

# Zoning Ordinance: Index

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## **ZONING ORDINANCE - 1.0 PURPOSE**

### **1.0 - PURPOSE**

This Zoning Ordinance is adopted for the following purposes:

- a. - To promote and protect the health, safety, comfort, morals, welfare, convenience and necessity of the public;
- b. - To secure adequate light, pure air, privacy and convenience of access to property;
- c. - To divide the area of municipality into zones, prescribing and regulating therein the location, erection, reconstruction, alteration, and use of buildings, structures and land for residential, business, manufacturing, and other specified uses;
- d. - To fix reasonable standards to which buildings and structures shall conform and to provide that alterations or remodeling of existing buildings or structures be conducted in accordance with current standards as set forth herein;
- e. - To regulate and limit the intensity of use of land;
- f. -To protect against fire, explosions, noxious fumes, and other dangers;
- g. - To avoid or lessen congestion in the public streets.
- h. - To protect the physical and mental health of the public by reducing or abating objectionable smoke, noise or other objectionable materials or influences wherever possible;
- i. - To establish setback lines along streets, trafficways, drives, parkways, and storm and flood water runoff channels or basins, and to regulate the location of structures relative to such lines;
- j. - To otherwise avoid or decrease the hazards to persons or damage to property resulting from the accumulation or runoff of storm and flood water;
- k. - To prevent the overcrowding of land and the undue concentration of structures by regulating and limiting the use and bulk of buildings in relation to the surrounding land;
- l. - To protect the character and maintain the stability of residential, business and industrial areas within Northwest Township, Williams County, Ohio;
- m. - To prohibit uses or structures which are incompatible with the character of other appropriate existing or intended development within zoning districts;
- n. - To provide for the gradual elimination of those existing uses of land, buildings and structures, and of those buildings and structures that do not conform to the standards of the zone in which they are located;



- o. - To conserve and enhance the taxable value of land and buildings;
- p. - To promote the orderly development of Northwest Township in accordance with the Comprehensive Plan;
- q. - To facilitate the more efficient use of existing utilities and to make more feasible the development of sewer and water extensions; and
- r. - To define and limit the powers and duties of the administrative officers and bodies as provided herein.

## **ZONING ORDINANCE - 2.0 DEFINITIONS**

### **2.0 - APPLICABILITY**

In the construction of this Ordinance and any subsequent amendment, the rules and definitions contained in this Article shall be observed and applied, except when the context clearly indicates otherwise:

### **2.1 - RULES**

- 2.1.1 - Words used in the present tense shall include the future tense.
- 2.1.2 - Words used in the singular number shall include the plural number and the plural number shall include the singular number.
- 2.1.3 - The words "shall" and "will" are mandatory and are not discretionary.
- 2.1.4 - The word "may" is permissive.
- 2.1.5 - The word "lot" shall include the words "place" and "parcel."
- 2.1.6 - The word "building" shall include the word "structure" and shall include all other improvements of every kind, regardless of similarity to buildings.
- 2.1.7. - The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- 2.1.8 - The word "person" shall include the words "individual," "corporation," "governmental agency," "trust," "estate," "partnership," "association," "ventures," "joint ventures," or any other legal activity.
- 2.1.9 - The masculine gender includes the feminine and neuter.

2.1.10 - All measured distances shall be expressed in feet and shall be to the nearest foot. If a fraction of one-half (1/2) foot or less, the next full number below shall be used. If a fraction of more than one-half (1/2) foot, the next full number above shall be used.

2.1.11 - Unless otherwise specified, all distances shall be measured horizontally.

2.1.12 - Word and terms shall have the meaning set forth, except where otherwise specifically indicated. Words and terms not defined herein shall be defined as in Webster's New Collegiate Dictionary - 1979 edition.

## **2.2 - DEFINITIONS**

### **ABUTTING**

Lying immediately next to, sharing a common wall or lot line, or separated only by a public roadway.

### **ACCESSORY BUILDING, STRUCTURE OR USE**

An "accessory building," "accessory structure," or an "accessory use" is one which:

- a. - Is subordinate to and serves a principal building or principal use;
- b. - Is subordinate in area, extent or purpose to the principal use served;
- c. - Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served;
- d. - Is located on the same zoning lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served; and
- e. - Complies with the provisions of Article 8, Section 8.5.

### **ADJACENT**

To lie near, close to, or in the immediate vicinity of.

### **ADVERTISING STRUCTURE**

Any structure which includes as part hereof, any sign as herein defined.

### **AGRICULTURE**

The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. Included are truck-farming, growing of nursery stock, raising of fruit and berries, bee-keeping and the retail sale of products grown or raised on the premises through one growing season.

"Agriculture" shall not include the commercial feeding of garbage or offal to swine or other animals or operating for the disposal of garbage, sewerage, rubbish or offal. Also, excluded from agriculture are mechanized industrial animal farms, commercially operated greenhouses, commercial milk farms and commercial dog kennels.

#### AGRICULTURAL BUILDING OR STRUCTURE

For the purposes of this Ordinance, an "agricultural building or structure" shall imply any building or structure existing or erected on land used principally for agricultural purposes, with the exception of dwelling units.

#### AIRPORT

Any area of land or water which is used or intended for use for the landing and taking off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxi ways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

#### ALLEY

A public right-of-way which normally affords a secondary means of access to abutting property. An alley shall not be considered a street. Further, frontage on an alley shall not be construed as satisfying the requirements related to frontage on a dedicated street.

#### ALTERATION

Any change in size, shape, occupancy, or use of a building, lot or structure.

#### ANIMAL HOSPITAL

Any structure where animals or pets are given medical or surgical treatment. Use as a kennel, or for other boarding purposes, shall be limited to short-time and fully enclosed boarding and shall only be incidental to such hospital use. Also a Veterinary Clinic.

#### APARTMENT

One (1) or more rooms in a multiple-family dwelling arranged, intended or designed as living quarters for an individual, group of individuals, or a family.

#### AUTOMOBILE LAUNDRY (CAR WASH)

A building, or portion thereof, containing facilities for washing more than one (1) automobile at any one (1) time, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial hand-washing of such automobiles, whether by operator or by customer.

#### AUTOMOBILE REPAIR GARAGE

An "automobile repair garage" is any building or premises whose primary use is for the general repair, engine rebuilding or reconditioning of motor vehicles, collision service such as body, frame and fender straightening and repair and painting of motor vehicles.

#### AUTOMOBILE SERVICE STATION

An "automobile service station" is any building or premises whose primary use is for the dispensing or sale at retail to the public of automobile fuels, lubricating oil or grease, tires, batteries and other minor automobile accessories. Services offered may include the installation of tires, batteries and minor automobile accessories, minor automobile repairs and greasing or washing of individual automobiles, but do not include major automobile repairs. See Automobile

Repair Garage.

#### AWNING

A roof-like cover, temporary in nature, which projects from the wall of a building or other structure.

#### BASEMENT

That portion of a building at or having more than one-half (1/2) of its height below the established curb level, or above the mean elevation of the centerline of the lot when no curb level has been established.

#### BLOCK

A tract of land bounded by streets, or a combination of streets and public parks, golf courses, cemeteries, railroad rights-of-way, shorelines of waterways, or municipal boundary lines.

#### BORROW PIT

Any place or premises where dirt, soil, sand, gravel, or other material is removed by excavation or otherwise, below the grade of surrounding land, for any purpose other than that necessary and incidental to grading or to building construction or operation on the premises.

#### BUILDING

Any structure built for the enclosure, protection, shelter, or support of persons, animals or property of any kind and which is permanently affixed to the ground. The term "building" shall not include fences.

#### BUILDING CODE

The Building Code of Williams County, Ohio.

#### BUILDING, COMPLETELY ENCLOSED

Any building separated on all sides from adjacent open space, or from other buildings, by a permanent roof and by exterior walls or party walls pierced only by windows and normal entrance or exit doors.

#### BUILDING, DETACHED

A building surrounded by an open space on the same lot.

#### BUILDING HEIGHT

The vertical distance from the curb level, or its equivalent, opposite the center of the front of a building to the top or the highest roof beams, in the case of a flat roof; to the deck line of a mansard roof; and to mean level of the highest gable or slope of a gable, hip or gambrel roof. Where no curb level has been established, the height of a building may be measured from the mean elevation of the center line of the street fronting the lot.

**BUILDING, RESIDENTIAL**

Any building which is arranged, designed, used, or intended to be used for residential occupancy by one or more families or lodgers and which includes, but is not limited to, the following types:

a. - Single-family detached dwellings.

b. - Two-family dwellings.

c. - Townhouse dwellings.

d. - Multiple-family dwellings.

**\*BUILDING, NON-RESIDENTIAL**

Any building other than a residential building as defined by this Ordinance

**BUILDING SETBACK LINE**

The line, perpendicular to the depth of the required front yard setback and parallel to a front lot line and/or street right-of-way line, whichever is greater, at which structures are permitted to be construed and where "lot width" is measured.

**BUILDABLE AREA OF A LOT**

That portion of a lot bounded by the required "rear" and "side yards" and the "building setback line."

**BUILDING COVERAGE**

A percentage figure referring to that portion of a lot covered only with principal and accessory buildings.

**BULK**

A composite term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and includes the following:

a. - Size and height of buildings;

b. - Location of exterior walls at all levels in relation to lot lines, streets, or to other buildings;

c. - Floor area ratio of buildings;

d. - All open spaces allocated to buildings; and

e. - Amount of lot area provided per dwelling unit.

**BUSINESS**

An occupation, employment, or enterprise which occupies time, attention, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.

**CAMP, DAY OR YOUTH**

A camp providing facilities for groups of young people such as Y.M.C.A. camps, Boy Scout camps and Girl Scout camps.

### CAPACITY IN PERSONS

The "capacity in persons" of an establishment or use is the maximum number of persons that can avail themselves of the services (or goods) of such establishment, at any one time, with reasonable comfort.

### CARPORT

An open-sided roofed automobile shelter, usually formed by extension of the roof from the side of a building.

### CAR WASH

See Automobile Laundry.

### CERTIFICATE OF OCCUPANCY

The written approval of the Zoning Administrator certifying that a newly constructed structure, addition to an existing structure, or existing structure undergoing a change in use is in full compliance with the provisions of this Ordinance and that such structure is habitable and in conformance with all applicable Township building codes and regulations.

### CLINIC

A building, the principal use of which is for offices of health professionals, which contains facilities for the examination and treatment of patients but not for their lodging.

### CLUB

An organization catering exclusively to members and their guests, or premises and buildings for social, recreational, or athletic purposes which are not conducted primarily for gain; provided that any vending stands, merchandising, or commercial activities are conducted only as required generally for the membership of such club.

### CLUSTERING

The grouping of structures, courts, cul-de-sacs, or short streets--more closely than in conventional residential plans--in order to preserve natural site amenities and open space.

### COLUMBARIUM

A vault with niches for cinerary urns.

### COMMON OPEN SPACE

Land and/or water unoccupied by structures, buildings, streets, rights-of-way and automobile parking lots and designed and intended for the use or enjoyment of residents of a Planned Unit Development. Common open space may contain walks, patios and structures for recreational use. Areas used for individual open space, such as private courtyards and not available to all residents of the Planned Unit Development, shall not be included as common open space.

### COMMON ENTRANCE

Any access facility that provides passageway from the outside to a group of apartments in a garden apartment building or apartment house.

#### COMMUNITY RESIDENCE

A dwelling unit occupied on a permanent basis as a single housekeeping unit, in a family-like environment, by unrelated persons with disabilities, plus support staff provided by a sponsoring agency, either living with the residents on a 24-hour basis, or present whenever residents with disabilities are present at the dwelling. A community residence for persons with disabilities plus support staff shall be considered a residential use. The term "Community Residence" shall not include an alcoholism or drug treatment center, a work-release facility for convicts or ex-convicts, or any other housing facility serving as an alternative to incarceration. Nothing in this definition shall affect the right of persons who satisfy the definition of "family" to live as a "family" in appropriate zoning districts.

#### COMPATIBLE USE

Any property, use, or service which is capable of direct association with certain other uses because it is complementary, congruous, or otherwise undetrimental. Compatible use is further defined in Section 13.7.2.

#### CONFORMING BUILDING OR STRUCTURE

A "conforming building" or "conforming structure" is any building or structure which:

- a. Complies with all the regulations of this Ordinance or of any amendment hereto governing bulk for the zoning district in which such building or structure is located; or
- b. Is designed or intended for a conforming use.

#### CONTIGUOUS

In contact, adjoining, or touching another object or item, as distinguished from being adjacent.

#### CONVALESCENT HOME

See Nursing Home.

#### CURB LEVEL

The level of the established curb in the front of a building or other structure measured at the center of such front. Where no curb elevation has been established, the mean elevation of the center line of the street fronting the lot shall be considered the curb level.

#### DAY CARE CENTER

An institution or place in which three (3) or more children, not of common parentage, are received and cared for apart from their parents or guardian, for part or all of a day, but not for overnight habitation. The term "day care center" includes nursery schools, child care centers, day nurseries, kindergartens, and play groups, but does not include bonafide kindergartens or nursery schools operated by public or private elementary or secondary school systems.

#### DECIBEL

A unit measuring the intensity or loudness of sound.

#### DENSITY, GROSS

The numerical value obtained by dividing the total number of dwelling units in a development by the gross area of the tract of land (in acres) within a development. This would include all non-residential land uses and private streets of the development, as well as rights-of-way of dedicated streets; the result being the number of dwelling units per gross acre of land.

#### DENSITY, NET

The numerical value obtained by dividing the total number of dwelling units in a development by the area of the actual tract of land (in acres) upon which the dwelling units are proposed to be located and including common open space and associated recreational facilities within the area; the result being the number of dwelling units per net residential acre of land. Net density calculations exclude rights-of-way of publicly dedicated streets and private streets.

#### DETENTION

The temporary on-site restraining of storm water.

#### DISTRICT

A portion of the territory of Northwest Township within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

#### DRIVE-IN AND/OR TAKE-OUT ESTABLISHMENT

A place of business operated for the retail sale and purchase of food and other goods, services, or entertainment, which is laid out and equipped so as to allow its patrons to be served or accommodated while remaining in their automobiles, or which allows the consumption of food or beverages in automobiles on the premises or elsewhere on the premise, but outside any completely enclosed structures. If, in addition to the consumption of any food or beverages in automobiles or elsewhere on the premises outside any completely enclosed structure, an establishment also allows for the consumption of such products within a completely enclosed structure, it shall be considered a drive-in and/or take-out establishment.

#### DRIVEWAY

A pathway for motor vehicles from a street to a parcel of land used only for service purposes or for access to the parcel.

#### DWELLING

A building, or portion thereof designed or used exclusively for human habitation, including single-family dwellings, two-family dwellings, townhouse dwellings, and multiple-family dwellings, but not including mobile homes, hotels or motels.

#### DWELLING, MULTIPLE-FAMILY

A building designed exclusively for human habitation containing three (3) or more dwelling units.

#### DWELLING, SINGLE-FAMILY

A building designed exclusively for human habitation containing one (1) dwelling unit and intended for occupancy by one (1) family.



#### DWELLING, TOWNHOUSE

A building designed exclusively for human habitation containing two (2) or more dwelling units where each dwelling unit is attached to another dwelling unit by a vertical wall, with each dwelling unit having an individual entrance, not accessible from the entrance of any other dwelling unit and not overlapping any part of another dwelling unit.

#### DWELLING, TWO-FAMILY

A building designed exclusively for human habitation containing two (2) dwelling units.

#### DWELLING UNIT

One (1) or more rooms, including individualized bathroom or kitchen facilities, which are arranged, designed, or used as living quarters for one (1) family or household.

#### EDUCATIONAL INSTITUTIONS

Any public, parochial, private or charitable, or non-profit school, junior college, or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers and employees.

#### EFFICIENCY UNIT

A dwelling unit consisting of one (1) principal room exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room, providing such dining alcove.

#### ELEEMOSYNARY INSTITUTION

Any building or group of buildings devoted to and supported by charity.

#### ESTABLISHMENT, BUSINESS

Any place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot.

#### FALLOUT SHELTER

An accessory building and use specifically designed for the protection of life from radioactive fallout.

#### FAMILY

A "family" consists of one (1) or more persons each related to the other by blood, marriage, or adoption (including foster children), together with such relatives of the respective spouses who are living with the family in a single dwelling and maintaining a common household. A family may also be composed of no more than three (3) unrelated persons, provided that such unrelated persons live in a single dwelling and maintain a common household and a single housekeeping unit. A family includes any domestic servants and not more than one (1) gratuitous guest residing with said family; such servants or guest shall be included in the unrelated persons attained by this definition and shall not be in addition thereto.

#### FAMILY COMMUNITY RESIDENCE

A dwelling unit occupied on a permanent basis in a family-like environment by a group of no more than six (6) unrelated persons with disabilities, plus support staff provided by an applicant, either living with the residents on a 24-hour basis, or present whenever residents with disabilities are present at the dwelling; and complied with the zoning regulations for the district in which the site is located.

#### FARM

Land being utilized for agricultural purposes.

#### FENCE

A structure used as a boundary, screen, separation, means of privacy, protection or confinement, and is constructed of wood, plastic, metal, wire mesh, masonry or other similar material and is used as a barrier of some sort.

#### FLOOR AREA (FOR DETERMINING FLOOR AREA RATIO)

For the purpose of determining the floor area ratio, the "floor area" of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The "floor area" of a building shall include basement floor area when more than one-half (1/2) of the basement height is above the established curb level or above the mean elevation of the centerline of the street fronting the lot where curb level has not been established, elevator shafts and stairwells at each floor, floor space for mechanical-equipment except equipment, open or enclosed, located on the roof-penthouses, attic space having headroom of seven feet, six inches (7'6") or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses. However, any space devoted to off-street parking or loading shall not be included in "floor area." The "floor area" of structures devoted to bulk storage of materials-including but not limited to, grain elevators and petroleum storage tanks-shall be determined on the basis of height in feet; i.e., ten (10) feet in height shall equal one (1) floor.

#### FLOOR AREA RATIO (F.A.R.)

The "floor area ratio" of the building or buildings on any zoning lot is the floor area of the building or buildings on the zoning lot divided by the gross lot area of such zoning lot, or, in the case of planned unit developments, by the gross site area, exclusive of dedicated streets. The "floor area ratio" requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

#### FRONTAGE

The length of all the property fronting on one (1) side of a street between the two (2) nearest intersecting streets, measured along the line of the street, or if dead ended, then all of the property abutting on one (1) side between an intersecting street and the dead end of the street.

#### FRONTAGE, ZONING LOT

The length of all the property of a zoning lot fronting on a street, measured between side lot lines.

#### **GARAGE, COMMERCIAL**

A building or portion thereof, other than a private garage, designed or used for equipping, servicing, repairing, hiring, selling, storing, or parking motor vehicles. The term repairing shall not include an automotive body repair shop or the rebuilding, dismantling, or storage of wrecked or junked vehicles, unless expressly authorized.

#### **GARAGE, PRIVATE**

A detached accessory building or portion of a principal building, designed, arranged, used or intended to be used for the storage of motor vehicles owned and operated exclusively by the occupants of the premises and their guests.

#### **GRADE**

The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

#### **GRADING**

The reshaping of natural land contours, using natural land materials such as soil, gravel, sand, black dirt, etc., for the purpose of eliminating erosion or sedimentation problems, creating or improving surface drainage, providing for the natural aesthetic contouring of property, or to accommodate a building plan by making minor changes in land elevation.

#### **HEIGHT OF STRUCTURE**

The "height of a structure," other than that of buildings (for height of buildings see Building Height), is the vertical distance from the ground level measured at a ninety (90) degree angle from the highest point of said structure.

#### **HOME OCCUPATION**

Any occupation or profession conducted within a dwelling unit and its permitted accessory buildings which is clearly incidental and secondary to the use of such buildings and which complies with all the regulations of this Ordinance. "Home occupations" are further defined in Section 8.5.3 of this Ordinance.

#### **HOSPITAL OR SANITARIUM**

A "hospital or sanitarium" is an institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for not less than twenty-four (24) hours in any week, of three (3) or more non-related individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term "hospital" as used in this Ordinance does not apply to institutions operating primarily for treatment of insane persons, drug addicts, liquor addicts, or other types of cases necessitating restraint of patients and the term "hospital" shall not include convalescent, nursing, shelter or boarding houses.

#### HOTEL

An establishment which provides lodging for transient guests in return for moneterial reward and which provides customary hotel services, such as maid service, the furnishing and laundering of linen, telephone and desk service, the use and upkeep of furniture, and bellboy service.

#### INCOMPATIBLE USE

A use or service which is incapable of direct association with certain other uses because it is contradictory, incongruous, or discordant.

#### INDUSTRIAL PARK

A special or exclusive type of planned industrial area designed and equipped to accommodate a variety of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

#### INORGANIC MATERIAL

An "inorganic material" is one made from substances composed of matter other than plant, animal, or certain chemical compounds or carbon. Examples are metals and glass.

#### JUNK CAR

An automobile, truck, or other motor vehicle which has been damaged to such an extent that it cannot be operated under its own power and will require major repairs before being made usable or such a vehicle which does not comply with State, County or Township laws or ordinances.

#### JUNK YARD

An open area where junk, waste, scrap, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. "Junk yard" includes automobile wrecking or salvage yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but does not include uses established entirely within enclosed buildings.

#### KENNEL

Any place in or at which any number of dogs are kept for the purpose of sale or in connection with boarding care or breeding, for which any fee is charged; or any place or at which more than four dogs over age four (4) months are kept for any purpose.

#### LAKE

Any natural or man-made body of water surrounded by land.

#### LANDFILL, DUMP

A site where refuse is deposited in a haphazard manner without adequate control of the operation.

#### LOT

A single parcel of land under unified ownership or control. A lot can be either a lot of record or a zoning lot.

**LOT AREA, GROSS**

The area of a horizontal plane bounded by the front, side and rear lot lines.

**LOT, BUILDABLE AREA**

The space remaining on a zoning lot after the minimum open space requirements of this Ordinance have been complied with.

**LOT, CORNER**

A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees. On a "corner lot," the front lot line shall be the lot line having the shorter dimension along the street line.

**LOT COVERAGE**

The "lot coverage" of a lot is the area of a lot occupied by the principal and accessory buildings.

**LOT DEPTH**

The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

**LOT FRONTAGE**

That boundary of a lot along a public or private street.

**LOT, INTERIOR**

A lot other than a corner or reversed corner lot.

**LOT LINE**

A property boundary line of any lot. When a lot extends to an abutting street or alley, the lot line shall be the closest street or alley line.

**LOT LINE, FRONT**

That boundary of a lot along an existing or dedicated public street, or where no public street exists, along a public way; where such public way is not a dedicated street the right-of-way of such public way shall be deemed to be sixty (60) feet, unless otherwise provided.

**LOT LINE, REAR**

That boundary of a lot which is most distant from, and is, or is most nearly, parallel to, the front lot line.

**LOT LINE, SIDE**

Any boundary of a lot which is not a front lot line or a rear lot line.

**LOT OF RECORD**

A lot which is a part of a subdivision, the plat of which has been recorded in the Office of the Williams County Recorder of Deeds; or a parcel of land which was lawfully recorded prior to the adoption and enactment of this Comprehensive Amendment to the Northwest Township Zoning Ordinance.

**LOT, REVERSED CORNER**

A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

**LOT, THROUGH**

A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot.

**LOT WIDTH**

The horizontal distance between the side lot lines of a lot measured within the lot boundary at the building setback line.

**LOT, ZONING**

A single tract of land located within a single block, which is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

**MARQUEE OR CANOPY**

A roof-like structure of a permanent nature which projects from the wall of a building.

**MEZZANINE**

An intermediate or fractional story between the floor and ceiling of a main story, used for a purpose accessory to the principal use. A mezzanine is usually just above the ground or main floor and extending over only part of the main floor. The floor area of a "mezzanine" is included in calculating the floor area ration (F.A.R.) of a structure.

**MICRON**

A unit of measurement, equal to one thousandth part of one millimeter (.001 millimeter).

**MOBILE HOME**

A structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is intended to be a permanent home and designed to permit the occupancy thereof as a dwelling place for one (1) or more persons. Even if structure rests on a permanent foundation, with wheels, tongue, hitch and axle or lug bolts permanently removed, it shall be construed as a mobile home. A mobile home may be with or without mechanical power.

**MOBILE HOME PARK**

An area of land or lands upon which three (3) or more independent mobile homes are harbored either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as a part of the equipment of such mobile home park. A mobile home park shall not include a sales lot or unoccupied mobile homes for the purpose of inspection and sale.

**MODERATE BURNING MATERIAL**

A material which in itself does not support combustion and which is consumed slowly as it burns.

**MOTEL**

An establishment which provides lodging for transient guests, arriving in motor vehicles, in return for monetary reward and which provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone and desk service, the use and upkeep of furniture and bellboy service. A typical motel consists of a number of bedrooms united under one (1) roof, but having individual entrances and with adequate parking available nearby.

**MOTOR FREIGHT TERMINAL**

A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate shipment by motor truck.

**MOTOR VEHICLE**

Any passenger vehicle, motorcycle, recreational vehicle, truck, truck-trailer, or semi-trailer propelled or drawn by mechanical power.

**NAMEPLATE**

A sign indicating the name and address of a building; or the name of an occupant thereof and the practice of a permitted occupation therein.

**NON-CONFORMING BUILDING OR STRUCTURE**

Any building or structure and the use thereof or the use of land that does not conform with the regulations of this Ordinance or any amendment hereto governing use in the district in which it is located, but conformed with all of the codes, ordinances and other legal requirements applicable at the time such building or structure was erected, enlarged, or altered, and the use thereof or the use of land was established.

**NON-CONFORMING USE**

Any use of land, buildings, or structures which use is not permitted in the zoning district in which such use is located.

**NON-PUTRESCIBLE MATERIAL**

A material or substance not subject to decomposition or decay.

#### NURSING HOME OR REST HOME

A home for the aged, chronically ill, care of children, infirm or incurable persons, or a place of rest for those suffering bodily disorders in which three (3) or more persons, not members of the immediate family residing on the premises, are received, kept or provided with food, shelter and care; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases, or mental illness.

#### OCTAVE BAND

A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

#### OCTAVE BAND FILTER

An electrical frequency analyzer designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals.

#### ODOROUS MATTER

Any matter that yields an odor which is offensive in any way.

#### OPEN SPACE

That portion of land and/or water not devoted to buildings or other structures, parking or loading areas, driveways, or any principal or accessory use.

#### ORDINANCE

The Northwest Township Zoning Ordinance

#### ORGANIC MATERIAL

A material or substance composed of chemical compounds of carbon in combination with other chemical elements (often hydrogen) and generally manufactured in the life processes of plants and animals. Organic substances include paper, wood, food and plastic, as well as the waste products of these and similar materials.

#### PARTICULATE MATTER

Material, other than water, which is suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid.

#### PERMITTED USE

A use which is permitted "by right" in a particular zoning district. It is contrasted with special (conditional) uses which are authorized only if certain requirements are met and after review and approval is granted by the appropriate Township boards. Permitted uses are normally principal uses of land.

#### PERSONS WITH DISABILITIES

For the purposes of this definition, "persons with disabilities" shall include a person who (1) has a physical or mental impairment which substantially limits one or more of such person's major life activities so that such person is incapable of living independently, (2) has a record of having



such an impairment, or (3) is regarded as having such an impairment. However, "persons with disabilities" shall not include any person involved in the current illegal use of or addicted to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. Sec. 902) or alcohol, nor shall it include any person whose residency in a group home would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.

#### PLANNED UNIT DEVELOPMENT (P.U.D.)

A tract of land which is developed as a unit under single ownership or unified control, which includes one (1) or more principal buildings or uses and is processed under the Planned Unit Development provisions of this Ordinance. Also, a parcel of land planned as a single unit, rather than as an aggregate of individual lots, with design flexibility from traditional siting regulations (such as side yards, setbacks and height limitations) or land use restrictions (such as prohibitions against mixing land uses within a development). The greater flexibility in locating buildings and in combining various land uses often makes it possible to achieve certain economics in construction, as well as the preservation of open space and the inclusion of many amenities.

#### PLANNED UNIT DEVELOPMENT PLAT

A drawing or map made to measurable scale upon which is presented a description and definition of the way in which the design requirements of the Planned Unit Development are to be met and intended for recording with the County Recorder of Deeds.

#### PLAN COMMISSION

The Plan Commission of the Northwest Township.

#### PRINCIPAL BUILDING

The main building upon a lot, or the building which houses the principal use of the premises.

#### PRINCIPAL USE

The primary use of land or structures as distinguished from a secondary or accessory use. A house is a principal use in a residential area; a garage or pool is an accessory use.

#### RECORDING (OF A DOCUMENT)

To officially record a document in the Office of the County Recorder of Deeds.

#### RECREATIONAL VEHICLE

Any unit designed primarily for living or sleeping purposes, equipped with wheels or placed upon a wheeled device for the purpose of transporting from place to place. This term shall include, but not be limited to, camping trailers, campers, mobile homes, tent trailers, motor coaches, tent campers and shall also include those wheeled devices upon which they are placed.

#### RESERVOIR PARKING

Those off-street parking spaces allocated to automobiles awaiting entrance to a particular establishment.

**RESTAURANT**

Any establishment whose principal business is the sale of food for consumption, in non-disposable containers, at tables located on the premises.

**RESTAURANT, CARRY-OUT**

Any business establishment where food is prepared primarily for the sale and consumption, in edible or disposable containers, off the premises of the establishment.

**RETENTION**

The permanent on-site maintenance of storm water.

**RIGHT-OF-WAY, PUBLIC**

An access way dedicated to public use.

**RIGHT-OF-WAY, RAILROAD**

A strip of land with tracks and appurtenant track operational facilities.

**RINGELMANN NUMBER**

The number appearing on the Ringelmann Chart ascribed by the observer to the density of the smoke emission. Where the density of light obstructing capacity of the smoke as observed falls between two (2) consecutive Ringelmann Numbers, the lower Ringelmann Number shall be considered the density of the smoke observed.

**ROADSIDE STAND, ACCESSORY**

A structure erected for the display and sale of

**ZONING ORDINANCE - 3.0 ZONING DISTRICTS**

**3.0 - PURPOSE**

The intent of this Section is to create a series of zones of such number and character as are necessary to achieve compatibility of uses within each zone, to implement the Comprehensive Plan, and to complement the Official Zoning Map of the Northwest Township.

For the purposes of the Zoning Ordinance, all land and water areas in the Northwest Township Water District contained within Northwest Township are hereby divided into the following zones:

**COMMERCIAL DISTRICTS**

C/B-2 - Community Business District

C/O-1 - Restricted Office District

C/S-2 - Automobile Supported Business District

C/S-3 - Central Business District

## **3.1 - ZONING MAPS**

### **3.1.1 - AUTHORIZATION**

The location and boundaries of the districts established by this Ordinance are indicated upon the map entitled, "Official Zoning Map, Northwest Township, Ohio," which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. Said Zoning Map, together with everything shown thereon and all amendments thereto, shall be as such a part of this Ordinance as if fully set forth and described verbally therein.

### **3.1.2 - LOCATION OF MAPS**

The Official Zoning Map shall be located in the Office of the Zoning Administrator and shall be the final authority as to the current zoning status of land and buildings, subject to such authorized amendments which may be in effect.

### **3.1.3 - INTERPRETATION OF BOUNDARIES**

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

1. - Boundaries are the center lines of highways, toll roads, expressways, streets, or alleys, unless otherwise indicated.
2. - Boundaries are section lines, division of sections, tracts and platted lot lines, unless otherwise indicated.
3. - In areas not subdivided into lots and blocks, wherever a district is indicated, as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the maps, measured at right angles from the center line of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or division lines, or center lines of streets and highways, or railroad rights-of-way, unless otherwise indicated.
4. - Boundaries indicated as approximately following water district boundary limits shall be construed to follow municipal boundary limits.
5. - Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
6. - Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as

moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water, shall be construed to follow such center lines.

7. - Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 6 above, shall be so construed. Distance not specifically indicated on the Official Zoning Map shall be determined by dimensions shown on the maps, or in the absence of dimensions, by the scale of the maps.

8. - Where a zoning district boundary line divides a lot in single ownership at the effective date of this Ordinance, the regulations of this Ordinance for either portion of such lot may, at the owner's discretion, apply to the entire area of the lot or twenty-five (25) feet beyond the zoning district boundary line, whichever is the lesser distance.

9. - All streets, alleys, public ways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, public ways and railroad rights-of-way. If the land abutting each side of the street, alley, public way or railroad right-of-way is located in different districts, the center of such street, alley, public way or railroad right-of-way shall be deemed to be the district boundary, unless otherwise specifically designated.

10. - Streets or alleys which are shown on the zoning map and which have heretofore been vacated, or which may be vacated hereafter, shall be in the same district as the land abutting both sides of the street or alley involved. If the land abutting each side of the street or alley was located in different districts before the said street or alley was vacated, the center line of such vacated street or alley shall be the district boundary line of the respective zoning district.

11. - Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 1 through 10 above, the Zoning Board of Appeals shall interpret the district boundaries.

#### **3.1.4 - CHANGES**

If, by amendment to this Ordinance, any change is made in any district boundary or in any other matter shown on an Official Zoning Map, such change shall be indicated on the map promptly after the amendment is adopted. The date of the latest updating of the Official Zoning Map shall be shown on the face of the map.

#### **3.1.5 - AVAILABILITY**

Zoning Maps, certified as showing the districts created, approved, and as amended, shall be available for public reference and/or sale in the Office of the Zoning Administrator.

### **3.2 - ENTIRE AREA ZONED**

It is the intent that the entire area of zoning jurisdiction, including all land and water areas, rivers, streets, alleys, and railroad and other rights-of-way, be included in the districts established by this Ordinance. If any area is not shown on the Official Zoning Map as being included in any district or covered by Subsections 1 through 10 on the previous pages, it shall be deemed to be in the C/B-2 Community Business District.

## **TOWNSHIP ZONING ORDINANCE - 5.0 COMMERCIAL DISTRICTS**

### **5.0 - PURPOSE**

Commercial district regulations are intended to govern the location, intensity and method of development of the businesses, offices, and services needed to serve the residents and commercial patrons of Northwest Township. The regulations in each district provide for groupings of business, office, and/or service uses that are compatible in the type of commodity sold, the activity performed, and/or the services offered. Petitioners for commercial zoning are encouraged to apply for such zoning only in areas designated for "commercial and services" or "office-research" uses on the official "Interim Land Use Plan of Northwest Township, Ohio." Three (3) classifications of commercial activity are provided for:

#### **COMMERCIAL/BUSINESS DISTRICTS:**

C/B-2 - Community Business District

#### **COMMERCIAL/OFFICE DISTRICTS:**

C/O-1 - Restricted Office District

#### **COMMERCIAL/SPECIALIZED DISTRICTS:**

C/S-2 - Automobile Supported Business District  
Township

For the purpose of determining the restrictiveness of the three (3) commercial zoning classifications, each of the districts shall be deemed to be independently and equally restrictive, with no hierarchy, cumulateness, or progression applying among them.

#### **COMMERCIAL BUSINESS DISTRICTS**

5.1 - Township

## **5.2 - C/B-2 COMMUNITY BUSINESS DISTRICT**

### **5.2.1 - DESCRIPTION OF DISTRICT**

The C/B-2 Community Business District is an intensive commercial classification in which the commingling of many retail, service and office uses are permitted. Structures located in this district may vary from freestanding buildings to larger community shopping centers. Shopping centers which minimize curb cuts and signage, while maximizing aesthetics, are the preferred type of development in this zone. As this classification presents compatibility problems with less intensive classifications, great care must be taken in mapping the C/B-2 zone. Normally, this district is located only at the convergence of major arterial thoroughfares.

### **5.2.2 - PERMITTED USES**

Permitted uses of land or buildings, as hereinafter enumerated, shall be permitted in the C/B-2 Community Business District only in accordance with conditions specified. Only those uses specifically listed hereunder shall be considered permitted uses, and no building or lot shall be devoted to any use other than a use permitted hereunder, with the exception of: a) uses lawfully established prior to the effective date of this Ordinance, or b) special uses in compliance with the provisions of Section 5.2.3. The following uses, itemized under "Major Category Groupings," constitute the only permitted uses in the C/B-2 zoning district:

#### **1. - RETAIL BUSINESS USES**

- a. - Agricultural Implement Sales and Service.
- b. - Antique Shops.
- c. - Apparel Stores.
- d. - Appliance Sales and Service.
- e. - Art Galleries and Sales.
- f. - Art Supply Stores.
- g. - Automobile Accessory Stores.
- h. - Bait Shops.
- i. - Bakeries; retail.
- j. - Bicycle Sales and Repair Shops.
- k. - Book Stores.
- l. - Building Material Sales, Supplies and Service.
- m. - Business Machine Sales and Service.
- n. - Camera and Photographic Supply Stores.
- o. - Candy and Confectionery Stores.
- p. - Carpet and Rug Stores.
- q. - China and Glassware Stores.
- r. - Cigar, Cigarette and Tobacco Stores.
- s. - Coin, Philatelic, Stamp and Numismatic Stores.
- t. - Dairy Product Sales.
- u. - Delicatessens.

- v. - Department Stores.
- w. - Drapery Stores.
- x. - Dressmaking Shops.
- y. - Drug Stores and Pharmacies.
- z. - Dry Goods Stores.
- aa. - Electrical Appliance and Equipment Stores.
- bb. - Farm Supply Stores.
- cc. - Feed and Grain Sales.
- dd. - Fish Markets.
- ee. - Floor Covering Sales.
- ff. - Florists.
- gg. - Food and Grocery Stores.
- hh. - Fruit and Vegetable Markets; retail.
- ii. - Furnace Supplies and Service.
- jj. - Furniture Sales.
- kk. - Furriers.
- ll. - Garden Supply Stores.
- mm. - Gift Shops.
- nn. - Greenhouses; retail or wholesale sales.
- oo. - Haberdasheries.
- pp. - Hardware Stores.
- qq. - Hearing Aid Sales.
- rr. - Hobby Shops.
- ss. - Home Supply Centers.
- tt. - Ice Cream Stores.
- uu. - Ice or Ice Machine Sales.
- vv. - Jewelry Stores.
- ww. - Lawnmower Sales and Service.
- xx. - Leather Goods and Luggage Stores.
- yy. - Linoleum and Tile Stores.
- zz. - Liquor Stores.
- aaa. - Lumber Companies and/or Yards.
- bbb. - Magazine and Newspaper Stores.
- ccc. - Meat Markets.
- ddd. - Medical Appliance Stores.
- eee. - Milk Machine Sales.
- fff. - Millinery Shops.
- ggg. - Monument and Tombstone Sales.
- hhh. - Musical Instrument Sales and Repairs.
- iii. - Newsstands.
- jjj. - Notions Stores.
- kkk. - Nurseries; retail or wholesale sales.
- lll. - Office Equipment and Supplies; retail.
- mmm. - Optician's Sales; retail.
- nnn. - Paint and Wallpaper Stores.
- ooo. - Pet Shops.

- ppp. - Phonograph Record, Tape, and Sheet Music Stores.
- qq. - Picture Framing Shops.
- rrr. - Radio and Television Sales and Service.
- sss. - Restaurants; entertainment, dancing, and the serving of alcoholic beverages prohibited.
- ttt. - Restaurants; the serving of alcoholic beverages permitted only when incidental to the serving of food as the principal activity.
- uuu. - Roadside Stands.
- vvv. - School Supply Stores.
- www. - Sewing Machine Sales.
- xxx. - Shoe Stores.
- yyy. - Souvenir and Curio Shops.
- zzz. - Sporting Goods Stores.
- aaaa. - Stationery and Card Stores.
- bbbb. - Swimming Pool Sales and Service.
- cccc. - Tailor Shops.
- dddd. - Tire, Battery and Accessory Dealers.
- eeee. - Typewriter Sales.
- ffff. - Water Softener Sales and Service.
- \*gggg. - Restaurants; including accessory use of outdoor tables or seating areas subject to the applicable provisions of Article 8, Section 8.5 and 8.7.
- hhhh-Warehousing
- iiii-Intermodal transportation facilities/hubs

## 2. - SERVICE AREAS

- a. - Artist's Studios.
- b. - Auction Rooms and Houses.
- c. - Automobile Driving Schools.
- d. - Automobile Service Stations; for the retail sale and dispensing of fuel, lubricants, coolants, tires, batteries, minor accessories and supplies, including installation and services customarily incidental thereto.
- e. - Banks; with or without drive-in facilities.
- f. - Barber Shops.
- g. - Beauty Parlors and Shops.
- h. - Beauty Schools.
- i. - Blueprinting and Photostatting Establishments.
- j. - Catering Establishments.
- k. - Cleaners; drive-in.
- l. - Cleaning and Dyeing; retail.
- m. - Clothes Pressing Establishments.
- n. - Clothes Rental Agencies.
- o. - Clothes Repair Stores.
- p. - Credit Unions.
- q. - Currency Exchanges.
- r. - Dancing Schools.



- s. - Dental and/or Medical Laboratories.
- t. - Dry Cleaners and Laundries; but not a central plan serving more than one retail outlet.
- u. - Dry Cleaners, Laundries and Laundrettes; self-service only.
- v. - Equipment Rental and Leasing Service.
- w. - Financial Institutions.
- x. - Funeral Parlors and Undertaking Establishments.
- y. - Furniture Cleaning, Upholstering and Repair.
- z. - Hotels and Motels.
- aa. - Loan Companies.
- bb. - Locksmiths.
- cc. - Music Schools.
- dd. - Orthopedic Brace and Limb Fitting and Assembly.
- ee. - Parking Lots; open and other than accessory.
- ff. - Photographic Studios.
- gg. - Savings and Loan Association; with or without drive-in facilities.
- hh. - Shoe and/or Hat Repair Shops.
- ii. - Telegraph Offices.
- jj. - Ticket Agency Offices.
- kk. - Travel Agency Offices.
- ll- Truck Service Plaza and/or facility

### 3. - OFFICE USES

- a. - Accountant's Offices.
- b. - Advertising Agency Offices.
- c. - Animal Hospitals/Veterinary Clinics.
- d. - Architect's Offices.
- e. - Attorney's and Law Offices.
- f. - Auditor's Offices.
- g. - Bookkeeping Services.
- h. - Business and Professional Offices; miscellaneous.
- i. - Chiropodist's Offices.
- j. - Chiropractor's Offices.
- k. - Dental and/or Medical Clinics.
- l. - Dentist's Offices.
- m. - Detective Agency Offices.
- n. - Doctors, Surgeons and Physician's Offices.
- o. - Employment Agency Offices.
- p. - Engineer's Offices.
- q. - Insurance Offices.
- r. - Interior Decorator's Offices.
- s. - Investment Companies.
- t. - Labor Union Offices.
- u. - Land Surveyor's Offices.
- v. - Landscape Architect's Offices.
- w. - Merchants' Association Offices.

- x. - Newspaper Offices.
- y. - Optician's Offices.
- z. - Orthodontist's Offices.
- aa. - Osteopath's Offices.
- bb. - Political Organization Offices.
- cc. - Real Estate Offices.
- dd. - Secretarial and Stenographic Services.
- ee. - Security and Commodity Brokers.
- ff. - Title Company Offices.

#### 4. - HEALTH, MEDICAL AND CARE FACILITIES

- a. - Child Care Centers, Children's Day Schools, Day Care Centers, Day Nurseries, and Nursery Schools.

#### 5. PUBLIC, EDUCATION, AND UTILITY USES

- a. Bus Passenger's Stations.
- b. Bus Terminals, Turnarounds and Lots.
- c. Business Colleges/Commercial Schools.
- d. Garages and Parking Lots; public.
- e. Libraries.
- f. Office Buildings; public.
- g. Railroad Passenger's Stations.

#### 6. RECREATION AND SOCIAL FACILITIES

- a. Bowling Alleys.
- b. Clubs; indoors.
- c. Dance Halls.
- d. Lodges and Fraternal Organizations.
- e. Theaters; indoor.

#### 7. MISCELLANEOUS USES

- a. Exhibition Halls.
- b. Meeting Halls.
- c. Reading Rooms; religious.
- \*d. Personal Wireless Service Facilities including an antenna or equivalent apparatus mounted on an existing building or structure that is greater than forty-five (45) feet in height as a permitted use subject to the provisions of Section 8.14 of this Ordinance.

#### 5.2.3 - SPECIAL USES

Special uses, as hereinafter listed, may be allowed subject to the issuance of special use permits in accordance with the provisions of Article 13. The following uses, itemized under "Major Category Groupings," constitute the only special uses in the C/B-2 zoning district:

### 1. RETAIL BUSINESS USES

- a. Automobile Sales and Service.
- b. Boat Sales, Rentals, Storage, and Repairs.
- c. Camper Sales and Service.
- d. Catalog Sales/Mail Order Stores.
- e. Flea Markets.
- f. Recreational Vehicle Sales.
- g. Restaurants; drive-in, drive-thru or carry-out.
- h. Restaurants; dancing, live entertainment, and the serving of alcoholic beverages are permitted.
- i. Trading Stamp Stores.
- j. Truck Sales and Service.
- \*k. Restaurants; including accessory use of outdoor tables or seating areas, subject to the applicable provisions of Article 8, Section 8.5 and 8.7.

### 2. SERVICE USES

- a. Ambulance Service Garages.
- b. Automobile Diagnostic Centers and Clinics.
- c. Automobile (car) Washes.
- d. Automobile Parking Lots or Garages; commercial.
- e. Automobile Rentals.
- f. Automobile Repair Garages.
- \*g. Contractors Offices & Accessory Equipment yards not exceeding two (2) acres in total land area.
- h. Truck Service Garage

### 3. RECREATION AND SOCIAL FACILITIES

- a. Amusement Establishments; including shooting galleries, pinball machines, and similar amusement facilities
- b. Billiard and Pool Halls
- c. Clubs; outdoor.
- d. Community Center Buildings, Clubhouses, Recreation Buildings, Swim Clubs and Indoor Pools, Tennis Clubs for Indoor Tennis; non-commercial, not-for-profit, and owned by the residents or owners of a development.
- e. Fairgrounds and Exhibition Grounds
- f. Golf Courses; driving ranges.
- g. Golf Courses; par-three and miniature.
- h. Gymnasias; commercial.
- i. Health Clubs.
- j. Skating, Ice, and Roller Rinks; indoor.
- k. Swim Clubs, Swimming Pools, Buildings for Indoor Pools.
- l. Tennis Clubs, Racquetball Clubs, Handball Clubs; with outdoor and indoor facilities.

**4. PUBLIC, EDUCATION, AND UTILITY USES.**

- a. Electric Substations, Gas Regulator Stations, and Telephone Exchanges.
- b. Fire Stations.
- c. Libraries.
- d. Police Stations.
- e. Post Offices.
- f. Pumping Stations, Water Works, Water Towers, or Wells; public.

**5. RESIDENTIAL USES**

- a. None permitted.

**6. MISCELLANEOUS USES**

- a. Regional Shopping and Mixed Use Commercial Facility.

This use shall consist of retail and mixed use commercial facility developed under a unified development plan on a site consisting of not less than (200) acres. A Special Use Permit shall be issued setting forth the terms and conditions of a Special Use granted under this paragraph.

- b. Personal Wireless Service Facilities including an antenna or equivalent apparatus mounted on an existing building or structure as a special use subject to the provisions of Section 8.14 of the Ordinance.
- c. Personal Wireless Service Facilities including an antenna or equivalent apparatus mounted on a building or structure that is not an existing building or structure as a special use subject to the provisions of Section 8.14 of this Ordinance.

**7. HEALTH, MEDICAL, AND CARE FACILITIES\***

- a. Child Care Centers, Day Care Centers, Children's Day Schools, Day Nurseries, Nursery Schools.

**8. SIMILAR AND COMPATIBLE USES** to those allowed as "permitted uses" in this district. Determination of "similar and compatible" shall be made in accordance with Article 13, Section 13.7.2.

**5.2.4 - ACCESSORY USES AND TEMPORARY USES**

Uses accessory and incidental to the operation of an approved use listed heretofore, shall be allowed in the C/B-2 zoning district only if in compliance with Article 8, Section 8.5.

Temporary uses of property may be allowed in the C/B-2 zoning district only if in compliance with Article 8, Section 8.6.

**5.2.5 - SITE AND STRUCTURE PROVISIONS**

Each permitted or special use lawfully established in the C/B-2 zoning district shall meet the requirements specified in the schedule in Section 5.2.5.1. Unless otherwise indicated, where a major category is named it shall be deemed to

include all uses itemized thereunder in Sections 5.2.2 and 5.2.3.

Special uses may be required to meet more restrictive site and structure provisions if the Township Board, acting upon the recommendation of the Plan Commission, determines that such requirements are necessary to the public health, safety and general welfare.

Child Care Centers, Children's Day Schools, Day Care Centers, Day Nurseries, and Nursery Schools shall provide a minimum of one hundred fifty (150) square feet of outdoor play area for each child capable of being cared for.

## 2. - MINIMUM AREA OF DISTRICT

The minimum area that may constitute a separate or detached part of the C/B-2 zoning district on the Northwest Township Zoning Map, or subsequent amendments to said Zoning Map, shall be two (2) acres. However, land zoned in the C/B-2, C/O-1, and/or C/S-2, zoning district which immediately abuts or is directly across the street from land zoned in the C/B-2 classification, may be included in the calculations in meeting the minimum requirements.

### 5.2.6 - OTHER PROVISIONS

#### 1. - PARKING AND LOADING REQUIREMENTS

- All uses shall conform to the applicable requirements for off-street parking and loading set forth in Article 10.

#### 2. - SIGN REQUIREMENTS

All uses shall conform to the applicable requirements for signs set forth in Article 11.

#### 3. - TRUCKS

- The parking of trucks, accessory to a permitted business, when used in the operation of said permitted business listed in the C/B-2 district, shall be permitted

#### 4. - SEWER AND WATER

- All uses requiring sanitary facilities shall be served by a municipal sewer and water system, a private community sewer and water system, or a private individual water supply system subject to the approval of the Williams County Health Department. However, hotels, motels, restaurants and other similar

business establishments and activities, must be served by either a municipal or private community sewer and water system, and not by a private individual water supply system. All other commercial establishments may be served by a private individual sewage disposal system, only if said establishment is situated on a lot of at least 40,000 square feet and provided that said system shall be approved by the Williams County Health Department.

#### 5. - EXTERIOR LIGHTING

- All exterior lighting shall be shaded or inwardly directed so that no direct lighting is cast upon adjacent zoning lots.

#### 6. - BUSINESS REQUIREMENTS

- a. - Residential Requirements

- Residential uses are not permitted.

- b. - Retail or Service Uses Only

- All business establishments shall be retail or service in use dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

- c. - Operation Within An Enclosed Structure

- All business, service, storage, and display of goods shall be conducted within completely enclosed structures, except for:

- (1) - Agricultural Uses;

- (2) - Off-Street Parking and Loading, as regulated by Article 10, Off-Street Parking and Loading;

- (3) - Automobile Service Stations;

- (4) - Outdoor Sale of Building and Garden Supply Materials and Goods;

- (5) - Sales or Display of Merchandise Sold or Offered for Sale Through Vending Machines, provided such machines do not occupy an aggregate ground area of more than sixteen (16) square feet;

- (6) - Temporary Outdoor or Sidewalk Sales, as regulated by Article 8, Section 8.6.;

- \*(7) - Outdoor Tables or Seating Areas accessory to restaurants, as regulated by Article 8, Sections 8.5 and 8.7; and

- \*\* (8) - Accessory outdoor storage of related contractors equipment only as a part of an approved special use provided that a screening plan from abutting properties is included as a part of the special use.

- d. - Restriction on Sales and Services Involving Parked Motor Vehicles

- Except for automobile laundries, automobile service stations, drive-in restaurants, and drive-in bank and savings and loan association facilities, when authorized as special uses no business establishment shall offer goods or services directly to customers waiting in parked motor vehicles, or sell beverages or food for consumption on the premises in parked motor vehicles.

e. - Performance Standards

- All business establishments and activities shall conform with the performance standards established for the I-1 Restricted Industrial District, provided that performance standards shall in every case be applied at the boundaries of the zoning lot in which such activities take place.

### **5.3 - C/O-1 RESTRICTED OFFICE DISTRICT**

#### **5.3.1 - DESCRIPTION OF DISTRICT**

The C/O-1 Restricted Office District is intended to provide for the development of small office structures which can be located proximate to residential areas. Buildings located in this district are generally small one- to three-story structures and can accommodate most professional office functions which require modest physical space. Also permitted are structures originally constructed for residential purposes which are suitable for use as small offices and which are--from land use and zoning perspectives--justified to be put to such use. These structures must be adapted for use as small offices. Retail uses are severely limited and consist only of uses which directly supplement an office use (i.e., a pharmacy supplements a medical clinic). The district is normally located on primary or secondary thoroughfares, is relatively small in size, and requires protective measures to make the uses permitted more compatible with adjacent land uses.

#### **5.3.2 - PERMITTED USES**

Permitted uses of land or buildings, as hereinafter enumerated, shall be permitted in the C/O-1 Restricted Office District only in accordance with conditions specified. Only those uses specifically listed hereunder shall be considered permitted uses, and no building or lot shall be devoted to any use other than a use permitted hereunder, with the exception of: a) uses lawfully established prior to the effective date of this Ordinance, or b) special uses in compliance with the provisions of Section 5.3.3. The following uses, itemized under "Major Category Groupings," constitute the only permitted uses in the C/O-1 zoning district.

##### **1. - OFFICE USES**

- a. - Accountant's Offices.
- b. - Advertising Agency Offices.
- c. - Architect's Offices.
- d. - Attorney's and Law Offices.
- e. - Auditor's Offices.

- f. - Bookkeeping Services.
- g. - Business and Professional Offices; miscellaneous.
- h. - Chiropodist's Offices.
- i. - Chiropractor's Offices.
- j. - Dental and/or Medical Clinics.
- k. - Dentist's Offices.
- l. - Detective Agency Offices.
- m. - Doctor's, Surgeon's, Physician's Offices.
- n. - Employment Agency Offices.
- o. - Engineer's Offices.
- p. - Insurance Offices.
- q. - Interior Decorator's Offices.
- r. - Investment Companies.
- s. - Labor Union Offices.
- t. - Land Surveyor's Offices.
- u. - Landscape Architect's Offices.
- v. - Merchants' Association Offices.
- w. - Newspaper Offices.
- x. - Optician's Offices.
- y. - Orthodontist's Offices.
- z. - Osteopath's Offices.
- aa. - Political Organization Offices.
- bb. - Real Estate Offices.
- cc. - Secretarial and Stenographic Services.
- dd. - Security and Commodity Brokers.
- ee. - Title Company Offices.

## 2. - PUBLIC, EDUCATION, AND UTILITY USES

- a. - Forest Preserves.
- b. - Office Buildings; public.
- c. - Parks and Playgrounds.

## 3. - RESIDENTIAL USES

### 5.3.3 - SPECIAL USES

Special uses, as hereinafter listed, may be allowed subject to the issuance of special use permits in accordance with the provisions of Article 13. The following uses, itemized under "Major Category Groupings," constitute the only special uses in the C/O-1 zoning district:

#### 1. - RETAIL BUSINESS USES

- a. - Drug Stores and Pharmacies.
- b. - Medical Appliance Stores.
- c. - Optician's Sales; retail.
- d. - Restaurants; dancing, live entertainment, and/or the serving of alcoholic beverages are prohibited.



- e. - Restaurants; the serving of alcoholic beverages permitted only when incidental to the serving of food as the principal activity.
- f. - Restaurants; including accessory use of outdoor tables or seating areas subject to the applicable provisions of Article 8, Sections 8.5 and 8.7.

## 2. - SERVICE USES

- a. - Artist's Studios.
- b. - Automobile Parking Lots or Garages; commercial.
- c. - Banks; with or without drive-in facilities.
- d. - Barber Shops.
- e. - Beauty Parlors and Shops.
- f. - Credit Unions.
- g. - Dental and/or Medical Laboratories.
- h. - Financial Institutions.
- i. - Funeral Parlors.
- i. - Loan Companies.
- j. - Orthopedic Brace and Limb Fitting and Assembly.
- k. - Photographic Studios.
- l. - Savings and Loan Associations, with or without drive-in facilities.
- m. - Telegraph Offices.
- n. - Ticket Agency Offices.
- o. - Travel Agency Offices.

## 3. - OFFICE USES

- a. - Animal Hospitals/Veterinary Clinics.

## 4. - PUBLIC, EDUCATION, AND UTILITY USES

- a. - Business Colleges/Commercial Schools.
- b. - Electric Substations, Gas Regulator Stations and Telephone Exchanges.
- c. - Fire Stations.
- d. - Garages or Parking Lots; public.
- e. - Police Stations.
- f. - Pumping Stations, Water Towers, Water Works, or Wells; public.

## 5. - HEALTH, MEDICAL AND CARE FACILITIES

- a. - Child Care Centers, Children's Day Schools, Day Care Centers, Day Nurseries, and Nursery Schools.
- b. - Geriatric Centers and Institutions for the Care of the Aged.
- c. - Nursing Homes and Convalescent Centers.

## 6. - MISCELLANEOUS USES

- a. - Planned Unit Developments, as regulated by Article 9.

## 7. - SIMILAR AND COMPATIBLE USES to those allowed as "permitted uses"

in this district. Determination of "similar and compatible" shall be made in accordance with Article 13, Section 13.7.2.

#### **5.3.4 - ACCESSORY USES AND TEMPORARY USES**

Uses accessory and incidental to the operation of an approved use listed heretofore, shall be allowed in the C/O-1 zoning district only if in compliance with Article 8, Section 8.5.

Temporary uses of property may be allowed in the C/O-1 zoning district only if in compliance with Article 8, Section 8.6.

#### **5.3.5 - SITE AND STRUCTURE PROVISIONS**

Each permitted or special use lawfully established in the C/O-1 zoning district shall meet the requirements specified in the schedule in Section 5.3.5.1. Unless otherwise indicated, where a major category is named it shall be deemed to include all uses itemized thereunder in Sections 5.3.2 and 5.3.3.

Special uses may be required to meet more restrictive site and structure provisions if the Township Board, acting upon the recommendation of the Plan Commission, determines that such requirements are necessary to the public health, safety and general welfare.

Child Care Centers, Children's Day Schools, Day Care Centers, Day Nurseries, and Nursery Schools shall provide a minimum of one hundred fifty (150) square feet of outdoor play area for each child capable of being cared for.

## **2. - MINIMUM AREA OF DISTRICT**

There is no minimum area as to what may constitute a separate or detached part of the C/O-1 zoning district on the Northwest Township Zoning Map or subsequent amendments to said Zoning Map.

#### **5.3.6 - OTHER PROVISIONS**

### **1. - PARKING AND LOADING REQUIREMENTS**

- All uses shall conform to the applicable requirements for off-street parking and loading as set forth in Article 10.

### **2. - SIGN REQUIREMENTS**

- All uses shall conform to the applicable requirements for signs set forth in Article 11.

### 3. - TRUCKS

- The parking of trucks, accessory to a permitted business, when used in the operation of said permitted business listed in the C/O-1 district,
- Vehicular equipment incidental to the operation of permitted agricultural uses is exempt from this provision regarding truck parking and storage.

### 4. - SEWER AND WATER

- All uses requiring sanitary facilities shall be served by a municipal sewer and water system, a private community sewer and water system, or a private individual water supply system subject to the approval of the Williams County Health Department. However, hotels, motels, restaurants, and other similar business establishments and activities must be served by either a municipal or private community sewer and water system, and not by a private individual water supply system. All other commercial establishments may be served by a private individual sewage disposal system only if said establishment is situated on a lot of at least 40,000 square feet and provided that said system shall be approved by the Williams County Health Department.

### 5. - EXTERIOR LIGHTING

- All exterior lighting shall be shaded or inwardly directed so that no direct lighting is cast upon adjacent zoning lots.

### 6. - BUSINESS REQUIREMENTS

#### a. - Retail or Service Uses Only

- All business establishments shall be retail or service in use dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

#### b. - Operation Within an Enclosed Structure

- All business, service, storage, and display of goods shall be conducted within completely enclosed structures, except for:
  - (1) - Agricultural Uses;
  - (2) - Off-Street Parking and Loading, as regulated by Article 10, Off-Street Parking and Loading;
  - (3) - Automobile Service Stations;
  - (4) - Outdoor Sale of Building and Garden Supply Materials and Goods;
  - (5) - Sales or Display of Merchandise Sold or Offered for Sale Through Vending Machines, provided such machines do not occupy an aggregate ground area of more than sixteen (16) square feet;

(6) - Temporary Outdoor or Sidewalk Sales; as regulated by Article 8, Section 8.6.; and

(7) - Outdoor Tables or Seating Areas accessory to restaurants, as regulated by Article 8, Sections 8.5 and 8.7.

c. - Restriction on Sales and Services Involving Parked Motor Vehicles

- Except for automobile laundries, automobile service stations, drive-in restaurants and drive-in bank and savings and loan association facilities, when authorized as special uses no business establishment shall offer goods or services directly to customers waiting in parked motor vehicles,

d. - Performance Standards

- All business establishments and activities shall conform with the performance standards established for the I-1 Restricted Industrial District, provided that performance standards shall in every case be applied at the boundaries of the zoning lot in which such activities take place.

## **5.6 - C/S-2 AUTOMOBILE SUPPORTED BUSINESS DISTRICT**

### **5.6.1 - DESCRIPTION OF DISTRICT**

The C/S-2 Automobile Supported Business District correlates the use of land with businesses that rely on exposure to high traffic volumes for economic viability. Activities which occur directly from an automobile, are performed to an automobile, or where goods are carried to an automobile may be among the types of uses allowed in the C/S-2 zoning district. Normally, this district is placed along primary arterial thoroughfares, in areas sufficiently far from residential developments, and is designed in configurations so as to limit potential traffic conflicts. Also allowed in the C/S-2 district, are uses of land which typically contain large, low-story buildings, which may contain some warehousing, or which may require some outdoor storage or display area. Land uses having noise nuisance potential are also allowed, providing they conform with stringent business requirements.

### **5.6.2 - PERMITTED USES**

Permitted uses of land or buildings, as hereinafter enumerated, shall be permitted in the C/S-2 Automobile Supported Business District only in accordance with conditions specified. Only those uses specifically listed hereunder shall be considered permitted uses, and no building or lot shall be devoted to any use other than a use permitted hereunder, with the exception of: a) uses lawfully established prior to the effective date of this Ordinance, or b) special uses in compliance with the provisions of Section 5.6.3. The following uses, itemized under "Major Category Groupings," constitute the only permitted use in the C/S-2 district:

1. - RETAIL BUSINESS USES

- a. - Automobile Accessory Stores.
- b. - Automobile Sales and Service.
- c. - Bars and Cocktail Lounges, including live entertainment and/or dancing.
- d. - Boat Sales, Rentals, Repairs, and Storage.
- e. - Building Material Sales, Supplies, and Service.
- f. - Camper Sales and Service.
- g. - Carpet and Rug Stores.
- h. - Catalog Sales/Mail Order Stores.
- i. - Electrical Appliance and Equipment Stores.
- j. - Farm Supply Stores.
- k. - Floor Covering Sales and Linoleum and Tile Sales.
- l. - Garden Supply Stores.
- m. - Greenhouses; retail or wholesale sales.
- n. - Home Supply Centers.
- o. - Ice or Ice Machines Sales.
- p. - Lumber Companies and/or Yards.
- q. - Milk Machines Sales.
- r. - Mobile Home Dealers.
- s. - Motorcycle Sales, Service and Repairs.
- t. - Nurseries; retail or wholesale sales.
- u. - Paint and Wallpaper Stores.
- v. - Plumbing Supplies and Fixtures Sales.
- w. - Recreational Vehicle Sales.
- x. - Restaurants; drive-in, drive-thru or carry-out.
- y. - Restaurants; dancing, live entertainment, and/or the serving of alcoholic beverages are permitted.
- z. - Roadside Stands; commercial.
- aa. - Snowmobile Sales and Service.
- bb. - Swimming Pool Sales and Service.
- cc. - Taverns.
- dd. - Tire, Battery, and Accessory Dealers.
- ee. - Trading Stamp Stores.
- ff. - Trailer Sales and Service.
- gg. - Truck and Recreational Vehicle Sales and Service.
- hh. - Water Softener Sales and Service.
- \*ii. - Restaurants; including accessory use of outdoor tables or seating areas subject to the applicable provisions of Article 8, Sections 8.5 and 8.7.

2. - SERVICE USES

- a. - Ambulance Service Garages.
- b. - Automobile Diagnostic Centers and Clinics.
- c. - Automobile Driving Schools.
- d. - Automobile Rentals.

- e. - Automobile Repair Garages.
- f. - Automobile Service Stations; for the retail sale and dispensing of fuel, lubricants, coolants, tires, batteries, minor accessories and supplies, including installation and services customarily incidental thereto.
- g. - Banks; with or without drive-in facilities.
- h. - Cleaners; drive-in.
- i. - Equipment Rental and Leasing Service.
- j. - Newspaper Distribution Agency.
- k. - Parking Lots; open and other than accessory.
- l. - Pawn Shops.
- m. - Savings and Loan Associations; with or without drive-in facilities.

### 3. - OFFICE USES

- a. - Taxicab Company Offices.

### 4. - PUBLIC, EDUCATION, AND UTILITY USES

- a. - Bus Passenger's Stations.
- b. - Bus Terminals, Turnarounds and Lots.
- c. - Garages or Parking Lots; public.
- d. - Railroad Passenger's Stations.

### 5. - WAREHOUSING USES

- a. - Taxicab Garages.

### \*6. MISCELLANEOUS USES

- a. - Personal Wireless Service Facilities including an antenna or equivalent apparatus mounted on an existing building or structure as a permitted use subject to the provisions of Section 8.14 of this Ordinance.

### 5.6.3 - SPECIAL USES

Special uses, as hereinafter listed, may be allowed subject to the issuance of special use permits in accordance with the provisions of Article 13. The following special uses, itemized under "Major Category Groupings," constitute the only special uses in the C/S-2 zoning district:

#### 1. - RETAIL USES

- a. - Adult Book Stores.
- b. - Liquor Stores
- \*c. - Restaurants; including accessory use of outdoor tables or seating areas subject to the applicable provisions of Article 8, Sections 8.5 and 8.7.

#### 2. - SERVICE USES

- a. - Automobile Parking Garages or Lots; commercial
- b. - Cartage and Express Facilities.

- c. - Hotels and Motels.
- d. - Packing and Crating Services.
- e. - Parcel Delivery and Pick-Up Services.
- f. - Signs, as regulated by Article 11.
- g. - Towing Service.

### 3. - RECREATION AND SOCIAL FACILITIES

- a. - Bowling Alleys.
- b. - Clubs; indoor.
- c. - Lodges and Fraternal Organizations.
- d. - Skating, Ice or Roller Rinks; indoor.
- e. - Swim Clubs, Swimming Pools and Buildings for Indoor Pools.
- f. - Tennis Clubs, Racquetball Clubs, Handball Clubs; with outdoor or indoor facilities.
- g. - Theaters; drive-in.
- h. - Theaters; indoor.
- i. - Trailer and Recreational Vehicle Parks; providing overnight accommodations.

### 4. - PUBLIC, EDUCATION, AND UTILITY USES

- a. - Electric Substations, Gas Regulator Stations, and Telephone Exchanges.
- b. - Fire Stations.
- c. - Police Stations.
- d. - Post Offices.
- e. - Pumping Stations, Water Towers, Water Works, or Wells; public.

### 5. - WAREHOUSING USES

- a. - Automobile Storage Facilities.
- b. - Warehouses.
- c. - Wholesale Establishments; with outdoor storage.

### 6. - OFFICE/RESEARCH AND LIGHT INDUSTRIAL USES

- a. - Automobile Paint Shops.
- b. - Automobile Undercoating Services.

### 7. - MISCELLANEOUS USES

- a. - Meeting Halls.
- b. - Model Home or Garage Displays.

\*d. - Personal Wireless Service Facilities including an antenna or equivalent apparatus mounted on an existing building or structure as a special use subject to the provisions of Section 8.14 of the Ordinance.

\*e. Personal Wireless Service Facilities including an antenna or equivalent apparatus mounted on a building or structure that is not an existing building or

structure as a special use subject to the provisions of Section 8.14 of this Ordinance.

8. - SIMILAR AND COMPATIBLE USES to those allowed as "permitted uses" in this district. Determination of "similar and compatible" shall be made in accordance with Article 13, Section 13.7.2.

#### **5.6.4 - ACCESSORY USES AND TEMPORARY USES**

Uses accessory and incidental to the operation of an approved use listed heretofore, shall be allowed in the C/S-2 zoning district only if in compliance with Article 8, Section 8.5.

Temporary uses of property may be allowed in the C/S-2 zoning district only if in compliance with Article 8, Section 8.6.

#### **5.6.5 - SITE AND STRUCTURE PROVISIONS**

Each permitted or special use lawfully established in the C/S-2 zoning district shall meet the requirements specified in the schedule in Section 5.6.5.1. Unless otherwise indicated, where a major category is named it shall be deemed to include all uses itemized thereunder in Sections 5.6.2 and 5.6.3.

Special uses may be required to meet more restrictive site and structure provisions if the Township Board, acting upon the recommendation of the Plan Commission, determines that such requirements are necessary to the public health, safety, and general welfare.

Child Care Centers, Children's Day Schools, Day Care Centers, Day Nurseries, and Nursery Schools shall provide a minimum of one hundred fifty (150) square feet of outdoor play area for each child capable of being cared for.

#### **2. - MINIMUM AREA OF DISTRICT**

The minimum area that may constitute a separate or detached part of the C/S-2 zoning district on the Northwest Township Zoning Map or subsequent amendments to said Zoning Map shall be two (2) acres. However, land zoned in C/B-2, , and/or C/O-1 zoning district which immediately abuts or is directly across the street from land zoned in the C/S-2 classification, may be included in the calculations in meeting the minimum requirements.



## **5.6.6 - OTHER PROVISIONS**

### **1. - PARKING AND LOADING REQUIREMENTS**

- All uses shall conform to the applicable requirements for off-street parking and loading set forth in Article 10.

### **2. - SIGN REQUIREMENTS**

- All uses shall conform to the applicable requirements for signs set forth in Article 11.

### **3. - TRUCKS**

- The parking of trucks, accessory to a permitted business, when used in the operation of said permitted business listed in the C/S-2 district,

- Vehicular equipment incidental to the operation of permitted agricultural uses is exempt from this provision regarding truck parking and storage.

### **4. - SEWER AND WATER**

- All uses requiring sanitary facilities shall be served by a municipal sewer and water system, a private community sewer and water system, or a private individual water supply system subject to the approval of the Williams County Health Department. However, hotels, motels, restaurants, and other similar business establishments and activities must be served by either a municipal or private community sewer and water system, and not by a private individual water supply system. All other commercial establishments may be served by a private individual sewage disposal system only if said establishments is situated on a lot of at least 40,000 square feet and provided that said system shall be approved by the Williams County Health Department.

### **5. - EXTERIOR LIGHTING**

- All exterior lighting shall be shaded or inwardly directed so that no direct lighting is cast upon adjacent zoning lots.

### **6. - BUSINESS REQUIREMENTS**

#### **a. - Retail or Service Uses Only**

- All business establishments shall be retail or service in use dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

b. - Operation Within an Enclosed Structure

- All business, service, storage, and display of goods shall be conducted within completely enclosed structures, except for:

(1) - Agricultural Uses;

(2) - Off-Street Parking and Loading, as regulated by Article 10, Off-Street Parking and Loading;

(3) - Automobile Service Stations;

(4) - Outdoor Sale of Building and Garden Supply Materials and Goods;

(5) - Sales or Display of Automobiles, Boats, Campers, Mobile Homes, Motorcycles, Recreational Vehicles, and Trucks;

(6) - Temporary Outdoor or Sidewalk Sales, as regulated by Article 8, Section 8.6;

\* (7) - Outdoor Tables or Seating Areas accessory to restaurants, as regulated by Article 8, Sections 8.5 and 8.7.

d. - Restriction on Sales and Services Involving Parked Motor Vehicles

- Except for automobile laundries, automobile service stations, drive-in restaurants, and drive-in bank and savings and loan association facilities, when authorized as special uses no business establishment shall offer goods or services directly to customers waiting in parked motor vehicles, or sell beverages or food for consumption on the premises in parked motor vehicles.

e. - Performance Standards

- All business establishments and activities shall conform with the performance standards established for the I-1 Restricted Industrial District, provided that performance standards shall in every case be applied at the boundaries of the zoning lot in which such activities take place.

## 5.7 Property Maintenance in the Zoned District

### Ordinance 03-2023

The Northwest Township Zoning Board is setting up the following rules and regulations for property appearance and maintenance. The effective date of this ordinance repeals prior ordinances herewith.

Be it ordered by the trustees of the Northwest Township Zoning Board and the board of trustees of the Northwest Township.

All property must be maintained to Northwest Township standards, to eliminate all conditions that affect any compliances, health hazards and general appearance of the zoned area.

Each property owner is required to protect their property from discharges of any hazardous materials that may affect the watershed.

Fencing (chain-link, stockade, etc.) must be well maintained at all times and free of weeds and debris.

Curb appeal of your property must be kept free of tall grass, noxious weeds and eliminate possible rodent habitats. Landscape and planter beds must be free of unsightly debris.

(Example: trash and weeds)

Any and all out buildings and storage trailers must be maintained to the standards of the Northwest Township Zoning Board.

It is the intent that this ordinance will not amend any existing ordinances or regulations, except as herein specifically and all such. Existing ordinance or regulations shall continue in full force and in effect except as herein specifically changed.

# ZONING ORDINANCE - 8.0 GENERAL ORDINANCE PROVISIONS

## 8.1 - INTERPRETATION

### 8.1.1 - MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.

### 8.1.2 - CONFLICTING LAWS

Where the conditions imposed by any provisions of this Ordinance upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Ordinance or of any other law, ordinance, resolution, rule, or other governmental regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

### 8.1.3 - EXISTING AGREEMENTS

This Ordinance shall not abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

### 8.1.4 - EXISTING VIOLATIONS

No building, structure, or use which was not lawfully existing at the time of the adoption of this Ordinance shall become or be made lawful solely by reason of the adoption of this Ordinance; and to the extent that, and in any manner that said lawful building, structure, or use is in conflict with the requirements of this Ordinance, said building, structure, or use remains unlawful hereunder.

### 8.1.5 - PERMIT

Nothing contained in the Northwest Township Zoning Ordinance shall be deemed to be a consent, license, or permit to use any property or to locate, construct, or maintain any building, structure, or facility or to carry on any trade, industry, occupation, or activity.

### 8.1.6 - CUMULATIVE REGULATIONS

The provisions in the Northwest Township Zoning Ordinance are cumulative and additional limitations upon all other laws and ordinances, heretofore, passed or which may be passed hereafter, governing any subject matter in the \_\_\_\_\_ Zoning Ordinance.

### 8.1.7 - INDEX

The index attached, which is established solely as a reference guide to this Ordinance, is not, and shall not be construed to be, a part of this Ordinance.

**8.2 - SEPARABILITY**

It is hereby declared to be the intention of the Township Trustees of Northwest Township, Williams County, Ohio that the several provisions of this Ordinance are separable, in accordance with the following:

**8.2.1 - ORDINANCE PROVISIONS**

If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.

**8.2.2 - PROPERTY APPLICATION**

If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provisions to any other property, building, or structure not specifically included in said judgment.

**8.3 - SCOPE OF REGULATIONS**

It is hereby declared that the provisions of this Ordinance shall apply to all properties as hereinafter specifically provided:

**8.3.1 - NEW USES**

No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed, enlarged, moved, or structurally altered, and no building, structure, or land shall hereafter be used, occupied, or arranged or designed for use or occupancy, nor shall any excavating or grading be commenced in connection with any of the above matters, except as permitted by the regulations of this Ordinance for the zoning district in which such building, structure or land is located.

**8.3.2 - EXISTING USES**

Except as may otherwise be provided, all structural alterations or relocation of existing buildings or other structures occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations herein which are applicable to the zoning districts in which such buildings, structures, uses, or land shall be located.

**8.3.3 - BUILDING PERMITS**

Where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, said building or structure may be completed in

accordance with the approved plans on the basis of which the building permit has been issued, and further, may upon completion be occupied for the use for which originally designated subject thereafter to the provisions of Article 12, Non-Conforming Uses, Lots and Structures. This Section shall also control building permits lawfully issued prior to the future amendments to this Ordinance.

#### **8.3.4 - SPECIAL USES**

Where a structure and use of land lawfully exists on the effective date of this Ordinance, and is classified by this Ordinance as a special use in the district where it is located, such use shall be considered a lawful special use. A special use permit issued in accordance with procedures herein set forth shall be required only for any expansion or major alteration of such existing legal special use.

Where a use is not allowed as a special or permitted use in the district in which it is zoned under this Ordinance, and exists as a special use under the terms of the Ordinance immediately prior to the date of the adoption of this Ordinance, it shall be considered to be a legal non-conforming use and shall not be subject to the use provision of Article 12 hereof.

If the special use ceases for a period of more than one (1) year, the special use permit shall be void and the special use cannot again be started.

A special use permit may authorize one (1) or more special uses, in accordance with the terms of said special use permit.

#### **8.3.5 - NUMBER OF BUILDING ON A ZONING LOT**

Not more than one (1) principal detached single-family or two-family residential building shall be located on a zoning lot, nor shall a principal attached single-family residential building be located on the same zoning lot with any other principal building, except in the case of Planned Unit Developments or residential clusters, if authorized by special use.

More than one (1) principal building, other than single-family detached or two-family residential buildings, may be located on a zoning lot provided the Ordinance requirements are met separately for each individual use. Lot area, or other criteria, used to satisfy one (1) use cannot be counted again and used to satisfy a separate use.

#### **8.3.6 - TWO USES ON A LOT**

Where two (2) or more permitted or special uses, each requiring a minimum lot area, are provided in the same building or on the same lot, the required lot area shall be the sum of the areas required for each use individually.

### **8.3.7 - OPEN USE**

Where a lot is to be occupied for a permitted use without buildings, the site and structure provisions applicable for such lot shall be provided and maintained unless otherwise stipulated in this Ordinance, except that side and rear yards shall not be required on lots used for garden purposes without buildings or structures nor on lots used for public recreation areas.

## **8.4 - BULK, LOT AREA, AND YARD REQUIREMENTS**

### **8.4.1 - CONTINUED CONFORMITY WITH BULK REGULATIONS**

The maintenance of yards, other open space, and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, other open space, or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, other open space, or minimum lot area requirements for any other building.

### **8.4.2 - DIVISION OF ZONING LOTS**

No improved zoning lot shall hereafter be divided into two (2) or more zoning lots, and no portion of any improved zoning lot shall be sold unless all improved zoning lots resulting from each such division shall conform with all the applicable bulk regulations of the zoning district in which the property is located.

If a lot is built upon under one (1) building permit, than divided for selling purposes, it can only be so divided if each saleable lot, or portion of the original lot, is platted as a lot of record and conforms to Northwest Township Regulations.

### **8.4.3 - LOCATION OF REQUIRED OPEN SPACE**

All yards and other open spaces allocated to a building or buildings shall be located on the same zoning lot as such building or buildings.

### **8.4.4 - REQUIRED YARDS**

#### **1. - FRONT YARDS**

- Front yards shall be unobstructed from ground level to sky, except as allowed in Section 8.4.5.

-Exception:

- Where more than thirty per cent (30%) of the frontage on one (1) side of a duly recorded subdivided block is occupied by residences on the effective date of this Ordinance, the average setback from the front lot line of such existing residences shall be maintained by all new or relocated structures, but in no case shall the setback from the front lot line be less than twenty (20) feet. All accessory buildings which are attached to principal buildings (as attached garages) shall comply with the yard requirements of the principal buildings.

## 2. - INTERIOR SIDE YARDS

- Interior side yards shall be unobstructed from ground level to the sky, except as allowed in Section 8.4.5 and 8.4.6. All accessory buildings which are attached to principal buildings (as attached garages) shall comply with the yard requirements of the principal buildings. Provided, however, that in any residence district, on a lot of record on the effective date of this Ordinance which is less than eighty (80) feet in width, each side yard shall be not less than eight (8) per cent of the lot width, but in no case less than three (3) feet.

## 3. - CORNER SIDE YARDS

- Corner side yards shall be unobstructed from ground level to the sky, except as allowed in Sections 8.4.5 and 8.4.6. All accessory buildings which are attached to principal buildings (as attached garages) shall comply with the yard requirements of the principal buildings. Provided, however, that in any residence district on a lot of record on the effective date of this Ordinance, which is less than eighty (80) feet in width, a single-family dwelling may provide a corner side yard which shall not be less than twenty (20) percent of the width, but in no case less than ten (10) feet.

## 4. - REAR YARDS

- Rear yards shall be unobstructed from ground level to the sky, except as allowed in Sections 8.4.5 and 8.4.6. All accessory buildings which are attached to principal buildings (as attached garages) shall comply with the yard requirements of the principal buildings. Provided, however, that in any residence district on a lot of record on the effective date of this Ordinance, which is less than one hundred and twenty-five (125) feet in depth, the rear yard shall not be less than eight (8) per cent of the lot depth, but in no case less than six (6) feet.

## 5. - STREET WIDENINGS

- a. - Existing Lots - For existing lots with existing structures, the required yard adjoining a street may be reduced below the required minimum to provide right-of-way for a street widening.
- b. - Setbacks for Street Widening - Notwithstanding any other provision of this Ordinance, no building or structure shall be erected, constructed, structurally altered, or enlarged closer to the centerline of an existing or proposed street than provided for by the minimum setback plus one-half (1/2) of established right-of-way width designated by the Official Map or Comprehensive Plan of the Township. The minimum setbacks on lots abutting a street or thoroughfare shall be the distance required for a front yard, or side yard, adjoining a street, in the districts where such lots are located, measured from the existing right-of-way line of the street or thoroughfare, or from the proposed right-of-way line as duly established by other ordinances or as established by County or State Highway authorities-whichever has the greater right-of-way width requirements.



6. - EXCEPTIONS

a. - Where fifty (50) percent or more of the frontage on one side of a street between two (2) intersecting streets is developed with buildings that have observed (within a variation of ten (10) feet or less) a front yard greater in depth than required herein, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.

b. - Where fifty (50) percent or more of the frontage on one side of a street between two (2) intersecting streets is developed with buildings that have been legally constructed and that have not observed a front yard as herein required, then:

(1) - Interior Lots

(a) - Where a building is to be erected within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the closest front corners of the two (2) existing buildings.

(b) - Where a building is to be erected within one hundred (100) feet of an existing building on one (1) side only, it may be erected as close to the street as the existing building.

(2) - Corner Lots

- The depth of the setback lines shall be as normally required in the district where the lot is located.

7. - VISION CLEARANCE - Corner Lots

- On corner lots no structures or plant materials shall obstruct a clear path of motor vehicle drivers' vision of approaching vehicles within a triangular area determined by a diagonal line measured along the subject property line, connecting two (2) points measured thirty-five (35) feet equidistant from the street pavement corner of the two (2) intersecting street lines.

- In any commercial district such distance may be reduced to ten (10) feet and shall not apply to that part of a building above the first floor.

**8.4.5 - PERMITTED OBSTRUCTIONS IN REQUIRED YARDS**

The following structures shall be allowed to project into or to be constructed in any required yard:

1. - Antennas.
2. - Arbors and Trellises.
3. - Bay Windows, not to exceed two (2) feet.
4. - Chimneys, not to exceed two (2) feet.

5. - Clothesline posts.
6. - Driveways, subject to Article 10.
7. - Fences, Walls, and Hedges in accordance with other provisions of this Article.
8. - Flagpoles.
9. - Garbage Disposal Equipment, non permanent.
10. - Island and Pumps for Gasoline Stations, minimum setback of twenty (20) feet.
11. - Landscape Features.
12. - Overhanging Roof, Eave, Gutter, Cornice or Other Architectural Features, not to exceed three (3) feet.
13. - Permitted Accessory Structures; in accordance with other provisions of this Article.
14. - Planting Boxes.
15. - Recreational Equipment.
16. - Sidewalks and Steps.
17. - Steps, or Ramps, Stairs, to a dwelling, nonenclosed, not to exceed four (4) feet.
- \*18. - Terraces (Open) and Porches (Nonenclosed), not to exceed four (4) feet into any required front or side yard and not to exceed ten (10) feet into any required rear yard.
19. Gazebos (attached to principal building via non-enclosed porch or open terrace), not to exceed ten (10) feet into any required rear yard. Such gazebos should conform to the provisions of Section 8.5.4 of the Zoning Ordinance in regard to separation from the principal building; however, such gazebos may be permitted to be located closer than ten (10) feet, but no closer than five (5) feet, to the principal building subject to review by the Williams County Fire Prevention Bureau for possible access concerns to single story or multiple story homes or buildings or other fire safety related matters.
20. - Trailers and Boats.
21. - Trees, Shrubs, Flowers, and Other Plant Material, in accordance with the vision requirements of this Article.

- 22. - Yard and Service Lighting Fixtures and Standards.
- 23. - Awnings and Canopies, not to exceed three (3) feet.
- 24. - Mailboxes.
- 25. - Marquees, not to exceed five (5) feet.
- 26. - Signs, in accordance with Article 11.

**\*8.4.6 - FLOOR AREA OF ACCESSORY BUILDINGS**

The floor area of accessory buildings shall be included in the total allowable floor area permitted on a zoning lot; however, any floor area devoted to required off-street parking or loading facilities shall not be counted in the floor area used to determine floor area ratio.

**8.4.7 - LOTS**

**1. - CORNER LOTS**

- On a corner lot, the front lot line shall be the lot line having the shorter dimension abutting a street line.

**2. - THROUGH LOTS**

- On a through lot, one (1) of the two (2) lot lines abutting public streets shall be designated by the Office of the Zoning Administrator as the front lot line, except that when a front line has previously been established on one (1) or more lots located on the same block as a through lot(s) and all have established front lot lines along the same street line, the street line designated as the front lot line for such lot or lots shall be the front lot line of the through lot(s) in such block.

**8.4.8 - STRUCTURE HEIGHT**

The following requirements supplement the district regulations regarding structure height established heretofore:

**1 - HEIGHT EXCEPTIONS**

-The following structures or parts thereof are exempt from the height limitations set forth in the several zones; except as limited by any height restriction imposed by any airport authority, port district, or other municipal corporation operating an airport, and as limited by regulations for airports and heliports.

- a. - Public utility poles, towers, and wires.
- b. - Water tanks and standpipes.

c. - Building appurtenances such as chimneys, parapet walls, skylights, steeples, flag poles, smokestacks, cooling towers, elevator bulkheads, fire towers, monuments, water towers, stacks, stage towers, or scenery lofts, tanks, ornamental towers and spires, roof gardens, recreational facilities, wireless towers, necessary mechanical appurtenances, or penthouses to house mechanical appurtenances.

## **8.5 - ACCESSORY USE REGULATIONS**

### **8.5.1 - PURPOSE**

Accessory uses, buildings, or other structures customarily incidental to and commonly associated with a use allowed as an approved permitted or special use within a particular zoning district may be permitted to occupy the same zoning lot as said approved use. To qualify as an accessory use, building, or structure permitted in this Section said use shall be operated and maintained under the same ownership and on the same zoning lot as the approved uses; it shall not include structures or structural features inconsistent with the approved principal use; and it shall not involve the conduct of any business, profession, or trade unless expressly authorized hereinafter.

### **8.5.2 - PERMITTED ACCESSORY USES, BUILDINGS, AND STRUCTURES**

#### **2. - IN COMMERCIAL ZONES**

- The following activities and uses shall be considered as activities and uses accessory to principal uses in commercial zones, subject to the limits specified:

a. - Agricultural Buildings and Structures (only in zoning districts where Farms are an authorized principal use).

b. - Air Conditioners.

c. - Antennas.

d. - Fallout Shelters (subject to the applicable provisions of Article 8, Section 8.7).

e. - Fences, Walls, and Hedges (subject to the applicable provisions of Article 8, Section 8.7).

f. - Garages, Carports, and Other Parking Spaces (for exclusive use of residents, occupants, guests, employees or patrons of the premises).

g. - Roadside Stands (for the display and sale of agricultural products on zoning lots where the principal use is agriculture).

h. - Water Retention and Detention Areas.

\*i. - Outdoor Tables or Seating Areas, as accessory uses to restaurants subject to the applicable provisions of Article 8, Sections 8.5 and 8.7.

## 5. - UNLISTED ACCESSORY USES

- Any use not listed as an accessory use, building, or structure which is customarily incidental to an approved principal use--if not heretofore listed in this Section--may be permitted as an accessory use, if processed under the Similar and Compatible Uses procedures of this Ordinance. Each use requested to be classified as accessory, and not heretofore listed, shall meet the following standards as well as standards for Similar and Compatible Uses itemized in Article 13:

- (1) - It shall be customarily incidental to the principal use established on the same lot, and shall serve no other principal use or purpose.
- (2) - It shall be subordinate in area, floor area, intensity, extent and purpose to the principal use.
- (3) - It shall contribute to the comfort, convenience, or necessity of users of the principal use.

### **\*8.5.4 - LOCATION OF ACCESSORY STRUCTURES**

When a side yard is required, no part of any accessory structure shall be located closer than three (3) feet to the side lot line along such side yard and in a Residential District for each foot over twenty-two (22) feet in length that the wall of a detached accessory structure parallels and is next to a side lot line, the required distance between the accessory structure and the side lot line shall be increased by an additional one (1) foot. When a rear yard is required, no part of an accessory structure shall be located closer than five (5) feet to the rear lot line or to those portions of the side lot lines abutting such required rear yard and in a Residential District for each foot over twenty-two (22) feet in length that the wall of a detached accessory structure parallels and is next to a rear lot line, the required distance between the accessory structure and the rear lot line shall be increased by a additional one (1) foot. In a residential district, no detached accessory structure shall be closer than ten (10) feet to the principal building and for each foot over twenty (20) feet in length that the wall of an accessory structure parallels and is next tot he principal structure, the required distance between the structures shall be increased by an additional foot. In a Residential District for detached accessory structures that exceed fifteen (15) feet in height, measured from the grade level of the accessory structure, the required distance between the accessory structure and the side and rear lot line shall be increased, in addition to the previous requirements of this Section, one (1) foot for each one (1) foot over fifteen (15) feet in height.

### **8.5.5 -TIME OF CONSTRCTION**

No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal structure to which it is accessory.

### **\*8.5.6 - PERCENTAGE OF REQUIRED YARD OCCUPIED**

Accessory building(s) or structure(s) shall not occupy more than fifty (50) percent of the area of the required yard.

### **8.5.7 - HEIGHT IN REQUIRED REAR YARDS**

No detached accessory building or structure located in a required rear yard shall exceed the height of the principal structure or twenty (20) feet in height, measured from the grade level of the principal structure, whichever is less, except that an accessory antenna shall not exceed fifty (50) feet measured from the grade level of the principal structure.

### **8.5.8 - REVERSED CORNER LOTS**

On a reversed corner lot in a residence district, no accessory structure or portion thereof in a required rear yard shall be located closer to the side lot line abutting the street than a distance equal to two-thirds (2/3) the minimum depth which would be required under this Ordinance for the front yard on adjacent property located to the rear of the subject property. Further, no accessory structure shall be erected in or encroach upon the required side yard of a reversed corner lot which is adjacent to the street.

### **8.5.9 - FLOOR AREA OF ACCESSORY BUILDINGS**

See Article 8, Section 8.4.6.

## **8.6 - TEMPORARY USE REGULATIONS**

### **8.6.1 - PURPOSE**

The provisions of this Section are based on the recognition that there are uses and structures which, because of their unique characteristics, cannot be permitted in any particular district on a permanent basis, but which may be either necessary or desirable for a temporary period, provided they are carefully regulated with respect to location and operation. The temporary uses and structures permitted by this Section shall be so established and maintained so as to least interfere with the use and enjoyment of neighboring uses and structures and to insure public safety and convenience.

### **8.6.2 - PERMIT REQUIRED**

A temporary use permit shall be required prior to the establishment of any temporary use or structure. Compliance with the standards and the purpose of this Ordinance and with all other applicable Township Ordinances shall be a pre-requisite for the continued validity of all temporary use permits.

### **8.6.3 - PROCEDURE**

Application for a temporary use permit shall be made to the Zoning Administrator and shall be granted upon full compliance with the standards set forth in this Ordinance. The Zoning Administrator, to determine whether the applicant will meet the standards set forth in this Ordinance, shall require the applicant to submit the following information:

1. - A survey or legal description of the property to be used, rented, or leased for the temporary use, including all information necessary to accurately locate and portray the property.
2. - A written description and/or drawing of the proposed temporary use or structure.
3. - Sufficient information to determine the yard requirements, sanitary facilities, and availability of parking space to adequately service the proposed temporary use or structure.
4. - Such other data and certification as may reasonably be required by the Zoning Administrator to reach a determination that the proposed temporary use or structure will comply with this Ordinance.

### **8.6.4 - USES AND STRUCTURES**

Temporary uses and structures which may be allowed pursuant to this Section shall include, but are not limited to, the following:

#### **1. - BLOCK PARTIES AND STREET DANCES**

- In any district, a temporary use permit shall be required for a block party, street dance, or similar public gathering involving the closing of a public street or streets. Major or secondary thoroughfares shall not be blocked by such activities. Each permit shall be issued for a period not to exceed three (3) days.

#### **2. - CARNIVALS AND CIRCUSES**

- On any site not used for residential purposes, a temporary use permit shall be required for a carnival or circus. The permit shall be valid for a period of not more than fifteen (15) days, and provided that a period of at least ninety (90) days shall intervene between the termination of one (1) period and the issuance of another permit for the same location. Any temporary structures and/or tents erected to

house all or part of a carnival or circus shall be removed within three (3) days of completion of the carnival or circus.

### 3. - CHRISTMAS TREE SALES

- On any site not used for residential purposes, a temporary use permit shall be required for the display and open-lot sale of Christmas trees for a period not longer than forty-five (45) days.

### 4. - CONTRACTOR'S OFFICES AND EQUIPMENT SHEDS

- In any zone, a temporary use permit shall be required for a contractor's temporary office and equipment sheds incidental and necessary to a construction project in the Northwest Township Zoning Area. The permit shall be valid for six (6) month period and renewable for six (6) successive periods at the same location. However, the office, shed, or storage area shall be removed within thirty (30) days of completion of the construction project.

### 5. - HOME AND GARAGE SALES

- In any residential district, a temporary use permit shall be required for a home or garage sale. The sale must be incidental to the use of the property for residential purposes and must be conducted in such a manner as to be compatible with the residential character of the neighborhood. Each permit shall be valid for a period of not more than four (4) days. Not more than two (2) permits for a home or garage sale shall be issued for the same zoning lot in one calendar year, January 1 to December 31.

### 6. - REAL ESTATE SALES OFFICE

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- In any district, a temporary use permit shall be required for a temporary real estate sales office and/or model units in any new subdivision or planned unit development which has been approved in accordance with this Ordinance. The temporary permit for a real estate sales office for not more than one (1) year, but is renewable. The office shall be removed and the model homes closed within thirty (30) days after the sale of the last unit of the development. All activities conducted within either the temporary office or the model homes shall be directly related to the construction and sale of properties within the particular development. The temporary office shall not be used for the general office operation of any firm.

### 7. - TEMPORARY OUTDOOR SALES

- On any site not used for residential purposes, a temporary use permit shall be required for produce sales, sidewalk sales, rummage sales, bazaars, and similar outdoor sales. Such activities shall be conducted in accordance with all applicable



Township regulations. There shall be no more than four (4) such permits issued for any zoning lot within a calendar year from January 1 to December 31. Each such permit shall be valid for a period not to exceed seven (7) days.

#### **8. - TENT THEATERS AND TENT MEETINGS**

- In any district, a temporary use permit shall be required for a tent or other temporary structure to house religious or cultural functions for a period of not more than thirty (30) days. The tent or other temporary structure shall be removed within three (3) days of completion of the religious or cultural function.

#### **9. - UNLISTED TEMPORARY USES**

- Any use not listed as a temporary use or structure which may relate to the provisions of the Temporary Use Regulations of this Section may be permitted as a temporary use if processed using the Similar and Compatible Use procedures of this Ordinance as itemized in Article 13.

#### **8.6.5 - CONDITIONS FOR APPROVAL**

In addition to the specific regulations and time limits set forth in Section 8.6.4, temporary uses and structures shall be subject to such conditions and restrictions on their location and operation as deemed necessary for the protection of the public interest by the Zoning Administrator. Such conditions and restrictions shall be fully set forth at the time of the issuance of the permit for the temporary use.

### **8.7 - REGULATIONS FOR SPECIFIC USES**

#### **8.7.1 - FALLOUT SHELTERS**

Fallout shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. These shelters may contain or be contained in other structures or may be constructed separately.

#### **8.7.2 - FENCES, WALLS, AND HEDGES**

The following regulations shall apply to fences, walls, and hedges to maximize both the safety of persons using sidewalks and streets and the enjoyment of the use of property by occupants:

#### **2. - HEIGHT OF FENCES, WALLS, AND HEDGES ON NON-RESIDENTIAL ZONED PROPERTY**

- No fence, wall, hedge, or shrubbery may be erected, placed, maintained, or grown within five (5) feet of a lot line on any non-residential zoned property, to a

height exceeding ten (10) feet above the ground level, except that no such fence, wall, or shrubbery which is located in a required front or corner side yard shall exceed a height of three (3) feet. Fences surrounding automobile salvage yards, which have received special use approval, shall be no less than eight (8) feet nor more than ten (10) feet in height above the ground level and shall be opaque in nature.

### 3. - VISION CLEARANCE - CORNER LOTS

- On corner lots no fence, wall, hedge, or shrubbery shall be erected, placed, maintained, or grown to a height exceeding three (3) feet above the street grade nearest thereto, within a triangular area determined by a diagonal line, measured along the subject property line, connecting two (2) points measured thirty-five (35) feet equidistant from the street pavement corner of the two (2) intersecting street lines.

- In any commercial district such distance may be reduced to ten (10) feet.

### 8.7.3 - DISABLED MOTOR VEHICLES

Disabled motor vehicles may be kept on private property only when in a fully enclosed structure except:

1. - For a period not to exceed six (6) months while the disabled motor vehicle is being actively worked upon.
2. - When located in an automotive salvage yard.

### 8.7.4 - MOBILE HOMES AND MOBILE HOME PARKS

#### 3. - NON-RESIDENTIAL USE

- A mobile home may be used as a temporary office or shelter incidental to construction on or development of the premises on which the mobile home is located, only during the time construction or development is actively underway. A temporary use permit is required for such use.

#### 4. - TEMPORARY RESIDENCE

- A mobile home may not be used as a temporary residence.

### 8.7.7 - TENTS

Except as otherwise provided herein under temporary uses, tents shall not be erected, used, or maintained on a zoning lot except such tents as are customarily

used for recreational purposes and then not as living quarters. Such recreational tents shall be located on the same lot as a dwelling and shall not be allowed within the required front or side yard. All uses of tents other than recreational shall be regulated as temporary uses in accordance with Section 8.6.

**\*8.7.8 - OUTDOOR TABLES OR SEATING AREAS ACCESSORY TO RESTAURANTS OR FOOD SERVICE USES**

The following regulations shall apply to outdoor tables and seating areas accessory to restaurants or food service uses:

1. - An outdoor table or seating area shall only be allowed as a permitted accessory use under the following conditions:
  - a. - The restaurant prohibits serving alcoholic beverages.
  - b. - The restaurant service is provided only within the enclosed building, but patrons may choose to carry their food and/or drink to the outside table or seating area.
  - c. - The outside table or seating area is located completely within the required setback areas for the zoning district in which it is located.
  - d. - A permit has been obtained either with the original building permit or by a subsequent permit, that included the review of the parking provided for the principal use to assure that no additional parking is required for the outdoor table or seating area.
  - e. - If any of the items under Section 8.7.8.2 (special accessory use) are applicable to a permitted accessory use and substantially alter the nature and intensity of the permitted accessory use, then the special use procedure outlined in Section 8.7.8.2 shall be followed.
  
2. - An outdoor table or seating area may be allowed as a special accessory use subject to the issuance of a special use permit in accordance with the provisions of Article 13. In addition to the requirements for Special Uses as provided by Article 3, the following shall also apply:
  - a. - The size of the outdoor table or seating area shall not be larger than fifty (50) percent of the gross area of the principal use to which it is accessory.
  - b. - No additional or separate kitchen or food preparation area shall be provided other than the facilities for the principal use.
  - c. - As a part of the special accessory use request, information must be submitted by the applicant concerning any proposed fencing or screening with the architectural character of the principal building, adjacent buildings and the overall use of the site, including parking areas and landscaping will be considered.
  - d. - If alcoholic beverages are permitted with the principal use, then normal entry and exit to the outdoor table or seating area shall be from inside the principal building only and clear visibility into the area must be provided as recommended by the Williams County Sheriff's Department, and approved by the Township Trustees.
  - e. - A site plan must be submitted, indicating the setbacks from all property lines for the outdoor table or seating area. Setbacks should conform to the required

setbacks for the zoning district where the use is to be located. As a part of the Special Use, the Township may grant departures from these setbacks if the Township finds that acceptable screening is specifically included as a part of the Special Use.

f. - A seating plan must also be submitted along with the proposed surface area for the facility. The seating plan shall be reviewed by the Northwest Township Fire Department for recommendations on emergency access. The surface area for the facility should generally be a hard surface area. The specific surface will again be reviewed for compatibility with the architectural character of the principal use and adjacent uses before any action is taken by the Township. Any lumber used must be of fire retardant quality and rot protected.

g. - Music or sound systems for the outdoor area are generally prohibited, unless specifically approved as a part of the special use, based on specific information submitted by the applicant on the specific speakers or sound systems to be used.

h. - A lighting plan for the outdoor area must be submitted as a part of the Special Use request for action by the Township. Illumination must be compatible with adjacent uses.

i. - The proposed hours of operation for the outdoor area must be submitted as a part of the Special Use request for action by the Township.

j. - A refuse disposal plan must be submitted as a part of the special use request for action by the Township. At a minimum, the plan should indicate the type and locations of refuse receptacles and the method for maintaining the area. If the plan provides for customers to clean-up after themselves, then a specified periodic cleaning schedule by employees must also be provided.

k. - Based on the information submitted for the Special Use, the Township shall review the parking conditions for the principal use to determine if any additional parking would be required as a result of the addition of the special accessory use for the outdoor tables or seating area. If the Township finds that additional parking is required, then these requirements may be included in the actions for the special accessory use.

l. - A storage plan shall also be provided as a part of the Special Use request. At a minimum, this plan shall indicate where any tables, seating, umbrellas or similar furniture or facilities will be stored during times of the year when the outdoor area may not be in use.

m. - Signage is to generally be included in the normal signage for the principal use. Particular signage for the special accessory use must be submitted as a part of the special use request for actions by the Township.

n. - Detail plans of any roof or canopy structures proposed to be used shall be provided for review.

## **8.8 - EXEMPTIONS**

### **8.8.1 - PUBLIC UTILITY EXEMPTION**

The following uses are permitted in any district; poles, towers, wires, cables, conduits, vaults, pipe lines, laterals, or any other similar distributing equipment of a public utility.

### **8.8.2 - UNDERGROUND INSTALLATIONS EXEMPTION**

Pipe lines and other underground installations, to the extent that the same are completely buried beneath the surface of the soil, are exempt from the requirements of this Ordinance, provided that any incidental or associated structures, installations, or equipments, except markers, used in connection with such pipe lines or other underground installations, and which protrude or are extended above the surface of the soil, shall, to the extent of such protrusion or extension, be subject to all of the applicable provisions thereof.

### **8.8.3 - ACCESSORY FARM BUILDINGS**

All accessory farm buildings, with the exception of roadside stands, may be erected without obtaining approval of the Township, provided that:

1. - The property upon which the building is constructed is in conformance with all provisions of this Ordinance.
2. - The principal use of the property upon which the building is constructed is agriculture.
3. - The Zoning Administrator verifies that the structure to be built will be used only for agricultural purposes. Roadside stands existing on the date of adoption of the Ordinance are exempted from compliance with the applicable side and structure provisions as stated in this Ordinance. New, relocated, or enlarged roadside stands shall comply with all applicable site and structure provisions.



## **8.11 - MISCELLANEOUS**

### **8.11.1 - ADEQUATE ACCESS**

Each lot shall have direct access to an improved, approved street.

### **8.11.2 - LANDSCAPING**

All commercially and industrially zoned properties shall be landscaped in accordance with the following. This landscaping provision is the minimum requirement and landscaping in excess of the minimum is strongly encouraged.

- a. - All lot area not consumed by building coverage, parking and access drives, private roads, walkways, or permitted outdoor storage, shall remain open to the sky and shall, at a minimum, be sodded or seeded.
- b. - Berms, tree plantings and/or shrubbery may be required to be placed on commercial or industrial sites in instances when such sites, in the opinion of the Township Board of Trustees, acting upon the recommendation of the Plan Commission or Zoning Board of Appeals, should be adequately buffered from adjoining commercial or residential sites.
- c. - The Township Board may require that properties be landscaped and maintained in a reasonable fashion, consistent with the public health, safety, and general welfare.

## **8.12 EXTERIOR LIGHTING**

### **8.12.1 PURPOSE**

Exterior lighting is used to illuminate residential, commercial, industrial and public uses; parking lots, sidewalks, signs, and other elements within the Township. When well designed and properly installed, exterior lighting can be and is very useful in improving visibility and safety, providing a sense of security, and complementing the character of the Township. If exterior lighting is not well designed and properly installed it can be inefficient, cause glare, and create light trespass and sky glow. Light trespass falling over property lines can illuminate adjacent grounds or buildings in an objectionable manner.

In order to insure that exterior lighting is well designed, and impacts on adjacent properties are limited, the following requirements are set forth controlling exterior lighting in both residential and non-residential zoning districts.

### **8.12.2 DEFINITIONS**

- a) Canopy: Any overhanging shelter or shade or other protective structure constructed in such a manner as to allow pedestrians or vehicles to pass underneath.
- b) Cutoff: The point at which all light rays emitted by a lamp, light source or luminaire are completely eliminated (cutoff) at a specific angle above the ground.
- c) Cutoff Angle: The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.
- d) Exterior Lighting: The illumination of an outside area or object by any man-made device that produces light by any means.

- e) Fixture: The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.
- f) Flood or Spot Light: Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.
- g) Footcandle (FC): A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) standard candle.
- h) Footcandle - Horizontal Measurement (HFC): The measurement of footcandles utilizing a direct reading, portable light meter mounted in the horizontal position.
- i) Footcandle - Vertical Measurement (VFC): The measurement of footcandles utilizing a direct reading, portable light meter mounted in the vertical position.
- j) Glare: Light emitting from a luminaire with an intensity great enough to reduce a viewers' ability to see, cause discomfort and, in extreme cases, cause momentary blindness.
- k) Height of Luminaire including total height: The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire. The total height shall be the height of the pole, including the base and any mounting arms or other attachments to which the luminaire is attached, as measured from the ground directly below the highest part of the pole or any of its attachments, to the top of the pole or luminaire, whichever the case may be. (See Figure B)
- l) Illumination System: The totality of the equipment installed to provide exterior lighting on a developed property. The illumination system shall include all building, canopy, pole and ground mounted luminaries including all wiring, circuitry, and other devices installed to create exterior lighting.
- m) Lamp: The component of a luminaire that produces the actual light.
- n) Lamp wattage: the amount of power of a lamp expressed in watts.
- o) Light, Direct: Light emitted directly from the lamp, off a reflector or reflector diffuser, or through the refractor or diffuser lens of a luminaire.
- p) Light, Indirect: Direct light that has been reflected or has scattered off of other surfaces.
- q) Light Loss Factor: A factor applied to lamps, which estimates the lumen output of a lamp sometime after installation. (For example, a lamp with an initial lumen

rating of 10,000, which has a light loss factor of 0.7, is estimated to put out 7,000 lumens. A lamp with an initial lumen rating of 10,000, which has a light loss factor of 1.0, is estimated to put out 10,000 lumens.)

r) Light Trespass: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

s) Lumen: A unit of luminous flux. One footcandle is one lumen per square foot. For the purpose of this Section, the lumen value shall be the initial lumen output rating of a lamp.

t) Luminaire: A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts. (See Figure A for examples of luminaries with and without cutoffs.)

u) Luminaire, Cutoff Type: A luminaire containing elements such as shields, reflectors, or refractor panels that direct and cutoff a direct view of the light source at a cutoff angle.

v) Operating Hours: The period of time from one hour prior to opening to one hour after closing of a non-residential establishment.

w) Security Hours: The period of time from one hour after closing to one hour prior to opening of a non-residential establishment.

x) Temporary Exterior Lighting: The specific illumination of an outside area or object by any man-made device that produces light by any means, consistent with the requirement for Temporary Uses in Section 8.6.

### **8.12.3 REGULATIONS:**

All public and private exterior lighting installed in the Northwest Township Zone shall be in conformance with the requirements established by this Section.

### **8.12.4 PROCEDURE**

#### **a) Lighting Plan Required**

A lighting plan is required for all non-residential uses in residential family zoning districts, multiple family developments other than duplexes, commercial, industrial, institutional, and public uses including uses developed by other units of local government.

At the time any exterior lighting is installed or substantially modified, a lighting plan shall be submitted to the Office of the Zoning Administrator in order to determine whether the requirements of this Section have been met. A lighting



plan shall be required for all special uses, planned unit developments, and requests for variations from the standards imposed in this Section.

Where a lighting plan is required, said plan shall include the following:

1. A site plan showing pole locations, building mounted lights, bollard lights with schematic wiring layout and power source connection;
2. Specifications for luminaries and lamp types, poles, wiring, conduit and appurtenant construction including photographs or drawings of proposed luminaries;
3. Pole, luminaire, and foundation details including pole height, height of building mounted lights, mounting height and height of the luminaire;
4. Elevations of the site including buildings, luminaries and other structures sufficient to determine the total cutoff angle of all luminaries and their relationship to abutting parcels;
5. Lamp wattage of all luminaries proposed;
6. Photometric plans which shows the footcandle - horizontal measurement internal to the site and at the property lines and the footcandle - vertical measurement at the property lines only. (Footcandle - horizontal measurements shall be taken along a horizontal plane at a height of three and one-half (3.5) feet above the ground. Footcandle - vertical measurement shall be taken at a minimum height of three and one-half (3.5) feet above the ground but shall also be required at any height along a vertical plane at a property boundary pursuant to the direction of the Zoning Administrator.) Photometric plans shall be based on a light loss factor of 1.0.
7. Other information and data reasonably necessary to evaluate the required lighting plan pursuant to the request of the Office of the Zoning Administrator.

#### **8.12.5 MEASURING LIGHT LEVELS**

##### **a) Metering Equipment**

Light levels of both direct and indirect light shall be measured in footcandles with a direct reading, portable light meter. Readings shall be taken only after the cell has been exposed long enough to provide a constant reading.

##### **b) Method of Measurement**

Footcandle - horizontal measurements shall be taken along a horizontal plane at a height of three and one-half (3.5) feet above the ground. Footcandle - vertical measurement shall be taken at a minimum height of three and one-half (3.5) feet above the ground but may also be required at any height along a vertical plane at a property boundary pursuant to the direction of the Zoning Administrator.

#### **8.12.6 STANDARDS AND REQUIREMENTS**

##### **a) Tables 1 and 2**

The standards and requirements set forth in Tables 1 and 2 shall regulate and govern the use of, design of, construction or modification of any lighting system for the purpose of illuminating exterior areas including, but not limited to, signs, parking areas, buildings, landscaping, porches, and driveways.

Table 1 sets forth whether the proposed wattage of a luminaire is permitted, not permitted or a special use. In residential zoning districts, whether a specified wattage is permitted or not permitted is based on the width of the street right-of-way abutting the proposed luminaire. In non-residential zoning districts, the permitted wattage of proposed exterior lighting is based on whether the lighting is internal or external on the parcel, and if external (abutting a residential zoning district or street right-of-way) the setback of the proposed lighting from the property line/street right-of-way.

Uses permitted by right may be approved by the Office of the Zoning Administrator pending a review of the documents submitted which meet the requirements of this Section. Uses or lighting plans which require a special use permit shall meet the requirements for special uses set forth in Section 13.11 which provide for a public hearing held by the Plan Commission and approval by the Township Trustees. Lighting plans which require a variation shall have to be approved for both a special use permit with the requirements set forth in Section 13.11 and a variation with the requirements set forth in Section 13.9. To secure a variation, public hearings are required by both the Plan Commission for the special use permit and Zoning Board of Appeals for the variation with approval of both by the Township Trustees

Table 2 sets forth the maximum allowable footcandles to be measured both at a property line and internal to a non-residential property. The standards consider the nature of the land uses, the nature of the abutting land uses, and whether for a non-residential use the time period is during hours of operation or security hours. Maximum footcandles allowable are set for lighting internal to the property in question.

b) Total Height and Height of Luminaire (See definition for Height of Luminaire and Total Height and Figure B)

The difference between total height and the height of the luminaire shall not exceed 4 feet.

c) Standards for Luminaire With Cutoffs (See Definitions and Figure C attached)

1. Cutoff Angle

To be considered a cutoff luminaire, the cutoff angle shall be 75 Degrees or less.

2. Height



The maximum height of a cutoff luminaire, either freestanding or attached to a building or other structure, is twenty-five (25) feet as a permitted use. A luminaire greater than twenty-five (25) feet shall require special use permit approval.

### 3. Control of Glare

A cutoff luminaire shall be designed to completely shield the light source from an observer three and one-half (3.5) feet above the ground at any point along an abutting property line.

d) Standards for Luminaire With No Cutoffs (See Definitions and [Figure D](#) attached)

#### 1. Cutoff Angle

A luminaire shall be considered to have no cutoff if it is unshielded or has a cutoff angle greater than 75 degrees.

#### 2. Height

The maximum permitted height of a luminaire with no cutoff or with a cutoff greater than 75 degrees, which provides illumination along a property line, shall be less than the value  $3 \text{ feet} + (D/3)$ , where D is the distance in feet to the nearest property line but in no case shall exceed 16 feet. The formula used herein for determining height of the luminaire does not preclude any luminaire or lighting system from meeting the footcandle performance standards set forth in Table 2.

#### 3. Control of Glare

Any luminaire designed with no cutoff, or a cutoff angle greater than 75 degrees shall be designed such that the lamp utilized is no more than 100 watts or rated for more than 10,000 lumens, whichever is less. The standards for maximum footcandles internal and at the property line, set forth in Table 2, are still applicable. For the footcandles - vertical measurement, the measurements shall be taken not less than three and one-half (3.5) feet above the ground line in a vertical position and vertical readings at heights greater than three and one-half (3.5) feet may be required pursuant to the direction of the Zoning Administrator. The standards for vertical footcandles, set forth in Table 2 are applicable along the entire vertical plane along a property line.

e) Standards for Luminaries Under a Canopy (for non-residential uses)

Luminaries mounted to the underside of a canopy, which provide overhead illumination, shall be recessed such that no part of the luminaire or the lamp shall extend below the exterior edge of the canopy.

### **8.12.7 EXCEPTIONS**

#### **a) Public Roadway Lighting**

Luminaries used for public roadway illumination by a public transportation agency are exempt from the requirements of this Section but may be subject to the regulations of Federal or State agencies or by other intergovernmental agreements.

#### **b) Emergency Lighting**

All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as all vehicular luminaries, shall be exempt from the requirements of this Section.

#### **c) Recreational Facilities**

Because of their unique requirements for nighttime visibility and their limited hours of operation, outdoor recreational facilities (public or private) such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, golf driving ranges, show areas and other similar uses as may be determined by the office of the Zoning Administrator are exempted from certain illumination and other standards as follows:

1. The uses set forth herein are specifically exempted from the maximum footcandle requirements - internal to the site as outlined and established in Table 2. These uses are required to submit a lighting plan and shall be processed as special uses under the procedures in Section 13.11. These uses shall seek to meet the requirements for maximum footcandles at the property line or apply for variations if they are unable to meet those requirements.

2. The uses set forth herein shall be exempt from the height requirements as set forth in this Section. The Plan Commission and Township Trustees shall review the proposed pole heights during the special use permit review process.

#### **d) Temporary Uses**

Certain temporary uses may be unable to meet the requirements of this section and the standards set forth in Tables 1 and 2. These temporary uses may be permitted subject to the requirements of Section 8.6 and the approval of the Zoning Administrator. The applicant for a temporary use may be required to submit the documentation required under Section 8.12.4 herein as a part of the application for a Temporary Use Permit.

### **8.12.8: PROHIBITED LIGHTS**

#### **a) Flickering or Flashing Lights**

The Township Board of Trustees shall permit no flickering or flashing lights unless authorized in a lighting plan approved as a special use or planned unit development.

b) Searchlight and Laser Source Lights

No searchlights, laser source lights, or any similar high intensity light shall be permitted.

c) Mercury Vapor Lamps

No lamps utilizing mercury vapor shall be permitted.

**8.12.9: NON-CONFORMING USES**

a) Luminaries lawfully in place prior to the date of this Section but which do not conform to the requirements and standards of this Section shall be considered legal non-conforming uses.

b) Legal non-conforming luminaries that meet the performance standards for footcandle levels and screening requirements of this Section but may exceed the physical standards such as height or setbacks herein may continue and are not subject to amortization requirements unless they are part of an illumination system that is to be changed as follows:

1. Illumination systems developed as part of a Planned Unit Development, Special Use, Annexation Agreement, Variation or other specific Township approval which, as of the date of these regulations, have an approved lighting plan and meet the performance criteria of their specific agreements but do not meet the requirements of this Section shall be considered legal non-conforming uses and shall be brought into conformity with the criteria and standards set forth herein when the illumination system is to be completely replaced.

2. Legal non-conforming illumination systems which were not part of a specific Township approved lighting plan shall be brought into conformity with the criteria and standards set forth herein when the illumination system is to be replaced or modified to greater than 50 percent of its replacement value, based on the total project implementation cost. The elements for calculating the value of the illumination system are set forth in Section 8.12.10.b3.

3. The value of the illumination system shall include the total value of the physical improvements such as luminaries, lamps, poles, wiring, and other elements and shall also include the value of the site area improvements where the luminaries and supporting elements are located such as parking lots, loading areas, aisles, driveways, sidewalks, landscaped areas and others. Total replacement cost shall include the design costs for the illumination system,

material costs for the system elements, and the total construction cost to install the system.

4. Legal non-conforming luminaries that exceed the footcandle standards set forth in Table 2 and/or direct light or glare towards streets, parking lots, residences or property lines and result in a problematic or dangerous condition shall be either shielded, redirected or otherwise modified to meet the requirements of this Section within 60 days of notification, or apply for an extension of the time period for compliance or apply for a variation with a specific time period for amortization.

#### **8.12.10: SPECIAL USES AND VARIATIONS**

##### **a. Special Use Permits**

To receive a special use permit, a proposed lighting plan must meet the requirements of Section 13.11 herein.

##### **b. Variations**

A lighting proposal requiring a variation shall also be required to secure a special use permit. If a special use permit and a variation are required, the Plan Commission and Zoning Board of Appeals may hold a joint public hearing to consider the application for a variation in conjunction with the application for a special use permit. If a joint public hearing is not possible, the protocol shall be that the Plan Commission should first hold a public hearing on the special use communicate its findings to the Zoning Board of Appeals. Thereafter, the Zoning Board of Appeals shall consider the application for a variation. After both hearings have been held, the recommendations of both bodies shall be submitted to the Township Trustees for their consideration.

### **8.14 - PERSONAL WIRELESS SERVICE FACILITIES**

#### **8.14.1 PURPOSE**

The general purpose of these provisions is to regulate the placement, construction and modification of personal wireless service facilities to appropriate locations in the Township while at the same time not unreasonably interfering with the development of the competitive marketplace for personal wireless services. Numerous existing buildings and structures of significant height are geographically dispersed throughout the Township and with specific limitations are appropriate locations for such facilities as Permitted Uses. These same existing buildings and structures may also be appropriate locations for such facilities where the specific limitations may need to be exceeded, but only as a Special Use and subject to the Standards for Special Uses and the regulations of this Section. Locating personal wireless services facilities on a structure other than an existing building or structure is the least preferred location. In addition to the Standards for a Special Use and the Standards of this Section, a showing and documentation of the non-availability or non-suitability of existing buildings or

structures must be provided as part of a Special Use request for other than an existing building or structure.

#### **8.14.2 PERMITTED AND SPECIAL USE**

Personal wireless service facilities are included in the list of permitted and special uses in certain zoning districts of the Northwest Township Zoning Ordinance. A personal wireless service facility shall meet the requirements of the specific zoning district where the use is located except a personal wireless service facilities on an existing building or structure is not subject to separate application of the Schedule of Site and Structure Provisions of each district other than the appropriate application of those standards for the building or structure on which the facility is located as well as applicable Standards for Special Uses and the provisions of this Section 8.14 including the following:

##### **1. PERMITTED USE**

A Personal Wireless Service Facility including an antenna may be established as a permitted use in this District when mounted on an existing, legally established, non-residential building or structure (other than on the exterior of a free-standing sign structure) that is greater than forty five (45) feet in height provided that the antenna does not extend more than nine (9) feet above the top of the existing building or structure or not more than (4) feet beyond the sides of the existing building or structure and subject to the limitations for any accessory building or structure that is forty five (45) feet or less in height provided by Section 8.14.3; or on an existing, legally established, non-residential building or structure (other than on the exterior of a free-standing sign structure) that is forty five (45) feet or less in height provided that the antenna does not extend more than four (4) feet above the top of the existing building or structure or more than (2) feet beyond the sides of the existing building or structure and where no separate accessory building is required, and provided the Personal Wireless Service Facility meets the requirements of Section 8.14.3.

a. For an existing building forty-five (45) feet or less in height with an existing parapet wall above the roof elevation where the Personal Wireless Service Facility is to be mounted; the Township Board may allow the height above the top of the roof to be increased from four (4) feet to a maximum six (6) feet as a permitted use provided not more than four (4) feet of the Personal Wireless Service Facility may extend above the height of the parapet wall and provided the Personal Wireless Service Facility conforms to the Appearance Compatibility requirements of Section 8.14.3 of this Ordinance.

b. For an existing building greater than forty-five (45) feet in height with an existing parapet wall above the roof elevation where the Personal Wireless Service Facility is to be mounted; the Township Board may allow the height above the top of the roof to be increased from nine (9) feet to a maximum eleven (11) feet as a permitted use provided not more than nine (9) feet of the Personal

Wireless Service Facility may extend above the height of the parapet wall and provided the Personal Wireless Service Facility conforms to the Appearance Compatibility requirements of Section 8.14.3 of this Ordinance.

c. In the C/S-1 and C/S-2 Districts only two (2) personal wireless service facilities shall be allowed on an existing building of forty five (45) feet or less as a permitted use. If additional personal wireless service facilities are proposed on the same building they shall be processed as a special use and subject to the provisions for special uses and all other applicable provisions of this Section 8.14.

## 2. SPECIAL USE

a. A Personal Wireless Service Facility including an antenna may be processed as a special use in this District when mounted on an existing, legally established, non-residential building or structure (other than on the exterior of a free-standing sign structure) that exceeds the permitted use standards for this type of facility, subject to the Standards for a Special Use under the Northwest Township of Section 8.14.4.

b. A Personal Wireless Service Facility including an antenna may be processed as a Special Use in this District when it would be mounted on a building or structure that is not an existing building or structure subject to the Standards for a Special Use under the Northwest Township Zoning Ordinance and subject to the requirements of Section 8.14.5 including the Standards for documentation of non-availability or non-suitability of existing, buildings or structures for the proposed facility and service.

3. Lighting of the Personal Wireless Service Facility antenna or equivalent apparatus is not permitted unless required by the FCC (Federal Communication Commission), FAA (Federal Aviation Administration) or other Federal or State Authority. The applicant must present all approved alternatives for lighting under the applicable Federal or State requirements to the Township Board for their selection of one of the approved alternatives.

### **8.14.3 PERMITTED USE APPEARANCE COMPATIBILITY REVIEW BY TOWNSHIP TRUSTEES**

1. The Township Trustees shall review the proposed personal wireless service facility that meets the requirements for a permitted use in the district in which the subject property is located. The Township Trustees shall consider the proposed materials and color for the personal wireless service facility including the antenna or equivalent apparatus and any equipment building and related structures, screening and landscaping consistent with the following:

a. That the proposed antenna or equivalent apparatus mounted on the existing building or structure is of a color and material that blends with, or appears compatible with the existing building or structure to such an extent that it is not more obtrusive to the casual observer than the existing building or structure.



b. That for personal wireless service facilities as a permitted use on existing buildings or structures of forty five (45) feet or less, no separate detached building is allowed other than an equipment panel or equipment room that is interior to the existing building or structure. An equipment panel that would be located in an area adjacent to the existing building that is not visible from any property line may be allowed by the Township Trustees as part of a permitted use.

c. That any ground level equipment or related building shall be architecturally and visually compatible with surrounding existing buildings and structures or those buildings and structures likely to be developed under the underlying zoning district.

1.) The maximum floor area for any related equipment building shall not exceed 300 square feet per service provider or 900 square feet for co-location facilities as a permitted use.

2.) The maximum height for any related equipment building as a permitted use shall not exceed fifteen (15) feet and flat roof appearance are not permitted.

3.) Fencing may be constructed on all sides if necessary for security purposes with decorative fencing of vinyl coated chain link, wood or other decorative material subject to Township Trustee approval and screened with a mix of evergreen and deciduous trees and shrubs. A combination of landscaping and decorative fencing may also be constructed on less than all sides subject to Township Board approval when the Township Board finds screening is already provided by existing buildings, improvements or conditions.

#### **8.14.4 SPECIAL USE REQUESTS ON EXISTING STRUCTURES**

1. Personal wireless service facilities on existing structures, which would exceed the requirements of the permitted use provisions, may be processed as an application for review as a special use when listed as a special use in the district where the facility is to be located.

2. In addition to meeting the Standards for Special Use (Section 13.11.6) of the Northwest Zoning Ordinance the following Standards and Conditions must be met.

a. That the applicant has documented and the Plan Commission finds that the proposed facility cannot be mounted on the existing structure in conformance with the criteria for a permitted use and function adequately within its required service area or that it would interfere with an existing approved permitted or special use for a similar facility that is either co-located on the same building or structure or an adjacent building or structure.

b. That the applicant has documented and the Plan Commission finds that no other existing building or structure in the service area of the proposed facility is available or suitable for mounting of the proposed facility within the criteria of a permitted use under this ordinance. This standard shall be considered with any written documentation provided by the applicant indicating that they have attempted to negotiate in good faith to secure the ability to locate on existing buildings or structures as well as any written responses from such attempts. The Plan Commission shall consider such factors as the costs to adapt an existing building or structure to accommodate the Personal Wireless Service Facility as well as commercially reasonable terms related to proposed rent or other lease or purchase agreement requirements. These commercially reasonable terms may be considered with other co-location facilities in the area or with equivalent cost factors for new facilities.

c. That the applicant has documented and the Plan Commission finds that the increase height or decreased setback for the proposed Personal Wireless Service Facility would not create a condition where the total height and/or total setback relationship would exceed the following.

1.) A setback & structure; height relationship of 1 foot of setback for each 3 feet of height from any abutting property line in a non-residential zoning district.

2.) A setback & structure; height relationship of 1 foot of setback for each 2 feet of height from any abutting property line in a residential zoning district.

3.) This condition does not apply if the existing structure on which the proposed facility is to be mounted already exceeds this setback structure; height relationship, provided that the facility complies with the overall height limitations for such facilities and the existing setback is not reduced more than 50 percent of the existing setback of the existing structure.

d. That the applicant has documented and the Plan Commission finds that the total overall height of the facility and the existing building or structure on which it is to be mounted will not exceed two hundred (200) feet or 30 percent of the height of the building or structure whichever is lower. Requests for exceptions from this provision would need to apply for both a Special Use and a Variation or Variations under the Northwest Zoning Ordinance and satisfy all applicable Standards.

e. That the applicant has documented and the Plan Commission finds that the proposed antenna or equivalent apparatus mounted on the existing building or structure is of a color and material that blends with, or appears compatible with the existing structure.

f. That the applicant has documented and the Plan Commission finds that any increased size in floor area or height of any related ground level building or structure beyond that allowed for a permitted use is necessary to accommodate specific service requirements of the service an/or promotes opportunities for co-location of facilities.

1.) That the applicant has documented and the Plan Commission finds that the ground level building or structure shall be architecturally and visually compatible with surrounding existing buildings and structures or those buildings and structures likely to be developed under the underlying zoning.

2.) That the applicant has documented and the Plan Commission finds that additional screening and landscaping beyond what would be required for a permitted use will be provided and designed to address any proposed increases in the size or the height of the ground level building or structures beyond what would be allowed as a permitted use.

3.) Requests for increases in the floor area or height of the ground level building beyond the following shall require applications for both a Special Use and a Variation or Variations under the Northwest Zoning Ordinance and satisfy all applicable Standards.

a.) The maximum floor area for any related equipment building shall not exceed 500 square feet per service provider or 1200 square feet for co-location facilities as a special use.

b.) The maximum height for any related equipment building shall not exceed 20 feet as a special and while a flat roof appearance is discouraged it may be allowed as a special use if the applicant documents and the Plan Commission finds the request is compatible with surrounding buildings.

#### **8.14.5 SPECIAL USE REQUESTS ON OTHER THAN AN EXISTING BUILDING OR STRUCTURE**

1. Personal wireless service facilities proposed to be mounted on a structure other than an existing building or structure may be processed as an application for review as a special use when listed as a special use in the district where the facility is to be located.

2. In addition to meeting the Standards for Special Use (Section 13.11.6) of the Northwest Zoning Ordinance the following Standards and Conditions must also be met.

a. That the applicant has documented and the Plan Commission finds that no other existing building or structure in the service area of the proposed facility is available or suitable for mounting of the proposed facility within the criteria of a permitted or special use under this ordinance to allow the facility to function

adequately for the wireless service requirements or where it would interfere with an existing approved permitted or special use for a similar facility on an adjacent building or structure. This standard shall be considered with any written documentation provided by the applicant indicating that they have attempted to negotiate in good faith to secure the ability to locate on existing buildings or structures as well as any written responses from such attempts. The Plan Commission shall consider such factors as the costs to adapt an existing building or structure to accommodate the Personal Wireless Service Facility as well as commercially reasonable terms related to proposed rent or other lease or purchase agreement requirements. These commercially reasonable terms may be considered with other co-location facilities in the area or with equivalent cost factors for new facilities.

b. That the applicant has documented and the Plan Commission finds that the height of the proposed facility is the lowest possible height to allow the facility to function adequately for the wireless service requirements or at the lowest possible height to accommodate co-location.

1.) A setback- height relationship from any abutting property line in a non-residential zoning district as a special use shall consider the activities of the uses on site and on adjacent property including but not limited to vehicular circulation, parking and loading requirements, the existence of any above ground utility poles or wire, existing landscaping, and potential for co-location to assure that the facilities placement will not interfere with these uses and activities.

2.) A minimum setback &ndash; height relationship of 1 foot of setback for each 2 feet of height from any abutting property line in a residential zoning district is required as a special use. The potential for increased setbacks from residential uses should be considered as part of the special use review.

3.) Any application that cannot comply with the above setback - height relationship shall require applications for both a Special Use and a Variation or Variations under the Northwest Zoning Ordinance and satisfy all applicable Standards.

4.) The maximum height for the facility and related structure is 200 feet.

c. That the applicant has documented and the Plan Commission finds that the ground level building or structure shall be architecturally and visually compatible with surrounding existing buildings and structures or those buildings and structures likely to be developed under the underlying zoning.

1.) The maximum floor area, height, fencing and screening requirements for ground level buildings or structures for these facilities as Permitted and Special Uses on Existing Structures (Section 8.14.3 and 8.14.4) shall apply and any exceptions to those Standards will require applications for both a Special Use and Variation or Variations under the Northwest Zoning Ordinance and will be subject to all applicable standards.

#### **8.14.6 INDEPENDENT PROFESSIONAL REVIEW**

1. If the Zoning Administrator, Plan Commission or Township Board find that the documentation provided by the applicant requires independent professional review then the Zoning Administrator shall prepare a list that shall be submitted to the Township Board of at least three independent professionals that are qualified to review and comment on the applicants documentation. The Township Board may approve two more independent professionals that the Township Board would find qualified to review and provide professional comments on the applicants documentation. The applicant may select one of the independent professionals identified as acceptable to the Township Board to be retained by the Township with costs of the review and analysis being reimbursed to the Township by the Applicant. If additional independent studies or documentation is deemed appropriate by the applicant or the Township then the costs of the additional studies or documentation shall be the responsibility of the respective party requesting the additional information.

#### **8.14.6 ABANDONMENT AND REMOVAL**

1. When one or more antennas, an antenna support structure, or related equipment are not operated for the provision of personal wireless services for a continuous period of 12 months or more, such antenna, antenna support structure, or related equipment may be deemed to be abandoned by the Township. The owner of such an antenna, antenna support structure, or related equipment shall remove such items within 90 days following the mailing of written notice that removal is required. Such notice shall be sent by certified or registered mail, return receipt requested, by the Township to such owner at the last known address of such owner. If two or more providers of personal wireless services use the antenna support structure or related equipment to provide personal wireless services, then the period of non-use under this provision shall be measured from the cessation of operation at the location of such antenna support structure or related equipment by all such providers.

## **ARTICLE 11: SIGNS**

### **11.0 - SCOPE AND APPLICABILITY**

#### **Ordinance 02-2023**

1. The Northwest Township Zoning Board is setting up the following regulations for signage in the zoned area of Northwest Township. The effective date of this ordinance repeals prior ordinances herewith.
2. Be it ordered by the trustees of the Northwest Township Zoning Board and the board of trustees of the Northwest Township.
3. All signage already in place in the zoned area, will remain in place as they were in the zoned area before the passage of this ordinance.
4. New signage in zoned area must follow all the regulations in this ordinance,
5. The regulations for signage in the zoned area are as follows:
6. All signs must be on the business's property. No signage can be placed on ODOT Williams County or Northwest Township right of ways, unless prior permission in writing is obtained from appropriate authorities.
7. All signage must not cause conflict that could be hazardous conditions to all traffic (vehicles, bicycles or pedestrians). The sign cannot cause any obstructions to any traffic pattern.
8. Signage in the zoned area must be on the business property, not hanging over the right of way of road. The signage from the ground to the base of the sign must be 20 feet.
9. All signs must be maintained and kept in good appearance. Old signage must be removed by business or property owners within 30 days of closing.
10. No signage, banner, or sandwich board shall contain profanity or adult materials.
11. It is the intent that this ordinance will not amend any existing ordinances or regulations, except as herein specifically and all such. Existing ordinance or regulations shall continue in full force and in effect except as herein specifically changed.

## **ZONING ORDINANCE - 12.0**

### **NON-CONFORMING USES, LOTS AND STRUCTURES**

#### **12.0 - PURPOSE**

- The Northwest Zoning Ordinance has established separate districts and standards, each of which are appropriate for the uses and standards of that district. It is the purpose of this Article to regulate those non-conforming uses, lots, and structures which substantially and adversely affect the orderly development and taxable value of other conforming property in each district, and to specify those circumstances and conditions under which those non-conforming uses, lots, or structures shall be permitted to exist with restrictions.

## **12.1 - APPLICABILITY**

### **1. - LEGAL NON-CONFORMING USES, LOTS, AND STRUCTURES**

Uses, lots, and structures existing lawfully prior to the effective date of this Ordinance which, by reason of this Ordinance, are no longer conforming, shall be considered as legally non-conforming and shall be subject to all regulations imposed hereafter.

### **2. - ILLEGAL NON-CONFORMING USES, LOTS, AND STRUCTURES**

Uses, lots, and structures existing unlawfully prior to the effective date of this Ordinance, and which remain unlawful, shall be considered illegal and--unless remedial action is taken (e.g. special use authorized or brought into conformance by another acceptable zoning device permitted by this Ordinance)--shall be amortized in conjunction with Section 12.6 hereinafter; except that illegal non-conforming signs shall be amortized in conjunction with Article 11.

### **3. - PREVIOUS NON-CONFORMING, USES, LOTS, AND STRUCTURES WHICH BECOME CONFORMING AS A RESULT OF THE COMPREHENSIVE ORDINANCE AMENDMENT**

Uses, lots, and structures existing lawfully or unlawfully prior to the effective date of this Ordinance, which are made lawful as a result of the provisions of this Ordinance, shall be considered as conforming.

## **12.2. - AUTHORITY TO CONTINUE LEGAL NON-CONFORMING BUILDINGS, STRUCTURES, AND USES THEREOF**

Any legal non-conforming building, structure, or use thereof, excluding signs, which existed at the time of the adoption of this Ordinance and which remains non-conforming, and any such building, structure, or use thereof, excluding signs, which shall become non-conforming upon the adoption of this Ordinance or of any subsequent amendment thereto, may be continued only in accordance with the regulations which follow:

### **12.2.1 - REPAIRS AND ALTERATIONS**

Ordinary repairs and alterations may be made to a non-conforming building or structures, provided that no structural alterations shall be made in or to such building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, except those required by

law, or except to make the building or structure, and use thereof, conform to the regulations to the district in which it is located.

A building in a residential district containing non-conforming residential uses may be repaired or altered to improve livability and health conditions, provided no changes are made that would increase the number of dwelling units or the bulk of the building.

#### **12.2.2 - ADDITIONS AND ENLARGEMENTS**

A non-conforming building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall not be added to or enlarged in any manner unless such non-conforming building or structure, and use thereof, including all additions and enlargements thereto, is made to conform to all the regulations of the district in which it is located or unless application is made for conversion to a special use as specified in Section 12.7.

A non-conforming building or structure, which is non-conforming only as to bulk, shall not be added to or enlarged in any manner unless such additions and enlargements thereto conform to the applicable regulations of the district in which it is located or unless application is made for conversion to a special use as specified in Section 12.7.

#### **12.2.3 - RELOCATION OF BUILDING OR STRUCTURE**

No building or structure, which does not conform to all of the regulations of the district in which it is located, except those required by law, shall be moved in whole or in part to any other location unless every portion of which building or structure which is moved and the use thereof is made to conform to all regulations of the district into which it is moved.

#### **12.2.4 - RESTORATION OF DAMAGED BUILDING OR STRUCTURE**

A building or structure, or portion thereof, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, and which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence will exceed fifty (50) percent of the cost of restoration of the entire building or structure, shall not be restored, except as required by law, unless said building or structure, and the use thereof, shall conform to all regulations of the district in which it is located.

In the event that such damage or destruction is less than fifty (50) percent of the cost of restoration of the entire building or structure new, no repairs or reconstruction shall be made unless such restoration is started within one (1) year from the date of the partial destruction and is diligently prosecuted to completion.



**12.2.5 - DISCONTINUANCE OF USE OF NON-CONFORMING BUILDING OR STRUCTURE**

A building, structure, or portion thereof, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, and which is vacant, unoccupied, and not used on the effective date of this Ordinance, or thereafter becomes vacant and remains unoccupied, or is not used for a continuous period of one (1) year, shall not thereafter be occupied or used except by a use which conforms to the use regulations of the district in which it is located.

**12.2.6 - EXPANSION OF USE IN NON-CONFORMING BUILDING OR STRUCTURE**

**1. - IN BUILDING OR STRUCTURE DESIGNED OR INTENDED FOR NON-CONFORMING USE**

- The non-conforming use of part of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be extended throughout the building or structure in which said use is presently located, but no changes or structural alterations which increase the bulk of the building or structure, except those required by law, shall be made unless such changes or structural alterations and the use thereof conform to all the regulations of the district in which the building or structure is located.

**2. - ACCESSORY USES**

- No accessory use shall be added to a lot which is non-conforming or to a lot containing a non-conforming building or structure.

**12.2.7 - CHANGE OF A NON-CONFORMING USE IN NON-CONFORMING BUILDING OR STRUCTURE**

The non-conforming use of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be changed to any other conforming or non-conforming use allowed within the same or a more restrictive zoning district that allows the existing non-conforming use as a permitted use; but no change shall extend or otherwise modify any provisions made in this Ordinance for elimination of such non-conforming building or structure, and the use thereof. For the purpose of this Subsection only, the R-1 district shall be considered the most restrictive and the I-3 district the least restrictive district.

**12.2.8 - CHANGE TO A CONFORMING USE**

Whenever all or any part of a building or structure occupied by a non-conforming use is changed to or replaced by a use conforming to the provisions of this Ordinance, such premise shall not thereafter be used or occupied by a non-conforming use.

### **12.3 - NON-CONFORMING USE OF CONFORMING BUILDINGS OR STRUCTURES**

The lawfully existing non-conforming use of part of all of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, may be continued subject to the following provisions:

#### **12.3.1 - REPAIRS AND ALTERATIONS**

Repairs, alterations, and structural changes may be made to a conforming building or structure occupied by a non-conforming use, all or substantially all of which is designed or intended for a use permitted in the district in which it is located, provided said repairs, alterations, or structural changes conform to the regulations of the district in which said building or structure is located.

#### **12.3.2 - RESTORATION OF DAMAGED BUILDING OR STRUCTURE**

A building or structure, all or substantially all of which is designed or intended for a use which is permitted in the district in which it is located, and which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed fifty (50) percent of the cost of restoration of the entire building new, except as required by law, shall not be restored, unless said building or structure and the use thereof shall conform to all the regulations of the district in which it is located.

In the event such damage or destruction is less than fifty (50) percent of the cost of restoration of the entire building new, no repairs or reconstruction shall be made unless such restoration is started within one (1) year from date of the partial destruction and is diligently prosecuted to completion.

#### **12.3.3. - DISCONTINUANCE OF NON-CONFORMING USE OF CONFORMING BUILDING OR STRUCTURE**

If a non-conforming use of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, is discontinued for a period of six (6) consecutive months, it shall not thereafter be renewed, and any subsequent use of the building or structure shall conform to the use regulations of the district in which the premises are located.

#### **12.3.4 - EXPANSION OF NON-CONFORMING USE IN CONFORMANCE BUILDING OR STRUCTURE**

The non-conforming use of part of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, shall not be extended into any other portion of such building or structure.

**12.3.5 - CHANGE OF A NON-CONFORMING USE IN CONFORMING BUILDING OR STRUCTURE**

No non-conforming use shall be changed to another non-conforming use if located in a building or structure, all or substantially all of which building or structure is designed or intended for a permitted use.

**12.3.6 - CHANGE TO A CONFORMING USE**

Whenever all or any part of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, is occupied by a non-conforming use and is subsequently changed to or replaced by a use conforming to the provisions of this Ordinance, such premises shall not thereafter be used or occupied by a non-conforming use.

**12.4 - NON-CONFORMING USE OF LAND**

The non-conforming use of land not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, may be continued subject to the following provisions:

**12.4.1 - DISCONTINUANCE OF A NON-CONFORMING USE**

If a non-conforming use of land is discontinued for a period of six (6) consecutive months, it shall not thereafter be renewed, and any subsequent use of land shall conform to the regulations of the district in which the land is located.

**12.4.2 - EXPANSION OF A NON-CONFORMING USE**

A non-conforming use of land shall not be expanded or extended beyond the area it occupies.

**12.4.3 - CHANGE OF A NON-CONFORMING USE**

A non-conforming use of land may be changed to any other non-conforming use allowed within a more restrictive zoning district that allows the existing non-conforming use as a permitted use. For the purpose of this Subsection only, the R-1 district shall be considered the most restrictive and the I-3 district the least restrictive district.

#### **12.4.4 - CHANGE TO A CONFORMING USE**

Whenever a non-conforming use of land is changed to or replaced by a conforming use of land, such premises shall not thereafter be used or occupied by a non-conforming use.

### **12.5 - NON-CONFORMING LOTS**

Legal non-conforming lots existing at the time of the adoption of this Ordinance, may be utilized for uses that are permitted in the zone in which the lot is located, provided that the non-conforming lot complies with following provisions:

#### **12.5.1 - PERMITTED USE**

A non-conforming lot (existing prior to the effective date of this Ordinance) may be used for any permitted, special, temporary, or accessory use allowed in the zone in which the lot is located.

#### **12.5.2 - SITE AND STRUCTURE PROVISIONS**

The use of any non-conforming lot for a conforming use permitted in the zone in which the lot is located is subject to the site and structure provisions, and other requirements of that zone except those specific requirements that directly resulted in the lot's non-conforming status.

#### **12.5.3 - CONTIGUOUS NON-CONFORMING LOTS**

Where two (2) or more contiguous lots with continuous frontage, or combination of contiguous lots and portions of lots with continuous frontage, are under single ownership or unified control at or after the time of the passage of this Ordinance, and if all or part of the lots do not meet the required bulk provisions for lots within the zone in which the lots are located, they shall be considered to be an undivided parcel for the purposes of this Ordinance. Such contiguous groups of non-conforming lots may be resubdivided into new lots where each new lot, to the greatest extent possible, conforms to the standards of the district in which they are located; they may not however be built upon as separate and individual non-conforming lots without review by the Township Board of Trustees, acting upon the recommendation of the Zoning Board of Appeals to determine if they should be considered as one (1) lot, individual lots, or if resubdivision is required.

### **\*12.6 - AMORTIZATION OF NON-CONFORMING OR UNLAWFUL BUILDINGS, STRUCTURES, LOTS, OR USES**

Any legal non-conforming building, structure, lot or use, excluding signs, which existed at the adoption of this Ordinance and which remains non-conforming, and any such building, structure, or use which shall become non-conforming upon the adoption of this Ordinance or of any subsequent amendment thereto, shall be discontinued and cease in accordance with the

following. All non-conforming and unlawful buildings, structures, lots, or uses, excluding signs, shall cease to exist within one (1) year of the effective date of this Ordinance or as the situation warrants, may be permitted, on appeal to the Zoning Board of Appeals and the approval of the Township Board of Trustees, to cease to exist in accordance with the following schedule:

1. - Where no building or structure is employed in connection with such use, discontinued within one (1) year.

2. - Where the only buildings or structures or other physical improvements employed are accessory or incidental to such use and have an assessed valuation on the effective date of this Ordinance of not more than two thousand dollars (\$2,000), discontinued within two (2) years.

3. - Where all or substantially all of the improvements employed in a non-conforming building, structure, lot or use which have an assessed valuation on the effective date of this Ordinance of more than two thousand dollars (\$2,000), but less than twenty thousand dollars (\$20,000), discontinued within five (5) years.

\*4. - Where all or substantially all of the improvements employed in a non-conforming building, structure, lot or use which have an assessed valuation on the effective date of this Ordinance twenty thousand dollars (\$20,000) or more, then said non-conforming building, structure, lot or use shall have an amortization period established by the Township Board of Trustees upon the recommendation of the Zoning Board of Appeals.

5. - Where a non-conforming use of land is accessory to the non-conforming use of a building or structure, discontinued on the same date on which the non-conforming use of the building or structure is discontinued.

6. - In all residence districts, any use which lawfully exists at the adoption of this Ordinance, but is permitted only in a business or industrial district and which is located in a building, all or substantially all of which is designed or intended for a residential purpose, shall be entirely discontinued and shall thereafter cease operation within three (3) years from the date of the adoption of the Ordinance. This provision shall not affect permitted "home occupations."

The period specified for a discontinuance shall begin upon the date it becomes non-conforming pursuant to this Ordinance.

#### **\*12.7 - CONVERSION TO A SPECIAL USE**

Any non-conforming building, structure, or use may be converted to a permitted "special use" by the granting of a special use permit, as authorized in Article 13, Section 13.11. This conversion may occur only when it is shown that the non-conforming building, structure, or use is providing a particular service to the residents of Northwest Township and that the use is not detrimental to the Township as a whole or to adjacent properties.

## **ZONING ORDINANCE - 13.0 ADMINISTRATION AND ENFORCEMENT**

### **13.0 - ADMINISTRATION AND ENFORCEMENT**

#### **13.1 - ORGANIZATION**

The administration of this Ordinance is hereby vested in the Office of the Zoning Administrator and in the administrative officer responsible for that office, the Zoning Administrator. When used in this Ordinance, the terms "Zoning Administrator" and "Office of the Zoning Administrator" shall be interchangeable and shall be deemed to refer to the Office and not the individual position. Other responsibilities for the administration and enforcement of this Ordinance shall be vested in the Zoning Board of Appeals, the Plan Commission, and the Board of Trustees as hereinafter specified.

#### **13.2 - OFFICE OF THE ZONING ADMINISTRATOR**

##### **13.2.1 - ESTABLISHMENT AND STAFFING OF OFFICE**

The Office of the Zoning Administrator and the position of Zoning Administrator are hereby established. The Zoning Administrator shall be appointed by the Township President subject to the majority consent of the Township Board. The Zoning Administrator shall possess the credentials and qualifications to equitably, impartially, and knowledgeably administer and enforce the terms of this Ordinance. If deemed necessary by the Township President and authorized by the Township Board, the Township Administrator or any other qualified Township employee may serve as the Zoning Administrator. The Zoning Administrator, while appointed by the Township President, serves at the pleasure of the Township Board and may for cause, be removed from office by majority vote of said Board. The Township President shall provide the Office of the Zoning Administrator with all ancillary personnel deemed necessary to the efficient and proper operation of said office.

##### **13.2.2 - RESPONSIBILITIES**

All responsibilities hereinafter listed in this subsection shall be vested in the Office of the Zoning Administrator, and it shall be the duty of the Zoning Administrator to assure, to the best of his/her abilities, that said responsibilities are properly and diligently executed:

1. - Issue, and when applicable, renew all permits or certificates required by the several provisions of this Ordinance or as may be required to be issued as a matter of Township policy.
2. - Make and maintain records of all matters pertaining to zoning within the Township including, but not limited to, permit and certificate issuance, zoning applications for amendments, variations, special uses, etc., inspections, County zoning matters or adjacent municipal zoning matters affecting the Township

signs, and all correspondence, protests, objections or comments pertaining to Township zoning matters.

3. - Maintain, and publish for public dissemination and sale, no later than March 31st of each year, the Zoning Map of the Township, and keep all records and amendments pursuant thereto.
4. - Conduct inspections as prescribed by this Zoning Ordinance and such other inspections as are necessary to assure compliance with the various provisions hereof.
5. - Perform such other duties as are, from time to time, assigned or delegated by the Township Administrator or as may be designated elsewhere in this Ordinance.
6. - Map all non-conforming and unlawful uses existing within the Township, keep records pertaining to such uses, and enforce the applicable provisions of Article 12.
7. - Provide and maintain a source of public information relative to all matters arising out of this Ordinance.
8. - Receive, file, and forward to the appropriate Township board or commission all applications and petitioner for such action as such boards or commissions are required to act upon pursuant to the provisions of this Ordinance.
9. - Render, when called upon to do so, administrative interpretations regarding the zoning of specific properties within the Township, and the effect such zoning has on the lot, bulk, and/or the intensity of use.
10. - Advise all interested Township and other governmental agencies of pending zoning matters, and when called upon to do so, notify property owners and/or homeowner's associations.
11. - Serve as liaison with the Township Board, Zoning Board of Appeals, and Plan Commission, and keep those boards and commission abreast of all zoning matters and of the "state of art" in community planning and zoning.
12. - Attend meetings of Township board and commissions when ordered to do so by the Township Administrator.
13. - Issue zoning certificates when so authorized.
14. - When in compliance with this Ordinance, issue temporary use permits.

### **13.3 - ZONING BOARD OF APPEALS**

#### **13.3.1 - CONTINUANCE AND MEMBERSHIP**

The Northwest Township Zoning Board of Appeals, established in previous texts of the Township's Zoning Ordinance, is hereby authorized to continue. Said Board has consisted and shall be continued to be composed of three (3) members appointed by the President of the Township Board with the majority consent of the Township Board. Such members shall receive an allowance for expenses and compensation for their time as may be provided for by the Township Board in their general salary ordinance. Members of the Zoning Board of Appeals serving at the time of adoption of this comprehensive amendment to the Northwest Zoning Ordinance shall serve for the remaining term of their appointments or until their respective successors are appointed. All new and renewed terms of office for Zoning Board of Appeals members shall be for two (2) years.

The Township President, with the majority consent of the Township Board, shall, on an annual basis, designate one of the members of said Zoning Board as Chairman of said Board. The Chairman of said Zoning Board shall hold office for a period of one (1) year at which time, the Township President, subject to the majority consent of the Township Board, may either reappoint said individual as Chairman of the said Zoning Board or designate another member of the Zoning Board as Chairman.

#### **13.3.2 - JURISDICTION**

The Zoning Board of Appeals is hereby vested with the following jurisdiction and authority to:

1. - Hear and make recommendation to the Township Board on all appeals to any order, requirement, decision, or determination made by the Office of the Zoning Administrator.
2. - In instances when a particular provision of this Ordinance is, in the opinion of the Office of the Zoning Administrator, open to interpretation or ambiguous, make recommendations to the Township board as to the specific provision in question, its scope, and its applicability.
3. - Make recommendations to the Township Board to grant or deny variations consistent with the procedure and standards for variations established in this Article.
4. - Hear and recommend schedules for amortization of non-conforming or unlawful buildings, structures, lots, or uses to the Township Board.
5. - Make recommendations to the Township Board as to the determination of "similar and compatible uses" in accordance with the provisions of this Article.
6. - Initiate, direct, and review, on a periodic basis, this Ordinance, reporting all recommendations to the Township Board as it does so.



7. - Hear and decide all matters referred to it or upon which it is required to pass under this Ordinance.

### **13.3.3 - MEETING AND RULES**

All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman, and at such times as the Zoning Board may determine. All meetings conducted by the Board shall be open to the public. Any person may appear and testify at a hearing either in person or by a duly authorized agent. The Chairman, or in his/her absence the acting Chairman, may administer oaths and compel the attendance of witnesses. The Zoning Board shall keep minutes of its proceedings, vote, indicating such fact, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, every amendment, and every order, requirement, decision, or determination of the Zoning Board shall be filed immediately in the Office of Zoning Administrator and shall be a public record.

### **\*13.3.4 - REQUIRED VOTE**

All final decisions arrived at by the Zoning Board of Appeals shall require an concurring vote of at least two(2)members of the Zoning Board members in attendance.

### **13.3.5 - EFFECT OF ZONING BOARD OF APPEALS ACTION**

In all instances, action taken by the Northwest Zoning Board of Appeals is advisory to the Township Board of Trustees. Sequences of submission of Zoning Board recommendations to the Township Board are enumerated within other subsections herein. After the proper procedure herein specified as been adhered to, including all required public hearings, and the Zoning Board of Appeals has made its recommendations, the Township Board shall, then and only then, make the final administrative determination of all matters relating to this Zoning Ordinance including, appeals, interpretations, variations, and amortization schedules. All such decisions of the Township Board are final, subject to change only upon proper judicial review and order or upon a change in ruling by the Township Board.

## **13.4 - PLAN COMMISSION**

### **13.4.1 - PARTICIPATION IN ZONING MATTERS**

As referred to in this Ordinance, the Plan Commission is that appointed body created, in accordance with the Revised Statutes of the State of Ohio, as the Northwest Township Plan Commission. Said Plan Commission shall have advisory jurisdiction in zoning matters as specified in the following subsection.

### **13.4.2 - JURISDICTION**

The Northwest Township Plan Commission is hereby vested with the following jurisdiction and authority to:

1. - Conduct public hearings, and to recommend action to the Township Board, on special uses, planned unit developments, and zoning amendments.
2. - Recommend to the Township Board and Zoning Board that specific aspects of this Ordinance be studied and the reasons therefore, and upon the approval of the Township Board, to study and recommend changes to this Ordinance.
3. - Make recommendations to the Township Board to insure that any changes in this Ordinance are in strict conformance with all aspects of the Northwest Comprehensive Plan.
4. - Review and make recommendations upon all other matters referred to it by this Ordinance.

#### **13.4.3 - MEETINGS AND RULES**

All meetings of the Plan Commission shall be held at the call of the Chairman, and at such times as the Plan Commission may determine. All meetings conducted by the Commission shall be open to the public. Any person may appear and testify at a hearing either in person or by a duly authorized agent. The Chairman, or in his/her absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. The Plan Commission shall keep minutes of its proceedings, showing the vote of each member upon each questions, or if absent, or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, every amendment, and every order, requirement, decision, or determination of the Plan Commission shall be filed immediately in the Office of the Zoning Administrator and shall be public record.

#### **13.4.4 - REQUIRED VOTE**

All final decisions arrived at by the Plan Commission shall require a majority vote of all Commission members in attendance, providing that a quorum of at least three (3) members are present.

#### **13.4.5 - EFFECT OF PLAN COMMISSION ACTION**

In all instances, action taken by the Northwest Township Plan Commission is advisory to the Township Board of Trustees. Sequences of submission of Plan Commission recommendations to the Township Board are enumerated within other subsections herein. The Township Board shall make final administrative determinations relating to the Zoning Ordinance including those for special uses, planned unit developments, and zoning amendments. All such decisions of the

Township Board are final, subject to change only upon proper judicial review and order or upon a change ruling by the Township Board.

## **13.5 - TOWNSHIP BOARD OF TRUSTEES**

### **13.5.1 - PARTICIPATION IN ZONING MATTERS**

As referred to in this Ordinance, the Township Board is that elected body created in accordance with the Revised Statutes of the State of Ohio, as the Northwest Township Board of Trustees. Said Township Board has jurisdiction in zoning matters as specified in the following subsection.

### **13.5.2 - JURISDICTION**

The Northwest Township Board of Trustees is hereby vested with the following jurisdiction and authority to:

1. - Approve, disapprove, or modify all proposed special uses, planned unit developments, and zoning amendments, upon receipt of recommendations from either the Zoning Board or Plan Commission.
2. - Approve, disapprove, or modify all appeals to any order, requirement, decision, or determination made by the Office of the Zoning Administrator, upon receipt of recommendations from the Zoning Board.
3. - Approve, disapprove, or modify all requested variations consistent with the procedure and standards for variations established in this Article, upon receipt of recommendations from the Zoning Board.
4. - Approve, disapprove, or modify all schedules for amortization of non-conforming or unlawful buildings, structures, or uses, upon receipt of recommendations from the Zoning Board.
5. - Make determinations of "similar and compatible uses" in accord with provisions of this Article, upon receipt of recommendations from the Zoning Board.
6. - Act upon the periodic recommendations of the Zoning Board and Plan Commission as to the current status of this Ordinance.
7. - Upon receipt of recommendations from the Plan Commission, insure that any changes in this ordinance are in conformance with all aspects of the Northwest Township Comprehensive Plan.
8. - Act upon all other recommendations from the Zoning Board and Plan Commission concerning matters related to this Ordinance.

### **13.5.3 - FINALITY OF DECISIONS OF THE TOWNSHIP OF TRUSTEES**

All decisions of the Northwest Township Board of Trustees relating to the various provisions of this Ordinance, specifically those concerned with special uses, planned unit developments, appeals, interpretations, variations, amortization schedules, and zoning amendments, after the proper procedure herein outlined as been adhered, shall, in all instances, be the final administrative determination, subject to change only upon proper judicial review and order or upon a change in ruling by said Township Board.

## **13.6 - ZONING CERTIFICATES AND PLATS**

### **13.6.1 - REQUIREMENTS**

Before any building or other structure, or part thereof, shall be erected, constructed, reconstructed, enlarged, moved, or structurally altered, and before the use of any building, structure, or land is changed within the Township, a zoning certificate shall be obtained from the Zoning Administrator. Said certificate shall specify its purpose and to what extent it permits development or use of a property. In cases where a special use is authorized, the special use permit shall serve as the zoning certificate. In cases where a temporary use is authorized, the temporary use permit shall serve as the zoning classification of property, and each authorized zoning enforcement officer shall be aware of the terms and permissiveness of each zoning classification. Further, no building shall be occupied before first obtaining an Occupancy Permit in compliance with established Township policy.

### **13.6.2 - PLATS**

Every application for a zoning certificate shall be accompanied by:

1. - A plat, in duplicate, of the piece or parcel of land, lot, lots, block or blocks, or parts or portions thereof, drawn to scale showing the actual dimensions and certified by a Land Surveyor licensed by the State of Ohio, as a true copy of the piece or parcel lot, lots, block or blocks, or portions thereof, according to the registered or recorded plat of such land.

2. - A plat, in duplicate, drawn to scale in such form as may, from time to time, be prescribed by the Zoning Administrator, showing the ground area, height, and bulk of the building or structure, the building lines in relation to lot lines, the use to be made of the building or structure or land, and such other information as may be required by the Zoning Administrator for the proper enforcement of this Zoning Ordinance.

One copy of each of the two (2) plats shall be attached to the application when it is submitted to the Office of the Zoning Administrator for a zoning certificate and shall be retained by the Zoning Administrator as public record.

## **13.7 - INTERPRETATION OF THE ZONING ORDINANCE**

### **13.7.1 - INTERPRETATIONS OF SPECIFIC PROVISIONS**

When a specific provision of this Ordinance is, in the opinion of the Zoning Administrator, ambiguous or open to interpretation, said provision shall be referred to the Zoning Board of Appeals by the Zoning Administrator, and said provisions shall be publicly discussed at said Boards' next regularly scheduled meeting. The Zoning Board of Appeals may elect to continue discussion of the specific provision at its immediately subsequent regular meeting, and shall therewith or subsequent thereto, recommend to the Township Board of Trustees for adoption an interpretation of said provision. The adoption or modification of the recommended interpretation of the provision by the Township Board shall be final and binding.

If, in the opinion of an application or interested citizen, a specific zoning provision is ambiguous or open to interpretation, the Zoning Administrator shall determine if in fact said provision is so. If the Zoning Administrator determines that a specific provision is generally understood and is capable of being equitably and consistently administered, said Zoning Administrator's judgment shall serve as administrative determination, subject only to Zoning Board review and Township Board approval upon a property prosecuted appeal. If the Zoning Administrator agrees that a specific provision is open to interpretation, and s/he cannot render or does not want to render a definition, said provision shall be referred to the Zoning Board of Appeals in accordance with the procedure outlined in the immediately preceding paragraph.

### **13.7.2 - SIMILAR AND COMPATIBLE USES**

It is inevitable that certain forthright and justifiable uses of land will be missing from district listings of uses. An applicant for an unlisted use shall have the right to apply for said use as a special use in any zoning district where said use is thought to be justified. The procedure and standards for special uses shall be adhered to requiring a public hearing by the Plan Commission, pertaining to said special use application. Prior to such Plan Commission hearing, or at a combined meeting of the Zoning Board and Plan Commission, said special use application shall be placed before the Zoning Board. The Zoning Board shall recommend to the Township, who shall thereupon determine if there is legitimate cause to believe that the proposed use might be compatible with other uses listed in the zoning district (this responsibility differs from the Plan Commissions' in that among said Commissions' duties, is to evaluate if the proposed special use is compatible with adjoining properties and land uses, regardless of zoning classification). In making said determination, the following conditions shall be considered:

1. - Said use's potential of being consistent, compatible, and homogeneous with uses listed as permitted uses in the requested zoning district.

2. - In what other zoning classification, if any, the requested use is listed as permitted or special, and if said use--if listed in other districts--might be better processed in another district.

3. - The extent to which the proposed use complies with the "Description of District" of the particular zoning classification.

4. - The potential that the proposed use has of completing or disturbing the rationale and integrity of the requested zoning classification.

If the Township Board, acting upon the recommendation of the Zoning Board, determines that the requested use can legitimately be processed as a special use in the requested district, the Plan Commission's finding shall be considered for action by the Township Board if the procedure for a combined Zoning Board and Plan Commission meeting was followed. If the Plan Commission has not held its hearing, the Plan Commission shall be advised of the Township Board's actions and hold its hearing. If the Township Board determines that no probable cause exists to believe that the proposed use can comply with requirements of the requested zoning district nor can it be compatible and consistent with other uses listed in the district, then the applicant shall be advised that the requested use is prohibited in the requested zoning district, and consideration of a special use for said use shall not be allowed; if the Plan Commission has not held its hearing through the combined hearing procedure, then no Plan Commission hearing shall be held.

The Zoning Board, upon consideration and decision pertaining to an allegedly "similar and compatible use," shall recommend to the Township Board for adoption, that said use be cataloged in the specific district as a special use if so authorized by the Zoning Board, or shall in the files of the Office of the Zoning Administrator, be listed as prohibited in said district. This procedure shall obviate the need for duplicated study of a specific use in a specific district.

Upon special use approval of a "similar and compatible use," said use shall abide by the "Site and Structure Provisions" of the applicable zoning district, or shall abide by more restrictive site and structure provisions as may be imposed by the Township.

### **13.7.3 - ZONING MAP INTERPRETATIONS**

See Article 3, Section 3.1.

## **13.8 - APPEALS**

### **13.8.1 - AUTHORITY**

The Zoning Board of Appeals shall hear and recommend to the Township Board of Trustees for approval all appeals of any administrative order requirement or determination under this Ordinance. Action taken by the Zoning Administrator may be appealed to the Zoning Board of Appeals who shall thereupon present their findings to the Township Board for approval.

#### **13.8.2 - SCOPE OF APPEAL**

An appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation, or by any officer, department, board or bureau aggrieved by a decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) days after the alleged erroneous order, decision or interpretation, by filing notice of such appeal on forms provided by the Office of the Zoning Administrator and payment of such fee as provided by Resolution by the Township Board.

#### **13.8.3 - STAY PROCEEDINGS**

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Office of the Zoning Administrator certifies to the Zoning Board of Appeals, after the notice of appeal has been filed with it, that, by reason of facts stated in the application, a stay would in its opinion, cause imminent peril to life or property. In such case, the proceedings shall not be stayed unless a restraining order is issued by either the Township Board, acting upon the recommendation of the Zoning Board of Appeals, or by a court of record, and then only if due cause can be conclusively shown.

#### **13.8.4 - APPEAL HEARING AND FINDINGS**

A public hearing shall be conducted by the Zoning Board upon an appeal within sixty (60) days of its filing. A written recommendation of the Zoning Board's findings shall be presented to the Township Board on said appeal within thirty (30) days of said public hearing. At such time, the Township Board shall select a reasonable time and place for the hearing of the appeal, giving due notice thereof to the concerned parties, and shall render a written decision on the appeal without unreasonable delay.

The Township Board, after reception of the recommendations of the Zoning Board, upon the majority vote of its entire membership may affirm, reverse, wholly or in part, or modify the order, requirement, decision, or determination, as it determines, in its opinion, what ought to be done, and to that end shall have all the powers of the officers from whom the appeal is taken.

The Office of the Zoning Administrator shall maintain complete records of all recommendations made by the Zoning Board and all actions of the Township Board relative to appeals.

### **13.8.5 - FINALITY OF DECISIONS**

All decisions, after the procedure herein outlined has been adhered, shall, in all instances, be final administrative determinations and shall be subject to judicial review only in accordance with applicable statutes of the State of Ohio.

## **13.9 - VARIATIONS**

### **13.9.1 - VARIATIONS**

It is the intent of the Zoning Ordinance to use variations only to modify the application of the Zoning Ordinance to achieve a parity among properties similarly located and classified. Specifically, it is to be used to overcome some exceptional physical condition which poses practical difficulty or particular hardship in such a way as to prevent an owner from using his property as intended by the Zoning Ordinance. Such practical difficulty or hardship must be clearly exhibited and must be as a result of an external influence; it may not be self-imposed.

### **13.9.2 - APPLICATION FOR VARIATION AND HEARING PROCEDURE**

An application for a variation shall be filed in writing with the Office of the Zoning Administrator. The application shall contain such information as the Zoning Board of Appeals may from time to time, by rule, require. Notice of the time and place of a public hearing shall be published at least once, not more than thirty (30) days and not less than fifteen(15) days before the hearing, in a newspaper of general circulation in Northwest Township. The published notice may be supplemented by such additional form of notice as the Zoning Board, by rule, may require.

The public hearing pertaining to the requested variation shall be held by the Zoning Board within sixty (60) days of the filing of the application and fee. A written report of the Zoning Board's findings recommending the granting or denial of the requested variation shall be submitted to the Township Board within thirty (30) days after said public hearing. At such time, the Township Board shall select a reasonable time and place for the hearing of the requested variance giving due notice thereof to the concerned parties, and shall render a written decision to grant, deny, or modify the requested variation without unreasonable delay.

### **13.9.3 - STANDARDS FOR VARIATIONS**

The Zoning Board of Appeals shall recommend and the Township Board of Trustees shall grant a variation only when it shall have determined, and recorded in writing, that all of the following standards are complied with:

1. - That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the



owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

2. - The conditions upon which the petition for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property within the same zoning classification.

3. - That the purpose of the variation is not based exclusively upon a desire to make more money out of the property.

4. - That the alleged difficulty or hardship is caused by the Ordinance and has not been created by any person presently having an interest in the property.

5. - That the proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase congestion in the public streets or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.

6. - That the variation does not permit a use otherwise excluded from the particular zone in which requested except for uses authorized by the Zoning Board, subject to the approval of the Township Board, as "similar and compatible uses."

7. - That the variation granted is the minimum adjacent necessary for the reasonable use of the land.

8. - That the granting of any variation is in harmony with the general purposes and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, be detrimental to the public welfare, alter the essential character of the locality, or be in conflict with the Comprehensive Plan for development of the Township.

9. - That, for reasons fully set forth in the recommendations of the Zoning Board, and the report of the Township Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of the Zoning Ordinance would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variation; there must be a deprivation of beneficial use of land.

In addition, the Township Board, upon the recommendation of the Zoning Board, may impose such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards established in this subsection to reduce or minimize the effect of such variation upon other property in the neighborhood, and to better carry out the general intent of this Ordinance.

#### **13.9.4 - AUTHORIZED VARIATIONS**

Variations from regulations imposed by this Ordinance shall be granted by the Township Board of Trustees, upon the reception of recommendations from the

Zoning Board of Appeals, only when in conformance with this Section and may be granted only in the following instances and in no others:

1. - To permit any front, side, or rear yard to be less than the yard required by the applicable regulations.

2. - To permit the use of a lot for a use otherwise prohibited solely because of the insufficient area or width of the lot, but in no event shall the area of the lot be less than seventy (70) percent of the required lot area or the width of the lot be less than seventy-five (75) percent of the required lot width; and provided that the Township Board in considering any request for permission to build upon an undersize or under-width tract including an undersize or under-width platted lot or combination of undersize or under-width platted lots shall, whenever such combination is possible, require that two (2) or more undersize or under-width lots be combined or redivided into building sites of at least or substantially the size and width required by this Ordinance.

- The Township Board, acting upon the recommendations of the Zoning Board, shall have the power to permit the use of building sites smaller or narrower than required where such combination and redivision cannot be done without substantial hardship to the owner or owners of the lots in question. Where a number of undersize under-width lots are owned as a tract, the Township Board, acting upon the recommendations of the Zoning Board, is directed to limit its variations to permit as little divergence as possible from the tract size and width required by this Ordinance. In its consideration, both of the possible combination of undersize and under-width lots into proper building sites and the division of large lots into building sites not of the sizes and widths herein required, the Township Board shall consider both the hardship of the property owner and the type of building sites already used in the immediate neighborhood as should the Zoning Board in making its recommendation.

3. - To permit the same off-street parking facility to quality as required facilities for two (2) or more uses, provided the substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.

4. - To reduce the applicable off-street parking or loading facilities required by not more than one (1) parking space or loading space or twenty (20) percent of the applicable regulations, whichever number is greater.

5. - To increase by not more than twenty (20) percent the gross area of any sign.

6. - To increase the maximum gross floor area of any use so limited by the applicable regulations.

7. - To grant variations for zoning approval in the Flood Plain as specified in Article 8, Section 8.9.6.

### **13.9.5 - TERMS OF APPROVAL**

Upon the reception of the recommendations of the Zoning Board of Appeals, a majority vote of the Township Board of Trustees shall be necessary to grant a variation. No order of the Township Board, nor recommendation of the Zoning Board, shall be valid for a period longer than twelve (12) months from the date of such an order unless a building permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period. Action taken on a variation by the Township Board shall be deemed as final administrative determination, subject to change only upon proper judicial review and order.

### **13.9.6 - EFFECT OF DENIAL OF A VARIATION**

No application for a variation which has been denied wholly or in part by the Township Board of Trustees shall be resubmitted for a period of one (1) year from the date of said order of denial, except on grounds of new evidence or proof of changed conditions found to be valid by said Township Board.

## **13.10 - ZONING AMENDMENTS**

### **13.10.1 - AUTHORITY**

The regulations imposed and the district created under this Zoning Ordinance may be amended from time to time by the Northwest Township Board of Trustees. No such amendment shall be made without consideration of existing conditions, the conservation of property values, the directions of building to the best advantage of the entire Township, and the uses to which property is devoted at the time of the adoption of any such amendatory Ordinances.

### **13.10.2 - INITIATION OF AMENDMENT**

Amendments may be proposed by a Trustee of the Township Board, a member of the Plan Commission, a member of the Zoning Board of Appeals, or by any person owning or having an interest in specific properties within the Northwest Township. Two types of amendments are possible: text amendments to this Ordinance and amendments affecting specific properties, which generally do not affect other property's zoning (map amendments).

### **13.10.3 - APPLICATION FOR AMENDMENT**

An application for an amendment shall be filed with the Office of the Zoning Administrator in such form and accompanied by such information as this Ordinance and the Zoning Administrator may specify. A fee schedule for processing of zoning amendments shall be established, by rule, by the Township Board.

#### **13.10.4 - TEXT AMENDMENTS**

Amendments to the text of the Northwest Township Zoning Ordinance may be initiated by any party with such authority, as specified in Section 13.10.2. With the exception of the Board of Trustees who is not required to comply with this provision, when a text amendment is proposed, both the Plan Commission and the Zoning Board of Appeals shall conduct a public hearing. These hearings may be held simultaneously. Both the Plan Commission and the Zoning Board of Appeals shall give notice of the time and place of such hearing not more than thirty (30) nor less than fifteen (15) days before the public hearing by publishing a notice thereof at least once in a newspaper of general circulation within the Northwest Township. Said notice shall include a summary of which text changes are proposed.

Both the Plan Commission and the Zoning Board of Appeals, within sixty (60) days after the close of the hearing on the proposed text amendment, shall make written findings of fact, and submit same together with a recommendation, to the Township Board.

In its findings of fact, the Plan Commission shall consider:

1. - The effect the text amendment would have on comprehensive planning in the community and the extent to which the proposed amendment would be consistent with Northwest Township planning objectives.
2. - The extent to which the text amendment will ameliorate a condition in the zoning ordinance which is not conducive to proper community planning; e.g. the need for the amendment.
3. - The degree to which all property owners in the community, zoned in similar classifications, would be benefited or affected by the zoning text amendment; and, the extent to which the proposed amendment would or would not benefit or affect one (1) or a selected and small group of property owners only.
4. - The extent to which any formal, written protest pertaining to the proposed amendment, in accordance with Article 13, Section 13.16 herein, can be substantiated on a factual basis.

In its findings of fact, the Zoning Board of Appeals shall consider.

1. - The consistency of the proposed text amendment with other provisions in this Ordinance.
2. - The extent to which the text amendment will ameliorate a condition in this Ordinance which is, from a legal or administrative standpoint, deficient.
3. - The need for the zoning text amendment.

4. - Whether or not the proposed text amendment, if adopted, will require other provisions of this Ordinance to be changed or modified and, if so, the way in which the Ordinance will have to be further modified and amended.

5. - The extent to which any formal written protest pertaining to the proposed amendment, in accordance with Article 13, Section 13.16 herein, can be substantiated on a factual basis.

- Upon receipt of findings of fact and recommendations from the Plan Commission and Zoning Board of Appeals, the Township Board shall act upon the proposed text amendment within sixty (60) days. The decision reached by the Township Board shall take into account the submitted findings of fact and recommendations. If a text amendment is adopted by the Township Board, said amendment shall be included in an ordinance passed by said Township Board.

#### **13.10.5 - MAP AMENDMENTS**

Amendments affecting specific properties which, generally, do not affect other property's zoning (map amendment) may be initiated by any party with such authority, as specified in Section 13.10.2. When a map amendment is proposed, the Plan Commission shall conduct a public hearing. Notice of the time and place of said hearing shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing by publishing a notice thereof at least once in a newspaper of general circulation within Northwest Township. Said notice shall include such description of the property affected by the proposed amendment as the Zoning Administrator may deem appropriate.

The Plan Commission, within sixty (60) days after the close of the hearing on the proposed text amendment, shall make written findings of fact, and shall submit these findings together with a recommended course of action to the Township Board.

In its findings of fact, the Plan Commission shall consider:

1. - Whether the uses permitted by the proposed amendment would be appropriate in the area concerned.

2. - Whether adequate public school facilities and other public services exist or can be created to serve the needs of any additional dwelling units likely to be constructed as a result of such change.

3. - Whether the proposed change is in accord with any existing or proposed plans for providing public water supply and sanitary sewers in the vicinity.

4. - Whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the Township and the probable effect of such change on the cost of providing public services.

5. - The amount of vacant land which is currently zoned for similar development in the Township or in contiguous areas, and particularly in the vicinity of the area included in the proposed amendment, and any special circumstances which may make part of such vacant land unavailable for development.

6. - The recent rate at which land is being developed in the proposed district of the Township, and particularly in the vicinity of the area included in the proposed amendment.

7. - The effect of the proposed amendment upon the growth of existing neighborhoods as envisaged by the Williams County Comprehensive Plan.

8. - Whether other areas designated for similar development area likely to be so developed if the proposed amendment is adopted, and whether the designation for such future development should be withdrawn from such areas by further amendment of this Ordinance.

9. - If the proposed amendment involves a change from a residential to a non-residential designation, whether more non-residential land is needed in the proposed location to provide commercial services or employment for the residents of the Township.

10. - Existing uses and zoning within the general area of the property in question.

11. - The extent to which property values are diminished by particular zoning restrictions.

12. - The extent to which the restriction of property values of the petitioner promotes the health, safety, morals, or general welfare of the public.

13. - Whether the proposed amendment is the minimum adjustment necessary to allow the reasonable use of the property.

14. - The extent to which any formal written protest pertaining to the proposed amendment, in accordance with Article 13, Section 13.16 herein, can be substantiated on a factual basis.

Upon receipt of the findings of fact and recommendation from the Plan Commission, the Township Board shall act upon the proposed map amendment within sixty (60) days. The decision reached by the Township Board shall take into account the submitted findings of fact and recommendations. If a map amendment is adopted by the Township Board, said amendment shall be included in an ordinance passed by said Township Board.

The Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant.

#### **13.10.6 - EXTENSIONS**

If an application for a proposed amendment is not acted upon finally by the Township Board within sixty (60) days of the time of receipt of the Plan Commission's (and Zoning Board's, in cases of text amendments) recommendations, it shall be deemed to have been denied unless an additional and specific period of consideration time is granted by the Township Board.

#### **13.10.7 - EFFECT OF DENIAL OF AMENDMENT**

No application for an amendment which has been denied wholly or in part by the Township Board shall be resubmitted for a period of one (1) year from the date of said order of denial, except on grounds of new evidence or proof of changed conditions found to be valid by the Township Board.

#### **13.10.8 - REPEAL**

In any case where a change of boundary lines of the zoning district map has taken place and where no development has occurred within one (1) year, the Plan Commission may hold a public hearing, after due notice of public hearing has been given, and recommend to the Township Board of Trustees that such zoning be affirmed or repealed and rezoned to its most appropriate district classification. Thereupon, based on such recommendation by said Plan Commission, the Township may either affirm or repeal and rezone to its most appropriate district classification said zoning amendment.

For this purpose, a zoning amendment shall be deemed to have been established on the date of its approval by a majority of the Township Board of Trustees.

### **13.11 - SPECIAL USES**

#### **13.11.1 - PURPOSE**

This Ordinance is based upon the division of the Township into districts, within which districts the use of land, and the uses and bulk of buildings and structures, are substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, can only be properly classified in any particular district or districts upon consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such special uses fall into two categories:

1. - Uses publicly operated or traditionally affected with a public interest, and

2. - Uses entirely private in character but of an unusual nature where their operation may give rise to unique problems or benefits with respect to their impact upon problems or benefits with respect to their impact upon neighboring property, public facilities, or the Township as a whole.

#### **13.11.2 - INITIATION OF SPECIAL USE**

Any person owning or having an interest in the subject property may file an application to use such land for one or more of the special uses provided for in the Ordinance in the zoning district in which the land is situated.

#### **13.11.3 - APPLICATION**

An application for a special use or expansion of a special use shall be filed with the Office of the Zoning Administrator on a form prescribed by said Office. The application shall be accompanied by such plans and/or data prescribed by the Office of the Zoning Administrator and shall include a statement in writing by the applicant and adequate evidence showing that the proposed special use will conform to the standards set forth in Article 13, Section 13.11.6.

#### **13.11.4 - HEARING**

Upon receipt in proper form of the application and statement referred to in Article 13, Section 13.11.3, the Plan Commission shall hold a public hearing. At least fifteen (15) days in advance of each hearing, and not more than thirty (30) days in advance of each hearing, notice of the time and place of such hearing shall be published in a newspaper of general circulation in Northwest Township.

#### **13.11.5 - AUTHORIZATION**

For each application for a special use, the Plan Commission shall report to the Township Board its findings and recommendations, including the stipulations of additional conditions, and guarantees that such conditions will be complied with when they are necessary for the protection of the public interest within sixty (60) days of the public hearing. Upon receipt of the findings of fact and recommendations of the Plan Commission, the Township Board shall act upon the proposed application for special use within sixty (60) days. The decision reached by the Township Board shall take into account the submitted findings of fact and recommendations. If a special use is granted by the Township, said special use shall be included in an Ordinance passed by said Township Board. If the special use is granted in said ordinance, the Zoning Administrator shall issue a special use permit to the applicant subject to all applicable rules, regulations and conditions.



### **13.11.6 - STANDARDS**

No special use, including Planned Unit Developments or Cluster Residential Developments, shall be recommended by the Plan Commission unless said Commission shall find:

1. - That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.
2. - That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. - That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
4. - That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided.
5. - That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. - That the special use shall in all other respects conform to the applicable regulations of this Ordinance and other applicable Township regulations, except as such regulations may in each instance be modified by the Township Board, pursuant to the recommendation of the Plan Commission.
7. - The extent to which any formal written protest pertaining to the proposed special use, in accordance with Article 13, Section 13.16 herein, can be substantiated on a factual basis.

### **13.11.7 - CONDITIONS AND GUARANTEES**

Prior to the granting of any special uses, the Plan Commission may recommend and the Township Board may impose, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section 13.11.6 of this Article. In all cases for which special uses are granted, the Township Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection with the granting of the special use are being, and will be, complied with.

### **13.11.8 - EFFECT OF DENIAL OF A SPECIAL USE**

No application for a special use which has been denied wholly or in part by the Township Board shall be resubmitted for a period of one (1) year from the date of

said order of denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Township Board.

**\*13.11.9 - REVOCATION**

In any case where a special use has been granted, and where no special use development has taken place within one (1) year of granting thereof, then without further action by either the Plan Commission or Township Board, said special use shall become null and void.

For the purpose, a special use shall be deemed to have been established on the date of issuance of a building permit for the special use, if no construction is involved, then the date of issuance of an occupancy permit. If a special use is revoked by operation of this provision, Section 13.11.9, and if such special use was granted in conjunction with an amendment of a zoning district created pursuant to this ordinance, said amendment of a zoning district shall be revoked concurrently with revocation of the special use and the zoning of the subject property shall thereupon be rezoned to its most appropriate district classification, as deemed suitable by the Township Board.

**13.12 - FEES / 13.13 - PENALTIES**

Any application for an amendment, special use, variation, appeal, or interpretation shall be accompanied by a fee. The fee shall be established by the Township Board. No such fee, however, shall be charged in the case of applications filed, in accord with this Ordinance, by members of the Zoning Board of Appeals, Plan Commission, or Township Board, or by the Zoning Administrator. All fees shall be collected by the Zoning Administrator who shall account for them to the Township Board.

**Ordinance 01-2023**

The Northwest Township Zoning Board is setting up the following charges and fees for permits in the Northwest Township Zoned Areas. The effective date of this ordinance repeals prior ordinances in conflict herewith.

Be it ordered by the trustees of the Northwest Township Zoning Board and the board of the Northwest Township Trustees.

Fees for the permits are as follows:

New Construction until completed	
Zoning Permit	\$200.00
Construction site temporary buildings (trailers, sheds, etc.)	
Temporary Zoning Permit – 6 months	\$150.00

All permit fees must be paid in full prior to the start of construction on site. If these fees are not paid by the said start date, a penalty fee of \$500.00 will be assessed. An invoice will be sent with late charges to address on record.

The Zoned Area must be maintained and well kept under the standards of Northwest Township. There can be fees assessed if the Northwest Township Zoning Board has ascertained the company has not complied with the standards. The fees are as follows:

Zoning Violations will be given to the permit holder by the Zoning Inspector. The permit holder will have 30-days to clear the violation. A fee of \$25.00 per day will be assessed starting on the 31<sup>st</sup> day of violation. The Zoning Inspector will access the site each day after 30-days to make sure the proper fee is assessed. Payment of fees after 30-days, must be sent to the following:

Northwest Township Zoning Board  
03954 CR P-50  
Edon, Ohio 43518

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 violations may each be found guilty of a separate offense and subject to the above penalties.

In addition, the Township may also take other lawful action as it deems necessary to present or remedy any violation of any provision of this Ordinance.

It is the intent that this ordinance will not amend any existing fees, ordinances or regulations, except as herein specifically and all such. Existing ordinances or regulations shall continue in full force and in effect except as herein specifically changed.

### **13.14 - INJUNCTIVE RELIEF**

If the Office of the Zoning Administrator shall determine, upon due investigation, that any parcel of land, building, or structure fails to conform to the requirements as set forth in the provisions of this Ordinance, and the owner or owners of such building, structure, or property shall fail, after due notice, to cause such property to conform with the provisions of this Ordinance, the Office of the Zoning Administrator may, in addition to any other remedies, penalties, or means of enforcement, request the Township Attorney to make application on behalf of the Township to any court of competent jurisdiction for an injunction requiring compliance with said provision of this Ordinance or for such order as the court may deem necessary or appropriate to secure such compliance. The Township Attorney may then institute such proceedings on behalf of the Board of Trustees as provided by law.

### **13.15 - DISCLOSURE OF BENEFICIARIES OF A TRUST**

The liabilities hereunder imposed on an owner shall attach to a trustee under a land trust, holding title to such building, structure, or premises without the right of possession, management, or control, unless said trustee in a proceeding under said provisions of this Ordinance discloses in a verified pleading or in an affidavit filed with the court, the name and last known address of each person who was a beneficiary of the trust at the time of the alleged violation and of each person, if any, who was then acting as agent for the purpose of managing, controlling, or collecting rents, as the same may appear on the records of the trust.

### **13.16 - PROTESTS**

Written protests pertaining to action on an amendment or special use (including planned unit developments) will be accepted from the owners of twenty (20) percent of the frontage immediately adjoining the property proposed for receiving an amendment or special use; or by twenty (20) percent of the owners of property whose land has frontage across an alley or directly opposite therefrom. Protests by such property owners shall only be deemed valid if:

1. - The protest is made only after an authorized representative of the affected property owners has considered evidence in the case.
2. - The protest is made in writing and submitted to the Office of the Zoning Administrator not earlier than seven (7) days after the public hearing has taken place, and not later than thirty (30) days after the hearing has taken place, and provided that said written protest is circulated by the protesting party to all parties in the case represented by counsel.
3. - An authorized representative of the protesting property owners be required, on request of any party in the case--including the Township--to give oral testimony under oath to support the protest.
4. - The protest is directly related to the items on which the Zoning Board of Appeals and the Plan Commission base their respective findings of fact.

## ZONING ORDINANCE - 14.0 EFFECTIVE DATE

This comprehensive amendment shall be in full force and effect from and after its passage and publication as required by law. This Ordinance shall be published by authority of the corporate authorities in pamphlet form.

Passed by the Northwest Township Board of Trustees of the \_\_\_\_\_,  
Williams County, Ohio, this 7th day of July, 1980.

APPROVED:

--  
TOWNSHIP PRESIDENT

ATTEST:

-  
TOWNSHIP FISCIAL OFFICER

## NORTHWEST TOWNSHIP ZONING ORDINANCE: ILLUSTRATIONS OF SELECTED ZONING TERMINOLOGY

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*This index is established solely as a reference guide to the Northwest Township Zoning Ordinance but does not constitute a part thereof; for specific information, consult the ordinance text.*

### LOTS

#### Illustration--Lots

##### LOT LINE

A property boundary of any lot. When a lot extends to an abutting street or alley, the lot line shall be the closest street or alley line.

#### LOT LINE, FRONT

That boundary of a lot along an existing or dedicated public street, or where no public street exists, along a public way; where such public way is not a dedicated street the right-of-way of such public way shall be deemed to be sixty (60) feet, unless otherwise provided.

#### LOT LINE, REAR

That boundary of a lot which is most distant from, and is, or is most nearly, parallel to, the front lot line.

#### LOT LINE, SIDE

Any boundary of a lot which is not a front lot line or a rear lot line.

#### LOT DEPTH

The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

#### LOT WIDTH

The horizontal distance between the side lot lines of a lot measured within the lot boundary at the building setback line.

#### BUILDING SETBACK LINE

The line, perpendicular to the depth of the required front yard setback and parallel to a front lot line and/or street right-of-way line, whichever is greater, at which structures are permitted to be construed and where "lot width" is measured.

### **LOT TYPES**

#### Illustration--Lot Types

#### LOT

A single parcel of land under unified ownership or control. A lot can be either a lot of record or a zoning lot.

#### LOT, CORNER

A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees. On a "corner lot," the front lot line shall be the lot line having the shorter dimension along the street line.

#### LOT, INTERIOR

A lot other than a corner or reversed corner lot.

#### LOT, REVERSED CORNER

A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

## LOT WIDTH

The horizontal distance between the side lot lines of a lot measured within the lot boundary at the building setback line.

## REQUIRED YARDS

### Illustration--Required Yards

#### YARD

An open area on a lot extending along a lot line and to a depth or width specified in the yard requirements of the zoning district in which such lot is located.

#### YARD, CORNER SIDE

A side yard which adjoins a public street.

#### YARD, FRONT

A yard bounded by the front lot line and the side lot lines to a depth specified as the front yard requirement in each zoning district.

#### YARD, INTERIOR SIDE

A side yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

#### YARD, REAR

A yard bounded by the rear lot line and the side lot lines, to a depth specified as the rear yard requirements in each zoning district.

#### YARD, SIDE

A yard extending along a side lot line from the front yard to the rear yard to a width specified as the side yard requirements in each zoning district.

#### YARD, TRANSITIONAL

A "transitional yard" is that yard which must be provided on a zoning lot, in a business district, which adjoins a zoning lot in a residence district, or that yard which must be provided on a zoning lot, in an industrial district, which adjoins a zoning lot in either a residence or business district.

## BUILDINGS--PRINCIPAL AND ACCESSORY

### Illustration--Building, Principal and Accessory

### Illustration--Building Height

### Illustration--Fences, Walls, and Hedges: Height Limitations

### Illustration--Floor Area Measurement (for calculating floor-area-ratio)

### Illustration--Floor Area Ratio

**BUILDING**

Any structure built for the enclosure, protection, shelter, or support of persons, animals or property of any kind and which is permanently affixed to the ground. The term "building" shall not include fences.

**ACCESSORY BUILDING, STRUCTURE OR USE**

An "accessory building," "accessory structure," or an "accessory use" is one which:

- a. - Is subordinate to and serves a principal building or principal use;
- b. - Is subordinate in area, extent or purpose to the principal use served;
- c. - Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served;
- d. - Is located on the same zoning lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served; and
- e. - Complies with the provisions of Article 8, Section 8.5.

**PRINCIPAL BUILDING**

The main building upon a lot, or the building which houses the principal use of the premises.

**C/B-2: SECTION 5.2.5.1 - SCHEDULE OF SITE AND STRUCTURE PROVISIONS**

Major Category (or specific use if requirement differs from major category)	Minimum Lot Area Per Principal Use (or/dwelling unit if residential)	Minimum Lot Width	Front Yard Setback	Interior Side Yard Setback (ea. side)	Corner Side Yard Setback	Rear Yard Setback	Transitional Yard Requirement (for property abutting a residence zone)	Floor Area Ratio	Maximum Height of Principal Use	Maximum Lot Coverage
Retail Business Uses	N.A.	N.A.	30 Ft.	N.A.	30 Ft.	N.A.		0.8	45 Feet	0.5
Service Uses	N.A.	N.A.	30 Ft.	N.A.	30 Ft.	N.A.		0.8	45 Feet	0.5
Office Uses	N.A.	N.A.	30 Ft.	N.A.	30 Ft.	N.A.		0.8	45 Feet	0.5
Health, Medical & Care Facilities	20,000 Sq. Ft.	150 Ft. (1)	50 Ft.	15 Ft.	30 Ft.	40 Ft.		0.25	45 Feet	0.4



Agricultural Uses	5 Acs.	300 Ft. (1)	50 Ft.	30 Ft.	30 Ft.	40 Ft.		0.15	35 Feet	N.A.
Public, Education & Utility Uses	N.A.	N.A.	30 Ft.	N.A.	30 Ft.	N.A.		0.8	45 Feet	0.5
Recreation & Social Facilities	N.A.	N.A.	30 Ft.	N.A.	30 Ft.	N.A.		0.8	45 Feet	0.5
Residential Uses	N.A.	N.A.	30 Ft.	N.A.	30 Ft.	N.A.		0.8	45 Feet	0.5
Miscellaneous Uses	N.A.	N.A.	30 Ft.	N.A.	30 Ft.	N.A.		0.8	45 Feet	0.5
Senior Housing	1,090 Sq. Ft.	150 Ft. (1)	30 Ft.	5 Ft. (2)	30 Ft.	30 Ft.		0.8	45 Feet	N.A.

(1) The minimum lot width of lots on curvilinear streets and cul-de-sacs with radiuses of less than two hundred (200) feet may be up to twenty-five (25) percent less than the minimum lot width specified.

(2) Senior Citizen dwellings shall be set in from the side lot line not less than five (5) feet, unless the building height exceeds twenty-five (25) feet, in which case the interior side yard shall equal two-fifths (2/5) the building height. However, buildings over fifty (50) feet in width shall have a side yard not less than twenty (20) percent of the building width, or twenty (20) percent of the building height, whichever is greater.

N.A. = Not Applicable

**C/0-1: SECTION 5.3.5.1 - SCHEDULE OF SITE AND STRUCTURE PROVISIONS**

Major Category (or specific)	Minimum Lot Area Per	Minimum Lot Width	Front Yard Setback	Interior Side Yard	Corner Side Yard	Rear Yard Setback	Transitional Yard Requirement	Floor Area Ratio	Maximum Height of Principal	Maximum Lot Coverage
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use if requirement differs from major category)	Principal Use (or/dwelling unit if residential)			Setback (ea. side)	Setback		(for property abutting a residence zone)	Use		
Retail Business Uses	40,000 Sq. Ft.	150 Ft.(1)	30 Ft.	10 Ft.	30 Ft.	20 Ft.		0.5	35 Feet	0.45
Service Uses	40,000 Sq. Ft.	150 Ft.(1)	30 Ft.	10 Ft.	30 Ft.	20 Ft.		0.5	35 Feet	0.45
Offices Uses	10,000 Sq. Ft.	80 Ft. (1)	30 Ft.	10 Ft.	25 Ft.	30 Ft.		0.5	40 Feet	0.45
Health, Medical & Care Facilities	20,000 Sq. Ft.	150 Ft. (1)	50 Ft.	15 Ft.	30 Ft.	40 Ft.		0.25	35 Feet	0.4
Public, Education & Utility Uses	N.A.	N.A.	30 Ft.	N.A.	30 Ft.	N.A.		0.4	35 Feet	0.3
Residential Uses	10,000 Sq. Ft.	80 Ft. (1)	30 Ft.	10 Ft.	25 Ft.	30 Ft.		0.35	35 Feet	N.A.
(1) The minimum lot width of lots on curvilinear streets and cul-de-sacs with radiuses of less than two hundred (200) feet may be up to twenty-five (25) percent less than the minimum lot width specified.										
N.A. = Not Applicable										

**C/S-2: SECTION 5.6.5.1 - SCHEDULE OF SITE AND STRUCTURE PROVISIONS**

Major Category (or specific use if requirement differs from major category)	Minimum Lot Area Per Principal Use (or/dwelling unit if residential)	Minimum Lot Width	Front Yard Setback	Interior Side Yard Setback (ea. side)	Corner Side Yard Setback	Rear Yard Setback	Transitional Yard Requirement (for property abutting a residence zone)	Floor Area Ratio	Maximum Height of Principal Use	Maxim Lot Covera
Retail Business Uses	N.A.	N.A.	30 Ft.	N.A.	30 Ft.	N.A.		0.8	35 Feet	0.5
Service Uses	N.A.	N.A.	30 Ft.	N.A.	30 Ft.	N.A.		0.8	35 Feet	0.5
Office Uses	N.A.	N.A.	30 Ft.	N.A.	30 Ft.	N.A.		0.8	35 Feet	0.5
Public, Education & Utility Uses	N.A.	N.A.	30 Ft.	N.A.	30 Ft.	N.A.		0.8	35 Feet	0.5
Recreation & Social Facilities	N.A.	N.A.	30 Ft.	N.A.	30 Ft.	N.A.		0.8	35 Feet	0.5
Residential Uses	N.A.	N.A.	30 Ft.	N.A.	30 Ft.	N.A.		0.8	35 Feet	0.5
-Mobile Home Parks (each unit)	6,000 Sq. Ft.	80 Ft. (1)	30 Ft.	10 Ft.	30 Ft.	40 Ft.		0.4	35 Feet	N.A.
Office/Research & Light	N.A.	N.A.	30 Ft.	N.A.	30 Ft.	N.A.		0.8	35 Feet	0.5
Industrial Uses										
Miscellaneous Uses	N.A.	N.A.	30 Ft.	N.A.	30 Ft.	N.A.		0.8	35 Feet	0.5

(1) The minimum lot width of lots on curvilinear streets and cul-de-sacs with radiuses of less than two hundred

(200) feet may be up to twenty-five (25) percent less than the minimum lot width specified.

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N.A. = Not Applicable

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