private garage constructed as a part of the residence building.

Accessory buildings may only be built concurrently with or subsequent to the erection of the main building.

Skid mounted accessory buildings with a bottom surface area greater than 120 square feet shall be considered as permitted structures.

Size Limitations:

- Residential: Square footage limited to the smallest of 3% of the lot size or 20% of the main building with a maximum height of 12 feet.
- Agricultural: Square footage limited to 10% of the lot size with a maximum height of 20 feet.

No more than two accessory buildings may be placed on a residential lot.

3. Home garden plots.
4. Recreational vehicles used on a temporary basis not to exceed accumulated use beyond 180 days per calendar year.

Storage of Recreational Vehicles:

- A. One recreational vehicle, less than nine feet in height and less than 20 feet in length may be stored on the driveway no closer than 20 feet from the public street; however, no storage is permitted in the rest of the front yard area.
  - B. A recreational vehicle may be stored in the side yard, provided that it shall:
    1. Be stored parallel to and adjacent to the structure.
    2. Not exceed the dimension of the structure by more than 6 feet and not exceed the height of the structure.
    3. Be provided with either an evergreen screening or a solid fence eight feet high planted or installed between the vehicle and the property line.
    4. Meet all applicable setbacks.
  - C. A recreational vehicle may be stored in the rear yard, provided that it shall:
    1. Be stored adjacent to the structure.
    2. Not exceed the dimension or the height of the structure.
    3. Be provided with either an evergreen screening or a solid fence eight feet high planted or installed between the vehicle and the property line.
    4. Meet applicable setbacks.
  - D. A maximum of two recreational vehicles may be stored outside of a building on any lot containing a dwelling unit. Only one such unit may be equal to or greater than nine feet in height and twenty feet in length. Such vehicles must be owned or leased by the property owner or property tenant.
  - E. All vehicles shall have current license plates if required.
  - F. No recreational vehicle shall be parked or stored on any privately owned vacant property in a residential district.
6. Road equipped motor vehicles, trailers or boats not enclosed in a garage, that conform with the State of Ohio licensing, registration and inspection laws, not including junk motor vehicles.
  7. Modular homes meeting all the same applicable siting and construction requirements as a site-built home.
  8. Signs may be erected in conjunction with lawful uses of the premises, as follows:
    - A. One (1) sign, which shall not exceed two (2) square feet in area and shall be located inside the property line.
    - B. One (1) temporary sign, not to exceed twelve (12) square feet in area regarding the lease, hire or sale of a building or premises.
    - C. One (1) name place, name sign or bulletin board at the entrance to an institution, which shall not exceed twelve (32) square feet in area and Fifteen (15) feet in height.



9. Home Occupation shall be permitted within a dwelling unit provided it does not occupy more than twenty percent (20%) of the gross floor area of the dwelling unit or two hundred (200) square feet, whichever is larger. All persons proposing to conduct a home occupation shall be required to obtain a permit from the Zoning Inspector. The initial permit shall be valid for a period of four (4) years after the date of issuance. A renewal permit must be secured for each subsequent four (4) year period thereafter. Home occupation is an accessory use of a dwelling for a legitimate business, profession, trade, service or vocation, whether or not for profit, carried on within an enclosed dwelling residing therein and provided;
  - A. The occupation is clearly incidental and secondary to the use of the dwelling for residential occupancy and there shall be no substantial indication of the non-residential use of the premises which is visible or apparent as viewed from off the premises; and
  - B. No person, other than those residing on the premises, shall own or operate such occupation. Not more than one (1) non-resident employee shall be employed at any one time in such occupation; and
  - C. There shall be no change in the outside appearance of the building or premises; and
  - D. No home occupation shall be conducted in any accessory building or structure; and
  - E. The exterior access to the space devoted to the home occupation shall not be used exclusively for such use; and
  - F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment and/or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises; and
  - G. No "commercial vehicles", having dual axles, designed for the transportation of cargo including tractor-trailers shall be used for the delivery of materials to or from the premises in conjunction with the conduct of a home occupation; and
  - H. No traffic shall be generated by such Home Occupation in greater volumes than would normally be expected in a residential neighborhood; and
  - I. No signs shall be permitted indicating that there is a home occupation in or on the premises; and
  - J. There shall be no outdoor storage of equipment or materials used in the home occupation; and
  - K. The storage, sale, or abandonment of waste paper, rags, scrap metal, discarded materials, construction debris, or the collecting, dismantling, storage, salvaging or abandonment of machinery, appliances, scrap metal or vehicles is specifically prohibited as a home occupation.

10. Roof Mounted Solar Panels are a permitted accessory structure in all Zoning Districts, subject to the following requirements.
  - A. All solar panel installations shall comply with all applicable local and state building, electrical, plumbing, and NFPA codes and maintained in good working order
  - B. The proposed solar panel system shall be no larger than necessary to provide 120 percent of the electrical energy requirements of the structure to which it is accessory to as determined by a contractor licensed to install solar energy systems.
  - C. All roof mounted solar panels on a principal structure when installed shall be flush mounted on the roof.
  - D. All roof mounted solar panels shall not extend higher than the peak of a sloped roof or higher than five (5) feet from the top of a flat roof. Requirements of the State of Ohio Fire Code must be adhered to regarding placement of panels and disconnects.
11. Fences, Walls, and Hedges. No fence, wall or hedge shall be erected without the issuance of a Certificate of Zoning Compliance and permit fees have been paid. Applications for such permit shall include plans and drawings showing the actual and accurate shape and dimensions of the property upon which the fence, wall or hedge is to be erected; the exact height, location, length, type of material and type of construction of such proposed fence or wall; the location of the buildings on the lot; or any such other information as deemed necessary for such permit.
  - A. No fence, wall or hedge or other landscaping plantings or materials shall be located within any drainage easement, or apparent drainage course for any parcel or subdivision which would be detrimental to the public health safety and welfare.
  - B. No fence, wall or hedge or landscape plantings or materials shall be located in any public right of way. No fence, wall or hedge or landscape plantings or materials shall be located so as to adversely affect the vision of drivers on the public streets or from driveways intersecting public streets. In addition, no fence, wall, hedge, plantings or landscape plantings or materials shall visibly obscure, hide, or screen fire hydrants, street address numbering, or other security or emergency service equipment, controls or components.
  - C. The height of a fence, wall, or hedge shall be measured from the established grade line to the highest point of the fence posts and finials. Any light fixture placed on a pier or post may not exceed a height of one (1) foot. The height may not be artificially increased by the use of mounding unless otherwise required by the zoning district regulations.
  - D. All fences and walls shall be structurally sound, safe, and properly finished at all times. Fences shall be designed, constructed, and finished so the supporting members thereof shall face the property of the owner of the fence. Ground areas between fences and property lines and between fences shall be kept properly maintained at all times.
  - E. Setback and height requirements shall apply to all public street frontages.
  - F. Fencing, walls or hedges that are specifically designed and used for decorative and/or landscaping purposes may be located in front and/or to the side of the principal structure, provided such decorative and/or landscaping fences, walls or hedges shall not exceed thirty-six (36) inches in height and shall not protrude more than ten (10) feet from the from the road right of way.

G. Fencing, walls or hedges that are specifically designed and used for decorative and/or landscaping purposes may be located in rear and/or to the side of the principal structure, provided such decorative and/or landscaping fences, walls or hedges shall not exceed seventy-two (72) inches in height and shall be located within the land owner's property.

Permitted Fence of the following fence types shall be permitted as follows:

Open fences, partially open fences, and hedges are permitted in any yard, or along the edge of any yard.

Solid fences shall be permitted in the rear yard only.

Prohibited Fencing of the following fence type shall not be permitted in any zoning district or yard:

Fences, walls or other landscaping equipped with or having barbed wire, spikes, sharp points or any similar device or an electrical charge sufficient to cause shock shall be prohibited. In addition, chicken wire, poultry wire or hex netting fence consisting of a galvanized or PVC coated material shall be prohibited except where associated with a swimming pool in the rear yard. This section shall not be construed or applied to prohibit underground invisible fences installed for the purpose of confining pets to property.

### **Section 2.03 NON-PERMITTED USES:**

1. Any uses that may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise, or uses inconsistent to the character of the neighborhood are prohibited.
2. Any single wind turbine or wind turbine farm generator or anemometer or any parts thereof, shall be prohibited in all classes of Zoning Districts. Anemometers used in conjunction with small weather stations are acceptable.
3. Except for commercial vehicles with a gross vehicle weight of up to 14,000 pounds, no commercial vehicles may be parked on residential lot; except for the purpose of making a delivery or pickup. Commercial vehicles, including trucks with two (2) or more axles with or without a trailer, buses, or large delivery vans are not permitted. Trailers used for commercial purposes shall fall under this same prohibition.
4. Uses not listed as permitted are prohibited.

## **Section 2.04 YARD AND AREA REGULATIONS FOR RESIDENTIAL USES**

### **FRONT YARD**

There shall be a setback of not less than fifty-five (55) feet from the center line of the street to the front line of the building and not less than forty-five (45) feet to the front line of a one story porch or any projection thereof excluding steps and open terraces, provided that the front yard shall in no case be less than fifteen (15) feet and provided further that:

1. Where forty percent (40%) or more of the frontage in block is built up with buildings, the majority of which have an average setback with a variation of not more than six (6) feet, a building hereafter erected or structurally altered may project to but shall not project beyond the average setback line so established; provided that this regulation shall not be so interpreted as to require a front yard more than thirty-five (35) feet deep;
2. On all corner lots, the setback regulation shall apply to the side of the lot abutting the side street but in the case of reversed frontage, where the corner lot faces an intersecting street, the building on the corner lot shall not be nearer the side street than the setback required on the lots in the rear of such corner lot, provided that for each one (1) foot of the building or part thereof is distant from the required rear yard line on said corner lot such building or part thereof may be erected one (1) foot nearer the required side yard line, but no nearer than forty-five (45) feet; and
3. Where any existing building erected prior to the time of the passage of this Resolution has its street wall nearer to the street line than the setback line as established by this section, then the street wall of any building erected or altered on that fifty percent (50%) of the frontage of the adjacent lot which immediately adjoins the lot occupied by such existing building may approach not nearer the street line than the street wall of such existing building.

### **AREA, REAR YARD**

There shall be a rear yard having a depth of not less than ten percent (10%) of the depth of the lot, provided such rear yard shall not be less than five (5) feet, and need not exceed fifteen feet in depth.

### **SIDE YARD**

There shall be a side yard on each side of a building of not less than eight (8) feet in width, provided however; that on a lot having a width of less than forty (40) feet, as shown by the last conveyance of record at the time of the passage of this Resolution there shall be a side yard on each side of a building of not less than ten percent (10%) of the width of the lot or in no case less than three (3) feet in width.

## **Article 111**

### **“R-2” MULTIPLE DWELLING DISTRICT REGULATIONS**

In the “R-2” Residence District, no building or premises shall be used and no building therein shall be erected or altered, unless otherwise provided in this Resolution, except for the following uses:

#### **Section 3.01 PERMITTED USES**

1. Condominiums
2. Multi-family living
3. Uses customarily incidental to any of the above purposes, but not including the conduct of any retail or wholesale business, manufacture or repair.

#### **Section 3.02 GENERAL USES**

Same as R-1 Section 2.02

#### **Section 3.03 NON-PERMITTED USES:**

1. Any uses that may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise, or uses inconsistent to the character of the neighborhood are prohibited.
2. Any single wind turbine or wind turbine farm generator or anemometer or any parts thereof, shall be prohibited in all classes of Zoning Districts. Anemometers used in conjunction with small weather stations are acceptable.
3. Uses not listed as permitted are prohibited.

#### **Section 3.04 YARD AND AREA REGULATIONS FOR R-2 USES**

Rear Yard, Side Yard, and Setback: In a “R-2” District, a building shall not require a front, rear, or side yard. Setback as established in Article II, Residence District Regulations, is only required when bordering on an “R” Residence District and not separated there from by a street or alley, in which case a side yard shall be provided should there be a setback adjacent to such district and equal in width to that required therein, and rear yard equivalent in depth to that required therein.

## ARTICLE IV

### “C” COMMERCIAL DISTRICT REGULATIONS

#### **Section 4.01 PERMITTED USES:**

In the “C” Commercial District, land may be used and building or structures may be erected, altered or used for any use permitted in the “R” Residence District together with the following uses, of which all building shall be no more than one (1) story high and contain no more than 2,500 square feet of under-roof space:

1. General Merchandise Stores, such as:
  - Department Stores
2. Food Stores, such as:
  - Grocery Stores
  - Fruit and Vegetable Markets
  - Candy, Nut and Confectionery
  - Dairy Products Stores
  - Retail Bakeries
3. Apparel and Accessory Stores, such as:
  - Clothing Stores
  - Shoe Stores
4. Miscellaneous Retail, such as:
  - Book Stores
  - Stationary Stores
  - Sewing/Needlework/Piece Goods
5. Personal Services, such as:
  - Coin-Op Laundries and Cleaners
  - Photographic Studios, Portrait
  - Beauty Shops
6. Miscellaneous Services, such as:
  - Security Brokers & Dealers
  - Investment Advice
  - Insurance Agents, Brokers
  - Real Estate Agents & Managers
  - Restaurants and other similar uses
7. Professional Offices, including:
  - Physicians
  - Attorneys
  - Psychiatrists
  - Veterinarians
  - Other such professional offices

8. Roof mounted solar panels are a permitted accessory structure in all Zoning Districts, subject to the following requirements.
  - A. All solar panel installations shall comply with all applicable local and state building, electrical, plumbing, and NFPA codes and maintained in good working order.
  - B. The proposed solar panel system shall be no larger than necessary to provide 120 percent of the electrical energy requirements of the structure to which it is accessory to as determined by a contractor licensed to install solar energy systems.
  - C. All roof mounted solar panels on a principal structure when installed shall be flush mounted on the roof.
  - D. All roof mounted solar panels shall not extend higher than the peak of a sloped roof or higher than five (5) feet from the top of a flat roof. Requirements of the State of Ohio Fire Code must be adhered to regarding placement of panels and disconnects.

All roof mounted solar panels shall not extend higher than the peak of a sloped roof or higher than five (5) feet from the top of a flat roof. Requirements of the State of Ohio Fire Code must be adhered to regarding placement of panels and disconnects.

#### **Section 4.02 NON-PERMITTED USES**

1. Any uses that may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise, or uses inconsistent to the character of the neighborhood are prohibited.
2. Any single wind turbine or wind turbine farm generator or anemometer or any parts thereof, shall be prohibited in all classes of Zoning Districts. Anemometers used in conjunction with small weather stations are acceptable.
3. Uses not listed as permitted are prohibited.

#### **Section 4.03 YARD AND AREA REGULATIONS FOR COMMERCIAL USES**

Rear Yard, Side Yard, and Setback: In a “C” Commercial District, a building other than a dwelling shall not require a front, rear, or side yard. Setback as established in Article II, Residence District Regulations, is only required when bordering on an “R” Residence District and not separated there from by a street or alley, in which case a side yard shall be provided should there be a setback adjacent to such district and equal in width to that required therein, and rear yard equivalent in depth to that required therein.

#### **Section 4.04 CHANGE OF USE OR OCCUPANCY**

A permit shall be required for any change of use or change of occupancy of any commercial premises, prior to the actual change of use or actual change of occupancy. Upon application and payment of the permit fee, the Zoning Inspector shall notify the various other governmental agencies including without limitation the fire department, the health department, the county permit office; and other township officials of the change of use or occupancy.

## **ARTICLE V**

### **“I” INDUSTRIAL DISTRICT REGULATIONS**

#### **Section 5.01 PERMITTED USES**

In the “I” Industrial District, land may be used and building or structures may be erected, altered or used for any use permitted in the “R”

All "C" commercial district uses together with the following uses:

1. Textile Mill Products, such as:
  - Broad woven Fabric Mills, Cotton
  - Narrow Fabric Mills
  - Hosiery
  - Knit Outwear Mills
2. Apparel, Fabric-Finished Products, such as:
  - Men and women clothing
  - Children Clothing
  - Curtains & Draperies
  - Pleating & Stitching
3. Printing and Publishing, such as:
  - Periodicals
  - Book Publishing
  - Book Printing
  - Miscellaneous Publishing
  - Commercial Printing, Litho
4. Fabricated Metal Products, such as:
  - Metal Cans
  - Cutlery
  - Metal Doors, Sash & Trim
  - Architectural Metalwork
  - Bolts, Nuts, Rivets & Washers
  - Wire springs



5. Electronic and Electrical Equipment, such as:
  - Household Cooking Equipment
  - Household Refrigerators & Freezers
  - Electric House wares & Fans
  - Residential Lighting Fixtures
  - Household Audio & Video Equipment
  - Printed Circuit Boards
  - Computer and telecommunications equipment, warehouse, and other related fabricated products
6. Roof mounted solar panels are a permitted accessory structure in all Zoning Districts, subject to the following requirements.
  - A. All solar panel installations shall comply with all applicable local and state building, electrical, plumbing, and NFPA codes and maintained in good working order.
  - B. The proposed solar panel system shall be no larger than necessary to provide 120 percent of the electrical energy requirements of the structure to which it is accessory to as determined by a contractor licensed to install solar energy systems.
  - C. All roof mounted solar panels on a principal structure when installed shall be flush mounted on the roof.
  - D. All roof mounted solar panels shall not extend higher than the peak of a sloped roof or higher than five (5) feet from the top of a flat roof. Requirements of the State of Ohio Fire Code must be adhered to regarding placement of panels and disconnects.

All roof mounted solar panels shall not extend higher than the peak of a sloped roof or higher than five (5) feet from the top of a flat roof. Requirements of the State of Ohio Fire Code must be adhered to regarding placement of panels and disconnects.

### **Section 5.02 NON-PERMITTED USES**

1. Any uses that may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or uses inconsistent to the character of the neighborhood are prohibited. All uses not permitted are prohibited.
2. Any single wind turbine or wind turbine farm generator or anemometer or any parts thereof, shall be prohibited in all classes of Zoning Districts. Anemometers used in conjunction with small weather stations are acceptable.

### **Section 5.03 YARD AND AREA REGULATIONS FOR INDUSTRIAL USES**

Rear Yard, Side Yard and Setback: In any “I” Industrial District, a building other than a dwelling shall not require a front, rear or side yard setback. Setback as established in Article II, Residence District Regulations, is only required when bordering on a Residence District and not separated there from by a street or alley, in which case a side yard shall be provided adjacent to such District and equal in width to that required therein.

## **Section 5.04 CHANGE OF USE OR OCCUPANCY**

A permit shall be required for any change of use or change of occupancy of any commercial premises, prior to the actual change of use or actual change of occupancy. Upon application and payment of the permit fee, the Zoning Inspector shall notify the various other governmental agencies including without limitation the fire department, the health department, the county permit office; and other township officials of the change of use or occupancy.

## **ARTICLE VI**

### **“U” UNRESTRICTED DISTRICT REGULATIONS**

#### **Section 6.01 PERMITTED USE**

In the “U” Unrestricted District, building and premises may be used for any purpose excluded from other districts by this resolution or for any other purpose authorized by the Board of Zoning Appeals established by this resolution provided that no use shall be permitted which would create a public nuisance or which would be in violation of any other resolution of this township or any law of the State of Ohio.

## **ARTICLE VII**

### **NON-CONFORMING REGULATIONS**

#### **Section 7.01 USE REGULATIONS**

A lawful non-conforming use existing on May 4<sup>th</sup>, 1954, the date of passage of this Resolution of amendments thereto may be continued until such time as there is an abandonment of such use by removal of equipment, alteration of fittings or change in the essential purpose of such use. The voluntary cessation of such use without such removal, alteration, or change for a period of two (2) years shall constitute an abandonment of use.

A building arranged, designed, or devoted to a non-conforming use on the date of the passage of this ordinance may not be reconstructed or structurally altered to any extent exceeding in aggregate cost, during any ten year period, fifty percent (50%) of the assessed value of the building, unless the use of said building is changed to a conforming use.

If any building housing a non-conforming use is destroyed after the effective date of this resolution to an extent of fifty percent (50%) or more of its assessed value, such use shall be discontinued.

A non-conforming use may not be changed to any other non-conforming use. A nonconforming use, once changed to a conforming use, may not be changed back to a non-conforming use.

#### **Section 7.02 YARD AND AREA REGULATIONS**

Any building existing at a time of the passage of this resolution which does not conform to the requirements for the district in which it is located as to area of lot, occupancy, front, rear or side yards, or setbacks shall not be reconstructed, altered or repaired to an extent exceeding twenty-five percent (25%) of its assessed value or moved or enlarged except in such manner as to make it conform to all of the regulations contained in this resolution.

## **ARTICLE VIII**

### **EXCEPTIONS**

#### **Section 8.01**

The foregoing requirements as to use and area shall be subject to the following exceptions and regulations:

1. In computing the depth of a front yard in Residential District, in portions which have been partly built up, where the average established depth of front yards of buildings with front yards fronting on one side of any given street between two cross streets exceeds the requirements under this resolution, the depth of the front yards of future building fronting on said portions of streets as required under this resolution shall be increased to conform to such average. If the average established depth of the front yard is less than that required in this resolution, the depth of the front yard may be decreased to conform to such average. No existing building shall be altered so as to decrease the depth of the front yard so that the same shall fall below the requirements of this resolution for future buildings.
2. In computing the depth of a rear yard or open court for any building where such yard or court opens onto an alley one-half of such alley may be assumed to be a portion of the yard or court.

## **ARTICLE IX**

### **DISTRICT BOUNDARIES**

#### **Section 9.01**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this resolution the following rules shall apply:

1. The district boundaries are either streets or alleys unless otherwise shown and where the designation on the map accompanying and made a part of this resolution indicates that the various districts are approximately bounded by streets or alley lines, said streets or alleys shall be construed to be the boundaries of such district.
2. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the designations upon the zoning map accompanying and made a part of this resolution indicates the various districts are approximately bounded by lot lines, said lot lines shall be construed to be the boundary of such district, unless said boundaries are otherwise indicated on the zoning map.
3. In unsubdivided property, the district boundary lines on the zoning map accompanying and made a part of this resolution shall be determined by use of the scale contained on such zoning map. Where any uncertainty may exist as to the exact boundary lines the same shall be determined by the Board of Zoning Appeals and a record kept thereof.

## **ARTICLE X**

### **INTERPRETATIONS, PURPOSES AND CONFLICTS**

#### **Section 10.01**

In interpreting and applying the provisions of this resolution, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, convenience, and general welfare. The lot or yard areas required by this resolution for a particular building shall not be diminished and shall not be included as part of the required lot or yard areas of any other buildings. The lot or yard areas of buildings existing at the time of the passage of this resolution shall not be diminished below the requirements herein provided for building hereafter erected and such required areas shall not be included as part of the required areas of any building hereafter erected. It is not intended by this resolution to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinance or any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings, or premises; nor is it intended by this resolution to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided; however, that where this resolution imposes a greater restriction upon the use of buildings or premises or requires larger yards than are imposed or required by such existing provision of law or ordinance or by such rules, regulations, or permits or by such easements, covenants or agreements, the provisions of this resolution shall control.

## **ARTICLE XI**

### **COMPLETION OF EXISTING CONSTRUCTION**

#### **Section 11.01**

Nothing herein contained shall require any change in the plans, construction or designated use of a building or structure, the construction of which shall have been diligently prosecuted within ninety (90) days prior to the effective date of this amended resolution and any further amendments, which entire building shall be completed within one (1) year from the effective date of this resolution.



## **ARTICLE XII**

### **ZONING CERTIFICATE AND COMPLIANCE**

#### **Section 12.01**

No building or premises may be constructed, altered or occupied until such certificate has been issued, and said Township Zoning Inspector has inspected the premises. Amended September 14, 1957.

Zoning Certificates shall be issued after written application therefore, or in case of new buildings or alterations within one (1) week before such erection of alteration shall be commenced provided said building or premises or part thereof erected, altered or changed in use and the proposed use thereof, conforms to all the requirements herein set forth.

All applications for Zoning Certificates shall be accompanied by a plot in duplicate, drawn to a scale showing the actual dimensions of each lot, the size and location of each building erected or to be erected upon each lot. Drawings should include structural boundaries such as roof lines, bay windows, roof gutters, etc. and such other information as may be necessary to enable the Township Zoning Inspector to determine that the structure or proposed structure and use of land will conform to the provisions of this resolution. A record of such applications and plots shall be kept in the office of the Township Trustees.

A record of all certificates and applications therefore shall be kept on file by the Township Zoning Inspector, and copies shall be furnished the owner or tenant of the building.

A fee shall be charged for each certificate or copy issued, and such fee shall be remitted to the Township Fiscal Officer. The Township Trustees may, by resolution adopted at a public meeting, from time to time establish the fee for each certificate or copy issued. The fee schedule shall be in writing and copies available from the Township Fiscal Officer and the Township Zoning Inspector.

## **ARTICLE XIII**

### **ZONING COMMISSION AND ZONING BOARD OF APPEALS**

#### **Section13.01 TOWNSHIP ZONING COMMISION-CREATION**

Pursuant to Ohio Revised Code (Hereafter “ORC”) 519.01 to 519.99, the Board of Trustees has created a Township Zoning Commission. This Commission is subject to all rules and regulations under the ORC. 519.01 to 519.99. Its meetings are subject to the Ohio Sunshine Law. Its records are those of a public body and are open to the public.

#### **Section13.02 BOARD OF ZONING APPEALS CREATION AND MEMBERSHIP**

The Muskingum Township Board of Trustees, Washington County, pursuant to Ohio Revised Code, has created the Muskingum Township Board of Zoning Appeals. The word “Board”, when used in this resolution, shall be construed to mean the Township Board of Zoning Appeals of Muskingum Township. The Muskingum Township Board of Zoning Appeals and its procedures and powers are regulated pursuant to ORC. 519.01 to 519.99. The Zoning Board of Appeals is subject to the Ohio Sunshine Law, except that deliberations only can be done in executive session. Its records are those of a public body and are open to the public.

## **ARTICLE XIV**

### **AMENDMENTS**

#### **Section 14.01**

Amendments or supplements to this zoning resolution may be made as set forth in ORC. 519.12, et seq.

This zoning resolution may be amended or changed as to number, shape, area or regulations of or within any district or districts, but no such amendment or change shall become effective unless the resolution proposing such amendment or change shall first be submitted to the Township Zoning Commission for approval, disapproval or suggestions. The amendment procedures are outlined on the accompanying flow charts and are fully detailed in the Ohio Revised Code 519.12.

## **ARTICLE XV**

### **VIOLATION OR PENALTY**

#### **Section 15.01**

Pursuant to ORC 519.99, any person, partnership, firm, corporation or association who violates any of the provisions of this resolution shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day during which such violation shall continue shall constitute a separate offense.

The application of the above penalty shall not be held to prevent neither the enforced removal of prohibited conditions, nor the enforcement of any other legal rights, including declaratory judgment, nuisance actions, injunctive actions, and any other civil and common law remedies the township zoning authorities may have pursuant to the Ohio or Federal Law.

## **ARTICLE XVI**

### **ENFORCEMENT**

#### **Section 16.01**

It shall be the duty of Washington County Prosecutor to see that this resolution is faithfully enforced. The Board of Trustees may, by resolution, obtain special counsel to assist in the enforcement of the zoning resolution.

## **ARTICLE XVII**

### **VALIDITY AND SEPARABILITY**

#### **Section 17.01**

Should any section or provision of this resolution be decided by the Courts to be unconstitutional or invalid, the same shall not affect the validity of the resolution as a whole or any part thereof other than the part so decided to be unconstitutional.

## **ARTICLE XVIII**

### **REPEALS**

#### **Section 18.01**

All resolutions or parts of resolutions in conflict with any of the provisions of this resolution are hereby expressly repealed.

## **ARTICLE XIX**

### **EFFECTIVE DATE**

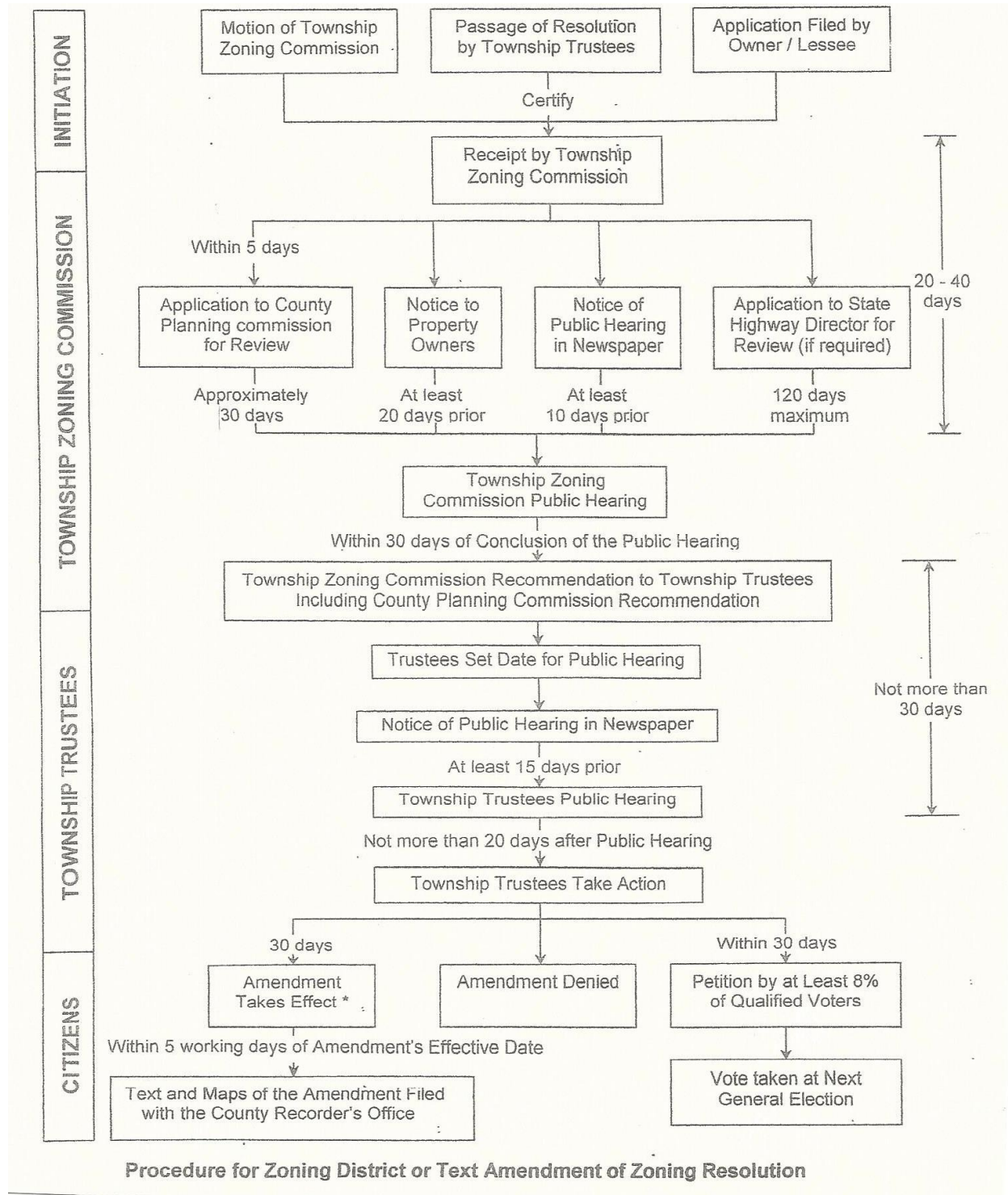
#### **Section 19.01**

This resolution shall be in full force and take effect from and after the earliest period allowed by law. May 4, 1954, and amended on June 19, 1993, and amended on March 6, 2001, and amended on September 7, 2006, and amended on November 8, 2014 and amended on May 6, 2019. Signatures are available on file at the Township office.



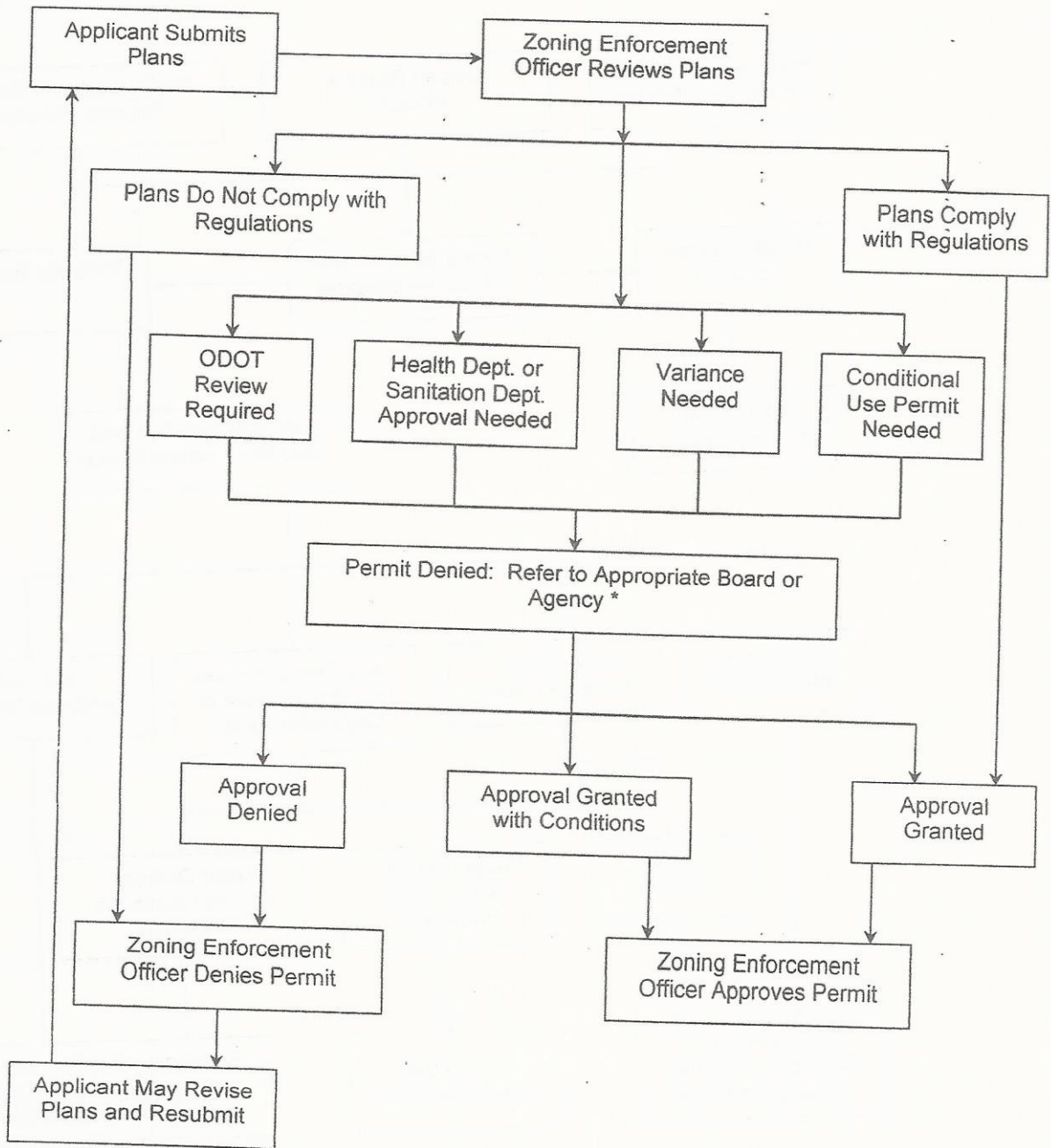
## Appendix A

### Procedure for Zoning District or Text Amendment of Zoning Resolution



## Appendix B

### Procedure for Zoning Permit Approval

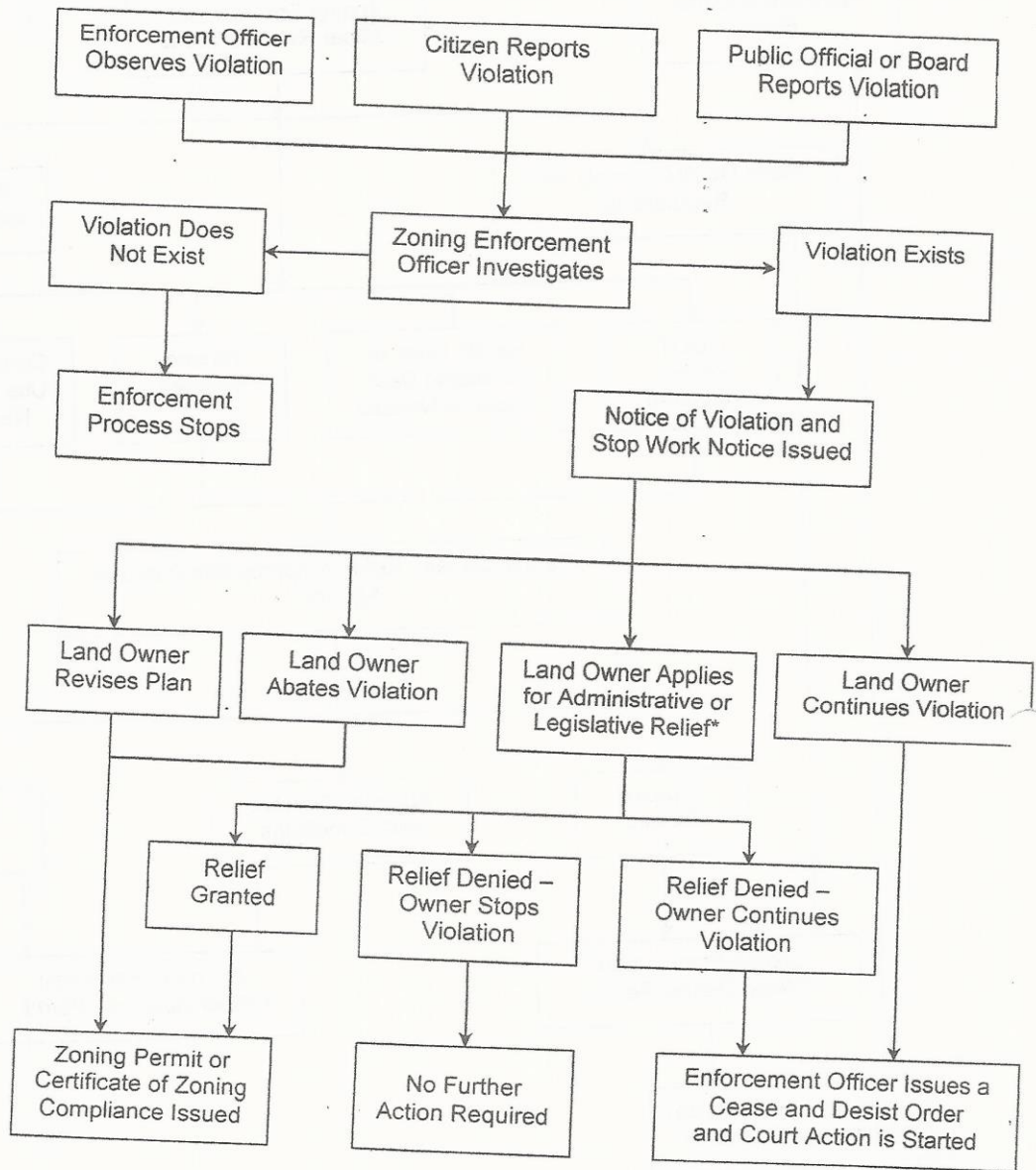


- \* Board of Zoning Appeals
- \*\* Planning or Zoning Commission

Procedure for Zoning Permit Approval

## Appendix C

### Zoning Enforcement Process for Violation

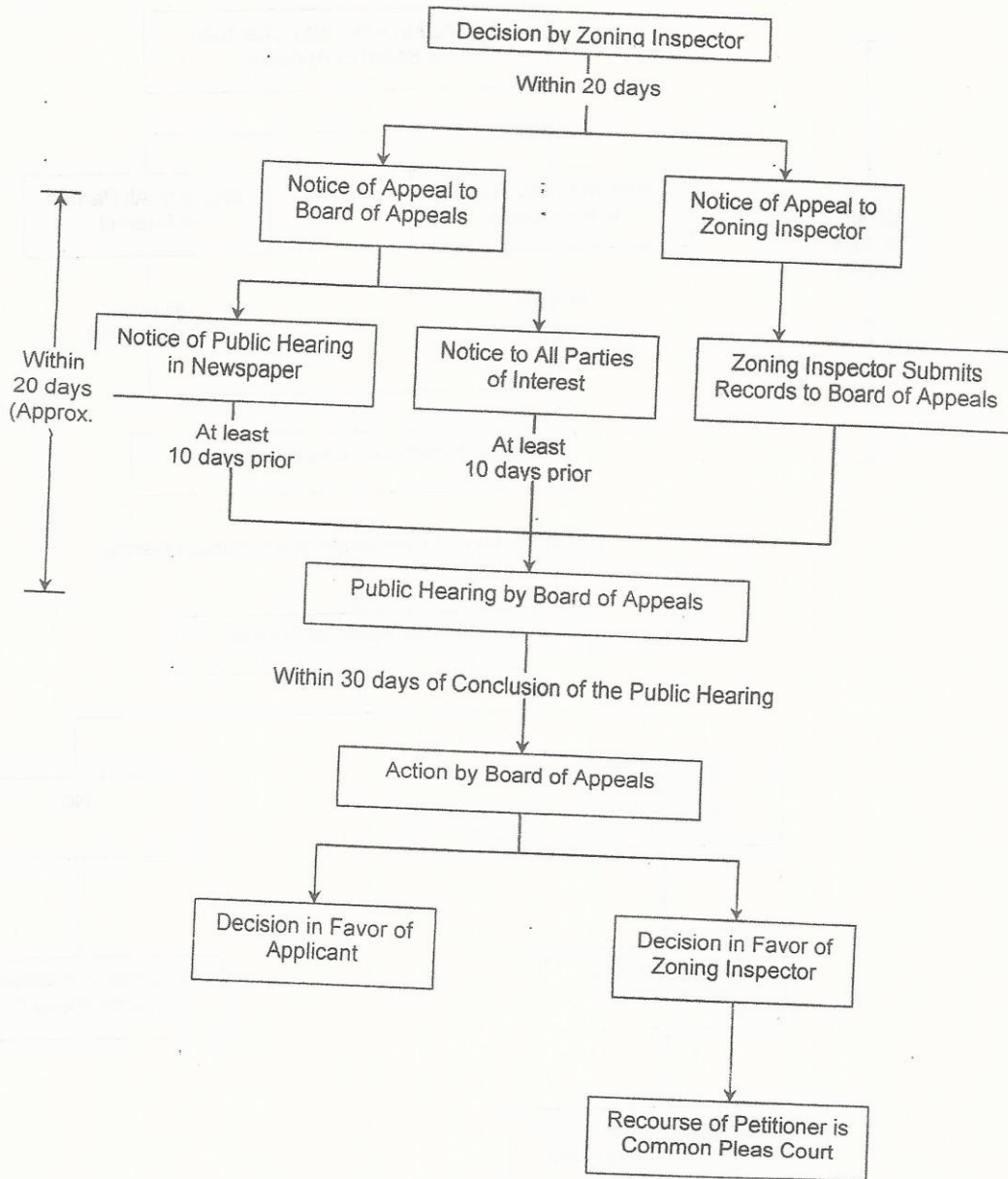


\* Administrative Relief: An Appeal; a Conditional Use Permit; or a Variance  
 Legislative Relief: A Zoning Amendment

**Zoning Enforcement Process for Violation**

## Appendix D

### Procedure for Appeal of Zoning Inspector Decision

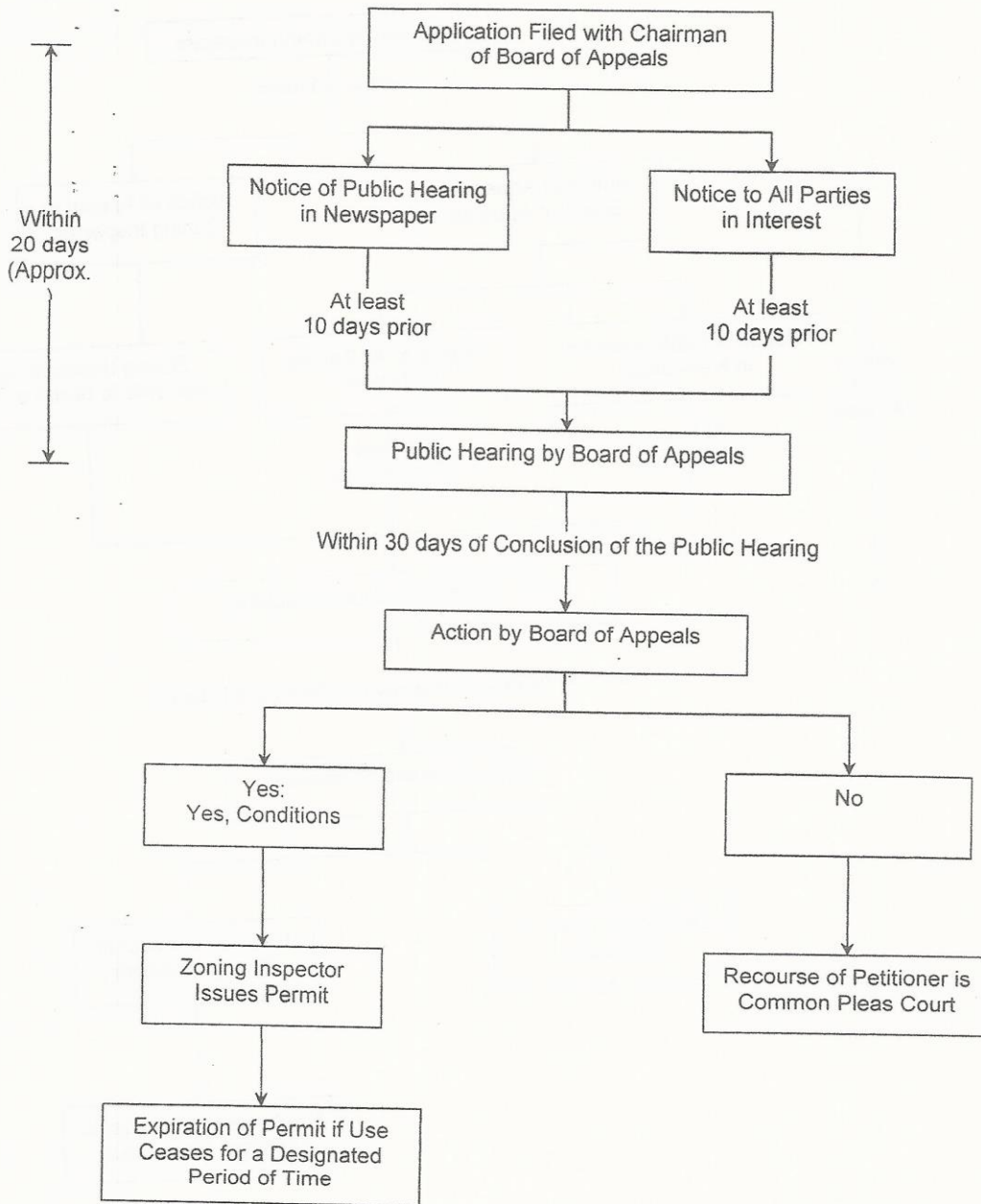


Procedure for Appeal of Zoning Inspector Decision



## Appendix E

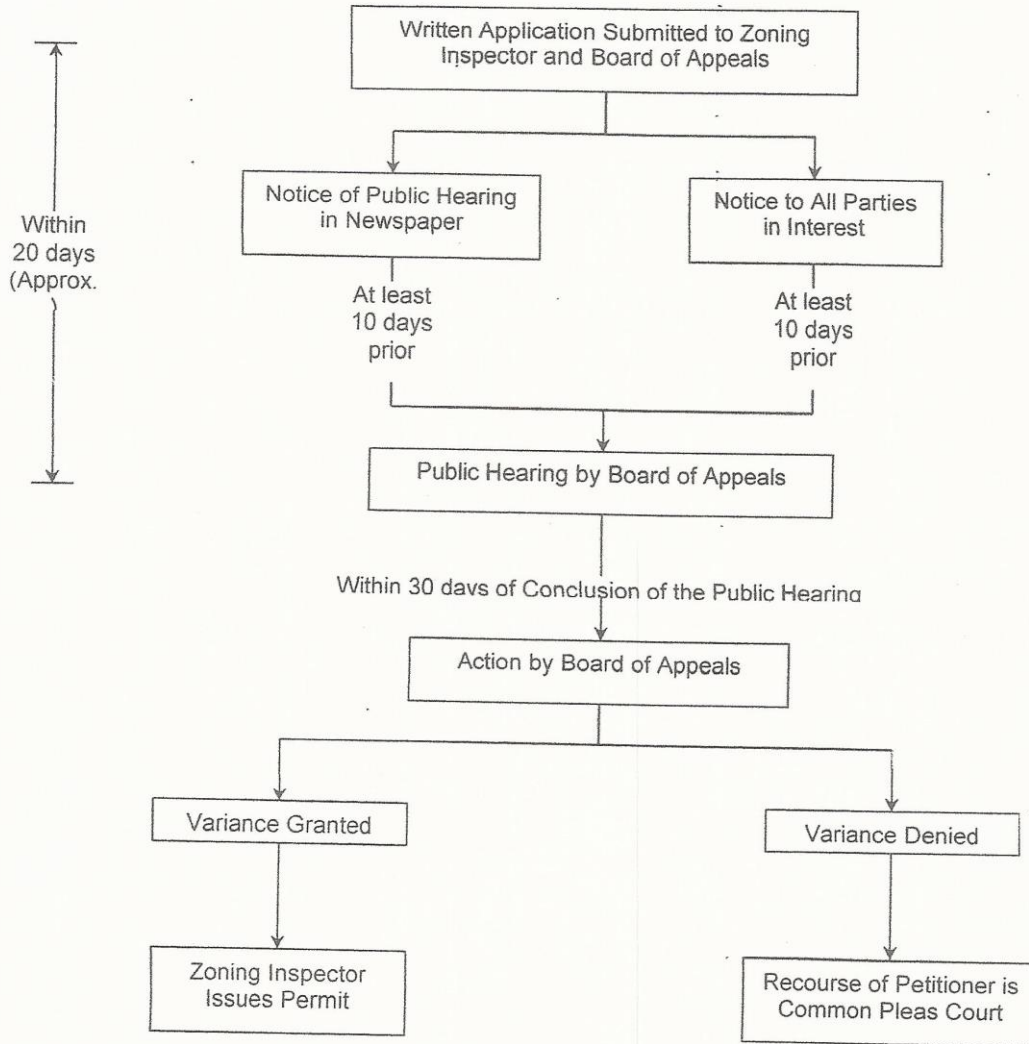
### Procedure for Conditional Use Permit



Procedure for Conditional Use Permit

## Appendix F

### Procedure for Variance of Zoning Resolution



Procedure for Variance from Zoning Resolution