

FREEDOM TOWNSHIP ZONING RESOLUTION

WOOD COUNTY, OHIO

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FREEDOM TOWNSHIP ZONING RESOLUTION

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ZONING RESOLUTION

A RESOLUTION, for the purpose of promoting public health, safety, morals, conform and general welfare, to conserve and protect property and facilitate adequate but economical provision of public improvements all in accordance with a Comprehensive Plan, the Board of Trustees of this Township finds it necessary and advisable to regulate the location, size and use of buildings, and other structures including tents, cabins and trailer coaches; percentages of lot areas which may be occupied; setback building lines; sizes of yards, courts and other open spaces; and the use of land for trade, industry, residences, recreation or other purposes and for such purpose, divides the area of the Township into districts of zones.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF FREEDOM TOWNSHIP, WOOD COUNTY, OHIO, THAT THE ZONING RESOLUTION OF FREEDOM TOWNSHIP READS AS FOLLOWS:

ARTICLE I. TITLE

This Resolution shall be known and cited as the 1966 Zoning Resolution of Freedom Township, amended December 1981, December 1986, December 1990, May 2000, July 2004 and December 2008.

ARTICLE II. EXEMPTIONS

In accordance with Section 519.12 of the Ohio Revised Code, the following and only the following are exempt from the zoning regulations.

1. The use of land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such building or structure. This does not include the residential dwelling, however; even in those cases where the end use would qualify for an exemption under this section, it shall be required allowing the zoning inspector an opportunity to make a determination. There will be no fee for any application that qualifies for an exempt status.
2. The use of land or buildings or any public utility or railroad whether publicly or privately owned, for the operation of its business.

ARTICLE III. INTERPRETATION

1. In interpretation, and application, the provisions of this resolution shall be held to the minimum requirement adopted for the promotion of public health, safety, morals, comfort and general welfare.
2. Nothing herein shall repeal, abrogate, annul or in any way impair or interfere with any provisions of law or any rules or regulations, other than zoning regulations, adopted or issued pursuant to law relating to the construction and use of building or premises.
3. Words used in this resolution in the present tense shall be interpreted to include the future tense, words used in the singular number shall include the singular number. The word "shall" as used in this resolution shall be construed to mean mandatory, the word "may" is permissive. The masculine gender as used in this resolution shall include the feminine and neuter gender and vice-versa.
4. Where this resolution imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards than are imposed or required by the provisions of law, rules, regulations, covenants or agreements, the provisions of this resolution shall control, but nothing herein shall interfere with, abrogate or annul any easements, covenants, deed restrictions or agreements between the parties which impose restrictions greater than those imposed by this resolution.
5. A "building" or "structure" includes any part thereof. A "building or other structure" includes all other structures of every kind, regardless of similarity to buildings.
6. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for".

ARTICLE IV. DEFINITIONS

Definitions which shall be applicable construing this resolution.

1. Accessory Use: An "accessory use" is either a subordinate use or a building, other structure, or lot, or a subordinate building or other structure:
 - a. Whose use is clearly incidental to the use of the principle building, other structure or use of land, and
 - b. Which is customary in connection with the principle building, other structure or use of land, and
 - c. Which is located on the same lot with the principle building, other structure or use of land.

An "accessory use" includes – but is not limited to, the following:

- a. Residential accommodations for servants and caretakers.
 - b. A private greenhouse
 - c. A barn, shed, tool room, or other similar building or other structure for domestic or agricultural storage.
 - d. Keeping of domestic animals, but only for personal enjoyment, for household use, or for cultivation of the soil, and not including a commercial stable or kennel.
 - e. Incinerators incidental to residences and public or private institutions.
 - f. Storage of merchandise normally carried in stock on the same lot with any retail, service or commercial use, unless such storage is excluded by the district regulations.
 - g. Storage of goods used in or produced by manufacturing activities, on the same lot with such activities unless such storage is excluded by the district regulations.
 - h. The removal for sale of sod, loam, clay, sand, gravel or stone in connection with the construction of a building or other structure on the same lot.
2. Advertising Sign: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises.
 3. Agricultural: "Agricultural" shall include farming, dairying, pasturage, agricultural, horticulture, viticulture, animal and poultry husbandry and the processing and sale of agricultural products.
 4. Alteration: Any change to a structure which does not involve a structural change.
 5. Anemometer: An instrument that measures the force and direction of the wind.
 6. Apartment: A room or suite of rooms intended, designed, or used as a residence by a single-family.
 7. Area of Building: The number of square feet included within the outside walls excluding porches, breezeways, terraces.
 8. Auto Wrecking Yards: A lot where motor vehicles are disassembled, dismantled, junked or wrecked, or where inoperative motor vehicles or used parts of motor vehicles are stored.
 9. Automotive Sales: The sale or rental of new or used motor vehicles or trailers.
 10. Average Finished Grade Level: The average of the grade of the ground at all corners of a building or other structures.
 11. Basement: A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A basement shall not be considered a story for purposes of height measurement, or in determining the permissible number of stories.

12. Billboard or Signboard: Any sign situated on private premises with an area greater than 100 square feet on which the written or pictorial information is not directly related to the principle use of the land on which such sign is located.
13. Board: The Board of Zoning Appeals of Freedom Township.
14. Building: A structure which:
 - a. Is permanently affixed to the land, and
 - b. Has one (1) or more floors and a roof, and
 - c. Is bounded by either open space or lot line.
 - d. "Building" shall not include such structures as billboards, radio towers, etc., nor structures with interior surfaces not normally accessible for human use, such as gas holders, oil tanks, water tanks, grain elevators, coal bunkers, oil cracking towers and other similar structures.
15. Building, Front Line of: The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.
16. Building Height: The vertical distance measured from the average finished grade level to, in the case of flat roofs, the level of the highest point of the roof, or in the case of the pitched roofs, to the mean level between eaves and the highest point of the roof.
17. Buildings, Principle: A building in which is conducted the main or principle use of the lot on which said building is situated.
18. Car Wash: A facility designated to provide interior vacuuming and exterior washing services, both automatic and self-service, to passenger motor vehicles, light trucks and vans.
19. Clear Fall Zone: An area surrounding the wind turbine unit into which the turbine and or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located at, the purpose being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel and will not fall onto dwellings, any inhabited buildings, and will not intrude onto a neighboring property.
20. Clinic: Any building or other structure devoted to the diagnosis, treatment and care of outpatients.
21. Club: A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

22. Cottage: Building designed and/or constructed for seasonal occupancy only.
23. Cowling: A streamline removable metal that covers the turbine's nacelle.
24. Decibel: A unit of relative loudness equal to ten times the common logarithm of the ratio of two readings. For sound, the decibel scale runs from zero for the least perceptible sound to 130 for sound that causes pain.
25. Dwelling: A building designed, constructed, or reconstructed, for permanent occupancy by a family.
26. Dwelling, Single-Family: A dwelling entirely detached and independent from any other principle structure, arranged, intended, designed and constructed or reconstructed to be occupied by a single-family.
27. Dwelling, Two-Family: A building designed for or occupied exclusively by two (2) families.
28. Dwelling, Multiple-Family: A building arranged and designed to be occupied by two (2) or more families living independently of each other and having independent and separate living areas.
29. Dwelling, Special Care: A dwelling occupied by a single-family plus not more than three (3) special care inhabitants. Said dwelling unit, if required by the State or County, shall meet all the licensing requirements.
30. Essential Services: The erection, construction, alteration, or maintenance, by public utilities or municipal or governmental agencies, of underground or overhead gas, electrical steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings other than structures for mainly enclosing essential services described herein.
31. Family: One (1) or more persons related by blood, marriage or adoption, living together in one dwelling unit including domestic servants, gratuitous guests, plus no more than two (2) additional persons not related by blood, marriage or adoption, except special care inhabitants.
32. Floor Area: The sum of the gross horizontal areas of the several floors of a building, "floor area" shall not include: basement space, stair bulkheads, attic space, terraces, breezeways, garages and open porches and uncovered steps.

33. Food Processing: The preparation or processing of food products. Examples of activities included are bakeries and dairies.
34. Front Yard: Minimum distance between a structure and the front lot line.
35. Frontage: The part of a lot or parcel of land adjacent to a public street or highway.
36. Garage, Private: An accessory building designed or used for the storage of motor vehicles owned and used by the occupants of the building to which it is accessory. Not more than one (1) of the vehicles may be a commercial vehicle, which vehicle shall not exceed a two-ton capacity.
37. Garage, Public: A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor-driven vehicles.
38. Gas Station, Service Station: Any building, structure or land used only for the sale of motor vehicle fuels, oils, lubricants and automobile accessories directly to the consumer, and may include minor repairs incidental to such use. Storage tanks shall be located completely within lot lines and undergrounds.
39. Gross Leasable Area: The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any; expressed in square feet and measured from the center line of joint partitions and from outside wall faces. It is all that area on which the tenants pay rent, it is the area producing income, abbreviated GLA.
40. Highway, Major: A street or road of considerable continuity and used primarily as a traffic artery for intercommunication among large areas.
41. Home Occupations: An accessory use which is an activity, profession, occupation, service, craft or revenue-enhancing hobby which is incidental and subordinate to the use of the premises as a single-family dwelling and is conducted entirely within the dwelling unit, or other outbuilding on the site by a conditional use permit without any significant adverse effect upon the surrounding neighborhood.
42. Hospital: Any building or other structure containing beds for at least four (4) patients and devoted to the diagnosis, treatment or other care of human ailments.
43. Hotel: A building, or any part of a building which contains living and sleeping accommodations for transient occupancy and has a common entrance or entrances.

44. Junk Yard: An open area where the accumulation or storage of any of the following occurs: One or more junk vehicle(s), junk, disabled or inoperative machinery or equipment, and/or component parts thereof, rags, paper, scrap metal, waste or other debris defined as junk in the Ohio Revised code 4737.05(A). The Zoning Board of Appeals may impose additional safeguards or limitations as deemed appropriate. A junk yard includes wrecking yards or any other facility or area where any of the above mentioned item(s) are bought, sold, exchanged, packed, storage, or handled but excludes uses taking place entirely within an enclosed building.
45. Laborer, Seasonal Agricultural: An individual employed only during the growing and/or harvesting or processing of agricultural products and whose place of employment is primarily on the premises on which the product is grown.
46. Loading Space: A space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of trucks. Such space shall have direct usable access to a street or alley. Where such loading space has been provided, an additional space lying alongside contiguous to and not separated from the first such loading space need not be wider than twelve (12) feet.
47. Lot: A parcel of land occupied by or legally capable of being occupied by a building and/or accessory buildings and to include such open yard areas as are required by this resolution.
48. Lot, Area of: The area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.
49. Lot, Corner: Any lot at the junction of and abutting on two (2) or more intersecting streets.
50. Lot, Interior: Any lot other than a corner lot.
51. Lot Line, Front: For an interior lot, a "front lot line" is a street line. On a corner lot, the street having the least dimensions shall be considered the "front lot line."
52. Lot line, Rear: Any lot line, other than a street line, which is parallel to the front lot line, or within forty-five degrees of being parallel to the front lot line.
53. Lot Line, Side: A "side lot line" is any lot line which is not a front lot line or a rear lot line.
54. Lot of Record: A lot which has been recorded in the office of the County Recorder or Auditor of Wood County, Ohio.

55. Manufacturing, General: Any manufacturing or industrial process including food processing and plant product processing, except that which is incidental to agricultural operations on an individual's property holdings, which by the nature of materials, equipment and process utilized are not objectionable by reason of odor, noise, vibration, cinders, gas fumes, dust, smoke, refuse matter or water carried waste.
56. Manufacturing, Restricted: Any manufacturing or industrial processing which by the nature of the materials, equipment and process utilized are to be a considerable measure clean, quiet, and free of objectionable or hazardous element. Restricted industrial uses shall include the industrial uses listed below and any other uses which are determined to be of the same general character: drugs, jewelry, musical instruments, sporting goods; processing and assembly of glass products, small household appliances, electronic products and parts for production of finished equipment; research and testing laboratories; printing and engraving plants.
57. Manufactured Housing: Any preassembled residence transported to a site for final assembly and set up. Does not include traditional site built housing.
1. Mobile Home – Any vehicle manufactured as a single-family residence, comprised of one or more sections, excluding vehicles, which has been designed and manufactured for transportation on the public streets and highways on its own wheels, arriving at the site ready for occupancy except for normal unpacking, assembly operations and connections to utilities. This term shall not include an industrialized unit as defined in Section 3781.10 of the Ohio Revised Code, but includes a manufactured home as defined in this resolution.
 2. Manufactured Home – Any nonself-propelled vehicle transportable in one or more sections, which in traveling mode, is eight body feet or more in width or forty body feet in length or, when erected on a site, is three hundred twenty or more square feet, and which is built with or without permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Manufactured homes shall be constructed in compliance with the Federal Manufactured Housing Construction and Safety Standards.
 3. Industrialized Unit – A factory built dwelling unit designed for assembly at the building site, bearing certification of compliance with the Ohio Building Code and meets the definition of Industrialized Unit (O.R.C. 3781.10{h}).
58. Manufactured Home Pad: That portion of a manufactured home site that is designed, constructed, and improved in such a manner as to provide a base upon which manufactured home shall rest, and which also serves as a base upon which blocks or other materials are placed to assist in leveling the floor of the manufactured home and provides a temporary type of foundation.

59. Manufactured Home Park: One (1) or more contiguous parcels of land under a single management which have been developed and designed in such a manner as to provide individual manufactured home sites for one (1) or more manufactured homes. The term manufactured home park shall mean the same as a trailer park, trailer court, or trailer camp, however; only mobile homes or trailers with HUD certification shall be located therein.
60. Manufactured Home Site: An area of land within a manufactured home subdivision or manufactured home park that is designed and developed in such a manner as to provide a location for one (1) or more manufactured home(s).
61. Manufactured Home Subdivision: A subdivision designed and/or intended for the sale of lots for manufactured home sites. A manufactured home subdivision will be subject to the same land development and site improvement standards that apply to conventional subdivisions under the Subdivision Rules and Regulations of Wood County, except as provided by in Article XIV herein.
62. Motor Court or Motel: A building or group of buildings used for the temporary residence of motorist or travelers.
63. Nacelle: A separate streamlined metal enclosure that covers the essential mechanical components of the turbine.
64. Non-Conforming Use: Is one that does not comply with the regulations established for the particular use, district or zone in which it is situated.
65. Off-Street Parking Space: An off-street space available for the parking of one motor vehicle and having an area of not less than two hundred (200) square feet, exclusive of passageways, driveways and other maneuvering area hereto and appurtenant thereto and giving access thereto. Such space shall have direct access to a street or alley.
66. Parcel: An area of land shown as a unit or contiguous units on the County Auditor's map.
67. Parking Area: An open, unoccupied space used or required for use for parking of automobiles exclusively.
68. Parking Space: A surface area, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less that one hundred and eighty (180) square feet exclusive of driveways.
69. Personal Services: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repairing, barber shop, beauty parlors and similar activities.

70. Planning Commission: Whenever Planning Commission or County Planning Commission is referred, it shall be the Wood County Planning Commission.
71. Plant Cultivation: The cultivation of crops, fruit trees, nursery stock, truck garden products and similar plant materials outside of structures such as greenhouses.
72. Plat Required: When more than five (5) parcels are created from one (1) parcel or a new road is dedicated.
73. Platting: Platting shall mean the platting for residential development in accordance with the Wood County Subdivision Rules and Regulations.
74. Porch: Whenever mentioned is a roofed open area, projecting from the front, side or rear wall of a building.
75. Primary Structure: For each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structures include structures such as residences, commercial buildings, hospitals, and day care facilities. Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages, and barns.
76. Professional Activities: The use of offices and related spaces for such professional services as are provided by doctors, dentists, lawyers, architects and engineers.
77. Professional Engineer: A qualified individual who is licensed as a Professional Engineer in the State of Ohio.
78. Public Use: Public parks, schools and administrative, cultural and service buildings, police and fire stations, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials.
79. Public Service Facilities: The erection, construction, alteration, operation or maintenance of a utility or service by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.
80. Quarry: Any land from which rock, stone, gravel, sand, earth or mineral is removed, or excavated for the purpose of disposition away from the immediate premises. However this shall not include excavation necessary for the actual foundations of any building or structure for which a zoning certificate has been issued.
81. Rear Yard: Minimum distance between a structure and the rear lot line.

82. Recreational Facilities – Commercial: Recreational facilities open to the public, established and operated for a profit, such as commercial golf courses, golf driving ranges, swimming pools, ice skating rinks, riding stables, race tracks, amusement parks, carnivals and similar enterprises.
83. Recreational Facilities – Non-Commercial: Private and semi-public recreational facilities which are not operated for commercial gain including private country clubs, riding clubs, golf courses and other private non-commercial recreation areas and facilities or recreation centers including private community swimming pools.
84. Recreational Facilities – Restricted Commercial: Recreational facilities open to the public, established and operated for a profit and restricted to bowling alleys, swimming pools, ice skating rinks, miniature golf and similar recreation activities requiring limited land area.
85. Recreational Vehicle: A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor-homes, pick-up campers, travel trailers and tent trailers, provided any such vehicle or unit which is forty (40) feet or more in overall length shall be considered a mobile home and shall be subject to all regulations of this ordinance applicable to mobile home.
86. Residence or Residential: A “residence” or “residential” shall include a building or any part of a building which contains dwelling units for permanent occupancy. “Residences” therefore include all one-family and multi-family dwellings. However, “residences” do not include: transient accommodations, as in transient hotels, motels, tourist cabins and trailer camps; and that part of a building which is used for any non-residential uses, except accessory uses for residences, in a building containing both residences and other uses; and institutional uses, as in rest homes, nursing homes, homes for the aged, orphanages and other institutional residential uses.
87. Residential Floor Area: The area of a dwelling devoted to living purposes, including stairways, halls, and closets, but excluding basements, porches and space used for a garage or carport.
88. Right-of-way: Land which is set aside between property lines for streets, alleys, easements, utilities or other physical improvements.
89. Self-Service Storage Facility: A permanent structure containing separate, individual and private enclosed spaces of varying sizes, leased or rented on individual leases for varying periods of time.
90. Semi-public Use: Churches, Sunday schools, parochial schools, colleges, hospitals, and other institutions of an educational, religious, charitable or philanthropic nature.

91. Set-Back Building Line: Line perpendicular to the set-back distance at the specified distance.
92. Set-Back Distance: The minimum horizontal distance between the road right-of-way and the building line.
93. Sewage Disposal – Combined: An approved sewage disposal system which provides for a combined collection and disposal of sewage from a group of residential, commercial or industrial buildings within the township.
94. Sewage Disposal – Individual: A septic tank installation on an individual lot which utilizes an anaerobic bacteriological process for the elimination of solid waste and provides for the proper and safe disposal of the effluent, subject to the approval of health or sanitation officials having jurisdiction.
95. Sexually-Oriented Business: An establishment where a substantial portion of the use is distinguished or characterized by its emphasis on sexually-oriented materials. Permitted sexually-oriented businesses include, but are not limited to the following uses: sexually-oriented cabarets/movie houses, sexually-oriented media stores, sexually-oriented motels, and sexually-oriented shops, more specifically defined hereunder by this regulation. Specifically prohibited sexually-oriented businesses include: sexually-oriented encounter centers; sexually-oriented escort agencies; sexually-oriented nude modeling studios; sexually-oriented spas; and sexually-oriented viewing booths, more specifically defined hereunder by this Zoning Resolution.
96. Sexually-Oriented Cabaret/Movie House: An auditorium, bar, concert hall, movie house, nightclub, restaurant, indoor or outdoor theater, or similar sexually-oriented business establishment which, for any form or consideration, features sexually-oriented materials to patrons in a seating area exceeding 150 square feet as a substantial portion of its entertainment or presentation time. Entertainment or presentations may include on-site live performances, such as exhibitions, dance routines, gyrational choreography, strippers (male or female), female impersonators, lingerie modeling, or lingerie dancers; or other adult media, including films, motion pictures, computer files or software, laser discs, video cassettes, DVD's, slides, and similar photographic reproductions or media.
97. Sexually-Oriented Encounter Center: An establishment that for any form of consideration, offers activities or physical contact between male and female persons and/or persons of the same sex in a private or semi-private area and where one or more of the persons displays or exhibits specified sexual anatomical areas or performs specified sexual activities, including wrestling or tumbling, lap dancing, or body painting.
98. Sexually-Oriented Escort Agency: An establishment which for a fee, tip, or other consideration advertises to furnish, offers to furnish, or furnishes as its primary business a companion, guide, or date for a service which includes specified sexual activities or the exposure of specified sexual anatomical areas. This service also includes the private modeling of lingerie or private striptease performances.

99. Sexually-Oriented Materials: Media, matter, visual representations, performances, or services distinguished or characterized by the emphasis on specified sexual anatomical areas or specified sexual activities or which are otherwise harmful to juveniles or obscene. Such materials may include any or one or more of the following: books, magazines, newspapers, periodicals, pamphlets, posters, prints, pictures, photographs, slides, transparencies, figures, images, descriptions, motion picture films, previews, trailers, video cassettes, compact discs, laser discs, DVDs, computer files or software, phonographic records, tapes, or other printed matter, visual representations, tangible devices or paraphernalia designed for use in connection with specified sexual activities, plays, show, skits, dances, exhibitions, or any service capable of arousing prurient or scatological interests through sight, sound or touch.
100. Sexually-Oriented Media Store: A business establishment which offers media-based sexually-oriented materials for retail sale or rental for any form of consideration as a substantial portion of its stock in trade, including books, magazines, periodicals, or other printed matter, visual representations, instruments, devices or paraphernalia.
101. Sexually-Oriented Motel: A hotel, motel, or similar commercial establishment that offers, as a substantial portion of its business, accommodation to the public for any form of consideration of closed-circuit television transmissions, films, motion pictures, laser discs, videocassettes, DVDs, slides, or other photographic reproductions that are characterized by the depiction or description of sexually-oriented materials; and which
1. Has a sign visible from the public right of way that advertises the availability of sexually-oriented materials along with room rentals; or
 2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
102. Sexually-Oriented Nude Model Studio: An establishment where a person who exhibits specified sexual anatomical areas is to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. A Nude Model Studio shall not include a proprietary school licensed by the State of Ohio or a College, Junior College, or University supported entirely or in part by public taxation, a private college or university that maintains and operates educational programs in which credits are transferable to a College, Junior College, or University supported entirely or partly by taxation, or in a structure, provided such institution meets all of the following criteria:
1. There is no sign visible from the exterior of the structure and no other advertising that indicates a person exhibiting specified sexual anatomical areas is available for viewing; and
 2. In order to participate in a class a student must enroll at least three days in advance of the class; and
 3. No more than one person exhibiting specified sexual anatomical areas is on the premises at any one time.

103. Sexually-Oriented Shop: An establishment offering for retail sale or rent leather goods marketed or presented in a context to suggest their use for sadomasochistic practices, and/or sexually-oriented toys or novelties, and where retail sales or rent of these goods individually or in combination with lingerie or media-based sexually-oriented material constitute a substantial portion as a substantial portion of its business.
104. Sexually-Oriented Spa: An establishment not operated by medical professionals or certified massage therapists which for a fee, tip, or other consideration advertises to furnish, offers to furnish, or furnishes as its primary business a massage, bath, sauna, exercise equipment, shower, or hot tub service, and which includes sexually-oriented material or engages or offers to engage patrons in specified sexual activities, or activities commonly associated with a sexually-oriented encounter center.
105. Sexually-Oriented Viewing Booth: Any booth, cubicle, stall, or compartment less than or equal to 150 square feet in area that is primarily designed, constructed, or used to hold or seat patrons therein, who are charged a fee or some other form of consideration for viewing sexually-oriented materials, such as publications, viewing by any photographic, electronic, magnetic, digital, or other means or media (including, but not limited to, film, video or magnetic tape, laser disc, cd-rom, books, magazines, or periodicals), or live entertainment.
106. Side Yard: Minimum distance between a structure and the side lot line.
107. Sign: Any structure or part thereof or any device attached to a structure or painted or represented on a structure on which lettered, figures or pictorial matter is displayed or used for the purpose of bringing the subject thereof to the attention of the public. Any device designed to inform, or attract the attention of persons not on the premises on which the sign is located. A "sign" includes any billboard, but does not include any flag, badge or insignia of any government or governmental agency or of any charitable religious, educational or similar organization.
108. Social Activities: The use of land and buildings for clubs, fraternal organizations, veterans organizations and similar social purposes.
109. Specialized Animal Raising and Care: The use of land and buildings for the raising and care of fur-bearing animals such as rabbits and domestic pets, and the stabling and care of horses, animal kennels, or birds of a similar nature.
110. Special Care Inhabitant: A person who requires specialized care, rehabilitation or therapy provided in a dwelling or family unit; which therapeutic services may be of a medical, psychological, or related type assistance. Examples of such persons shall include but not limited to, mentally ill, autistic, mentally retarded, developmentally disabled, foster care, delinquent, drug dependent, handicapped or aged persons.
111. Street: A public or private thoroughfare which affords the principle means of access to abutting property.

112. Street Line: A dividing line separating a lot, tract or parcel of land and a contiguous street.
113. Structure: Structure or building is anything erected, constructed or reconstructed on a foundation, posts, piles, blocks, skids, sills, or any other support, whether such foundation, posts, piles, blocks, skids, sills, or any other support is or is not permanently located in or attached to the soil.
114. Structural Change or Alteration: Whenever mentioned in this resolution means any change in the supporting members of a building such as bearing wall or partitions, columns, beams, or girders, excepting such structural change as may be required for the safety of the building or occupants thereof. This does not include re-painting, re-roofing or re-siding.
115. Township: Wherever Township is referred to, it shall be Freedom Township, Wood County, Ohio.
116. Trailers, Small Utility: Any small trailer drawn by a motor vehicle used for the occasional transport of personal effects, camping equipment and boats.
117. Trailers, Vacation: Any trailer with living accommodations drawn by a motor vehicle used for vacation travel.
118. Trustees, Board of: The Board of Trustees of Freedom Township, Wood County, Ohio.
119. Use: Any purpose for which buildings, other structures or land may be arranged, designed, intended, maintained or occupied.
120. Used Car Lot: Any lot on which two (2) or more motor vehicles in operating condition are offered for sale or display to the public.
121. Variance: A change in the requirements within a district, not to include a change in the basic land use.
122. Wind Power Turbine Owner: The person or persons who own the wind turbine structure.
123. Wind Power Turbine Tower: The support structure, both mono pole and guide wire systems, to which the turbine and rotor are attached.
124. Wind Power Turbine Tower Height: The distance from the rotor blade at its highest point to the top surface of the wind power generator facility foundation.
125. Zoning Certificate: The document issued by the Zoning Inspector authorizing the use of the land or building.

126. Zoning Commission: Wherever “Commission” or “Zoning Commission” is referred to, it shall be the Zoning Commission of Freedom Township, Wood County, Ohio.
127. Zoning Inspector: The Zoning Inspector or his authorized representative appointed by the Board of Trustees.

ARTICLE V. DISTRICTS

Section 1. Districts:

The unincorporated area of Freedom Township, Wood County, Ohio, is hereby divided into districts, of which there shall be eight (8) in number known as:

- “A-1” Agricultural District
- “S-1” Special District
- “R-1” Suburban Residence District
- “R-2” Residence Dwelling District
- “R-3” Multiple Dwelling-Mobile Home District
- “B-1” Neighborhood Business District
- “B-2” Highway Business District
- “M-1” Industrial District

Section 2. District Map:

The boundaries of the districts are shown upon the map which is made a part of this Resolution, and all the notations, references and other information shown thereon are a part of this resolution and have the same force and effect as of the District Map and all the notations, references, and other information shown thereon were all fully set forth or described therein, the original of which District Map is properly attested and is on file with the Township Clerk.

No amendment to this Resolution which involves matter portrayed on the Official District Map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Resolution.

Regardless of the existence of purported copies of the Official District Map which may from time to time be made or published the official District Map, which shall be located in the office of the township clerk shall be the final authority as to the current zoning status of the township land and water areas, buildings and other structures.

In the event that the Official District Map becomes damaged, destroyed or lost, the Township Trustees may by resolution adopt a new official District Map which shall supersede the prior Official District Map. The new Official District Map may correct drafting or other errors or omissions in the prior Official District Map, but no such corrections shall have the effect of amending the original resolution or subsequent amendments thereof.

ARTICLE VI. CLASSIFICATIONS OF USES WITHIN THE DISTRICT

The permitted and conditional uses for each district are indicated below. Uses not specifically listed or interpreted by the Board of Zoning Appeals to be included categorically under this Article shall not be permitted except by amendment to this Resolution.

- I. Uses in A-1 Agricultural District:
 - A. Permitted Uses.
 - 1. Any agricultural uses
 - 2. Single-family dwelling
 - 3. Public service facilities
 - 4. Essential services
 - 5. Accessory uses
 - 6. Roadside stands as specified in Article XV
 - B. Conditional Uses Requiring Board Approval
 - 1. Recreational facilities
 - 2. Cemeteries
 - 3. Specialized animal raising and care
 - 4. Oil and gas wells
 - 5. Airports/runways
 - 6. Outdoor advertising as specified in Article XII
 - 7. Mobile homes as specified in Article XIV
 - 8. Structure for the temporary housing and shelter of seasonal agricultural laborers as specified in Article XI.
 - 9. Municipal sewage disposal or storage
 - 10. Semi-public uses
 - 11. Special care dwelling
 - 12. Public use
 - 13. Two-family dwelling as specified in Article XX
 - 14. Home Occupation
 - 15. Residential Wind Turbine Generators

II. Uses in S-1 Special Area:

- A. Permitted Use.
 - 1. Any agricultural use
 - 2. Parks
 - 3. Public service facilities
 - 4. Essential services
 - 5. Accessory uses
 - 6. Specialized animal raising and care
- B. Conditional Uses Requiring Board Approval.
 - 1. Recreational facilities
 - 2. Cemeteries
 - 3. Residential Wind Turbine Generators

III. Uses in R-1 Suburban Residential Area:

- A. Permitted Uses.
 - 1. Agriculture
 - 2. Single-family dwellings
 - 3. Public use
 - 4. Public service facilities
 - 5. Essential services
 - 6. Accessory uses
- B. Conditional Uses Requiring Board Approval.
 - 1. Recreational facilities
 - 2. Cemeteries
 - 3. Specialized animal raising and care
 - 4. Home occupations
 - 5. Semi-public uses
 - 6. Special care dwelling
 - 7. Residential Wind Turbine Generators

IV. Uses in R-2 Residential Area:

- A. Permitted Uses.
 - 1. Any use or structure permitted and as regulated in R-1 Residential area
 - 2. Two-family dwellings
- B. Conditional Use Requiring Board Approval.
 - 1. Any additional use or structure that is allowable in R-1 Residential area
 - 2. Multiple-Family dwellings

3. Nursery schools
4. Tourist homes
5. Professional activities
6. Nursing homes
7. Specialized animal raising and care
8. Residential Wind Turbine Generators

V. Uses in R-3 Residential Area:

A. Permitted Uses.

1. Any use permitted in R-2 Residential Area
2. Mobile home parks
3. Multiple dwellings

B. Conditional Uses Requiring Board Approval.

1. Any conditional use or structure permitted in R-2 Residential area
2. Mortuaries

VI. Uses in B-1 Neighborhood Businesses:

A. Permitted Uses.

1. Retail businesses
2. Business and personal services
3. Professional activities
4. Offices and banks
5. Restaurants
6. Gas stations
7. Tourist homes
8. Entertainment facilities
9. Mortuaries
10. Public use
11. Social activities
12. Essential services
13. Accessory uses
14. Public service facilities
15. Agriculture

B. Conditional Uses Requiring Board Approval.

1. Wholesale businesses
2. Animal hospitals or clinics
3. Car Wash
4. Motels
5. Outdoor advertising as specified in Article XII
6. Recreational facilities

7. Self-Service Storage Facility
8. Semi-public uses
9. Outside tire storage or piling of more than 20 tires
10. Residential Wind Turbine Generators

VII. Uses in B-2 Highway Businesses:

A. Permitted Uses.

1. Gas stations
2. Car Wash
3. Restaurants
4. Motels and hotels
5. Entertainment facilities
6. Public uses
7. Social activities
8. Public service facilities
9. Essential services
10. Accessory uses
11. Agricultural

B. Conditional Uses Requiring Board Approval.

1. Outdoor advertising as specified in Article XII
2. Self-Service Storage Facility
3. Semi-public use
4. Automobile sales and services
5. Outside tire storage or piling of more than 20 tires
6. Residential Wind Turbine Generators

VIII. Uses in M-1 Industrial Area:

A. Permitted Uses.

1. General manufacturing
2. Transport and trucking terminals
3. Food processing
4. Research and testing facilities
5. Offices
6. Public service facilities
7. Accessory uses
8. Essential services
9. Agriculture

B. Conditional Uses Requiring Board Approval.

1. Wholesale business
2. Restaurants
3. Oil and gas wells
4. Slaughter houses

5. Asphalt manufacturing or mixing
6. Blast furnaces
7. Cement and cinder block manufacturing
8. Chemical manufacture or extraction of acids, alcohols, minerals and petroleum products
9. Fertilizer, mixing and manufacture
10. Gas storage and manufacturing
11. Junk yards
12. Saw mills
13. Stone quarries
14. Racing facilities
15. Entertainment facilities
16. Retail businesses
17. Self-Service Storage Facility
18. Warehousing
19. Sand and gravel extraction
20. Stock yards
21. Brick and tile manufacturing
22. Smelting
23. Automobile salvage and wrecking yards
24. Garbage incinerators and dumps
25. Municipal sewage disposal or storage facilities
26. Fireworks or explosives manufacturing
27. Outdoor advertising as specified in Article XII – 6
28. Sexually-Oriented Businesses
29. Residential Wind Turbine Generators
30. Outside tire storage or piling of more than 20 tires
31. Dumping or mounding of debris (including dirt, stone, building materials, etc.) at any one location for more than one (1) year.

ARTICLE VII. HEIGHT, LOT AREA AND FLOOR AREA REQUIREMENTS – FREEDOM TWP.

<u>DISTRICT</u>	<u>MAXIMUM HEIGHT OF BUILDINGS</u>		<u>MINIMUM LOT REQUIREMENTS</u>					<u>MINIMUM RESIDENTIAL FLOOR AREA PER FAMILY IN SQ. FT.</u>			
	(Stories)	(Feet)	Minimum Depth of Front Yard	Either Side	Sum of Side Yards	Depth of Rear Yard	Minimum Lot Area Per Family	Minimum Lot Frontage	Number of Stories	Ground Floor	Per Family
A-1 Agricultural	2.5	35	50 (1)	15	35	50	65,000	260	1-2.5	1000	1600
R-1 Suburban Residence	2.5	35	45	15	35	45	20,000	100	Less than 2 2 or more	1200 1000	1200 1000
R-2 Residence											
<u>Individual Sewage Disposal & Water Supply Systems</u>											
Single Family	2.5	35	40	10	35	40	20,000	100	1-2.5	1000	1000
Two-Family	2.5	35	40	10	35	40	13,500	120	1-2.5	1000	900
<u>Combined Sewage Disposal or Water Supply System</u>											
Single Family	2.5	35	35	10	30	35	15,000	100	1-2.5	900	900
Two-Family	2.5	35	35	10	30	35	10,000	120	1-2.5	900	900
<u>Combined Sewage Disposal & Water Supply System</u>											
Single Family	2.5	35	25	10	25	30	10,000	75	1-2.5	800	800
Two-Family	2.5	35	25	10	25	30	7,500	85	1-2.5	800	720
Multiple-Family	2.5	35	25	10	25	30	5,000	100	1-2.5	800	600
R-3 Residence											
Single Family	Same requirements as in R-2 Residence District										
Two-Family	Same requirements as in R-2 Residence District										
Multiple-Family	Same requirements as in R-2 Residence District										
Mobile Home	Prescribed in Article VIII										

HEIGHT & LOT AREA REQUIREMENTS FOR BUSINESS, INDUSTRIAL AND SPECIAL USES

<u>DISTRICT</u>	Stories	Feet (Height)	Minimum Depth of Front Yard	Either Side	Sum of Side Yards	Depth of Rear Yard	Maximum Percentage Lot Coverage
B-1 Neighborhood Business (5)	3	45	25	0 (2)	-	10 (3)	None
B-2 Highway Business (5)	3	45	50	20	40	10 (3)	25%
M-1 Industrial (5)	3	45	50	20 (4)	50	10 (3)	25%
S-1 Special (5)	3	45	50	20	40	40	25%

EXCEPTION:

- 1) A front yard of 100 foot depth shall be required for all lots fronting on Federal or State Highways.
- 2) No side yard shall be required, except that a side yard of not less than 10 feet in width shall be provided on the side of lot adjoining a residential district.
- 3) A rear yard of not less than 15 feet in a "B-1" District and not less than 40 feet in a "B-2" and "M-1" District is required where a lot abuts upon a residential district.
- 4) A side yard of not less than 40 feet is required where a lot adjoins a residential district.
- 5) No residence permitted.

ARTICLE VIII. GENERAL PROVISIONS RELATING TO THE DISTRICTS

Section 1. Compliance with Regulations

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

After the effective date of this Resolution and subject to the provisions of the regulations set forth or referred to in the district regulations in which a building, structure or lot is located, all other applicable regulations of this Resolution shall be complied with as follows:

1. No building or structure shall be located, erected, constructed, reconstructed, enlarged or structurally altered except in conformity with the area, height and yard regulations of the district in which such building or structure is located.
2. No building, structure or lot shall be used for any purpose other than that which is permitted in the district in which such building, structure or lot is located.
3. At no point and under no circumstances shall property or accessory buildings be used for residential and or dwelling until residential building meets zoning requirements.
4. No yard or other open space existing about any building or structure shall be so reduced in area or dimension as to make it less than the minimum required by this Resolution.
5. No yard or other open space provided about any building or structure for the purpose of complying with the provisions of this Resolution shall be considered as providing a yard or open space for any other building or structure, and no yard or other open space on one (1) lot shall be considered as providing a yard or open space for a building or structure on any other lot.
6. No lot held under one (1) ownership at the time of the effective date of this Resolution shall be reduced or subdivided in any manner below the minimum area and yard provision required by this Resolution.

Section 2. Required Street Yardage:

Each lot shall adjoin a street.

Section 3. Measurement of Yards:

The depth and width of all yards shall be measured perpendicular to lot lines.

Section 4. Permitted Obstructions in Yards:

Unless otherwise specifically provided, the following shall not be considered as obstructions when located within the required yards:

1. In any required yards in all Districts:
 - Terraces
 - Awnings and canopies
 - Recreational and drying yard equipment
 - Arbors and trellises
 - Flag poles
 - Fences not exceeding six (6) feet in height
 - Walls not exceeding six (6) feet in height
2. In required front and side yards in B District:
 - Off-street parking, as required by the district regulations, however, a distance of ten (10) feet from the rear lot line.
3. In required front and side yards in an A and B District:
 - Accessory buildings and structures, provided such buildings and structures are at least ten (10) feet from the rear lot line.
4. In required side yards in an R District:
 - Accessory buildings and structures may encroach a total of ten (10) feet into the required side yards, but no more that five (5) feet in each required side yard.

Section 5. Measurement of Distances:

Except as otherwise specifically provided, all prescribed distances shall be measured into a straight line, not necessarily coinciding with street lines.

Section 6. Building Height Exceptions:

The height limitations specified in the several district regulations of this Resolution shall not apply to the following: chimneys, church spires, belfries, water towers, flag poles, monuments, transmission towers or cables, radio or television towers or antennas, silos, grain elevators, and windmills.

Section 7. Traffic Visibility Across Center Lots:

In any district on any corner lot, no fence, structure or planting shall be erected or maintained within twenty five (25) feet of the "corner" at a height of more than three (3) feet above curb or street grade, or so as to interfere with traffic visibility across the corner.

Section 8. Waiver for Public Utilities:

Nothing in this Resolution shall be deemed to confer any power upon the Trustees or the Board with respect to the location, erection, construction, reconstruction, change, alterations, maintenance, removal, use or enlargement of any building or structure of any public utility or railroad, public or private, or the use of land by any public utility or railroad for the operation of its business.

Section 9. Pending Application for Building Permits:

Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any development, plans, construction, or part thereof, for which official approval and required building permits have been granted before the enactment of this Resolution, the construction of which, conforming with such plans, shall have been started prior to the effective date of this Resolution and completion thereof carried on in a normal manner within the subsequent six (6) month period and not discontinued until completion, except for reasons beyond the builder's control.

Section 10. Existing Lots of Record:

In any district where dwellings are permitted, a one family detached dwelling may be erected on any lot of official record as of the effective date of this Resolution, irrespective of its area or width, provided the owner of such lot does not own any adjoining property except that no lot shall be deemed to be less than forty (40) feet wide for the calculation of yard requirements, and provided further:

1. The sum of the side yard widths on any such lot need not exceed thirty (30) percent of the width of the lot, but in no case shall the width of any side yard be less than ten (10) percent of the width of the lot; provided, however, that on a corner lot, the width of the side yard adjoining the side street lot line shall not be less than eight (8) feet or twenty (20) percent of the frontage, whichever is the greater.

ARTICLE IX. NON-CONFORMING USES

1. A non-conforming use existing at the time this amended resolution takes effect may be continued, except that if it is voluntarily discontinued for two (2) or more years, it shall be deemed abandoned and any further use must be in conformity with the uses permitted in such district.

2. Any building arranged, intended or designed for a non-conforming use, the construction of which has been started at the time of the passage of this resolution, but not completed, may be completed and put to such non-conforming use, provided it is done within one (1) year after this resolution takes effect.
3. Any structure or building, existing as a non-conforming use at the time this resolution takes effect, which is destroyed by fire or the elements, may be reconstructed and restored providing the same is done within two (2) years from the date of said destruction, and is rebuilt as nearly as possible to conform with the zoning ordinances within the district in which it is located.
4. Any building or structure or land area devoted to a non-conforming use at the time this resolution takes effect may not be altered or enlarged so as to extend said non-conforming use more than 25% of the original area, providing the alterations or enlargement is toward conformity with the zoning resolution within the district in which it is located.
5. When a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted or non-conforming use.

ARTICLE X. RELOCATION OF A STRUCTURE

When any structure is relocated, it shall conform to all zoning requirements for the district in which it is to be placed, and a permit is required.

ARTICLE XI. HOUSING FOR THE MIGRANT OR SEASONAL LABORER

Structures for the temporary housing and shelter of seasonal agricultural laborers may be permitted on, or adjacent to land on which crops are planted for which the agricultural labor is necessary. The location of such structures shall conform with the yard provisions of Article VII. However, the location of these structures must not be closer to another residence than to the residence on the land for which the laborers are required.

The minimum dwelling size as provided in Article VII shall not apply to such structures, and the number of such structures per parcel of land shall be unlimited. Occupancy of such structure shall not extend more than thirty (30) days beyond the harvest.

ARTICLE XII. SIGNS AND OUTDOOR ADVERTISING STRUCTURES

1. No sign shall be permitted in any district except as hereinafter provided.
2. One (1) sign is permitted for each farm residence, business or manufacturing site, providing the sign does not exceed nine (9) square feet and provided the sign relates to the premises, to products sold on the premises, or to activities carried on within the premises. No permit is required.
3. Commercial or manufacturing operations, not located in residential areas, may in addition be permitted a second sign not exceeding one hundred (100) square feet in area providing it relates to products sold on the premises or to activities carried on within the premises. A permit is required.
4. Bulletin boards and signs for a church, school, community or other public or semi-public building shall be permitted provided the area of such bulletin board or sign shall not exceed twenty (20) square feet in area. A permit is required.
5. Temporary signs not exceeding in the aggregate, fifty (50) square feet, announcing the erection of a building, the architect, the builder or contractors, etc., may be erected for a period not to exceed one (1) year. No permit is required.
6. Offsite signs for the purpose of outdoor advertising, including billboards, may be conditionally permitted in all districts except residential districts. There shall not be more than one (1) sign per parcel of land. No building wall shall be used for such offsite advertising. All such structures must be placed at least thirty (30) feet from adjoining property lines. No such sign or advertising structure shall be permitted which faces the front or side lot line of any lot in any "R" District and is within one hundred (100) feet of such lot line or which faces any public park, school, library, church or similar institution and is within three hundred (300) feet thereof. A permit is required for all offsite outdoor advertising.
7. All signs shall be set back a minimum of twenty-five (25) feet from all state or federal highways, measured from the edge of the right-of-way. All signs shall be set back a minimum of twenty (20) feet from all other roads, except on corner lots where minimum setback is twenty-five (25) feet from right-of-way and not to exceed three feet in height.
8. All signs and advertising structures may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged to reflect away from adjoining premises and provides that such illumination shall not be placed as to cause confusion or create a hazard to traffic. No flashing signs or lights allowed.

9. Public notices, traffic control signs, and small signs bearing only property numbers or the names of the occupants of the premises are exempt from this resolution.
10. All free standing signs shall not be taller than existing building height of fifteen (15) feet whichever is less.

ARTICLE XIII. OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 1. Off-Street Loading Requirements

1. In any district, in connection with every building or part thereof, hereafter erected and having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution of vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, at last one (1) off-street loading space plus one (1) additional such loading space for each twenty thousand (20,000) square feet or major fraction thereof of gross floor area so used in excess of twenty thousand (20,000) square feet.
2. Each loading space shall be not less than ten (10) feet in width, twenty-five (25) in length, and fourteen (14) feet in height.
3. Subject to the limitations in Section 4 of this article, such space may occupy all or any part of any required yard or court space.
4. No such space shall be located closer than fifty (50) feet to any other lot in any "R" District, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted board fence not less than six (6) feet in height.

Section 2. Off-Street Parking Space Requirements

1. **General Requirements:** In all districts, in connection with every industrial business, institutional, recreational, residential or any other use, there shall be provided, at any time any building or structure is erected or is enlarged or increased in capacity, off street parking spaces for automobiles in accordance with the following requirements:
 - a. Each off-street parking space shall have an area of not less than

one hundred sixty (160) square feet exclusive of access drives or aisles, and shall be of usable shape and condition. Except in the case of dwellings, no parking area provided hereunder shall be less than one thousand (1,000) square feet in area.

- b. There shall be adequate provision for ingress and egress to all parking spaces. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive not less than eight (8) feet in width in case of a dwelling, and not less than eighteen (18) feet in storage areas or loading or unloading spaces required hereunder in such manner as to secure the most appropriate development of the property in question, but, except where provided in an "R" district, such easement of access or access drive shall not be located in any "R" District.

- 2. Number of Spaces to be Provided: In all districts, there shall be provided at the time any building or structure is erected or structurally altered (except as provided in Section 3 of this Article) off-street parking spaces in accordance with the following requirements:

<u>Use</u>	<u>Parking Spaces Required</u>
Bowling Alley	Five (5) for each alley
Mortuary or funeral home	One (1) for each fifty (50) square feet of floor space in slumber rooms, parlors or individual funeral service rooms.
Restaurant, nightclub, café or similar recreation or amusement establishment, dance hall, assembly hall or exhibition hall without fixed seats	One (1) for each one hundred (100) square feet of floor area.
Retail store or personal service establishment except as otherwise specified herein	One (1) for each two hundred (200) square feet of gross floor area.
Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair or service shop	Two (2) plus one (1) additional for each three hundred (300) square feet of floor area over one thousand (1,000) square feet
Printing or plumbing shops or similar service establishment	One (1) for each three (3) persons employed therein

Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse or similar establishment

One (1) for each two (2) employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith

3. Rules Governing the Determination of the Number of Spaces: In computing the number of spaces required in Subsection 2 of Section 2 of this Article, the following rules shall govern:
 - a. "Floor area" shall mean the gross floor area of the specified use.
 - b. Where fractional spaces result, the parking spaces required shall be constructed to be the nearest whole number.
 - c. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
 - d. Whenever a building or use constructed or established after the effective date of this Resolution is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such space shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Resolution is enlarged to the extent of fifty (50) percent in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

Section 3. Special Parking Provisions

1. Disabled, abandoned, junk vehicles or vehicles without a current license plate in any district: The parking of an inoperable, disabled, abandoned or junk vehicle is prohibited. Exceptions are permitted subject to the following conditions:
 - a. May be stored in an enclosed garage or other enclosed building and no business conducted with said vehicles.
 - b. After a reported accident but for a period of not more than one week, if said vehicle is owned and operated by the property owner or his immediate family.
2. For the purposes of this Article, junk vehicle means any other motor vehicle meeting the requirements of divisions B, C, D, E of this Section 4153.63 of the Ohio Revised Code.
3. Historical or collectors vehicles may be allowed under the same provisions as in #1 (a) (b) of this Article.

4. Trailers, Motor Homes, Recreational Vehicles: The outdoor storage of not more than two (2) of the following; unoccupied recreational vehicle (self-propelled or trailered), small utility trailer, boat or horse trailer, shall be permitted on a residential lot, subject to the following conditions:
 - a. Recreation and utility equipment parked or stored shall be owned by the occupant of the residence, shall not have any fixed connections to electricity, water, gas or sanitary sewer facilities, and at no time shall this equipment be used for living, housekeeping or place of business.
 - b. If the recreation or utility equipment is parked or stored outside of a garage, it shall be parked or stored to the rear of the front line of the building. The set back requirements in the side or rear yard shall be a minimum of three (3) feet. On one (1) lot there shall be no more than two (2) pieces of equipment parked or stored outside. A mounted piece of equipment is construed as one (1) piece; disassembled as two (2) pieces.
 - c. Notwithstanding the provisions of subparagraph b, recreation and utility equipment may be parked anywhere on the premise for loading and unloading purposes, for a period of not more than seventy-two (72) hours.
 - d. All recreational and utility equipment must be kept in good repair.
 - e. Any variance of these conditions shall be considered by the Board of Zoning Appeals or the Zoning Inspector for approval.
5. All parking spaces required herein shall be located on the same lot with the building or use serviced, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not to exceed three hundred (300) feet from an institutional building served and not to exceed five hundred (500) feet from any other non-residential building served.
6. Not more than fifty (50) percent of the parking spaces required for (a) theatres, bowling alleys, dance halls, nightclubs, or cafes, and up to one hundred (100) percent of the parking spaces required for a church or school auditorium may be provided and used jointly by (b) banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in (a): provided, however, that written agreement thereto is properly executed and filed as specified in Subsection 3 hereof.

7. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form by the Township Solicitor and executed by the Trustees of the Township and shall be filed with the application for a building permit.

Section 4. Development and Maintenance of Parking Areas

Every parcel of land hereafter used as a public, commercial or private parking area, shall be developed and maintained in accordance with the following requirements:

1. Screening and Landscaping: Off-street parking areas for more than five (5) vehicles shall be effectively screened on each side which adjoins or faces premises situated in any "R" District, or institutional premises by a masonry wall or solid fence or acceptable design. Such wall or fence shall be not less than four (4) feet or more than six (6) feet in height and shall be maintained in good condition without any advertising thereon. The space between such wall or fence and the lot line of the adjoining premises in any "R" District shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition. In lieu of such wall, or fence, a strip of land not less than fifteen (15) feet in width and planted with evergreen shrubs not less than four (4) feet in height, may be substituted, and this shall be maintained in good condition.
2. Minimum Distances and Setbacks: No part of any parking area for more than five (5) vehicles shall be closer than ten (10) feet to any dwelling, school, hospital, or other institution for human care located on an adjoining lot, unless screened by an unpierced masonry wall of acceptable design. If on the same lot with a main building, the parking area shall not be located within the front yard or side yard required for such building. In no case shall any part of a parking area be closer than five (5) feet to any established street or alley right-of-way. The wall or hedge required in Subsection 1 hereof, shall be set back from each street, the same as if it were a building wall, so as to observe the front yard and side street side yard requirements of this Resolution.
4. Surfacing: Any off-street parking area for more than five (5) vehicles shall be graded for proper drainage and surfaces so as to provide a durable and dustless surface, and shall be so arranged and marked as to provide for orderly and safe parking and storage of self-propelled vehicles. The foregoing surfacing requirements shall not apply to a parking area in an "M" District if more than two hundred (200) feet distance from any "R" District, except that a dustless surface shall be provided in any case.

5. Lighting: Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any "R" District.

ARTICLE XIV. MANUFACTURED HOMES

Section 1. Placement of Manufactured Homes

1. Manufactured homes shall be permitted in either a manufactured home park or manufactured home subdivision.
2. Manufactured home parks and manufactured home subdivisions may be permitted in an "R-3" district as a conditional use by the Board of Zoning Appeals.
3. A manufactured home used for temporary living quarters, or storage of material or equipment in conjunction with construction work only may be permitted in any district during the period that the construction is in progress. Such permitted use shall be conditional upon approval by the Zoning Board of Appeals and shall expire upon completion of construction work. Permits for such use shall be for one year and will require renewal for continued use.
4. No porch, canopy, patio roof, room structure for storage or other addition may be attached at a manufactured home unless of a material or type of construction specifically designed and manufactured for such use.
5. One (1) manufactured home constructed in compliance with the Federal Manufacturing Housing Construction and Safety Standards may be permitted as a conditional use by the Board of Zoning Appeals and as per Wood County Health Department Regulations upon each farm of forty (40) acres or more. The location of such permitted manufactured home shall be in accordance with the yard requirements for residential uses in "R-1" District. The Board of Zoning Appeals may place additional safety regulations as per conditional use upon the placement of said manufactured home.
6. A manufactured home meeting the requirements of 3781.10 O.R.C. (industrialized unit) may be placed in any district that which permits single-family dwelling (s), providing that all matters regarding lot size, setbacks and other provisions of this Resolution are maintained. Industrialized units meeting the requirements of this Resolution are licensed by the State of Ohio with a letter of certification. A copy of said letter certification shall be required at the time a zoning permit is requested as evidence of meeting the requirements of 3781.10 O.R.C.

Section 2. Manufactured Home Park Requirements

General Requirements: Manufactured home parks shall be constructed pursuant to the Rules of the Ohio Department of Health, Public Health Council, Mobile Home Parks, Chapter 3701-27. In addition, manufactured home parks shall comply with the following:

1. A manufactured home park shall have a public water and sewer system and/or on site water and wastewater system acceptable to the Ohio EPA, Wood County Health Department, or other approving agency of the State of Ohio or Wood County.
2. A manufactured home park shall be developed on a site of not less than ten (10) acres. Individual sites within a park shall be developed with a minimum area of 2700 square feet, including a minimum width of thirty (30) feet per manufactured home being served.
3. The minimum setback for a park shall be fifty (50) feet from a public right-of-way. The manufactured home shall be placed on the site so as to comply with the following:
 - a. Each manufactured home shall be placed upon the manufactured home site so as to provide no less than fifteen (15) feet of clearance between individual manufactured homes and twenty (20) feet of setback from any property line bounding the park. In computing these distance requirements; an auxiliary room or similar accessory connected to the manufactured home shall be considered as a part of the manufactured home. A temporary porch or canopy which is open on two or more sides shall not be considered part of the manufactured home.
 - b. No portion of any manufactured home, its appurtenances or parking space shall be located on a manufactured home site so as to be closer than fifteen (15) feet to a roadway boundary, or twenty-five (25) feet to a manufactured home park boundary or property line.
4. All manufactured home spaces shall abut upon a driveway of not less than twenty (20) feet in width, which shall have unobstructed access to a private or public street.
5. All land in a manufactured home park shall comprise of a single parcel. Public thoroughfares, except as extensions of local or collector streets proposed as part of a manufactured home site plat, shall not bisect or divide a manufactured home park to avoid unwarranted public traffic from traveling through said park.
6. Each manufactured home within a manufactured home park shall contain a

complete bathroom, including flush toilet, kitchen facilities, sleeping accommodations, plumbing and electrical connections. Travel trailers, motor homes and other recreational vehicles shall not be occupied in a manufactured home park.

7. All areas not used for access, parking, circulation, buildings and services shall be completely and permanently landscaped and the entire site maintained in good condition.

Section 3. Manufactured Home Subdivision

The manufactured home subdivision is intended as an area chiefly designed for single-family manufactured or modular homes attached to a permanent continuous foundation as well as other buildings, erected, arranged, intended or designed to be used for one single-family dwelling. Related community facilities, including churches, kindergarten, schools, public playgrounds and public parks shall be permitted, as well as any building or permanent structure within a manufactured home subdivision to be used exclusively to provide accessory services for residents of said manufactured home subdivision such as, but not limited to, a recreational facility.

Manufactured home subdivisions shall be constructed pursuant to the Wood County Subdivision Rules and Regulations. In addition, manufactured home subdivisions shall comply with the following:

1. A manufactured home subdivision shall have a public water and sewer system and/or on site water and wastewater system acceptable to the Ohio EPA, Wood County Health Department or other approving agency of the State of Ohio or Wood County.
2. A manufactured home subdivision shall be developed on a site of not less than ten (10) acres.
3. All foundations shall be constructed in accordance with Wood County Building Inspection rules and regulations and inspected by same.

ARTICLE XV. ROADSIDE STAND

Roadside stands may be permitted in agricultural areas provided that more than 50% of the products sold are produced on the premises and further providing such stands are set back from the roadway pavement or traveled portion of the highway a minimum of thirty (30) feet. Such stands shall not exceed two hundred (200) square feet in floor area and will not be located any closer than ten (10) feet to any lot line.

ARTICLE XVI. MOTELS

Motels or motor vehicles shall comply with the sanitary regulations prescribed by the County Health authorities, the regulations of the building code and as may otherwise be required by law, and in addition shall comply with the following regulations.

1. Any lot to be used for a motel shall not be less than two (2) acres in area and shall contain not less than two thousand (2,000) square feet per sleeping unit. All buildings and structures shall be a distance of at least fifty (50) feet from a rear lot line and at least fifty (50) feet from side lot lines, and a distance of at least one hundred (100) feet from the front lot line. The buildings and structures on the lot shall not occupy in the aggregate more than twenty (25) percent of the area of the lot.
2. All areas not used for access, parking, circulation, buildings and services shall be completely and permanently landscaped and the entire site maintained in good condition.

ARTICLE XVII. COMMUNITY DEVELOPMENT PROJECTS

1. An authorized agency of the County, State or Federal Government or the owner or owners of any tract of land comprising an area of not less than ten (10) acres may submit to the Township Trustees a plan for the use and development of all of the tract of land for residential and allied purposes. The development plan shall be referred to the Township Zoning Commission for study and report and public hearing. Notice and publication of such hearing shall conform to the procedures prescribed for hearings on changes and amendments.

If the Commission approves the plans, these shall be submitted to the Trustees for consideration and action. The approval and recommendations of the Commission shall be accompanied by a report stating the reasons for approval of the application and specific evidence and facts showing the proposed community development project meets the following conditions.

- a. The property adjacent to the area included in the plan will not be adversely affected.
- b. The plan is consistent with the intent and purposes of this Resolution to promote public health, safety, morals and general welfare.
- c. The buildings shall be used for single-family dwellings, two-family dwellings or multiple dwellings and usual accessory uses such as private or storage garages, storage space and for community activities, including churches.

- d. The average lot area per family contained in the site, exclusive of the area occupied by streets, will not be less than the lot area per family required in the district in which the development is located.
2. If the Board of Trustees approves the plans, a zoning certificate maybe issued, even though the use of land, the location and height of buildings to be erected in the area and the yards and open space contemplated by the plan do not conform in all respects to the district regulations of the district in which it is located.

ARTICLE XVIII. PRIVATE SWIMMING POOLS

A private swimming pool shall be any permanent pool or open tank, where swimming is normally permitted, not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than one and one-half (1 ½) feet. No such swimming pool shall be allowed in any "A", "S" or "R" District except as an accessory use and unless it complies with the following conditions:

1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principle use of the property on which it is located.
2. It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than twenty (20) feet to any property line of the property on which it is located. Minimum front setback required is the same as for other structures.
3. The swimming pool, or the entire property on which it is located shall be fenced as to prevent uncontrolled access from the street or from adjacent properties. Said fence or wall to be not less than four (4) feet in height and maintained in good condition, with a gate and lock.

ARTICLE XIX. PRIVATE PONDS

1. Ponds shall be permitted in any district
2. A pond shall not be located on a parcel less than three acres.
3. A pond shall not be located within fifty (50) feet of any drainage ditch, well, or septic system.
4. A pond shall be a minimum of twenty five (25) feet from the foundation of any structure.
5. The elevation for mounding, at the tow (bottom) of the slope, shall not begin within thirty (30) feet from any adjacent property line.

6. A pond shall contain a minimum of one quarter (1/4) acre of water surface area and shall maintain a minimum depth of fourteen (14) feet at its deepest point so as to avoid stagnation of pond water.
7. Ponds located in the front yard shall have a seventy-five (75) foot setback. Properties on state highways shall maintain a one hundred (100) foot setback.
8. All grading, berming or mounding of a pond shall be so constructed to avoid soil erosion occasioned by wind or water.
9. Grading, berming, or mounding of a pond shall be so constructed to avoid surface water runoff onto adjacent property.
10. Ponds shall have an adequate overflow that discharges excess water into a drainage tile and/or drainage ditch.
11. Any pond designed or used as a source of potable drinking water shall be approved by the Wood County Health Department.
12. Prior to any construction activity, a pond plan approved by a registered engineer shall be submitted to the Township Zoning Inspector for approval and issuance of a zoning permit upon compliance with all requirements for ponds in this resolution.

Note: Please see diagram on page 43 for further illustration.

ARTICLE XX. SINGLE-FAMILY RESIDENTIAL CONVERSIONS

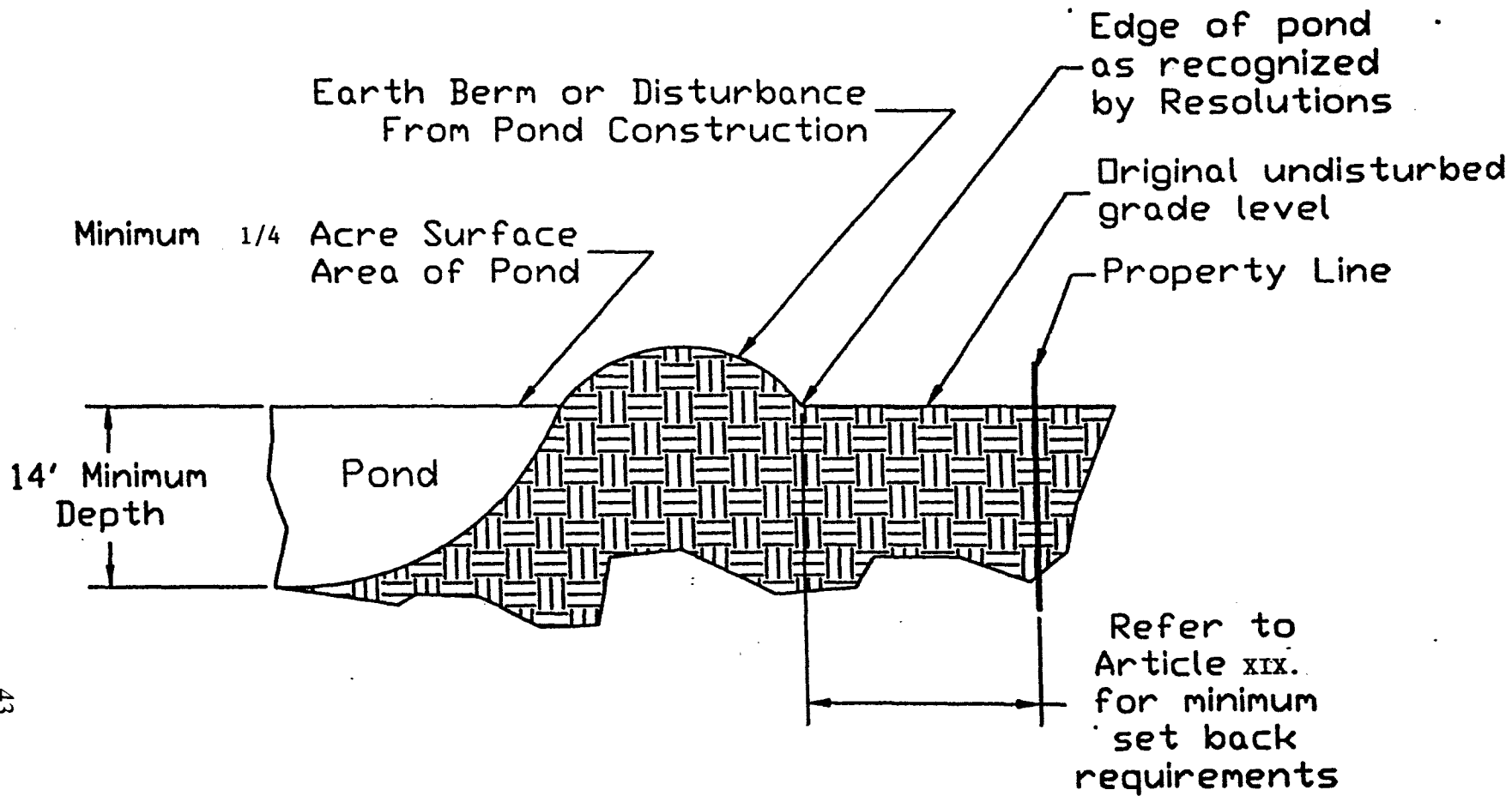
The purpose of these guidelines is to evaluate conditional use applications for conversion of single-family residences into duplexes.

Section 1. General

One living area in each duplex must be owner occupied. The conversion of a single-family residence to a duplex shall comply with current Wood County Health and Building Codes. Applicant shall furnish evidence that the property has been evaluated by Wood County Health Department officials and plans have been reviewed by the Wood County Building Inspection, but approval withheld pending submission of zoning permit.

Section 2. Building and Lot Area Requirements

1. Each unit shall have a clearly defined living area of 700 square feet.
2. Lot area shall be a minimum of forty (40) acres
3. Front, rear, and side yard set-backs shall be the minimum established for all residential structures in agricultural zones.
4. Lot frontage shall be 300 feet along a public right-of-way.



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Pond Required Dimensions

Not To Scale

ARTICLE XXI. HOME OCCUPATIONS

Home occupations shall be conditional uses in all districts permitting single-family dwellings. A conditional use permit shall be granted by the Township Zoning Board of Appeals, provided that:

1. No more than one person other than members of the family residing on the premises shall be engaged in such occupation;
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for the residential purposes by its occupants, and not more than twenty-five (25) per cent of floor area of the dwelling unit shall be used in the conduct of the home occupation. Accessory buildings may be conditionally permitted for use as home occupations in lieu of a single-family dwelling provided no more than 750 square feet are utilized for such purposes. Only one (1) home occupation may be conditionally permitted on the premise.
3. There shall be no change in the outside appearance in the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding three square feet in area, non-illuminated, and mounted flat against the wall of the principal building;
4. No traffic shall be generated by such occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall not be located in a required front yard.
5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside of the dwelling unit if conducted in other than a single-family residence. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

ARTICLE XXII. SEXUALLY-ORIENTED BUSINESSES

Sexually-Oriented Businesses shall be conditional use in M-1 Industrial Area. A conditional use permit may be granted by the Township Zoning Board of Appeals provided the following conditions are met:

Section 1. Purpose:

Additional regulations are imposed upon sexually-oriented businesses to: Protect juveniles from harm or exposure to sexually –oriented materials; prevent the spread of communicable or sexually transmitted diseases; reduce and eliminate the negative impact that adult uses may have on property values and the character and quality of residential neighborhoods; prevent sexually-oriented businesses from diminishing or destroying the use of public facilities, particularly facilities expected to be used by children or used for religious purposes, etc. These regulations are not adopted for the purpose of restricting or prohibiting any protected speech associated with sexually-oriented business land uses. The Supreme Court and lower federal courts have recognized a number of possible secondary effects of sexually-oriented businesses, including:

1. Decline of character of a community's neighborhoods and quality of life.
2. Increase of crime (e.g., prostitution, drug sales).
3. Spread of disease, particularly sexually transmitted diseases.
4. Degeneration of the social and moral order.
5. Harm to children.

The Township Trustees and Zoning Commission have reviewed secondary effect studies by various cities. Given the documented harmful secondary effects of sexually-oriented businesses on adjacent neighborhoods and specific land uses, the following specific, reasonable and uniform regulations have been developed to protect the public health, safety, convenience, comfort, prosperity, and general welfare of the residents of the township.

Section 2. Permitted Uses:

Permitted sexually-oriented businesses include, but are not limited to the following uses: sexually-oriented cabarets/movie houses, sexually-oriented media stores, sexually-oriented motels, and sexually-oriented shops, more specifically defined in this regulation.

Section 3. Accessory Uses:

1. A sexually-oriented business use may not be an accessory use.
2. No two sexually-oriented business uses may be located in the same premises or on the same lot.

Section 4. Prohibited Land Uses and Activities:

1. Specifically prohibited sexually-oriented businesses include: sexually-oriented encounter centers; sexually-oriented escort agencies; sexually-oriented nude modeling studios; sexually-oriented spas; and sexually-oriented viewing booths, more specifically defined hereunder by this Zoning Resolution.
2. Gambling – No sexually-oriented business establishment games, machines, tables, or implements shall be used for gambling.
3. Obscene Sexual Conduct – No one shall perform or conduct any obscene material, performance, or activity at any business establishment in the Township.
4. Tips – Tips or other gratuities shall not be given to performers or employees of a sexually-oriented business establishment by placing such tips or gratuities directly on the performer or employee or in or on the performer's or employee's costume or clothing. Any such tips or gratuities shall be placed by patrons into a receptacle provide by management for receipt of such tips or gratuities.
5. Age Restrictions
 - a) No person under the age of 18 years shall be admitted to or employed by a sexually-oriented cabaret or theater.
 - b) No person under the age of 18 years shall be allowed or permitted to purchase or receive, whether for consideration or not, any sexually-oriented material or other goods or services at or from any sexually-oriented business establishment.

Section 5. Separation Requirement for Specified Land Uses:

1. No sexually-oriented business shall be permitted in a location which is within 500 feet of any residence or boundary or any residential district.
2. Sexually-oriented uses shall not be located within 1,000 feet of libraries, educational institutions, training facilities for persons with mental or physical disabilities, museums, religious places or worship, child day care facilities, parks, playgrounds, swimming pools, pool and billiard halls, video arcades, pinball arcades, any social services facility or neighborhood center, or other public gathering places, family-oriented uses, or recreational uses established for the activities of juveniles.
3. No sexually-oriented business shall be permitted in a location which is within 1,500 feet of another sexually-oriented business or within a 1,000 foot radius of any bar, tavern, or other establishment regulated by the Ohio division of liquor control offering the sale of beer or intoxicating liquor for consumption on the premises in combination with live entertainment.
4. For the purposes of this section, measurement shall be made in a straight line without regard for intervening structures or objects, from the nearest point of the property line of the protected district or premise listed above. The presence of a municipal, county, or other political subdivision boundary shall be irrelevant for the purpose of calculating and applying the distance requirements of this section.

Section 6. Separation Requirement for Live Performers:

No person shall engage in a live performance of sexually-oriented material except upon a stage elevated at least 18 inches above floor level.

1. All parts of the stage, or a clearly designated area thereof within which the person exhibits specified anatomical areas or performs specified sexually-oriented material, shall be a distance of at least six (6) feet from all parts of a clearly designated area in which patrons may be present.
2. The stage or designated area thereof shall be separated from the area in which patrons may be located by a barrier or railing the top of which is at least three (3) feet above floor level.
3. No person engaging in such live performances or patron may extend any part of his or her body over or beyond the barrier or railing.

Section 7. External Visual Impact:

1. No sexually-oriented materials, or displays, promotions, or advertisement which display specified sexual anatomical areas or specified sexual activities, shall be displayed, distributed or exhibited so as to be visible from the public right-of-way, or from any adjacent public or privately owned property, or by juveniles permitted within the establishment.
2. All building openings, entries, windows, and doors of sexually-oriented businesses shall be located, covered, serviced, or otherwise designed to prevent a view into the interior of the building from any public right-of-way or other public space or privately owned property.

Section 8. Other Regulations:

1. Sexually-oriented businesses shall comply with the regulations applicable to an M-1 district.
2. Signage Requirements – Exterior signage shall not include verbal or written messages, graphics, drawings, or other illustrations which public display specified sexual activities.
3. Animals – No animals, except seeing eye dogs required to assist the blind, shall be permitted at any time at or in any sexually-oriented business establishment.
4. Restrooms – All restrooms in a sexually-oriented business establishment shall be equipped with standard toilets, sinks, and other traditional lavatory facilities. No sexually-oriented materials or live performances shall be provided or allowed at any time in the restrooms of a sexually-oriented business establishment. Separate male and female restrooms shall be provided for and used by sexually-oriented business establishment employees and patrons.
5. Parking Requirements – Off-street parking shall be provided in accordance with Article XIII (Off-Street Parking and Loading Requirements)

ARTICLE XXIII. RESIDENTIAL WIND TURBINE GENERATORS

Residential Wind Turbines shall be permitted only by a Conditional Use Permit in all districts. A conditional use permit shall be granted by the Township Zoning Board of Appeals provided the following conditions are met:

Section 1. Purpose:

Additional regulations are imposed upon Residential Wind Turbine Generators and anemometer towers to ensure that the safety and welfare of all township residents are met. The Township also recognizes the need to protect the scenic beauty of the township from unnecessary and unreasonable visual interference, noise radiation, and that wind turbine generators may have negative health, safety, welfare, and aesthetic impacts upon adjoining and neighboring uses. As such, the Township wishes to:

1. Protect residential and agricultural areas from potential adverse impact of wind turbine generators;
2. Permit wind turbine generators in selected areas by on-site residential, commercial, or industrial users, subject to the terms, conditions, and provisions hereof;
3. Ensure the public health, welfare, and safety of the Township's residents in connection with wind turbine generators; and
4. Avoid potential damage to real and personal property from the wind turbine generators and anemometer towers or the failure of such structures and related operations.

Section 2. Procedure:

Any proposed construction, erection, or siting of a wind turbine generator or anemometer shall meet the following conditions:

1. The maximum height of any turbine shall be 100 feet. For purpose of this particular zoning item, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the ground.
2. Setbacks – The following shall apply in regards to setbacks. Any turbine erected on a parcel of land will need to establish a "clear fall zone" from all neighboring property lines, structures, as well as any inhabited structures on the parcel intended for the turbine. A turbine will need to be erected and placed in such a matter that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located at, and would not strike any structures including the primary dwelling and any inhabited structures.

3. Maintenance – Wind turbines must be maintained in good working order. Turbines that become inoperable for more than 24 months must be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing turbine.
4. Decibel Levels – All units shall operate within a decibel range of 50 to 70 decibels. This information shall be included in the engineering report described below in Section 3 of this document. This information shall be obtained from the manufacturer of the turbine, and all decibel readings, if necessary, shall be taken from the nearest neighboring property.
5. Wiring and Electrical Apparatuses – All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground.

Section 3. Permits:

A conditional use permit shall be required before any construction can commence on an individual wind turbine system. As part of the permit process, the applicant shall inquire with the Wood County Planning Commission as to whether or not additional height restrictions are applicable due to the unit's location in relation to either the Wood County Airport or Toledo Metcalf Field.

Applicants shall then provide the Township Zoning Inspector and the Township Zoning Board of Appeals with the following items and or information when applying for a permit:

1. Location of all public and private airports in relation to the location of the proposed wind turbine generator.
2. An engineering report that shows:
 - a. The total size and height of the unit.
 - b. The total size and depth on the unit's concrete mounting pad, as well as soil and bedrock data.
 - c. A list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection.
 - d. Data specifying the kilowatt size and generating capacity of the particular unit.
 - e. The maximum decibel level of the particular unit. This information must be obtained from the manufacturer of the turbine unit.
3. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, and neighboring properties.
4. Evidence of a "clear fall zone" with manufacturer's recommendation must be attached to the engineering report.
5. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.

ARTICLE XXIV. ENFORCEMENT

Section 1. Zoning Inspector

It shall be the duty of the Zoning Inspector, who shall be appointed by the Board of Township Trustees, to enforce this Resolution. It shall also be the duty of all officials and employees of the Township to assist the Zoning Inspector by reporting to him upon new construction, reconstruction of land uses, or upon seeing violations.

Appeal from the decision of the Zoning Inspector may be made to the Board of Appeals, as provided in Article XXV.

Section 2. Plats, Maps and Description

Each application for a zoning permit shall be accompanied by a plat, map or comprehensive description, in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, reconstructed or structurally altered, and such other information as shall be necessary to provide for the enforcement of this resolution. A careful record shall be kept of all such applications, maps, or comprehensive descriptions, in the office of the Township Zoning Inspector or the office of the Board of Township Trustees.

Section 3. Zoning Certificate (Permit)

Before constructing, locating, reconstructing, changing the use of or altering the outside dimensions of any structure, applications shall be made to the township zoning inspector for a zoning certificate. The application shall indicate the exact location of the proposed construction, addition, alteration, or change of use and shall include a plat plan, plans and specifications showing the proposed location and dimensions, and the proposed use, all of which shall be included in the permanent record of the application. Within ten (10) days after receipt of the application, the zoning inspector shall issue a zoning certificate if the proposed construction, alterations, or change of use by applicants complies with the requirements of this resolution, and the application is accompanied by the proper fee, or shall refuse the same if it does not comply.

In those instances where the end use would qualify for an exemption under this section, it shall be required that an application be made for a zoning permit for the purpose of allowing the zoning inspector an opportunity to make a determination. There will be no fee for any application that qualifies for an exempt status.

Section 4. Fee for Zoning Certificates

Each applicant shall pay a fee prior to the issuance of a zoning permit as set from time to time by a resolution passed by the Freedom Township Board of Trustees. Such fees are for the purpose of defraying the costs of inspection, certification and maintenance of necessary records pertaining to the implementation of the zoning resolution.

The Zoning Inspector shall forthwith deposit all fees with the Township Fiscal Officer who shall credit such fees to the credit of the General Revenue Fund of the Township.

Every zoning certificate shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all zoning certificates shall be kept on file in the office of the Zoning Inspector or his agent, and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.

Section 5. Penalties

In accordance with Section 519.99 of the Ohio Revised Code, any person, firm or corporation violating this resolution, or any regulation, provision or amendment thereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one hundred dollars (\$100) for each offense. Each and every day there is a violation of these regulations, it may be deemed a separate offense.

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of law or of this resolution or any amendment thereto, the Board of Township Trustees, the Prosecuting Attorney of this County, the Township Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action, actions, or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

ARTICLE XXV. BOARD OF ZONING APPEALS

Section 1. Organization and Procedures

1. Membership: There is hereby established a Township Board of Zoning Appeals which shall consist of five (5) members, who are residents of the unincorporated area of the Township included in the area zoned.

Members shall be appointed and vacancies on the board are filled by a majority vote of the Board of Trustees. The five (5) members first appointed shall serve for terms of one (1), two (2), three (3), four (4) and five (5) years respectively; thereafter appoints shall be made for five (5) year terms.

2. Hearing, Rules, Etc.: The hearings of the Board of Zoning Appeals shall be public. However, the Board may go into executive session for discussion but not for vote on any case before it. The Board shall organize annually and elect a President, Vice-President, and Secretary. The Board shall act by resolution in which three (3) members must concur. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Resolution.

The Board shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other officials' actions, all of which shall be immediately filed in the office of the Board of Trustees and shall be a public record.

3. Witnesses, Oaths, Etc.: The Board shall have the power to subpoena witnesses, administer oaths, and punish for contempt, and may require the production of documents, under such regulations as it may establish.

Section 2. Appeals

1. Appeals may be taken to and before the Board of Zoning Appeals by any person aggrieved, or by an officer, department, or Board of Township. Such appeals shall be taken within twenty (20) days after the decision by filing with the officer from whom the appeal is taken, and with the Board, a notice of appeal and specifying the grounds thereof. The officer or department from which the appeal is taken shall forthwith transmit to the Board all of the papers constituting the record upon which the action appeals from was taken.
2. An appeals shall stay all procedures in furtherance of the action appealed from, unless the Zoning Inspector shall certify to the Board of Zoning Appeals after the notice of appeal shall have been filed with it that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise by a

restraining order which may be granted by the Board or by a court of equity, after notice to the officer from whom the appeal is taken and on due cause shown.

3. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal or other matters referred to it and give at least ten (10) days notice thereof to the parties in interest and decide the same within a reasonable time.

Upon the hearing, any party may appeal in person or agent or by attorney. The Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken.

Section 3. Powers and Duties

The Board of Zoning Appeals shall have the following powers and it shall be its duty:

1. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this Resolution or any amendments thereto.
2. In hearing and deciding appeals, the Board shall have the power to grant an exception in the following instances:
 - a. Permit the extension of a district where the boundary line of a district divides a lot or tract held in a single ownership at the time of the passage of this Resolution.
 - b. Interpret provisions of this Resolution in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts, accompanying and made a part of this Resolution where the street layout actually on the ground varies from the street layout as shown on the map aforesaid.
 - c. Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship on the use of the lot, as contrasted with merely granting an advantage or convenience.

- d. Permit land within three hundred (300) feet of a multiple dwelling to be improved for the parking spaces required in connection with a multiple dwelling, but only when there is positive assurance that such land will be used for such purpose during the existence of the multiple dwelling.
 - e. Determine whether an industry should be permitted within the "M-1" Industrial District because of the methods by which it would be operated and because of its effect upon the uses within surrounding zoning districts.
3. The Board shall have the authority to grant the following variations:
- a. Permit a variation in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variation will not seriously affect any adjoining property or the general welfare.
 - b. The extension or completion of a building devoted to a non-conforming use upon a lot occupied by such building, or on a lot adjoining, provided that such lot was under the same ownership as the lot in question on the date such building became nonconforming, and where such extension is necessary and incidental to the existing use of such building; provided, however, that the floor areas of such extensions shall not exceed in all one hundred (100) percent of the floor area of the existing building or buildings devoted to a nonconforming use and provided further that such extension or extensions shall be undertaken within five (5) years of the date when the use of such building became nonconforming.
 - c. Authorize upon appeal – whenever a property owner can show that a strict application of the terms of this Resolution relating to the use, construction or alterations of buildings or structures or the use of land will impose upon him unusual and practical difficulties or particular hardship – such variations of the strict application of the terms of this Resolution as are in harmony with its general purpose and intent; but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or from the zoning plan as established by this Resolution, and at the same time, the surrounding property will be properly protected.

4. The Board shall have the power to hear and decide in accordance with the provisions of this Resolution, applications for conditional uses. In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures; and in authorizing a conditional use, the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation – in addition to those expressly stipulated in this Resolution for the particular conditional use – as the Board may deem necessary for the protection of adjacent properties and the public interest.
5. In considering all appeals and all proposed exceptions to this Resolution, the Board shall, before making any exceptions or variations from the Resolution in a specific case, first determine that it will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the portion of the Township to which this Resolution applies.
6. At the time that an application for an appeal is filed with the Zoning Inspector, as provided herein, there shall be deposited a fee as set by resolution of the Board of Trustees of Freedom Township from time to time. Said fee is for the purpose of defraying the costs of investigation, legal notices and other expenses incidental to the determination of such matter. Such sums so deposited shall be credited by the Township clerk to the General Fund of the Township.

Section 4. General Considerations

In addition to observing the standards specifically set forth in this Article, the Board shall act in harmony with the comprehensive plan embodied in this Resolution and in furtherance of the purposes set forth on all appeals and applications for permits under this Article. The Board shall not approve any application for appeal under any of the provisions of Article X unless it finds in each case that the proposed use of the property or the erection, alteration, or maintenance of the proposed building or structure, (a) will not create a hazard to health, safety, morals or general welfare; (b) will not be detrimental to the neighborhood or to the residents thereof; and (c) will not otherwise be detrimental to the public convenience and welfare.

The Board, as a body of limited jurisdiction, shall act in conformity with all provisions of the Revised Code of Ohio – and all of this Resolution and in strict compliance with all limitations contained herein.

ARTICLE XXVI. DISTRICT CHANGES AND RESOLUTION AMENDMENTS

Section 1. General

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Trustees may by Resolution – after receipt of recommendation thereon from the Zoning Commission, and subject to the procedure provided by law – amend, supplement or change the regulations, district boundaries or classifications of property, now or hereafter established by this Resolution or amendments thereof. It shall be the duty of the Commission to submit its recommendation regarding all applications or proposals for amendments or supplements to the Trustees.

Section 2. Procedure for Change in Zoning District

1. Applications for any change of district boundaries or classifications of property as shown on the Zoning Map, shall be submitted to the Commission, at its public office, upon such forms, and shall be accompanied by such data and information, as may be prescribed for that purpose by the Commission, so as to assure the fullest practicable presentation of facts for the permanent records. Each such application shall be verified by at least one (1) of the owners or lessees of property within the area proposed to be reclassified attesting to the truth and correctness of all facts and information presented with the applications. Applications for amendments initiated by the Commission shall be accompanied by its motion pertaining to such proposed amendment.
2. Names and Addresses of Adjacent Property Owners: Any person or persons desiring a change in the zoning classification of property shall file, with the application for such change, a statement giving the names and addresses of the owner of all properties lying within two hundred (200) feet of any part of the property the zoning classification of which is proposed to be changed.
3. Referral of Proposed Change to County Planning Commission: Within five (5) days after the application for change in the resolution or districts, the Zoning Commission shall transmit a copy thereof, together with text and map pertaining thereto the Wood County Planning Commission. The Planning Commission shall recommend the approval or denial of the proposed amendment or supplement the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendments or supplement.

4. Public Hearing by Commission: Before submitting its recommendation on a proposed amendment to the Trustees, the Zoning Commission shall hold a public hearing thereon, notice of which shall be given by one (1) publication in a newspaper of general circulation in the Township. The notice shall state the place or places and times at which the proposed amendment to the Resolution, including text and maps, may be examined.
5. Notice of Property Owners: In addition to the published notice as hereinbefore specified, the Zoning Commission shall give notice of the time, place and purpose of public hearings to be held by it on proposed amendments or supplements, by mailing a postal card or letter notice not less than ten (10) days prior to the date of hearing, to the owners of all properties lying within two hundred (200) feet of any part of the property proposed to be changed. The failure to notify as provided in this Section, shall not invalidate any recommendation adopted hereunder, it being the intention of this Section to provide, as far as may be, due notice to the persons substantially interested in the proposed change that an application is pending before the Commission proposing to make a change in the Zoning Map or the regulations set forth in this Resolution.
6. Action of Commission: The Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application not be granted. These recommendations shall then be certified to the Trustees.
7. Public Hearing by Trustees: After receiving from the Commission the certification of said recommendations on the proposed amendment, and before adoption of such amendment, the Trustees shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be given by one (1) publication in a newspaper of general circulation in the Township.
8. Action of Trustees: After receiving from the Commission certification of the recommendations on the proposed amendment and after holding the above public hearing, the Trustees shall consider such recommendations and vote on the passage of the proposed amendment to the text of the Resolution or the Zoning Map. The Trustees may overrule the recommendations of the Commission by unanimous vote of the full membership of the Board of Trustees.

Section 3. Application Fees

1. At the time that an application for a change of zoning districts is filed with the Commission, as provided herein, there shall be deposited a fee as set by resolution of the Board of Trustees of Freedom Township from time to time. Said fee is for the purpose of defraying the costs of investigation, legal notices and other expenses incidental to the determination of such matter. Such sums so deposited shall be credited by the Township Fiscal Officer to the General Fund of the Township.

ARTICLE XXVII. VALIDITY

It is hereby declared to be the legislative intent that the several provisions of this Resolution shall be severable, in accordance with the provisions set forth below:

1. Invalid Section: If any provisions of this Resolution is declared to be invalid by a decision of any court of competent jurisdiction, the effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid. Such decision shall not affect, impair or nullify this Resolution as to a whole or part thereof, but the rest of this Resolution shall continue in full force and effect.
2. Invalid Application of Resolution: If the application of any provision of Resolution to any lot, building, or other structure is declared to be invalid by a decision of any court of competent jurisdiction, the effect of such decision shall be limited to that lot, building, or other structure immediately involved in the controversy, action or proceeding in which the judgment or decree of invalidity was rendered. Such decision shall not affect, impair or nullify this Resolution as a whole or the application of any provision thereof, to any other lot, building, or other structure.

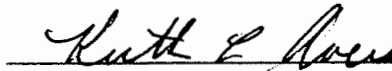
ARTICLE XXVIII. EFFECTIVE DATE

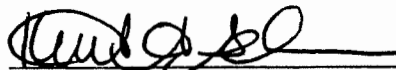
This Resolution shall become effective from and after the date of its approval and adoption, as provided by law.


PASSED: December 08, 2008

ADOPTED: January 08, 2009


Trustee


Trustee


Trustee

Attest 
Township Fiscal Officer

MODIFICATIONS TO PROPOSED TEXT AMENDMENT

- **Place the term "Non Traditional Accessory Buildings" in the list of prohibited uses you currently have in your zoning text.**
- **Then take the definition of "Non Traditional Accessory Buildings" that you provided on your application and place it in your definitions section.**