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# ARTICLE I

## GENERAL PROVISIONS, DEFINITIONS & RESOURCES

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<p><b>Section 1. PURPOSE</b></p> <p><b>Section 2. TITLE</b></p> <p><b>Section 3. INTERPRETATION, PURPOSE AND CONFLICT</b></p> <p><b>Section 4. VALIDITY</b></p>	<p><b>Section 5. EFFECTIVE DATE</b></p> <p><b>Section 6. DEFINITIONS</b></p> <p><b>Section 7. RESOURCES</b></p> <p><b>ENDNOTES</b></p>
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**Section 1. PURPOSE**

Be it resolved by the Board of Trustees of Middleton Township, Wood County, State of Ohio, that for the purpose of promoting public health, safety, convenience, comfort, prosperity, and general welfare, 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 uses of land for trade, industry, residences, recreation or other purposes and for such purposes, divides into districts or zones the unincorporated area of the Township, all as shown on the District Map on file in the office of the Board of Trustees.

Further purposes of this resolution shall be to:

1. Conserve and protect property and property values;
2. Secure the most appropriate use of land;
3. Facilitate adequate but economical provision of public improvements;
4. Facilitate the provisions of water, sewerage, schools, and other public requirements; and
5. Lessen or avoid congestion in public streets and highways.

**Section 2. TITLE**

This Resolution shall be known as the Zoning Resolution for Middleton Township, Wood County, Ohio. The Zoning Resolution for District 1 of Middleton Township, Wood County, Ohio approved November 5, 1957 and as amended subsequent thereto, and the Zoning Resolution for District 2 of Middleton Township, Wood County Ohio, approved on November 3, 1959, and as amended subsequent thereto, were amended into a single Zoning Resolution in 1962, and further amended in 1962, 1982, 1994, 2001, 2004, and 2010.

**Section 3. INTERPRETATION, PURPOSE AND CONFLICT**

In interpreting and applying the provisions of this Resolution, they shall be held to be the minimum requirements for the purpose of promoting public health, safety, convenience, comfort, prosperity, and general welfare. It is not intended by this Resolution to interfere with or abrogate or annul any resolution, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Resolution, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Resolution; nor is it intended by this Resolution to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Resolution imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger open spaces or larger lot areas than are imposed or required by such other resolutions or agreements, the provisions of this Resolution shall control.

**Section 4. VALIDITY**

Should any section or provision of this Resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Resolution as a whole or any part thereof, other than the part so declared to be invalid.

**Section 5. EFFECTIVE DATE**

This Resolution shall become effective from and after its passage and approval, as provided by law.

## Section 6. DEFINITIONS

For the purpose of the Resolution, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory.

- Accessory Structures: Structures such as sheds, storage sheds, pool houses, unattached garages, and barns.
- Accessory Use: An accessory use or building is a subordinate use or building customarily incident to the main use or building located on the same lot.
- Agriculture: Any agricultural use, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry pursuant to ORC 519.01.
- Alley: A way, which affords only a secondary means of access to property, abutting hereon.
- Alternative Energy: Energy, such as wind or solar energy that can replace or supplement fossil-fuel sources, such as coal, oil, and natural gas.
- Anemometer: An instrument that measures the force and direction of the wind.
- Animal Husbandry: The branch of agriculture concerned with the boarding, breeding, raising, and care of livestock, equine (including riding stables, horse-related events and rodeo), and kenneling of fur-bearing animals (including dogs). Animal husbandry does not include the commercial boarding of wildlife or exotic animals, or the keeping of domesticated pets.
- Apartment: A room or suite of rooms intended, designed, or used as a residence by a single family.
- Apartment Hotel: A building designed for or containing both apartments and individual guest rooms or suites of rooms and apartments and in which may be furnished services ordinarily furnished by hotels.
- Apartment House: See Dwelling, Multiple.
- Awning: A canopy or roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window.
- Banner: A fabric or other non-rigid material that is not enclosed in a structural frame that is erected for the purpose of attracting the public's attention.
- Base of Building: The location along a building wall that comes in contact with the ground
- Basement: A story partially or wholly underground. For purposes or height measurement, a basement shall be counted as a story where more than one-half of its height is above the average level of the adjoining yard.
- Bed and Breakfast Inn: An owner-occupied, single-family residential dwelling in which rooms are rented in one (1) stated price.
- Billboard: Any sign containing a message that pertains to a person, product or service that is not available at the parcel on which the sign is located.
- Board: Board of Zoning Appeals, Middleton Township, Wood County, Ohio.
- Boarder or Roomer: A person who occupies a bedroom or room as a lodging unit within a dwelling unit, boardinghouse, rooming house, or lodging house on a long-term residential basis for a consideration and where meals may be provided to a boarder, but not a roomer, by the owner or operator.
- Boarding House or Rooming House: A single-family dwelling where rooms for lodging are provided by arrangement on a long-term residential basis for three (3) or more persons, but not exceeding twenty (20) persons, for compensation. A boarding house offers meals prepared and served to guests only from one common kitchen facility, while a rooming house does not provide meals.

- **Building:** Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property.
- **Building Accessory:** A subordinate building or portion of the main building on the lot, the use of which is customarily incidental to that of the main or principal building, no part of which accessory building may be devoted to human occupancy either before or after the erection of the principal building.
- **Building Footprint:** The exterior outline of a structure where it meets the earth.
- **Building Frontage:** The linear portion of a building facing an adjacent street or common parking area.
- **Building Projection:** An above-ground extension of a building or structure into the yard area of a lot. Common projections include signs, eaves, sills, belt courses, cornices, and ornamental features of a structure.
- **Building Setback:** The minimum distance by which any building or structure footprint must be separated from a street right-of-way lot line or pavement edge, whichever is more restrictive. Also see Drainage Ditch Setback.
- **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.
- **Building, Height of:** The vertical distance measured from the adjoining curb grade to the highest point of the roof, provided that where buildings are set back from the street line the height of the building may be measured from the average elevation of the finished grade along the front of the building. In any event, no structure excluding accessory projections such as chimney, television antenna, towers etc. shall exceed the maximum permitted height for the district which it is located. *See graphic at the end of these definitions.*
- **Building, Principal:** A building in which is conducted the main or principal use of the lot on which said building is situated.
- **Cellar:** A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered a story for purposes of height measurement in determining the permissible number of stories.
- **Child Day Care:** Administering to the needs of infants, toddlers, pre-school and school children outside of school hours by persons other than parents, guardians, custodians or relatives by blood, marriage or adoption for any part of a twenty-four (24) hour day in a place of residence other than the child's own home. (ORC 5104.01) types of facilities are outlined below.
  - **Day Care Center**  
Any place that provides child day care to thirteen (13) or more children, with or without compensation, or any place that is not the permanent residence of the licensee or administrator that provides day care for seven-to-twelve (7-12) children, with or without compensation.
  - **Type A Family Day Care Home**  
The permanent residence of the administrator in which day care service is provided for seven-to-twelve (7-12) children or four-to-twelve (4-12) children if four (4) or more children are under two (2) years of age. In the process of counting children, any child under six (6) years of age related to administrator, licensee or employee shall be counted.
  - **Type B Family Day Care Home**  
The permanent residence of the care provider in which day care service is provided for one-to-six (1-6) children if no more than three (3) children are under two (2) years of age at any one time.



- 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 habitable structures, and will not intrude onto a neighboring property.
- Clinic: An establishment where patients who are not lodged overnight are admitted for examination and treatment by one or more physicians.
- 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.
- Commercial Vehicles: Any vehicles or trailer licensed and registered as a commercial vehicle or trailer with a gross weight of over ten thousand (10,000) pounds and used for a business or commercial purpose but not for transportation-for-hire.
- Commission: The Zoning Commission of Middleton Township, Wood County, Ohio.
- Cowling: A streamlined removable metal housing that covers the turbine's nacelle.
- Cutoff: The point at which all light rays emitted by a lamp, light source, or luminaire is completely eliminated (cut off) at a specific angle above the ground.
- Cutoff Angle: The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.
- Cut-off Type Luminaire: A unit of illumination with elements such as shield, reflectors, or refractor panels that direct and cut off the light at a cutoff angle less than 90 degrees.
- 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.
- Deck: A structure constructed of any building material and that may or may not have railings or access to the ground but does not contain walls or a roof, and has a surface area greater than thirty-six square feet, and has a height greater than six inches measured from any point of the deck surface to the surrounding grade level. Structures constructed solely to provide handicap access directly to a dwelling shall not be defined as a Deck. A dock leading to a pond shall not be considered to be a deck.
- Development Permit: See Special Flood Hazard Area Development Permit.
- Domestic Pets: Any animal customarily kept by humans for companionship, including but not limited to dogs, cats, birds, rabbits, hamsters, mice, turtles, and the like.
- Domesticated Pet: The keeping of a few small animals, such as dogs and cats, that through long association with humans have been either tamed or bred resulting in genetic changes affecting the temperament and conformation attributes of the species to a degree that makes them different from non-domesticated animals of their kind and which live in intimate association with and for the pleasure or advantage of people. This definition does not include animal husbandry, wildlife, or an exotic animal.
- Dwellings: Any building or portion thereof which is designed for or used for residential purposes.
- Dwelling, Multiple: A building used or designed as a residence for three (3) or more families living independently of each other and doing their own cooking therein, including apartment houses, apartment hotels, flats and group houses.
- Dwelling, Single-Family: A building designed for or occupied exclusively by one (1) family.
- Dwelling, Two-Family: A building designed for or occupied exclusively by two (2) families.

- **Essential Services:** The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, or 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.
- **Family:** One 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 additional persons not related by blood, marriage or adoption, except special care inhabitants.
- **Farm Market:** A location where a producer offers fruits, vegetables, and other items for sale where fifty per cent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.
- **Fence:** A structure used as an enclosure, barrier, privacy screening, confinement or for decorative purposes. Does not include hedges, shrubs, trees, or other natural growth unless supported by a trellis or other structure erected to satisfy the intent of this definition.
- **Fence Height:** The distance from the ground directly below the fence to the fence's highest point. When a fence is constructed on a mound, or where the ground under the fence or wall has been raised to a higher level than the surrounding surface, the permissible height of the fence shall be reduced by the height of such mound or raised surface.
- **Fence, Temporary:** A fence erected for a specific function and for a limited time such as snow fences or construction fences.
- **Filling Station:** Any building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work, such as motor replacement, body and fender repair or spray painting.
- **Fluorescent Color:** A colorant that absorbs light energy and reradiates the energy at visible wavelengths producing a reflectance value over 100%.
- **Frontage:** All the property on one side of a street between two intersection streets (crossing or terminating), measured along the line of the street or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.
- **Garage, Private:** An accessory building designed or used for the storage of motor-driven 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 or not more than two (2) ton capacity.
- **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.
- **Glare:** Light emitting from a luminary with intensity great enough to reduce a viewer's ability to see and in extreme cases, causing momentary blindness.
- **Grade:** The average of the ground level at the center of all exterior walls of a building. In the case walls are parallel to and within ten (10) feet of a sidewalk, the grade shall be the level of the sidewalk.
- **Gross Floor Area (GFA):** The total floor area, including the exterior building walls, of all floors of a building or structure.
- **Gross Leasable Area (GLA):** The gross floor area that is available for leasing to a tenant. Generally, GLA is GFA minus the floor area of elevator shafts and stair towers, public restrooms, permanently designated corridors, public lobbies, and common mall areas. In smaller buildings, the difference between GLA and GFA is negligible.

- Group Home: A private residence which provides resident services to a maximum of eight (8) unrelated persons, exclusive of the resident care provider. Residence should be restricted to a maximum of two (2) persons per bedroom exclusive of the bedroom(s) needed for the resident care-provider(s). Persons, who are developmentally disabled, mentally retarded, mentally ill, aged, and/or handicapped, may be occupants of a group home. Residential care facilities which contain greater than eight (8) persons are defined as institutions.
- Highway, Major: A street or road of considerable continuity and used primarily as a traffic artery for intercommunication among large areas.
- Home Occupation: A business conducted as an accessory use in a dwelling unit, as further regulated pursuant to Article IX, Section 9 (Home Occupations).
- Hotel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boarding house, a lodging house, or an apartment which are herein separately defined.
- Illumination: The lighting of an object.
  - External Illumination:  
The lighting of an object from a light source that is not within the object.
  - Internal Illumination:  
The lighting of an object from a light source that is within the object.
- Industrialized Unit: A building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site intended. use. "Industrialized Unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard contraction needs to form a completed structural entity. "Industrialized Unit" does not include a manufactured or mobile home as defined herein.
- Institution: A building occupied by a non-profit corporation or a non-profit establishment for public use.
- Integrated Community Business Center: A grouping of three or more retail, service, or office commercial establishments which have common vehicular parking facilities, controlled access to abutting streets, and are developed under a unified site plan.
- 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 ORC 4737.05 (A). 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, stored or handled but excludes uses taking place entirely within enclosed building.
- Juveniles/Harmful to Juveniles: A juvenile is an unmarried person under the age of eighteen. Any sexually-oriented material or performance is "harmful to juveniles" if it is offensive to prevailing standards in the adult community with respect to what is suitable for juveniles, and if any of the following apply:
  - It tends to appeal to the prurient interest of juveniles;
  - It contains a display, description, or representation of specified sexual anatomical areas or specified sexual activities;
  - It makes repeated use of foul language;
  - It contains a display, description, or representation in lurid detail of the violent physical torture, dismemberment, destruction, or death of a human being;
  - It contains a display, description, or representation of criminal activity that tends to glorify or glamorize the activity, and that, with respect to juveniles, has a dominant tendency to corrupt.

- **Laundromat**: An establishment providing home-type washing, drying or ironing machines for hire to be used by customers on the premises.
- **Light Trespass**: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.
- **Live Entertainment**: On-site entertainment by live entertainers that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.
- **Loading Space**: A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks.
- **Lodging House**: A building other than a hotel, bed and breakfast inn, boarding house, or rooming house, where lodging on a long-term residential basis is provided for compensation for three (3) or more persons.
- **Logo**: A textual and/or graphic image displayed for the purpose of identifying an establishment, product, goods, services or other message to the general public.
- **Lot**: A parcel of land occupied or intended for occupancy by a use permitted in this Resolution, including one (1) main building, together with its accessory buildings, the open spaces and parking spaces required by the Resolution and having its principal frontage upon a street or upon an officially approved place.
- **Lot Frontage**: The horizontal distance for which the boundary line of a lot and the street right-of-way or a private street are coincident. On curvilinear streets, the arc between the side lot lines along the right-of-way shall be considered the lot frontage. Lot frontage shall not be less than seventy-five (75) feet of the required minimum lot width in a zoning district. All sides of a lot that abuts a street shall be considered frontage. The ends of incomplete streets, or streets without a turning circle, shall not be considered frontage.
- **Lot Width**: The diameter of the smallest circle that can be inscribed within the side lot lines at any point on a continuous line from the front setback line to the rear setback line on a lot.
- **Lot, Minimum Area of**: The area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.
- **Luminaire**: A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.
- **Manufactured Housing**: Any pre assembled residence transported to a site for final assembly and set up. Does not include traditional site built housing.
  - **Industrialized Unit**  
A building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of greater structure, and that requires transportation to the site intended use. “Industrialized unit” includes units installed on the site as independent units, as part of group of units, or incorporated with standard construction needs to form a completed structural entity. “Industrialized unit” does not include a manufactured or mobile home as defined herein.
  - **Manufactured Home**  
A building unit or assembly of closed construction fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974”, and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.
  - **Mobile Home**  
A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) body feet in length, or when erected on site, is three hundred twenty (320) or more square feet, that is built on a permanent chassis and is transportable in one or more sections and does not qualify under this Resolution’s definition of a manufactured home or industrialized unit.

- Motor Court or Motel: A building or group of buildings used for the temporary residence of motorists or travelers.
- Nacelle: A separate streamlined metal enclosure that covers the essential mechanical components of the turbine.
- Neon Color: An extremely bright color.
- Net Area: The total area of a site for residential or nonresidential development, excluding all existing public right-of-way, easements, or other areas reserved or dedicated for public use except private easements which serve as primary access to no more than four individual lots or parcels. Net area may be expressed in acreage or square footage.
- Non-traditional accessory buildings: Include but not limited to semi-truck trailers, box trucks, cargo containers used by rail, air, shipping and land transportation industries.
- Nonconforming Use: The use of land or a building, or portion thereof, which use does not conform with the use regulations of the district in which it is situated.
- Obscene: Any material or performance that when considered as a whole and judged with reference to ordinary adults is "obscene" if it contains a series of displays or descriptions of specified sexual anatomical areas or specified sexual activities, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake, or in a way that inspires disgust or revulsion in persons with ordinary sensibilities, or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose. Obscene sexually oriented material shall include any of the following activities as part or in connection with any of the uses of an establishment set forth in this Zoning Code:
  - Human male genitals or the female breast areola in a discernibly turgid state of sexual stimulation or arousal even if completely and opaquely covered;
  - Fondling, rubbing, penetration, or other erotic touching or display of human genitals, pubic region, buttock, anus, female breasts, or open female labia, including lap dancing, friction dancing, table dancing, straddle dancing, face dancing, or any other method of erotic touching, but not including casual touching;
  - Actual sexual activity, normal or perverted, including human masturbation, the penetration of any orifice with a male penis or sex toy, sexual intercourse, sodomy, cunnilingus, fellatio, bestiality, or sadomasochistic activities or other extreme or bizarre violence, cruelty, or brutality used to arouse lust;
  - Excretory functions, actual or simulated, including urination, defecation, male ejaculation, or the aftermath of male ejaculation.
- Open Space - An area that is intended to provide light and air. Open space may include, but is not limited to farmland, meadows, wooded areas, and water bodies.
- Open Space, Restricted - Open space within a development that is of sufficient size and shape to meet the minimum zoning requirements and that is restricted from further development.
- Parking Area: An open, unoccupied space used or required for use for parking of automobiles exclusively and in which no gasoline or automobile accessories are sold or no other business is conducted and no fees are charged.
- Parking Space: A surfaced area, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than one hundred and eighty (180) square feet exclusive of driveways.
- Permanent Foundation: A permanent masonry, concrete or locally approved footer or foundation to which a manufactured or mobile home may be affixed.

- Permanently Sited Manufactured Home: Is a manufactured home that meets all of the following criteria:
  - The structure is affixed to a permanent foundation and is connected to appropriate facilities;
  - The structure, excluding any addition, has a width of at least 22 feet at one point, a length of at least 22 feet at one point, and a total living area of at least 900 square feet, excluding garages, porches, or attachments;
  - The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six inch minimum eave overhang, including appropriate guttering;
  - The structure was manufactured after January 1, 1995;
  - The structure is not located in a manufactured home park.
- Place: An open, unoccupied space or a public or private thoroughfare, other than a street or alley, permanently reserved as the principal means of access to abutting property.
- Pond: A permanent or temporary body of open water, whether in its natural state or an artificial water impoundment made by constructing a dam or an embankment or by excavating a pit or dugout. A pond shall include a “retention pond,” but shall not include a “dry detention pond” or a “swimming pool.”
- Pond Plan: A detailed plan drawn to scale which must be submitted with an application to construct a pond.
- Pond, Dry Detention: A shallow swale or basin of not more than two to three feet depth constructed to retard flood runoff and minimize the effect of sudden floods where water is temporarily stored and released through a gravity outlet structure at a rate that will not exceed the carrying capacity of the channel downstream. Often, the basins are planted with grass and used for open space or recreation in periods of dry weather.
- Pond, Retention: A pond constructed to retard flood runoff and minimize the effect of sudden floods where water is permanently held to a fixed minimum and maximum water elevation between runoff events and which may be used to recharge the underground water supply, to trap sediment and debris, or for recreation/aesthetic purposes.
- Porte-cochère: A roofed structure covering a driveway at the entrance of a building to provide shelter while entering or leaving a vehicle.
- 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.
- Private Swimming Pools. A permanent private swimming pool, but not including ponds, shall be any man made body of water 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.
- Professional Engineer. A qualified individual who is licensed as a Professional Engineer in the State of Ohio.
- Public Display: The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, high-way, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other than sexually-oriented materials are on display to the public.

- Public Way: An expressway, freeway, highway, parkway, boulevard, avenue, road, street, alley, sidewalk, path, subway, bridge, viaduct, tunnel, channel, drain, canal, ditch, or other passage in which the general public has a right of passage and that right of passage is under the control of and maintained by public authorities, whether improved or not. (see Right-of-way)
- 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 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 homes.
- Residential Floor Area: The area of a dwelling devoted to living purposes, including stairways, halls, and closets, but excluding porches and space used for a garage or carport.
- Right-of-way: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography of treatment) such as grade separation, landscaped areas, viaducts, and bridges. (See Public Way)
- Scenic Viewshed: A visual resource as viewed from a public right-of-way that provides the Township with its visual character, sense of place, unique identity, and contributes to the overall quality of life of Township residents.
- Setback: See “building setback.”
- Sexually-Oriented Business: An establishment where a substantial portion of the use is distinguished or characterized by its emphasis on sexually-oriented materials. Sexually-oriented businesses include sexually-oriented cabarets/theaters, sexually-oriented media stores, and sexually-oriented motels, more specifically defined hereunder by this regulation. Sexually-oriented business shall not include nude model studios, sexual encounter centers, sexually-oriented escort agencies, sexually-oriented spas, or sexually-oriented viewing booth or arcade booth facilities each more specifically defined by this regulation and prohibited as land uses, secondary uses, or accessory uses in the township pursuant to Article IX, Section 23.
  - Sexually-Oriented Cabaret/Theater:
 

A sexually-oriented auditorium, bar, concert hall, movie house, nightclub, restaurant, theater, or similar business establishment which for any form of consideration displays or depicts sexually-oriented materials to patrons in a seating area exceeding 600 square feet as a substantial portion of its entertainment or presentation time, including: on-site live performances on a stage that features horizontal and/or physical barriers to prevent contact between the performers and the audience, including exhibitions, dance routines, gyration choreography, strippers (male or female), female impersonators, lingerie modeling, or dancers; or other media, including films, motion pictures, computer files or software, laser discs, video cassettes, DVD's, slides, and similar photographic reproductions.
  - Sexually-Oriented Media Store:
 

A sexually-oriented business establishment which offers 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.
  - Sexually-Oriented Motel:
 

A sexually-oriented hotel, motel, or similar business establishment that offers accommodation to the public for any form of consideration, and provides patrons with close-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 material which is harmful to juveniles or obscene, and:

    - has a sign visible from the public right-of-way that advertises the availability of adult and/or sexually explicit materials along with room rentals; or
    - 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.
- **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 for 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:
  - 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
  - In order to participate in a class a student must enroll at least three days in advance of the class; and
  - No more than one person exhibiting specified sexual anatomical areas is on the premises at any one time.
- **Sexual Encounter Center:**  
An establishment that for any form of consideration, offers facilities for physical touching activities, including wrestling or tumbling, lap dancing, or body painting, between male and female persons and/or persons of the same sex in a private or semi-private area of six hundred (600) square feet or less and where one or more of the persons displays or exhibits specified sexual anatomical areas or performs specified sexual activities.
- **Sexually-Oriented Escort Agency:**  
An establishment which for any form of consideration advertises, offers, or furnishes a companion, guide, or date for a service which includes the exposure of specified sexual anatomical areas or specified sexual activities, the modeling of lingerie, or private striptease performances in a private or semi-private area of six hundred (600) square feet or less.
- **Sexually-Oriented Spa:**  
An establishment which for any form of consideration provides massages by persons who are not medical professionals or certified massage therapists, or provides patrons with bathing, sauna, shower, or hot tub services in a private or semi-private area of six hundred (600) square feet or less, and which provides sexually-oriented materials or engages in or offers to engage patrons in specified sexual activities, or activities commonly associated with a sexual encounter center.
- **Sexually-Oriented Viewing Booth or Arcade Booth Facility:**  
An establishment which for any form of consideration provides a booth, cubicle, stall, or compartment less than or equal to six hundred (600) square feet in area that is primarily designed, constructed, or used to hold or seat patrons to view sexually-oriented materials, including live entertainment or 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).
- **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 which are not of an obscene nature or which are otherwise harmful to juveniles or obscene. Sexually-oriented materials may include any 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, shows, skits, dances, exhibitions, or any service capable of arousing prurient or scatological interests through sight, sound or touch.



- Sign: Any object consisting of a communication in the form of text, or sign copy, designed for the purpose of identifying an establishment, product, goods, services or other message to the general public.
- Sign Amount: The quantity of signs on premise.
- Sign Area: The entire area (in square feet) within a shape defined by a continuous line having only right angles that enclose the limits of sign copy. Sign structures shall not be included in the sign area measurement.
- Sign Copy: Words, letters, numbers, logos, symbols or designs.
- Sign Face: The portion of a sign that displays sign copy.
- Sign Height: The measurement from the location along a sign structure that comes in contact with the ground to the upper most point of the sign. Placing a sign on top of a mound is permitted if the mound is aesthetically incorporated into the sign's composition with elements such as landscaping and retaining walls.
- Sign Setback: The distance from the nearest edge of a sign or sign structure, measured at a vertical line perpendicular to the ground, to the right-of-way or future right-of-way if established prior to the sign's construction.
- Sign Structure: Any portion of a sign constructed to support a sign face.
- Sign, Address: A sign of high-intensity green background with high-intensity white numbers, not to exceed one square foot in area.
- Sign, Awning: Any sign, copy, symbol or logo displayed on an awning.
- Sign, Building Mounted: A sign attached to a building that is visible to the general public.
- Sign, Cantilever: A sign supported on the ground by a pole, not attached to any building, whereas the sign extends away from the primary support structure.
- Sign, Construction: A sign identifying the name(s) of project owners, or those involved in a project being constructed or improved.
- Sign, Directional: A sign erected for the sole purpose of directing vehicle or pedestrian traffic.
- Sign, Freestanding: A self-supporting sign.
- Sign, Monument: A self-supporting sign with a solid base upon which a sign is displayed.
- Sign, Multi-Sign Copy Display: An object containing more than one sign.
- Sign, Off-premise: See Billboard
- Sign, Pole: A sign supported on the ground by a pole that is not attached to any building or other structure.
- Sign, Political: A temporary sign used in connection with local, state or national elections.
- Sign, Portable: A sign that is not permanently affixed to a structure or ground.
- Sign, Real Estate: A sign indicating or directing one to a property that is available for sale, rent, or lease.
- Sign, Roof: A sign located on a roof, or a sign that extends above the roofline of a building.
- Sign, Single-Sign Copy Display: An object containing one sign.
- Sign, Special Event: Any sign used to present information regarding a special event.
- Sign, Subdivision Identification: Any sign used for the purpose of identifying a residential community consisting of condominiums, apartments, mobile homes, and or single-family homes.
- Sign, Subdivision Marketing: Any temporary sign used for the purpose of advertising the sale of platted lots, sale or lease of multi-family units, or available space in a commercial development.
- Sign, Window: Signs that are affixed to a window or are positioned within two (2) feet of the inside of a window so they are visible from the outside.
- Signs: Any identification, description, illustration, symbol statue or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to

the public view from outside the property where located and which directs attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, permanent placard, or temporary sign designed to advertise, identify or convey information, to include any landscaping wherein letters or numbers are used for the purpose of directing the public's attention to a product or location, with the exception of window displays and national flags.

- **Single-family Dwelling**: A permanent structure entirely detached: independent from any other principal structure placed on a permanent foundation, having one or more room; with provisions for living, sanitary and sleeping facilities specifically designed and arranged exclusively for the use of one or more individuals of the same family. These dwellings include site built homes, industrialized homes, manufactured homes and mobile homes but not barns, sheds or other structures designed for uses other than single family.
- **Solar Panel**: A panel containing solar cells or absorbing plates that convert the sun's radiation into energy for use in providing electricity or heating to buildings or structures.
- **Solar Panel Array**: A single panel or group of connected panels, including an attached mounting system. A solar panel array may be installed on a building or structure, or on a free standing support system as defined in Article XIII, Section 2 of this Zoning Resolution.
- **Solicitor, Township Solicitor**: The solicitor of Middleton Township, Wood County, Ohio.
- **Sound Level Meter**: An instrument for the measurement of sound level.
- **Special Care Dwelling**: A dwelling occupied by a single family plus not more than three (3) special care inhabitants. The special care inhabitants must require special care or attention from the dwelling owner or family but such special care is not to include medical or therapeutic services provided in the dwelling. The primary elements of a traditional family relationship must exist among all of the inhabitants of the special care dwelling (i.e. there must exist that type of relationship which emphasizes the collective body of persons under one head and one domestic government having natural or moral duties to support and care for each other). The relationship between the special care inhabitants and the family offering the care must be non-profit (i.e. the compensation received must be designed to reimburse the reasonable cost of providing said care). The family or dwelling owner must provide either a permanent living arrangement for those permanently in need of care or a felling of permanency of living arrangements for those who are in a period of transition between their institutionalization and their complete reintegration into society. Said dwelling unit, if required by the state or county, shall meet all the licensing requirements.
- **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 person.
- **Special Flood Hazard Area Development Permit**: A permit issued by the Wood County Planning Commission local Flood Plain Administrator required before beginning any development in an identified special flood hazard area.
- **Special Structure**: Unoccupied buildings typically located at the entrance of a development for the purpose of aesthetics and/or sign display.
- **Specified Sexual Activities**: Includes the non-obscene display or depiction of any of the following activities as part or in connection with any of the uses of an establishment set forth in this Zoning Code:
  - Casual touching of human genitals, pubic region, buttocks, anus, or female breasts; and
  - Simulated human masturbation, cunnilingus, fellatio, intercourse, or sodomy where the genitals cannot be seen.
- **Specified Sexual Anatomical Areas**: The non-obscene showing of less than completely and opaquely covered human genitals, pubic region, vulva, buttocks, anus, or anal cleft; or the showing of the lower portion of the female breast below a horizontal line across the top of the

areola at its highest point, but not including any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bath suit, or other wearing apparel provided the areola or nipple is not exposed in whole or in part.

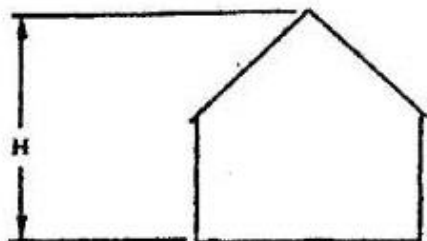
- **Stormwater Management Plan:** A description of controls appropriate for each construction operation covered by these regulations in order to control storm water damage and sediment pollution of water resources, wetlands, riparian areas, other natural areas, and public and private lands.
- **Story:** That portion of a building, other than a cellar included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.
- **Story, Half:** A story under a gable, hip or gambrel roof. The wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story.
- **Street:** A public or private thoroughfare which affords the principal means of access to abutting property.
- **Street Line:** A dividing line between a lot, tract or parcel of land and a contiguous street.
- **Structure:**  
Anything constructed or erected other than an building, the use of which requires more than permanent location on the ground or attached to something having a permanent location on the ground, including--but without limiting--the generality of the foregoing, advertising signs, billboards, backstops for tennis courts and pergolas.  
Anything constructed or erected that requires location on the ground, or attached to something having a fixed location on the ground. Includes those things considered temporary or permanent. Structures may include, but are not limited to, buildings, radio, television and cellular towers, decks, fences, walls, antennae, swimming pools, signs, streets, sidewalks and billboards.
- **Structural Alterations:** Any change which would tend to prolong the life of a supporting member of a structure such as bearing walls, columns, beams or girders.
- **Substantial Portion:** A measurement, count, or ratio used in the determination whether an establishment is a sexually-oriented business, computed as follows:
  - For retail sales or rental of sexually-oriented materials in displays visible or self-accessible to the public – more than ten (10) percent of the content, stock-in-trade, shelf-space, or inventory of the establishment;
  - For retail sales or rental of sexually-oriented materials of a media nature only (i.e., not including sexually-oriented toys or novelties, lingerie which reveals specified sexual anatomical areas, or leather goods marketed or presented in a context to suggest their use for sadomasochistic practices) displayed in separate rooms or areas with access controls which isolate the room or area from other parts of the store and prevents patrons from viewing sexually-oriented material from the rest of the establishment – more than forty (40) percent of the gross floor area of the establishment;
  - For performance activities or the showing of films, motion pictures, video cassettes, slides, or similar visual or photographic reproductions – more than ten (10) percent of the presentations or performances within any ninety (90) day period in the establishment are characterized by the depiction or description of:
    - Presentations emphasizing specified sexual activities, specified sexual anatomical areas, or material that is harmful to juveniles or obscene; or
    - The showing of movies where the Motion Picture Association of America Movie Rating System or a rating system using similar constitutionally acceptable standards would apply an “adults only” rating, including, but not limited to; “NC-17,” “X,” “XX,” or “XXX,” or unrated films with comparable content.
- **Tourist Home:** A building other than a hotel where lodging is provided and offered to the public for compensation for not more than twenty (20) individuals and open to transient guests.
- **Township:** Middleton Township of Wood County, State of Ohio.

- Trailers, Small Utility: Any small trailer drawn by a motor vehicle used for the occasional transport of personal effects, camping equipment and boats.
- Trailers, Vacation: Any trailer with living accommodations drawn by a motor vehicle used for vacation travel.
- Transportation-for-hire: Any business or public utility in the transportation of persons or property, or both, or furnishing such transportation service over any public street, road or highway.
- Travel Trailer: A non-self-propelled recreational vehicle that does not exceed an overall length of thirty-five (35) feet, exclusive of bumper and tongue or coupling, and contains less than three hundred twenty (320) square feet when erected on site. "Travel trailer" includes tent-type and foldout camping trailers.
- Trustees; Board of Trustees: The Board of Trustees of Middleton Township, Wood County, Ohio.
- Wind Power Turbine Owner. The person or persons who owns the Wind Turbine structure.
- Wind Power Turbine Tower. The support structure to which the turbine and rotor are attached.
- Wind Power Turbine Tower Height. The distance from a rotor blade at its highest point to natural undisturbed grade level of a wind turbine tower foundation.
- Window Area: The area contained within the boundary of a window. A group of windows may be considered one window if they are on the same building face and are less than six inches apart.
- Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used. For the purposes of establishing a building setback, a yard shall be measured from the right-of-way, lot line or pavement edge, whichever is more restrictive.
- Yard, Front: A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered balconies or uncovered porch. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
- Yard, Rear: A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections of uncovered steps, unenclosed balconies or unenclosed porches.
- Yard, Side: A yard between the main building and the side line of the lot, extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projections thereto.
- Zoning Commission, Commission: The Zoning Commission of Middleton Township, Wood County, Ohio.
- Zoning Inspector: The person employed by Middleton Township with the title "Zoning Inspector."

# ROOF TYPES AND BUILDING HEIGHT

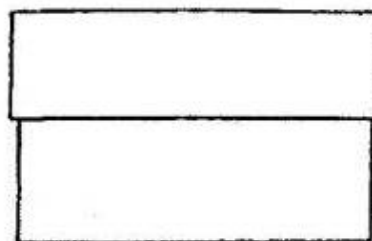
These diagrams are included in Articles VIII and XVIII.

H = HEIGHT OF BUILDING

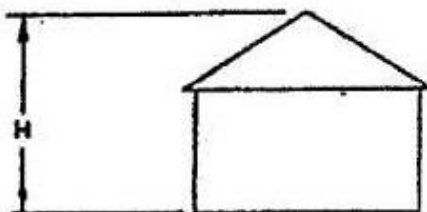


END VIEW

GABLE ROOF

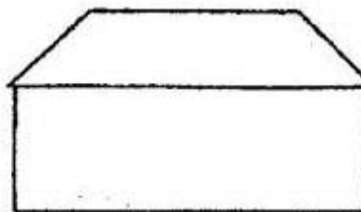


SIDE VIEW

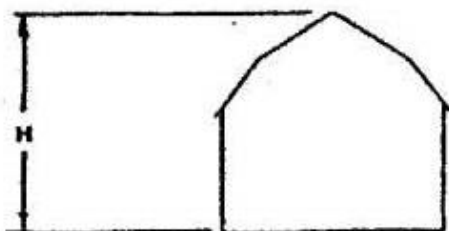


END VIEW

HIP ROOF

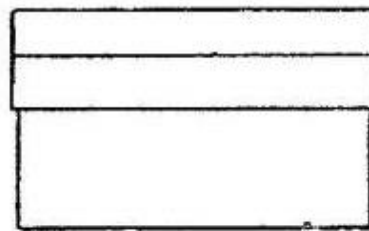


SIDE VIEW

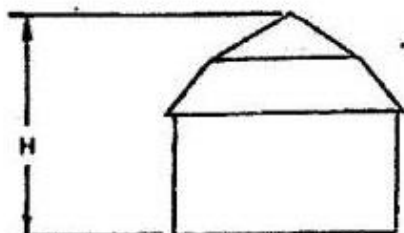


END VIEW

GAMBREL ROOF

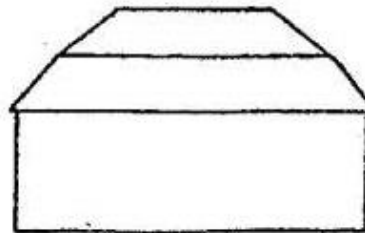


SIDE VIEW



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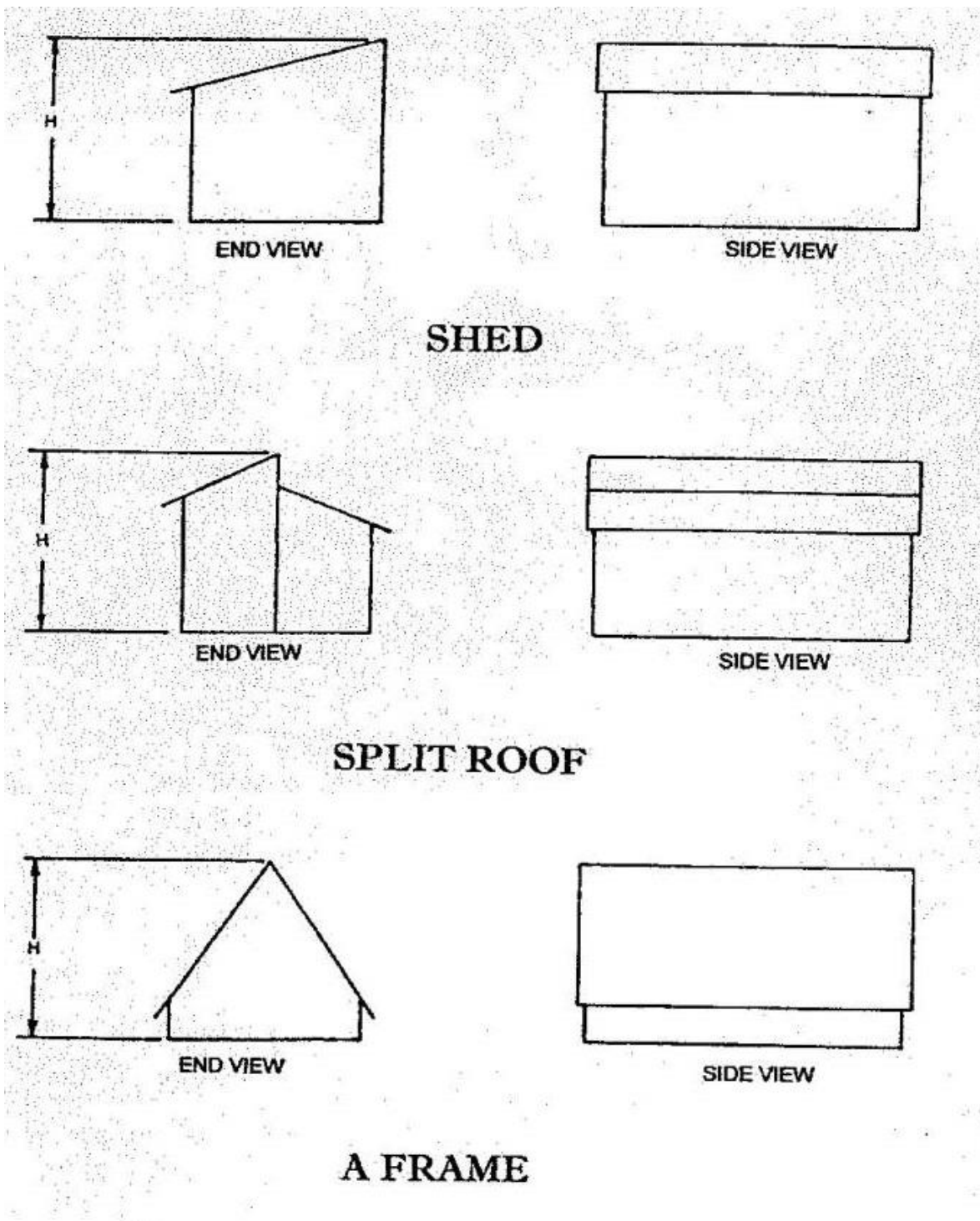
MANSARD ROOF

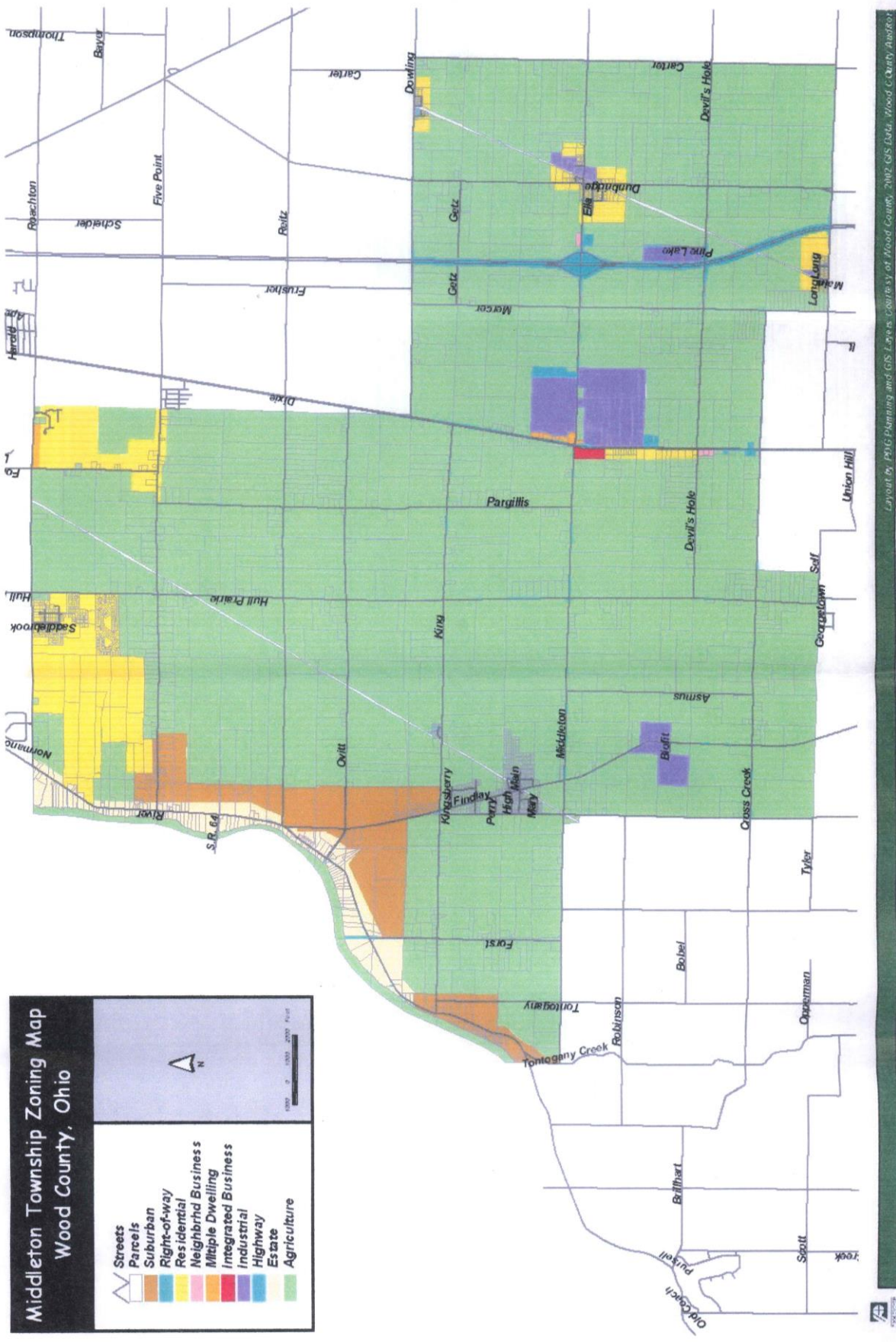


SIDE VIEW

# ROOF TYPES AND BUILDING HEIGHT

These diagrams are included in Articles VIII and XVIII.





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GENERAL PROVISIONS

Layout by: POG Planning and GIS. Layers: Courtesy of Wood County, 2002 GIS Data, Wood County Aerials.



**Section 7. RESOURCES**

**1. SITE SURVEY GUIDE**

Please note that this reference is intended as a guide and not a comprehensive resource. Site developers should refer to the entire Middleton Township Zoning Resolution for detailed information. Contact the Middleton Township Zoning Inspector with questions.

	<b>Standards and Requirements</b>	<b>Corresponding Zoning Resolution Article</b>	<b>Includes Information On:</b>
1	Development Standards	Article VIII	Building height requirements (in feet and floors); building and land use requirements and compliance
2	Landscaping Requirements	Article X	Landscaping standards and regulations, including materials, placement, layout and installation timing
3	Off-Street Parking and Loading Requirements	Article XI	Parking space and loading requirements, special parking provisions, and development/maintenance of parking areas
4	Signage Regulations	If located in SR 25 and SR 582 Overlay District, Article V; for all other areas, Article XII	Sign types and definitions, prohibited, non-conforming and abandoned signs, and sign maintenance
5	SR 25 and SR 582 Overlay District, if Applicable	Article V	Architectural and landscape review; maintenance, replacement and general requirements; access permits and options; and, traffic impact study and assessment



**ARTICLE VIII ENDNOTES**

A Section 7 – SITE SURVEY GUIDE – Resolution Amended September 2017

## ARTICLE II

### EXEMPTIONS AND NONCONFORMING USES

<b>Section 1. USES EXEMPTED FROM PROVISIONS OF RESOLUTION</b>	<b>Section 3. NONCONFORMING USES AND BUILDINGS</b>
<b>Section 2. EXISTING LOTS OF RECORD</b>	<b>Section 4. PENDING APPLICATION FOR BUILDING PERMITS</b>

#### Section 1. USES EXEMPTED FROM PROVISIONS OF RESOLUTION

1. Agricultural Uses.  
The use of land for agricultural purposes or the construction or use of buildings or structures incident to the use of agricultural purposes or land on which buildings or structures are located is exempt from zoning districts established by this Resolution except as regulated in Article IX, Section 1 (Agricultural Use Restrictions) where it is the intent of Middleton Township to regulate agricultural uses in residential areas subject to the limitations of ORC 519.21 or any subsequent amendment thereto.
2. Alcoholic Beverages.  
The sale or use of alcoholic beverages shall not be prohibited in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted pursuant to ORC 519.211(D).
3. Oil or Natural Gas Wells.  
The use of any land owned or leased by an industrial firm shall not be prohibited for the conduct of oil or natural gas well drilling or production activities or the location of associated facilities or equipment when such oil or natural gas is obtained by the industrial firm's use for the operation of its plants pursuant to ORC 519.211(E).
4. Public Utility Essential Services.  
Essential services, as defined in Article XVII (Definitions), shall be permitted as authorized and regulated by law and other resolutions of the Township Trustees, it being the intention hereof to exempt such essential services from the application of this resolution. It is the intent of Middleton Township to regulate telecommunication towers owned or principally used by a public utility in areas zoned for residential use and public utilities engaged in transporting persons or property subject to the limitations of ORC 519.211 or any subsequent amendment thereto.
5. Railroads.  
The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structures of any railroad for the operation of its business shall be permitted in all districts established by this Resolution and no zoning certificate shall be required for any building or structure or for the use of any land essential to the operations of a railroad pursuant to ORC 519.211(A).

#### Section 2. 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 yards 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 no side yard shall be less than five (5) feet except for a corner

lot, where 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.

2. The depth of the rear yard of any such lot need not exceed twenty (20) percent of the depth of the lot, but in no case shall it be less than twenty (20) feet.
3. Height:
  - A. The height regulations prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers, or scenery lofts, cooling towers, ornamental towers, and spires, chimneys, elevators bulkheads, smokestacks, conveyors and flagpoles, except where the height of such structures will constitute a hazard to the safe landing and take-off of military, public, commercial and private aircraft at an established airport.
  - B. Public, semipublic or public service buildings, hospitals, institutions or schools, where permitted, may be erected to a height not exceeding sixty (60) feet, and churches and temples, may be erected to a height not exceeding seventy-five (75) feet when the required side and rear yards are each increased by one foot for each foot of additional building height above the height regulations for the district in which the building is located.
4. Front Yards:
  - A. When forty (40) percent or more of the frontage on one side of the street between two intersecting streets is improved with buildings that have a front yard which is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established, provided, however, that a front yard depth shall not be required to exceed fifty (50) percent in excess of the front yard otherwise required in the district in which the lot is located.
  - B. On lots having double frontage, the required front yard shall be provided on both streets.
  - C. In a residential district, no fence, structure or planting higher than three and one-half (3 ½) feet above the established street grades shall be maintained within twenty (20) feet of any street intersection.
  - D. An open, uncovered porch or paved terrace may project into a required front yard for a distance of not more than ten (10) feet, but this shall not be interpreted to include or permit fixed canopies.
  - E. Filling station pumps and pump islands may be located within a required yard, provided they are not less than fifteen (15) feet from any street line and not less than fifty (50) feet from the boundary of any residential district.
  - F. Off-street parking facilities may be located within the required front yard of any "B" District or "M" District but shall not be nearer than fifty (50) feet to any "A" or "R" District and no off-street parking shall be permitted in the required front yard of any "A" or "R" District.
  - G. Outdoor advertising signs hereinafter erected shall conform to the front requirements of the district in which they are located.
5. Side Yards:
  - A. On a corner lot the width of the yard along the side street shall not be less than any required front yard on such street, provided, however, the buildable width of a lot of record shall not be reduced to less than thirty-two (32) feet.
  - B. No accessory building shall project beyond a required yard line along any street.
  - C. Where dwelling units are erected above commercial establishments, no side yard is required except when required for the commercial building on the side of a lot adjoining a residential district.
  - D. A porte-cochère or canopy may project into a required side yard, provided every part of such porte-cochère or canopy is unenclosed and not less than seven (7) feet from any side lot line.
  - E. For the purpose of side yard regulation, a two-family dwelling or multiple dwelling shall be considered as one building occupying one lot.

- F. An owner of a dwelling erected prior to the effective date of this Resolution shall be permitted to enlarge or structurally alter such dwelling to provide additional enclosed space for living or garage purposes, provided, however, that no side yard shall be reduced to less than five (5) feet.
  - G. Where a lot of record at the time of the effective date of this Resolution is of less width than the minimum lot width required in the district in which the lot is located, the minimum side yard may be reduced to ten (10) percent of the width of the lot, provided, however, that no side yard shall be less than five (5) feet.
6. Rear Yards:
- A. Where a lot abuts upon an alley, one-half (1/2) the alley width may be considered as part of the required rear yard.
  - B. An accessory building, not exceeding twenty (20) feet in height, may occupy not to exceed thirty (30) percent; and unenclosed parking spaces may occupy not to exceed ninety (90) percent of the area of a required rear yard; but no accessory building shall be closer than ten (10) feet to the main building nor closer than ten (10) feet to any rear lot line.
  - C. The ordinary projections of sills, belt courses, cornices, and ornamental features may extend to a distance not to exceed eighteen (18) inches into a required yard.
  - D. Open or lattice-enclosed fire escapes, outside stairways and balconies opening upon fire towers and the ordinary projections of chimneys and flues into a rear yard may be permitted by the Township Zoning Inspector for distance not to exceed five (5) feet when these are so placed as not to obstruct light and ventilation.
7. Setback from Publicly Established Drainage Ditches:
- A. In all districts a setback of forty (40) feet from the center line of a publicly established drainage ditch shall be provided for all buildings or structures erected along such ditch.

### **Section 3. NONCONFORMING USES AND BUILDINGS**

1. A nonconforming use existing at the time this resolution or any amendment thereto takes effect may be continued except that if it is voluntarily discontinued for two or more years, it shall be deemed abandoned and any future use must be in conformity with the uses permitted in such district.
2. Any building arranged, intended or designed for a nonconforming use, the construction of which has been started at the time of the passage of this resolution or any amendment thereto, but has not been completed, may be completed and put to such nonconforming use, provided it is done within one year after this resolution or any amendment thereto takes effect.
3. Any one structure or building existing as a nonconforming use at the time this resolution or any amendment thereto, takes effect, which is destroyed by fire, accident, public enemy, or the elements, may be reconstructed and restored provided the same is done within two years from the date of said destruction and is rebuilt as nearly as possible to conform with the zoning requirements within the district in which it is located.
4. An owner of a dwelling erected prior to the effective date of this Resolution shall be permitted to enlarge or structurally alter such dwelling to provide additional enclosed space for living or other purposes, provided, however, that:
  - A. No building or structure or land area devoted to a nonconforming use at the time this resolution or any amendment thereto takes effect may not be altered or enlarged so as to extend said nonconforming 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;
  - B. No side yard shall be reduced to less than five (5) feet.

5. When a nonconforming 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 nonconforming use.

**Section 4. PENDING APPLICATION FOR BUILDING PERMITS**

Nothing herein contained shall require any change in the over-all layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approvals 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.

# ARTICLE III

## ESTABLISHMENT OF ZONING DISTRICTS AND MAP

### Section 1. ZONING DISTRICTS

### Section 2. DISTRICT MAP

### Section 1. ZONING DISTRICTS

1. In order to regulate and restrict the location and use of buildings and land for trade, industry, residence, and other purposes; to regulate and restrict the height and size of buildings hereafter erected or structurally altered, the size of yards and other open spaces, the amount of parking spaces and the density of population, the unincorporated area of Middleton Township, Wood County, Ohio, is hereby divided into the following districts.

- A. **“A-1” Agricultural District**
- B. **“S-1” Special District**
- C. **“R-1” Estate-Residence District**
- D. **“R-2” Suburban Residence District**
- E. **“R-3” Residence District**
- F. **“R-4” Multiple Dwelling District**
- G. **“RMH-1” Mobile Home Park**
- H. **“B-1” Neighborhood Business District**
- I. **“B-2” Integrated Community Business Center District**
- J. **“B-3” Highway Business District**
- K. **“B-4” State Route 25 and State Route 582 Overlay Zone**

The purpose of the State Route 25/582 Overlay District is to promote and protect the public health, safety, comfort, convenience and general welfare by providing for consistent and coordinated treatment of the properties bordering State Route 25 and State Route 582 in Middleton Township. State Route 25 is a major north-south route through Wood County that links the City of Perrysburg with the City of Bowling Green to the South. State Route 25 is a regionally significant roadway that serves as a major corridor as the surrounding areas continue to grow and develop. State Route 582 is the major northern east-west route through the Township. The State Route 25/582 Overlay District provides standards and requirements intended to preserve the environmental and aesthetic qualities of the corridor and manage access to property in a manner that will maintain traffic safety and roadway capacity. All regulations in the underlying zoning district apply in addition to the overlay zone requirements. In case of conflict, the more restrictive regulations will apply.

- L. **“M-1” Light Industrial District**  
The M-1 Light Industrial District is intended to provide for industrial uses having a minimal impact upon the surrounding environment in areas that are suitable for industrial development by reason of their location and the availability of adequate utility and transportation systems. Industrial uses that can be operated in a clean and quiet manner, subject only to those regulations and performance standards necessary to prohibit congestion and for the protection of adjacent residential and business activities are permitted. It is anticipated that uses established in this district will be developed in an industrial park-like setting.
- M. **“M-2” General Industrial District**  
The M-2 General Industrial District is designed to provide for industrial and other uses that can be operated in such a manner as to conform with the applicable performance standards of this district. These uses perform essential and necessary functions and are provided for in

areas that are best suited for such intensive industrial development by reason of location and the availability of the adequate utility and transportation systems, and accordingly, are isolated from residential neighborhoods.

**N. "PUD" Planned Unit Development**

It shall be the policy of the Township to promote progressive development of land and construction thereon by encouraging planned unit developments to achieve: A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setback and area requirement; A more useful pattern of open space and recreation areas and, if permitted as a part of the project, more convenience in the location of accessory commercial uses and services; A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents disruption of natural drainage patterns; A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets; A development pattern in harmony with land use density, transportation facilities and community facilities objectives of the comprehensive plan; A development pattern consistent with good zoning practice and in harmony with the public health, safety, and general welfare needs of the community

2. No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used, in a manner which does not comply with all of the provisions established by this Zoning Resolution for the districts in which the building or land is located.

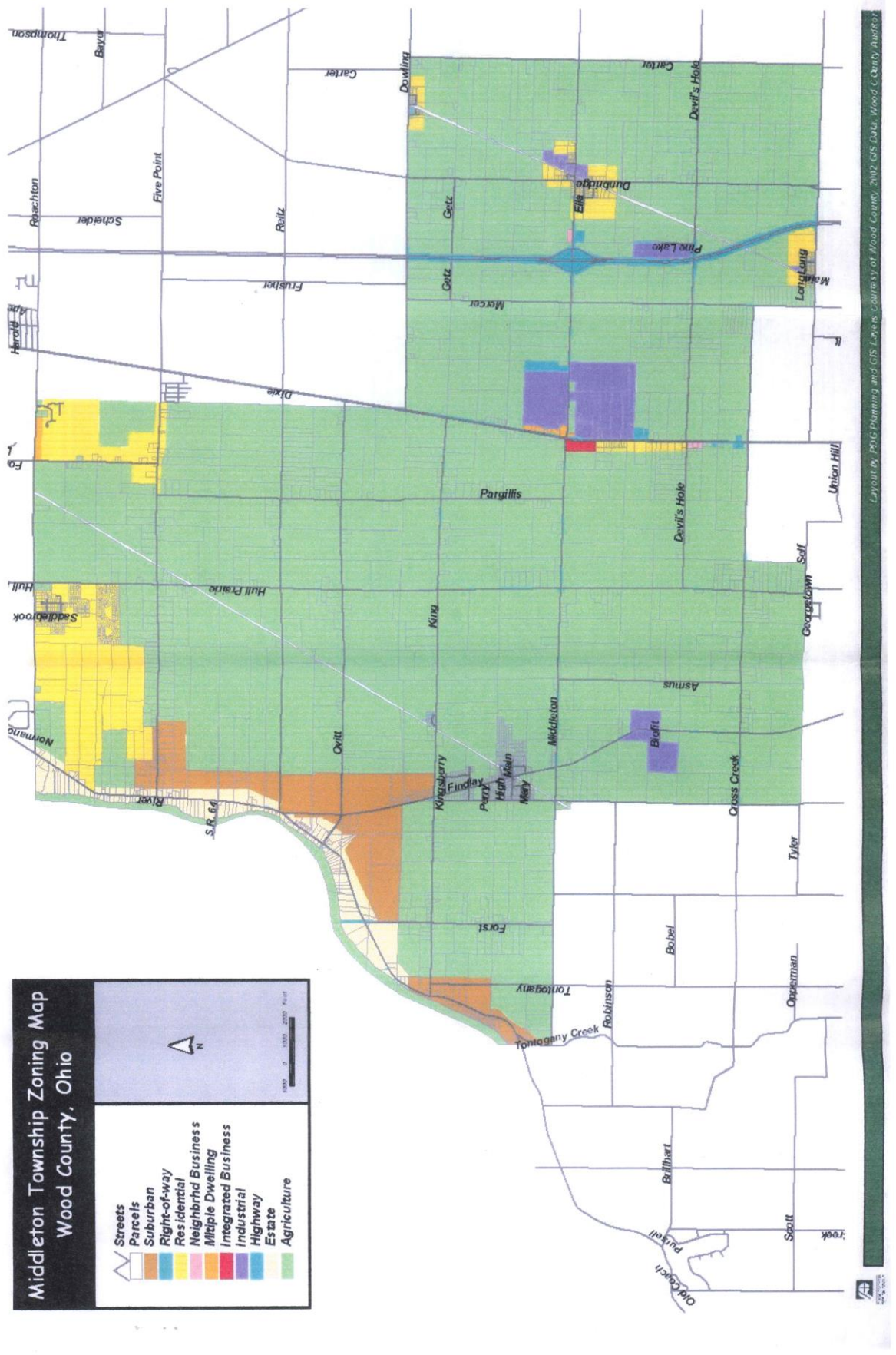
**Section 2. DISTRICT MAP**

The boundaries of the districts are shown upon the map which is made a part of this Resolution, which map is designated as the "District Map". The district map and all the notations, references and other information shown thereon are a part of this Resolution and have the same force and effect as if 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 Fiscal Officer.

1. District Boundaries.

The district boundary lines on said map are intended to follow either streets or alleys or lot lines; and where the districts designated on the map are bounded approximately by such street, alley or lot lines, the street or alley or lot shall be construed to be the boundary of the district, unless such boundary is otherwise indicated on the map.

- A. In the case of unsubdivided property, the district boundary lines shall be determined by the use of the scale appearing on the Zoning District Map or by dimensions.
- B. Where the boundary of a district follows a railroad line such boundary shall be deemed to be located midway between the main tracts of said railroad line.
- C. Whenever any street, alley or other public way is vacated by official action of the Board of Trustees of Middleton Township, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulation of the extended districts.





# ARTICLE IV

## “B-2” INTEGRATED COMMUNITY BUSINESS CENTER DISTRICT

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<p><b>Section 1. MINIMUM SITE AREA FOR AN INTEGRATED COMMUNITY BUSINESS CENTER DISTRICT</b></p>	<p><b>Section 3. “B-2” STANDARDS FOR REVIEW</b></p>
<p><b>Section 2. “B-2” REVIEW PROCEDURE</b></p>	<p><b>Section 4. “B-2” REQUIRED CONDITIONS</b></p>

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The regulations set forth in this Article or set forth elsewhere in this Resolution when referred to in this Article are the regulations in the “B-2” Integrated Community Business Center District.

**Section 1. MINIMUM SITE AREA FOR AN INTEGRATED COMMUNITY BUSINESS CENTER DISTRICT**

1. Establishment of a New Integrated Community Business Center.  
The minimum site area of a tract proposed for an Integrated Community Business Center District shall be at least ten (10) acres in size in the vicinity of the intersection of two state or federal highways.
2. Extension of an Existing Integrated Community Business Center.  
The minimum site area of a tract of land proposed for extension to an existing Integrated Community Business Center District shall contain a minimum of two (2) acres.

**Section 2. “B-2” REVIEW PROCEDURE**

Property proposed to be developed as an Integrated Community Business Center must be rezoned to a “B-2” District; and the decision to approve the development for issuance of a Zoning Certificate and to rezone a property to “B-2” are done concurrently through the Zoning Commission and Board of Township Trustees.

1. The owner of a tract of land proposed for a “B-2” Integrated Community Business Center District shall, prior to its development for business purposes, submit a Site Plan, pursuant to Article XIV, Section 5.3.B. (Site Plan Review), with an application for zoning amendment, pursuant to Article XVII (District Changes and Resolution Amendments), to the Zoning Commission for its approval and recommendation to the Board of Trustees. Site Plans may include a proposal to phase construction of the Integrated Community Business Center development.
  - A. It shall be the duty of the Zoning Commission to investigate and ascertain whether the proposed establishment of a new or extension of an existing Integrated Community Business Center District is a logical modification of the Township’s District Map and complies with the conditions set forth under Section 3 of this Article.
  - B. The owner shall be advised in writing of the Zoning Commission’s action and the Zoning Commission shall transmit its recommendation, together with the application, the Site Plan and amendment of the District Map pertaining to it, and the County Planning Commission recommendations to the Board of Trustees.
2. The Board of Trustees shall determine whether the proposed Integrated Community Business Center District, as shown on the Site Plan, appears to conform to the requirements of this Resolution.
  - A. Upon determination of approval, the Zoning Inspector shall amend the District Map and issue a Zoning Certificate to the proponents for the construction of the proposed Integrated Community Business Center.
  - B. Upon determination of approval with modifications, the proponents shall prepare and submit an Amended Site Plan to the Zoning Commission, which shall incorporate any changes or modifications required by the Board of Trustees. If the Amended Site Plan is found to comply

with the requirements set forth by the Board of Trustees and other applicable provisions of this Resolution, the Zoning Commission shall instruct the Zoning Inspector to amend the District Map and issue a Zoning Certificate to the proponents for the construction of the proposed Integrated Community Business Center.

**Section 3. “B-2” STANDARDS FOR REVIEW**

It shall be the duty of the Zoning Commission to investigate and ascertain whether the location, size and other characteristics of the site and proposed preliminary plan comply with the following conditions:

1. The proposed building or grouping of buildings conforms to the regulations prescribed for the “B-2” Integrated Community Business Center District.
2. The plan provides safe, convenient and properly arranged entrances and exits and parking.
3. The land provides for an integrated and harmonious design for the proposed building or buildings and premises which will have no adverse effects upon the adjoining and nearby residential development.
4. The plan includes provision for the attractive landscaping of the required front, side and rear yards and other unpaved areas within the proposed limits of the development.
5. The proposed plan will not adversely affect other business development within the “B-2” Integrated Community Business Center District.

**Section 4. “B-2” REQUIRED CONDITIONS**

Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter, or water-carried waste and must comply with performance requirements in Article IX, Section 15.

# ARTICLE IX

## SUPPLEMENTAL REQUIREMENTS

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<p>Section 1. AGRICULTURAL USE RESTRICTIONS</p> <p>Section 2. BED AND BREAKFAST INNS</p> <p>Section 3. CLUBS, FRATERNITIES, LODGES, AND MEETING PLACES FOR OTHER ORGANIZATIONS</p> <p>Section 4. CORNER LOTS</p> <p>Section 5. DAY CARE CENTERS, DAY CAMPS</p> <p>Section 6. FARM MARKETS</p> <p>Section 7. FENCES AND HEDGES</p> <p>Section 8. GROUP HOMES</p> <p>Section 9. HOME OCCUPATIONS</p> <p>Section 10. JUNK YARDS, RECYCLING CENTERS, AND SALVAGE YARDS</p> <p>Section 11. LANDSCAPING REQUIREMENTS</p> <p>Section 12. MANUFACTURED HOME PARK</p> <p>Section 13. OFF-STREET PARKING AND LOADING</p> <p>Section 14. OUTDOOR STORAGE OF VEHICLES, MATERIALS, AND JUNK</p> <p>Section 15. PERFORMANCE REQUIREMENTS</p> <p>Section 16. PONDS</p> <p>Section 17. PRIVATE SWIMMING POOLS</p> <p>Section 18. PUBLIC, SEMIPUBLIC, OR PUBLIC SERVICE BUILDINGS, HOSPITALS, INSTITUTIONS OF RELIGIOUS, CHARITABLE OR PHILANTHROPIC NATURE AND SCHOOLS</p>	<p>Section 19. RECREATIONAL AREAS, FACILITIES, OR CENTERS</p> <p>Section 20. REMOVAL OF DIRT, TOPSOIL, OR GRAVEL</p> <p>Section 21. REST HOMES OR NURSING HOMES FOR CONVALESCENT PATIENTS</p> <p>Section 22. SERVICE STATIONS</p> <p>Section 23. SEXUALLY-ORIENTED BUSINESSES</p> <p>Section 24. SINGLE FAMILY DWELLINGS AND PERMANENTLY SITED MANUFACTURED HOMES</p> <p>Section 25. STORMWATER MANAGEMENT</p> <p>Section 26. TELECOMMUNICATION STRUCTURES</p> <p>Section 27. TEMPORARY BUILDINGS</p> <p>Section 28. TRAILERS, MOBILE HOMES, MOTELS, MOTOR HOMES</p> <p>Section 29. TRANSPORTATION FOR HIRE BUSINESS</p> <p>Section 30. DECKS</p> <p>Section 31. NON-TRADITIONAL ACCESSORY BUILDINGS</p> <p>Section 32. ACCESSORY STRUCTURE</p> <p>ENDNOTES</p>
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### Section 1. AGRICULTURAL USE RESTRICTIONS

Pursuant to ORC 519.21, the following regulations shall apply to lots less than five (5) acres in size located in platted subdivisions, or located in areas containing fifteen (15) or more lots approved under minor lot split regulations which are contiguous as determined by abutting or being opposite each other on a public dedicated road:

1. On Parcels of One Acre or Less:

A. Permitted Uses.

1. Agricultural uses not involving animals are permitted uses. With the exception of fruit trees, such uses may not be extended beyond the front setback line for the district in which the parcel is located and does not exceed more than thirty-three and one-third (33-1/3) percent of the total open space of such parcel.
2. Gardening, the raising of vegetables or fruits, and the keeping of domestic pets exclusively for the use or personal enjoyment of residents of the premises and not for commercial purposes are permitted accessory uses, provided that any heating plant and any exterior structure in which domestic pets are kept shall be located not less than one hundred (100) feet from every lot line.

3. Building and structures accessory to the agricultural use of the property shall:
  - a) Meet front, side and rear setback lines for the district in which the parcel is located;
  - b) Not exceed thirty-five (35) feet in height;
  - c) Not exceed one-eighth (1/8) of the total area of the parcel;
  - d) Be constructed in a design and of materials which harmonize to existing residential, commercial or industrial structures on the property.
- B. Conditional Uses. Dairying, pasturage and animal husbandry, not including the keeping of domestic pets, are conditional uses subject to approval by the Board of Zoning Appeals. The Board shall consider:
  1. Size of lot parcel;
  2. Type and number of animals;
  3. Size area devoted to the above animal uses;
  4. Feed and waste management plan;
  5. Uses of adjacent properties;
  6. Location and type of animal housing.
2. On Parcels larger than one acre but less than five acres:
  - A. Permitted Uses
    1. Building and structures incident to the agricultural use of property are subject to the setback, construction and design requirements set forth in (B) and (A)(3) above. Building and structures accessory to the agricultural use of the property shall:
      - a) Meet front, side and rear setback lines for the district in which the parcel is located;
      - b) Not exceed thirty-five (35) feet in height;
      - c) Not exceed one-eighth (1/8) of the total area of the parcel;
      - d) Be constructed in a design and of materials which harmonize to existing residential, commercial or industrial structures on the property.
  - B. Conditional Uses
    1. When at least thirty-five (35) percent of the lots of the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under ORC 4503.06;
      - a) Dairying, pasturage, and animal husbandry not including domestic pets, are conditional uses subject to the approval by the Board of Zoning Appeals. The Board shall consider:
        - (1) Size of the lot or parcel;
        - (2) Type and number of animals;
        - (3) Size area devoted to the above animal uses;
        - (4) Feed and waste management plan;
        - (5) Uses of adjacent properties;
        - (6) Location and type of animal housing.
      - b) Any dairying and animal and poultry husbandry which exist prior to thirty-five (35) percent of the lots being developed shall be considered a nonconforming use of land, building, or structure pursuant to ORC 515.19.
    2. Riding stables and any building or land uses for the raising and care of horses shall be at least one hundred (100) feet from a lot in any "R" District.
    3. Dog kennels and veterinary establishments shall not be nearer than two hundred (200) feet to any zoned residential district or dwelling other than the dwelling of the lessee or owner of the site.

4. Temporary occupancy of a mobile home or house trailer upon property of forty (40) acres or more in size by a person whose principal livelihood during the entire period of the occupancy is derived from agricultural operations upon said property or by such a person and his immediate family. Occupancy of such mobile homes or house trailers shall conform to all applicable township, county and state health regulations and shall be subject to the requirements of Article VIII (Development Standards) of this Resolution as to the minimum depth of the front yard. Said mobile home or house trailer shall be removed from the property within thirty (30) days after any of the foregoing conditions cease to exist. Minimal size for a basic mobile home shall be seven hundred twenty (720) square feet.
3. On Lots Greater than Five Acres.  
The regulations of this Section do not apply to agriculture, buildings or structures and dairying and animal and poultry husbandry on lots greater than five (5) acres.

### **Section 2. BED AND BREAKFAST INNS**

The following conditions shall be met for all Bed and Breakfast inns:

1. The Inn must be owner-occupied; it must be the principal residence of the owner, and must be occupied by the owner.
2. Two (2) individuals not residing in the Inn may be employed in the operation of the Inn.
3. No more than four (4) rooms shall be offered for rent. The Board of Zoning Appeals may permit more rooms in Residential Zoning Districts which permit multi-family dwellings and in Agricultural Districts.
4. Each room rented shall contain a minimum of one hundred (100) square feet. No rented room shall have an independent outside entrance (but emergency fire exits are permitted).
5. Neither any rented room nor the owner's dwelling space shall be located in an accessory structure.
6. No cooking facilities of any type shall be permitted in the rented rooms.
7. A minimum of one (1) on site paved or dustless surface parking space per room offered for rent and two (2) spaces for the owner shall be required.
8. No change to the outside appearance of the dwelling shall occur behind the front yard set-back as required.
9. One (1) sign not exceeding four (4) square feet in area shall be permitted identifying the dwelling as a "Bed and Breakfast Inn."
10. Any other condition or safeguard deemed appropriate by the Board of Zoning Appeals.

### **Section 3. CLUBS, FRATERNITIES, LODGES, AND MEETING PLACES FOR OTHER ORGANIZATIONS**

1. Clubs, fraternities, lodges, and meeting places for other organizations shall not include any use that is customarily conducted as a gainful business.
2. Buildings in which such uses are housed shall be located at least twenty (20) feet from any lot in any "R" District.

### **Section 4. CORNER LOTS**

1. Traffic Visibility Across Corner Lots.  
In any district on any corner lot, no fence, structure or planting shall be erected or maintained within twenty (20) 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.
2. Setback.  
On a corner lot, the width of the yard along the side street shall not be less than any required front yard on such street, provided, however, the buildable width of a lot of record shall not be reduced to less than thirty-two (32) feet.

**Section 5. DAY CARE CENTERS, DAY CAMPS**

1. Have a minimum of thirty-five (35) square feet of indoor floor space available per person. Does not include kitchens, storage areas, or hallways.
2. Outdoor play space of a minimum of sixty (60) square feet per person.
3. Fences surrounding the premises shall be required. Type of fencing shall be of acceptable materials and height, with written approval by the immediate and adjacent property owners required prior to permit issuance, and conform to Section 7 of this article.
4. One toilet facility for each 10 students shall be provided. Said sewerage disposal shall be onsite or connected to public facilities with approval by the Health Department or E.P.A. No portable toilet facilities may be used.
5. Preliminary approval by State licensing boards and/or agencies and commissions shall be provided. All matters relating to the Ohio Basic Building Code shall be addressed and a letter from the Wood County Building Inspection Department indication preliminary approval shall be presented.

**Section 6. FARM MARKETS**

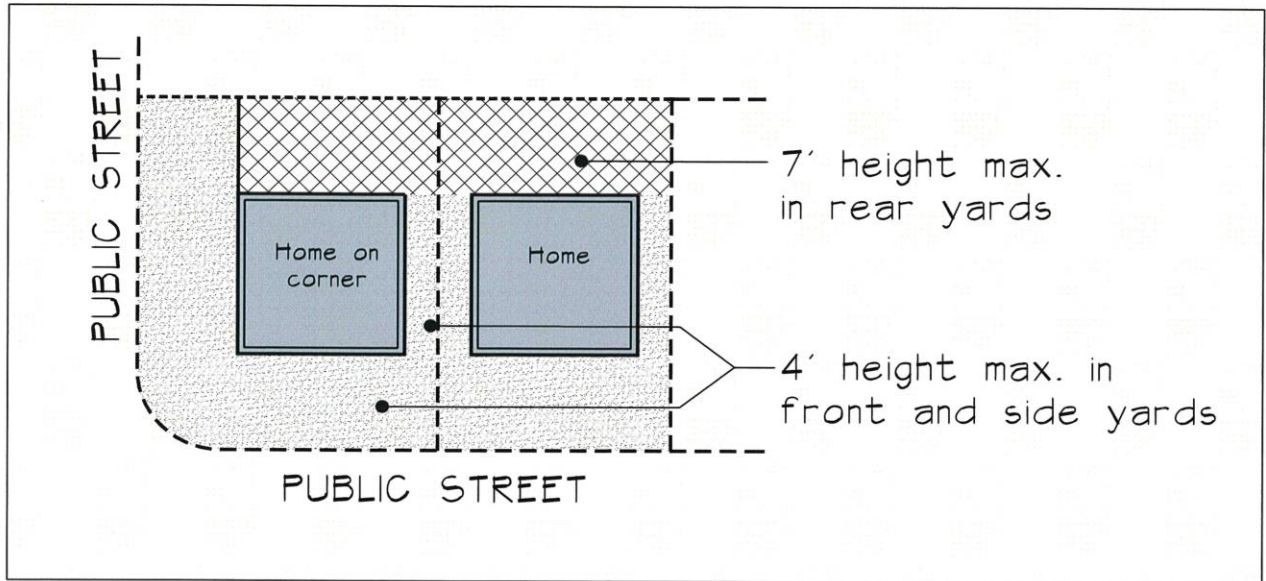
1. Farm market roadside stands, as defined herein, shall not be prohibited in any district..
2. Front Setback. Farm market roadside stands shall be set back twenty (20) feet from any right-of-way.
3. Building  
The maximum area of a farm market structure shall be two hundred (200) square feet.
  - A. There shall not be more than one such stand per parcel.
  - B. Said stand shall be portable and shall be removed or moved back to the specified zoning district setback line during any season or period when they are not being used.
  - C. The commercial fruit, vegetable, and produce sales shall be carried on wholly within the building.
  - D. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.
4. Access Management. Farm Markets shall conform to access management requirements as required in this Resolution.
5. Parking  
Adequate off-street parking shall be provided for a minimum of 4 vehicles or more as determined by the Board of Zoning Appeals depending on the type and size of operation. Off-street parking areas shall be maintained in an all-weather, dust-free condition.
6. Signs  
The provisions of Article XII (Signage Regulations) shall apply.

**Section 7. FENCES AND HEDGES**

The purpose of this section is to establish regulations controlling the location, installation and standards for fences in order that a property owner may construct a fence while respecting the rights and enjoyment of neighboring property owners, the appearance of the Township, and the overall health, safety, and welfare of the public.

1. The following definitions are used in this section and are also defined in Article XVIII:
  - A. Fence: A structure used as an enclosure, barrier, privacy screening, confinement or for decorative purposes. Does not include hedges, shrubs, trees, or other natural growth unless supported by a trellis or other structure erected to satisfy the intent of this definition.
  - B. Fence Height: The distance from the ground directly below the fence to the fence's highest point. When a fence is constructed on a mound, or where the ground under the fence or wall has been raised to a higher level than the surrounding surface, the permissible height of the fence shall be reduced by the height of such mound or raised surface.
  - C. Fence, Temporary: A fence erected for a specific function and for a limited time such as snow fences or construction fences.

2. No fence shall be constructed, altered or reconstructed without an approved permit from the Township Zoning Inspector. To acquire the permit the applicant must submit the following:
  - A. A plan indicating the location, height, and material(s) of the proposed fence with accurate dimensions from all existing structures and property lines.
  - B. A written statement that the proposed fence location has been marked on site and is available for viewing by adjoining property owners.
  - C. The issuance of a permit by the Township Zoning Inspector shall not certify the location of lot lines.
3. Fence Standards
  - A. The maximum height of a fence in a business or manufacturing district shall be 8' with an additional 2' of barb wire permitted if applicable.
  - B. The maximum height of a fence in a residential district is 7'
  - C. Fences may not exceed four feet in height in the required front yard set-back in a residential district.
  - D. On a corner lot or a through lot, each yard abutting a street shall be considered a front yard.
  - E. Ornamental fences that are 42" or less and which do not exceed 20' in total length may be located in any yard and do not require a permit.
  - F. Fences may not be located within five feet of a public right-of-way.
  - G. Retaining walls, dry-stacked stone decorative walls and entry features may be located in front yards provided they conform to intersection clearance requirements.
  - H. No fence may be constructed which would obscure or screen fire hydrants, street address numbering, and other security or emergency service equipment, controls or components. Fences may not be located closer than 6' to a fire hydrant.
  - I. A three foot setback is required from any public utility box or equipment for fences in all districts.
  - J. In any district, no fence, structure, hedge or other planting shall be built or maintained in such a manner that visibility is obstructed from intersecting streets within thirty (30) feet in each direction from the intersection of the street right-of-way.
  - K. No barbed wire fence or similar sharp-point fences shall be constructed in any residential district.
  - L. Electrically charged fences shall be forbidden in all districts except when used for agricultural purposes.
  - M. Fences must be constructed so that exposed posts and supporting cross-elements shall face the property initiating the request or on which the fence or wall is constructed.



**Fence setbacks in residential districts**



## Section 8. GROUP HOMES

Group homes may be permitted in all residential and agricultural districts subject to a conditional use designation. Any other criteria for conditional use permits would also apply. In addition, specific criteria are proposed for group home special uses.

1. Group homes which contain one (1) to eight (8) residents, exclusive of the care-provider(s), shall be operated by a owner/resident of the home. The lot shall be the same size or may be larger than the lot size required in the "A" and "R" District within which it is located.

## Section 9. HOME OCCUPATIONS

A home occupation shall be allowed as a conditional accessory use in all residential zoning districts where it is clearly incidental and secondary to the use of the dwelling for residential purposes, and does not change the character thereof. A home occupation shall be subject to the following conditions:

1. Permit Required
  - A. No home occupation shall be permitted until an application for a Home Occupation Conditional Use Permit Application is reviewed and approved by the Board of Zoning Appeals according to the standards set forth herein.
  - B. A Home Occupation Conditional Use Permit shall be issued only to a resident of the dwelling unit in which the home occupation is to be conducted. If the resident rents the dwelling unit, the resident shall provide evidence of written permission from the dwelling unit's owner as part of the permit application.
  - C. Home Occupation Conditional Use Permits shall not be transferable, shall not run with the land, and shall expire upon the sale, transfer, or lease of the property to a new owner or tenant.
2. Prohibited Home Occupations as Accessory Uses  
The following uses and activities shall not be permitted as or conducted in a home occupation:
  - A. Funeral homes;
  - B. Hair care, salon, tanning studios, or other similar personal services;
  - C. Hotels;
  - D. Professional offices of physicians, dentists, and eye doctors;
  - E. Restaurants;
  - F. Retail sales;
  - G. Sexually-oriented businesses;
  - H. Vehicle or equipment sales, rental, or repair; or
  - I. Veterinary facilities and/or small-animal clinics or kennels.
3. Workforce. No more than two (2) persons other than members of the family residing in the dwelling unit shall be engaged in a home occupation.
4. Area of Use.
  - A. All activities associated with the home occupation shall be conducted entirely within the residential dwelling unit or in a building or other structure accessory to the dwelling unit.
  - B. Home occupations shall not involve the use of an area equivalent to more than twenty (20) percent of the floor area of the first story of the principal dwelling unit.
5. Operational Standards
  - A. Only one (1) home occupation shall be permitted per residence.
  - B. The use of the dwelling unit for a limited home business shall be clearly incidental and subordinate to its use as residential dwelling.
  - C. There shall be no display, stock in trade, or commodities sold except those which are produced on the premises.
  - D. Home occupations shall be subject to the performance standards (including noise standards) set forth in Article IX, Section 15 (Performance Requirements). No equipment or process

- shall be used in a home occupation which creates noise, dust, 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 the dwelling unit if conducted on a lot with attached or multi-family structures. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers or causes fluctuations in line voltage off the premises.
- E. If applicable, the applicant shall demonstrate that all Americans with Disabilities Act (ADA), Occupational Safety and Health Administration, Environmental Protection Agency, and state and local Building Code regulations are met relevant to public standards for the use.
6. Outdoor Storage, Signage, and Exterior Appearance
- A. No outside storage of materials or equipment in conjunction with the home occupation shall be permitted.
- B. No signage with a commercial message related to the home occupation shall be permitted.
- C. There shall be no change in the outside appearance of the building or premises or other visible signs of the conduct of such home occupation.
7. Parking
- A. A home occupation shall provide off-street parking area adequate to accommodate all needs created by the home occupation in addition to the requirements for the principal use pursuant to Article XI (Off-Street Parking and Loading Requirements), but in no case shall a home occupation provide more than four (4) additional off-street parking spaces.
- B. Required off-street parking to serve a home occupation shall not be permitted in the front yard of the dwelling, other than in a driveway.
- C. To the maximum extent feasible, side yard areas shall not be converted to off-street parking areas to serve a home occupation.
8. Traffic Impact.  
Home occupation shall not generate traffic in greater volumes than would normally be expected for the residential neighborhood.

#### **Section 10. JUNK YARDS, RECYCLING CENTERS, AND SALVAGE YARDS**

The following conditions and safeguards shall apply to the operation of Junk Yards, Recycling Center(s), and Motor Vehicle Salvage Yards. The Zoning Board of Appeals may impose additional safeguards or limitations as deemed appropriate.

1. Junk Yards shall be established in accordance with guidelines from the Federal and State Environmental Protection Agencies and shall be subject to additional protective measures as deemed necessary by the Township.
2. The Township recognizes the importance of recycling of certain commodities, and therefore shall address the need of these community and business operations by classifying recycling centers and regulating them as having similar characteristics as junkyards.
3. Before granting a conditional use permit, the applicant shall provide the Township with documentation evidencing the approval of the appropriate state and/or federal regulatory agencies and the necessary permits and licenses for such operations.
  - A. General
    1. In no event shall the disposal, handling, or storage of radioactive, toxic, or hazardous materials be permitted on the premises.
    2. The applicant shall provide a complete and accurate legal description of the entire site.
    3. The site plan shall be submitted which at minimum includes dimensions of the site, size of the buildings, building locations, setbacks, storage areas, driveways and fencing.

- B. Storage
1. When adding storage facilities, the applicant shall reduce the number of vehicles or junk of the storage yard.
  2. Motor vehicle wrecking yards shall maintain a list of vehicles in stock and submit this list to the township upon request.
- C. Licensing.  
Applicants for motor vehicle wrecking yards shall be licensed as required under ORC 4738 and filed with the Township proof of licensing by the Ohio Motor Vehicles Salvage Dealer's Licensing Board.
- D. Fencing and Screening.  
Any area used as a junk yard or motor vehicle wrecking yard shall be effectively screened on all sides by means of walls, fences and plantings. Walls and fences shall be a minimum of six (6) feet in height with no advertising thereon. Storage of materials shall not exceed this height. A strip of land not less than fifteen (15) feet in width shall be planted and maintained on the exterior with evergreen hedge or shrubs and shall be equal to or greater than the height of the fence or wall. Said fencing and screening shall be in accordance with the set back yard requirements of this section.
- E. Off-Street Parking and Loading:  
Off-street parking and loading shall be provided as set forth under Article XI (Off-Street Parking and Loading Requirement).
- F. Yard Requirements
1. Front Yard - There shall be a front yard setback of not less than fifty (50) feet, but where such a yard is opposite an "A" agricultural or "R" residential district, it shall be a minimum of one hundred (100) feet and the first twenty-five (25) feet thereof shall be used only for landscaping purposes.
  2. Side Yard - There shall be a side yard setback of not less than twenty-five (25) feet, but where abutting an "A" agricultural or "R" residential district it shall be a minimum of fifty (50) feet. Storage of materials and parking of vehicles are prohibited in a side yard.
  3. Rear Yard - There shall be a rear yard setback to not less than fifty (50) feet, but where such a yard is abutting an "A" agricultural, or "R" residential district, it shall be a minimum of one hundred (100) feet.
- G. Pavement:  
All roadways internal to the site shall be paved to maintain minimal dust.

#### **Section 11. LANDSCAPING REQUIREMENTS<sup>c</sup>**

In addition to the provisions in Article X, no trees or shrubs shall be located in the right-of-way, except that trees or shrubs located in boulevards shall conform to the Wood County Subdivisions Regulations.

#### **Section 12. MANUFACTURED HOME PARK**

##### **1. General Standards**

A manufactured home, trailer or similar portable residence structure shall be permitted to locate in the township in an approved mobile home park under the following conditions:

- A. Manufactured home parks shall be located only in mobile home park districts.
- B. The park will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- C. The park will not be hazardous or detrimental to existing or future neighboring uses.
- D. The park will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, and schools; or that the persons or agencies responsible for the establishment of the proposed park shall be able to provide adequately any such services.

- E. The park will be consistent with the intent and purpose of this ordinance (resolution) and the comprehensive planning for the area.
- F. The park will have vehicular approaches to the property which shall be so designed as not to create and interference with traffic on surrounding public streets or roads.
- G. The park will not result in the destruction, loss of damage of natural, scenic or historic features of major importance.

2. Requirements

- A. Any Manufactured home park shall meet the requirements and regulations of the Ohio Department of Health and the Township.
- B. The minimum floor area for individual mobile homes within the RMH-1 District shall be seven hundred twenty (720) square feet.
- C. All manufactured homes shall have skirts installed within thirty (30) days after placement in the park to screen space beneath the manufactured homes.
- D. The lots shall each be landscaped with lawns and plantings including appropriate trees.
- E. The manufactured home park shall be effectively screened on all sides by means of walls, fences or plantings except where the area is sufficiently removed from other urban uses as determined by the Board. Walls or fences shall be a minimum of four (4) feet in height without advertising thereon. In lieu of walls or fences, a planted and maintained evergreen hedge or dense planting of evergreen shrubs, not less than four (4) feet in height, may be substituted.

**Section 13. OFF-STREET PARKING AND LOADING**

In any district, spaces for off-street parking and for loading or unloading shall be provided in accordance with the provisions of Article XI (Off-street Parking and Loading Requirements) of this resolution.

**Section 14. OUTDOOR STORAGE OF VEHICLES, MATERIALS, AND JUNK**

In order to prevent conditions conducive to the infestation of breeding of vermin, insects or rodents, the establishment of an attractive nuisance, the unsightly accumulation of discarded or salvaged items and materials, and the devaluation of adjacent property, the following regulations shall apply:

1. General Requirements.

No waste products, raw materials, building materials, vehicles, merchandise, or other material or equipment shall be stored or displayed within the minimum yards as required in the applicable district.

- A. When an outdoor storage area exists on a site visible from a public street or adjacent to a residential district or where a principal residential use is permitted, that outdoor storage area shall be screened with walls, fence, or screening as allowed to the extent that it is two-thirds (2/3) opaque with not more than one-third (1/3) open.
- B. When an outdoor storage area does not abut a major street and is not in view of a residential district or where a principal residential use is permitted, the method of shielding is optional, providing it is fenced.

2. Licensed Motor Vehicles.

The parking of a licensed motor vehicle, trailer, or boat in the Township for a period greater than fourteen (14) days without being moved shall be prohibited except that such motor vehicle may be parked behind the principal structure on a paved or gravel parking space and shall be suitably screened or fenced. Such parking space shall be in addition to the number of required spaces required for the land use pursuant to Article XI (Off Street Parking and Loading Requirements).

3. Unlicensed or Inoperable Motor Vehicles.

The parking of unlicensed or inoperable motor vehicles within the township shall be prohibited except as follows:

- A. Such motor vehicles may be stored in an enclosed garage or other accessory building.
- B. One such motor vehicle may be stored within the township behind the principal structure on a suitably screened, paved or gravel parking space for a period of no more than ninety (90) days by each family unit.

- C. Whether a motor vehicle is operable shall be determined by whether the motor vehicle is capable of starting, moving, and whether it meets minimum requirements to operate on public roadways.

4. Storage of Materials

- A. Building materials or equipment intended for use in connection with construction upon the premises may be stored or placed in yards other than such minimum required yards for a period not to exceed one (1) year only upon receipt of a permit for such outside storage from the Zoning Inspector as long as the materials or equipment are screened or fenced in conformance with the screening requirements of Section 14.1 above. Provided further, that all construction debris shall be removed from any premises within thirty (30) days after occupancy thereof. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.
- B. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, except tanks or drums of fuel directly connected with energy devices or heating appliances located and operated on the same lot as the tanks or drums of fuel.
- C. All outdoor storage facilities for fuel, raw materials and products, and all fuel, raw materials and products stored outdoors, shall be enclosed by an approved safety fence.
- D. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.
- E. All materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.
- F. (Note: For storage of hazardous wastes, see also ORC 3734; for transportation and storage of nuclear wastes and by-products see ORC 4163.)

5. Junk, Motor Vehicle Salvage/Recycling

- A. The accumulation or storage of the following items in any district for more than thirty (30) days is prohibited;
  - 1. Junk, disabled or inoperative vehicles, machinery, or equipment;
  - 2. Vehicle, equipment, or machinery parts, including used or discarded tires, inner tubes, or reclaimed rubber;
  - 3. Rags and other used textile items and used paper products;
  - 4. Discarded building and construction materials;
  - 5. Scrap metal, glass, plastic, and lumber;
  - 6. Discarded home furnishings and appliances; and
  - 7. Other junk items and those now or hereafter defined as "junk" in the Ohio Revised Code.
- B. Such items shall not be prohibited where located in a district zoned for such junk yards or auto salvage and approved as a junk yard licensed under ORC 4737 or a motor vehicle salvage facility licensed under ORC 3748.
- C. The above provision shall also not apply to such vehicles, parts, and other items so described above where they are kept entirely within an enclosed structure or to businesses located in commercial or industrial districts and engaged in the restoration or repair of vehicles, equipment or machinery.

**Section 15. PERFORMANCE REQUIREMENTS**

The use and occupancy of all land and buildings shall be held to the following supplementary requirements and performance standards:

1. General Performance Requirements

- A. The Zoning Inspector or Board, prior to the issuance of a zoning certificate, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in land use, processing, or in equipment operations are to be eliminated or reduced to acceptable limits and tolerance.
- B. No land or building in any district shall be used or occupied in any manner that could be materially dangerous, injurious, jeopardize the health, degrade the quality of life, reduce the value of property, or result in an unreasonable interference with the use and enjoyment of the adjacent premises or the community at large by reason of: emission of smoke, dust, particular matter, odors, toxic or noxious materials, or other form of air pollution; generation of noise, vibration, glare, heat, or electromagnetic or other disturbances; fire or explosive hazards; liquid or solid refuse or wastes; or other substance, condition or element.

2. Dust, Fumes, Vapors and Gases

- A. The emission of dust, dirt, fly ash, fumes, vapors or gases which can cause any damage to human health, to animals, to vegetation or to property, or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission, is herewith prohibited.
- B. No smoke shall be emitted from any chimney or other source, of visible gray opacity greater than No. 1 on the Ringelmann Smoke Chart as published by the U.S. Bureau of Mines, except that smoke of a shade not darker than No. 2 on the Ringelmann Chart may be emitted for not more than six minutes in any thirty-minute period.
- C. No emission of liquid or solid particles from any chimney or other source shall exceed five tenths (0.5) grains per cubic foot of the covering gas at any point beyond the lot line of the use creating the emission. At the source, allowable particulate matter in combustion gases shall not exceed one pound per million BTU input.
- D. No manufacturing emission, or disposal of toxic or noxious matter which is injurious to human health, comfort or engagement of life and property, or to animal and plant life, shall be permitted, including radioactive materials, flammable or explosive substances and other hazardous chemical products.
- E. The emission of odors or odor-causing substances which can be detected at or beyond the district boundary is prohibited.

3. Exterior Noise Standards

- A. No residential, commercial, manufacturing, or processing land use may generate noise as a result of construction, operation, or use of equipment or permanent facilities or on-going projects of a quasi-permanent nature that tends to have an annoying or disruptive effect upon uses located outside the immediate space occupied by the land use or which poses a threat to public health, safety, convenience, comfort, prosperity, and general welfare. Peak level sound limits established for the following time durations are established as follows:

<b>Peak Level Sound Limits</b>		
<b>Time Weighted Average Noise Exposure Duration</b>	<b>Peak Level Sound Limit</b>	<b>Equivalent to:</b>
15 minutes	115 dB	Sandblasting, loud rock concert, auto horn
30 minutes	110 dB	Punch press
2 hours	100 dB	Chain saw, pneumatic drill, snowmobile
4 hours	95 dB	Heavy truck, large bus, compressor
8 hours	90 dB	Lawn mower, shop tools, truck traffic
NASD Review: 04/2002		

- B. Except as provided in Subsection 3(f), the table set forth in Subsection 3(e) establishes the maximum permissible noise levels for land uses in the Township zoning districts. Measurements shall be taken at the closest boundary line of the receiving lot to where the sound emitter is located, and, as indicated, the maximum permissible noise levels vary according to the zoning of the lot adjacent to the lot on which the manufacturing or processing use is located.
- C. A decibel is a measure of a unit of sound pressure. Since sound waves having the same decibel level “sound” louder or softer to the human ear depending upon the frequency of the sound wave in cycles-per-second (i.e., whether the pitch of the sound is high or low) an A-weighted filter constructed in accordance with the specifications of the American National Standards Institute, which automatically takes account of the varying effect on the human ear of different pitches, shall be used on any sound level meter taking measurements required by this section. Accordingly, all measurements are expressed in dB(A) to reflect the use of this A-weighted filter.
- D. The standards established in the table set forth in Subsection 3(e) are expressed in terms of the Equivalent Sound Level (Leq), which must be calculated by taking 100 instantaneous A-weighted sound levels at the slow response setting at 10-second intervals and computing the Leq in accordance with the tables set forth in Subsection 3(h) below.
- E. Table of Maximum Permitted Sound Levels, dB(A)

<b>Maximum Permitted Sound Levels in Zoning Districts</b>					
		<b>Zoning District of Receiving Site</b>			
<b>Zoning District of Sound Source</b>	<b>Applicable Hours</b>	<b>R and R-PUD</b>	<b>B</b>	<b>M-1</b>	<b>M-2</b>
Residential and R-PUD	7 a.m. - 7 p.m.	50	50	50	50
Residential and R-PUD	7 p.m. - 7 a.m.	45	45	45	45
B, M-1	7 a.m. - 7 p.m.	55	65	65	65
B, M-1	7 p.m. - 7 a.m.	50	55	55	55
M-2	7 a.m. - 7 p.m.	60	70	75	80
M-2	7 p.m. - 7 a.m.	55	60	75	80
(re: 0.0002 Microbar)					

- F. Impact noises are sounds that occur intermittently rather than continuously. Impact noises generated by sources that do not operate more than one minute in any one-hour period are permissible up to a level of 10 dB(A) in excess of the figures listed in Subsection 3(e), except that this higher level of permissible noise shall not apply from 7 p.m. to 7 a.m. when the noise may be heard in any residential zoning district. The impact noise shall be measured using the fast response of the sound level meter.
- G. Exempt Noises. The provisions of this Section shall not apply to:
  1. Noise resulting from temporary construction activity (as opposed to ongoing, permanent construction activity) that occurs between 7 a.m. and 7 p.m., Monday through Saturday;
  2. The emission of sound for the purpose of alerting persons to the existence of an emergency;
  3. The emission of sound in the performance of emergency work;
  4. Railway locomotives and railcars, but only during transit; and
  5. Transportation noises emitted by devices that are licensed and regulated by the State of Ohio;
  6. Noise related to reasonable and customary agricultural activity.





H. Worksheets for Measuring Noise Levels (cont'd)

**Computational Work Sheet  
to Hand-Calculate  $L_{eq}$   
from Sound Level Meter  
Measurements Recorded  
on Data Log**

A	B	C	D	
Noise Level Band, dB	Count	Relative Noise Energy	Relative Total Noise Energy	
100	x	=		
98	x	79,400	=	
96	x	50,100	=	
94	x	31,600	=	
92	x	20,000	=	
90	x	12,600	=	
88	x	7,910	=	
86	x	5,010	=	
84	x	3,160	=	
82	x	2,000	=	
80	x	1,260	=	
78	x	794	=	
76	x	501	=	
74	x	316	=	
72	x	200	=	
70	x	126	=	
68	x	79.4	=	
66	x	50.1	=	
64	x	31.6	=	
62	x	20.0	=	
60	x	12.6	=	
58	x	7.94	=	
56	x	5.01	=	
54	x	3.16	=	
52	x	2.00	=	
50	x	1.26	=	
48	x	.79	=	
46	x	.501	=	
44	x	.316	=	
42	x	.200	=	
40	x	.126	=	
38	x	.0794	=	
36	x	.0501	=	
34	x	.0316	=	
32	x	.0200	=	
30	x	.0126	=	
SUM B = _____		SUM D = _____		
SUM D/SUM B = _____		$L_{eq}$ = _____		

**Data Requirements:**

- Each noise reading must be taken at a standard time interval between measurements.
- Each noise level recorded is the instantaneous level

**Step Procedure**

1. Enter number of counts per noise level in Column B.
2. Multiply the counts in Column B by the number in Column C and enter the result in Column D
3. Add all values in Column B to determine Sum B, add all values in Column D to determine Sum D, and divide Sum D by Sum B.
4. Locate the value in Column C that is approximately equal Sum D/Sum B. The corresponding value in Column A is equal to  $L_{eq}$ . Interpolate to the nearest 0.5 dB

**Example**

Given the following count data, find  $L_{eq}$

Noise Level	Number of Occurrences
81	—
82	2
80	—
78	5
76	11
74	4
72	—

Using Steps 1—4 gives

A	B	C	D
81			
82	2	x 2,000	= 4,000
80	0	x 1,260	= 0
78	5	x 794	= 3,970
76	11	x 501	= 5,511
74	4	x 316	= 1,264
72	0	x 200	= 0
Sum B = 22, Sum D = 14,745			
Sum D/Sum B = 670			
$L_{eq} = 70$ dB			

• by linear interpolation in Column C and Column A

4. Vibrations.  
No use shall cause earth vibrations or concussions detectable without the aid of instruments beyond its lot lines with the exception of vibration produced as a result of construction or demolition operations.
5. Odor.  
No use shall emit odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond its lot lines. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail.
6. Heat.  
No use shall produce heat detectable without the aid of instruments beyond its lot lines.
7. Exterior Lighting Standards
  - A. Prior to approval of zoning or building permits for commercial and industrial developments, a photometric computer printout of the lighting model shall be submitted for review and approval to insure that lighting restrictions are followed and light trespass is minimized. The plan shall show the location, the height above grade, the type of illumination, the source lumens, and the luminous area for each source light which is proposed.
  - B. Minimum Site Lighting Criteria.  
No use shall produce a strong, dazzling light or a reflection thereof beyond its lot lines. All exterior lighting shall meet the following minimum standards:
    1. All developments with less than ten (10) parking spaces shall only be required to provide exterior lighting at all exterior doorways.
    2. All developments with ten (10) or more parking spaces shall to provide exterior lighting for all exterior doorways, pedestrian pathways and vehicular use areas.
    3. The minimum exterior lighting shall not drop below three-tenths (0.3) footcandles measured at grade in all vehicular use areas and pedestrian pathways.
    4. For design purposes, the light loss factor (LLF) shall be calculated at seven-tenths (0.7) LLF for incandescent and metal halide luminaires, and eight-tenths (0.8) LLF for fluorescent and sodium lamp sources.
  - C. Luminaires
    1. Overall Height Limitation.  
The maximum height of any luminaire shall not exceed the maximum building height permitted in the Zoning District; however, outdoor sport facility lighting fixtures may have a maximum height of up to sixty (60) feet.
    2. Lighting fixtures shall be set back from the perimeter of the lot by a minimum distance of twice the height of the luminaire and each lighting fixture shall be spaced a minimum distance equal to approximately four times the height of the luminaire.
    3. Any lighting used to illuminate any off-street parking areas shall not exceed an average of two foot-candles and shall divert light away from an adjoining residential property or the public way.

D. Light Trespass Criteria.

All exterior lighting used to light vehicular use areas and pedestrian pathways shall be total cutoff type luminaires. Light originating on a site shall not be permitted beyond the site to exceed the following values when measured at grade for the following adjacent properties:

<b>Light Trespass Criteria</b>			
<b>Land Use</b>	<b>Maximum Value</b>	<b>As Measured on Adjacent Land Use</b>	
		<b>From Lot Line</b>	<b>Height</b>
Residential	0.0 footcandle	Zero (0.0) feet	Zero (0.0) feet
Multi-family	0.5 footcandle	Zero (0.0) feet	Zero (0.0) feet
Office/Commercial	1.0 footcandle	10 feet	5 feet
Industrial/Warehouse	1.5 footcandles	10 feet	5 feet
Outdoor Recreation/Sports Facilities	These shall minimize the impact of light trespass and glare on all surrounding properties and public rights-of-way		
<b>Prohibited Lighting Fixtures.</b>			
Mercury-vapor and quartz lighting shall be prohibited for most outdoor uses			
Uplighting shall be prohibited unless used to light buildings, trees, shrubs, or the U.S. flag			

E. Exception.

The Zoning Inspector may modify these exterior lighting standards where a compelling safety interest exists that cannot be addressed by another method, including lighting of areas of substantial nighttime pedestrian traffic, and where a qualified lighting professional has determined that the illumination requirements of the application require additional illumination or other types of luminaires.

**Section 16. PONDS**

A pond shall be considered a structure and shall require a zoning certificate prior to installation. Construction of a pond shall comply with the following conditions:

1. Pond Plan Required.

A pond plan, to scale, must be prepared, showing the location of the proposed pond, final grades, location of any existing or proposed buildings, septic tanks, leach fields, wells, underground fuel or gasoline storage tanks, easements, ditches and utility lines within five hundred (500) feet of the perimeter of the area.

2. Professional Review.

Adequate provisions for drainage and pond design shall be made subject to approval of the Wood County Soil and Water Conservation District or a qualified consulting engineer selected by the Township using Natural Resources Conservation Service (NRCS) Technical Standard 378 - Ponds, where the NRCS standard does not conflict with the requirements of this section. If ponds are to be used for potable water supply, approval of the Wood County Health Department will be required. Estimated funds additional costs for securing such expert approval shall be borne by the applicant, and shall be placed on deposit with the Township Board of Trustees.

3. Minimum Size and Depth.

Ponds shall be at least one-fourth (1/4) acre in area and be at least seventeen (17) feet deep.

4. Aeration and Destratification.

Ponds on commercial parcels or in common areas of a subdivision shall operate a bottom-diffused aerator 24 hours per day from June through September of each year.

5. Slopes.

The slope of the sides and the areas adjacent to a pond shall have a maximum horizontal to vertical ratio of three-to-one (3:1). Beach areas may be sloped no less than at a horizontal to vertical slope of ten-to-one (10:1) and shall not exceed twenty-five (25) percent of the pond's surface area.

6. Excavated Material.  
Embankments, earth berm, or disturbance from pond construction shall not be higher than seven (7) feet from the original undisturbed grade level. Fill dirt may be hauled off site. The natural grade of land shall remain undisturbed within fifteen (15) feet of any property line.
7. Setbacks.  
Setbacks shall be measured from the point where the grade approaching the pond changes either higher or lower than the original elevation for the area before pond construction began. If no grade change occurs, then the normal pond-full water elevation shall determine the edge of the pond. Pond setback requirements shall equally apply to proposed construction of a structure, other than a dock or equipment shelter to service water quality, near an existing pond. Each of the following setbacks shall apply:
  - A. Setback from Property Line.  
A pond, shall be setback from all sides of a property a minimum distance equal to the minimum required side yard setback for the district in which it is located.
  - B. Setback from Right-of-Way.  
Ponds shall be located twenty-five (25) feet from any public road right-of-way or public drainage ditch. Where embankments are utilized to maintain the high water mark of a pond above the natural grade, the toe of the slope for said embankment shall be located at least sixty (60) feet from any public road right-of-way or public drainage ditch. The provisions of this paragraph shall not apply to dry detention ponds, as defined herein. The public road right-of-way shall be determined as the greater of the existing right-of-way line or a right-of-way line proposed for future roadway widening in Township, County, or State Transportation Plans;
  - C. Building Foundation.  
Ponds shall be located at least twenty-five (25) feet from any building foundation on any lot. Where embankments are utilized to maintain the high water mark of a pond above the natural grade, the toe of the slope on the non-water bearing side of said embankment shall be located at least twenty-five (25) feet from any building foundation on any lot;
  - D. Septic Systems.  
All ponds shall be located a minimum of one hundred (100) feet from a septic tank or a leach field.
8. Hundred Year Flood Plain.  
Ponds shall not be permitted to locate in the 100-year flood plain.
9. Overflow.  
Ponds shall provide at least one overflow diverted to a suitable outlet or drainage ditch to accommodate surface drainage and overflow from pond development.
10. Maintenance. After completion, a pond shall be properly maintained and supervised so that it will not become a danger or nuisance to area residents.

**Section 17. PRIVATE SWIMMING POOLS**

A permanent<sup>A</sup> private swimming pool, but not including ponds, shall be any man made body of water<sup>A</sup> 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 and requirements:

1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal 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 ten (10)<sup>A</sup> feet to any property line of the property on which located.
3. For an in-ground pool the<sup>A</sup> pool or the entire property on which it is located shall be so walled or fenced so as to prevent uncontrolled access by children 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.
4. For an above-ground pool the owner may choose to enclose the pool as described in Section 17.3 or utilize steps that swing up and lock in place off the ground; or build a deck or stairs that access the pool and have a gate and lock that shall be closed and locked when pool is unattended.<sup>A</sup>

**Section 18. PUBLIC, SEMIPUBLIC, OR PUBLIC SERVICE BUILDINGS, HOSPITALS, INSTITUTIONS OF RELIGIOUS, CHARITABLE OR PHILANTHROPIC NATURE AND SCHOOLS**

Public, semipublic or public service buildings, hospitals, institutions or schools, where permitted, shall:

1. Be located upon sites containing a minimum area of five (5) acres;
2. Occupy not over ten (10) percent of the total area of the lot;
3. Be set back from all yard lines as established by this Resolution; In addition, the required side and rear yard set-backs shall each be increased by one (1) foot for each one (1) foot of additional building height above the height regulations for the district in which the building is located;
4. Be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet.

**Section 19. RECREATIONAL AREAS, FACILITIES, OR CENTERS**

Any principal building or swimming pool of a private, non-commercial nature open to the public or members of a club or lodge shall be located not less than one hundred (100) feet from any other lot in any "R" District.

**Section 20. REMOVAL OF DIRT, TOPSOIL, OR GRAVEL**

Removal of dirt, topsoil, or gravel shall be limited to areas not less than two hundred (200) feet from street or highway right-of-way lines and not less than fifty (50) feet from property lines, provided that any building housing power-driven or power-producing machinery or equipment shall be located at least four hundred (400) feet from any other lot in any "R" District.

1. Any extraction operation that is intended to, or will result in the creation of a body of water shall be effectively fenced along the property lines and provided with a locking gate. Such fence shall be of a non-climbable design installed and maintained at a height of four (4) feet.
2. Any processing or storage of materials shall be conducted within an enclosed structure and/or effectively screened from view.
3. Before granting a conditional use permit, the applicant shall provide the Township with documentation evidencing the approval of the appropriate state and/or federal regulatory agencies and the necessary permits and licenses for such operations.

**Section 21. REST HOMES OR NURSING HOMES FOR CONVALESCENT PATIENTS**

Rest homes or nursing homes for convalescent patients shall be distant not less than twenty (20) feet from any other lot in any "S" or "R" District.

**Section 22. SERVICE STATIONS**

Filling station pumps and pump islands may be located within a required yard, provided they are not less than fifteen (15) feet from any street line and not less than fifty (50) feet from the boundary of any residential district.

**Section 23. SEXUALLY-ORIENTED BUSINESSES**1. Purpose for Regulation of Sexually-Oriented Business.

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:

- A. Decline of character of a community's neighborhoods and quality of life.
- B. Increase of crime (e.g., prostitution, drug sales).
- C. Spread of disease, particularly sexually transmitted diseases.
- D. Degeneration of the social and moral order.
- E. Harm to children.

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.

2. Land Use Regulations

- A. Permits and Review. A conditional use zoning permit to operate a sexually-oriented business shall be required before engaging in the use. The Township shall reserve the right to review facilities established under this section after it has been in operation for a period of one (1) year upon the recommendation of the Zoning Commission and/or initiation by the Township Trustees.
- B. No two sexually-oriented business uses may be located in the same premises or on the same lot.
- C. Accessory Use.  
A sexually-oriented business use may not be an accessory use.
- D. Prohibited Uses.  
The following establishments or accessory uses of an establishment shall be prohibited within the township: nude model studios, sexual encounter centers, sexually-oriented escort agencies, sexually-oriented spas, or sexually-oriented viewing booth facilities, each more specifically defined by this regulation.

- E. Separation Requirement
1. Sexually-oriented uses shall not be located within 1,000 feet of any land zoned or used for residential purposes, libraries, educational institutions, training facilities for persons with mental or physical disabilities, museums, religious places of worship, child day care facilities, parks, playgrounds, swimming pools, pool and billiard halls, video arcades, pinball arcades, or other public gathering places, family-oriented uses, or recreational uses established for the activities of juveniles.
  2. For the purpose of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest point of the property line of a sexually-oriented business, to the nearest 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.
  3. Sexually-oriented uses shall not be located within a 1,000 foot radius of any other 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.
- F. Signage Requirements.  
Exterior identification signage of sexually-oriented businesses is permitted subject to other applicable provisions of these regulations. However, no exterior signage shall include verbal or written messages, graphics, drawings, or other illustrations which publicly display specified sexual anatomical areas or specified sexual activities.
- G. Parking Requirements.  
Off-street parking shall be provided in accordance with Article XI (Off-Street Parking and Loading Requirements).
3. Business Regulations
- A. Obscenity. It shall be prohibited for a person to knowingly or intentionally display or depict obscene material, as defined herein, in any establishment or land use in the Township.
  - B. Sexual conduct. No employee, patron, or any other person at a sexually-oriented business establishment shall perform or conduct any specified sexual activity with or for any other employee, patron, or any other person on the premises.
  - C. Gambling. No sexually-oriented business establishment games, machines, tables, or implements shall be used for gambling.
  - D. Tips. No sexually-oriented business establishment employee or other person shall accept any form of a tip or gratuity offered directly or personally by a patron or other person for entertainment performances. Any such tips or gratuities must be placed into a receptacle provided by management for receipt of such tips and gratuities or shall be placed on the stage on which the employee or other person is performing.
- E. Age Restrictions
1. No person under the age of 18 years shall be admitted to or employed by a sexually oriented cabaret or theater.
  2. 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.
  3. No person under the age of 21 years shall be admitted to a sexually-oriented business establishment that serves or otherwise provides alcoholic liquor pursuant to a liquor license.
- F. Separation Requirement for Live Performers. No person shall engage in a live performance of sexually-oriented material except upon a stage elevated at least eighteen (18) inches above floor level.

1. All parts of the stage, or a clearly designated area thereof within which a person engages in a live performance of 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. This requirement shall be noted in a sign affixed to the stage, barrier, or railing in such a manner to be easily visible and legible to patrons.

G. External Visual or Audio 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, or serviced in such a manner as to prevent a view into the interior from the public right-of-way, or from adjacent public or privately owned property. For new construction, the building shall be oriented so as to minimize any possibility of viewing from any public right-of-way or any public or private property.
3. No screens, loudspeakers, or sound equipment used in sexually-oriented motion picture theaters (enclosed or drive-in) or other sexually-oriented businesses shall be operated in such a manner as to be seen or discerned from the public right-of-way or any public or privately owned property.

H. 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.

I. 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.

**Section 24. SINGLE FAMILY DWELLINGS AND PERMANENTLY SITED MANUFACTURED HOMES**

1. Intent

Middleton Township hereby establishes the following standards for the placement of all single family dwellings and permanently-sited manufactured homes in areas of the Township in which single-family dwellings are permitted.

- A. All single-family dwellings and permanently sited manufactured homes shall meet the minimum lot areas, minimum setbacks, and maximum height limitations for the particular district in which it will be located.
- B. Off-street parking shall be provided pursuant to Article XI (Off-street Parking and Loading Regulations).
- C. The dwellings shall have all towing apparatus, wheels and exposed chassis, if any removed before occupancy of any kind is permitted.
- D. The dwelling must be approved for and permanently connected to all required utilities.



- E. All dwelling shall be installed with properly engineered foundation systems that meet manufacture's installation requirements and/or applicable state and local building codes for residential dwellings. A properly engineered foundation system is one that provides adequate support of the dwellings vertical and horizontal loads and transfers these and other imposed forces, without failure, from the dwelling to the undisturbed ground below the front line.
  - F. All single family dwellings and permanently sited manufactured homes shall be taxed as real property.
2. Manufactured housing not meeting the criteria established for a permanently sited manufactured home (see definitions) shall be permitted in either a mobile manufactured home park or manufactured home subdivision. Manufactured home parks and manufactured home subdivisions may be permitted/conditional uses as a RMH-1 residential district.
  3. A manufactured home or travel trailer used for temporary living quarters, or storage of materials or equipment used in conjunction with construction work may be permitted in any district during the period that the construction is in progress. Such permitted use shall be conditional and requires approval by the Zoning Board of Appeals and shall expire upon completion of construction work. Permits for such use shall be for one year and will require renewal for continued use.

#### **Section 25. STORMWATER MANAGEMENT**

Prior to the issuance of any zoning certificate for all commercial or industrial uses, including new uses and changes of uses encompassing a lot of area greater than one (1) acre, the applicant shall prepare and a qualified engineer selected by the Township shall review and approve stormwater management plans. Said plans shall be prepared by a licensed professional engineer and be designed using commonly accepted principles and practices. The stormwater management plan shall be in line with design guidelines developed by the County Engineer governing stormwater retention/detention and other measures as appropriate.

**Section 26. TELECOMMUNICATION STRUCTURES****1. Communication Towers**

Radio and television towers, microwave and cellular telephone towers, electrical transmission towers, etc. and their attendant facilities may be permitted in a "A" agricultural district after review by the Zoning Board of Appeals. Such review is subject to the following:

- A. Said tower shall be located centrally on a contiguous parcel having a dimension at least equal to the height of the tower measured from the base of said tower to all points on each property line. Said parcel shall at a minimum be five acres or greater, be provided a thirty (30) foot access to public right-of-way and will be owned/leased in fee simple by the company, corporation, etc. erecting/operating said tower.
- B. No communication tower shall have a height greater than two hundred (200) feet.
- C. Other conditions and safeguards as prescribed by the Zoning Board of Appeals, including but not limited to, screening, landscaping, fencing, etc. may be required.

**2. Satellite Dish.**

Satellite dishes are permitted in all districts as an accessory use. Satellite dishes shall be within the required rear and side yard setbacks. Dishes are prohibited from placement in a front yard.. Any satellite dish in excess of 36" in diameter shall require a zoning permit.

**Section 27. TEMPORARY BUILDINGS**

1. Temporary buildings, used in conjunction with construction work only, may be permitted in any district during the period that the construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.
2. Temporary structures such as freestanding tents, canopies and sheds shall require a township zoning permit if regulated by the Ohio Building Code. Such temporary structures are limited to 180 days of use.

**Section 28. TRAILERS, MOBILE HOMES, MOTELS, MOTOR HOMES**

1. Parking or location of a mobile home coach or trailer, boat, van, or motor home in any district for more than seven (7) days is prohibited except as provided herein.
  - A. No unlicensed trailers (utility or recreational), boats, house vans, motor homes, etc., shall be permitted unless stored in an enclosed garage or accessory building and then provided that in all cases no living quarters or business uses are allowed.
  - B. Any licensed empty utility trailers or recreational trailers, boats, house vans, motor homes, etc. shall be permitted in the rear yard up to two (2) per residence not of the same use, provided that they are not used as residence or business and they meet all yard requirements and do not extend closer to the street than the front building line of the residence.
2. Motels or motor homes 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:
  - A. Any lot to be used for motel shall be not less than one (1) acre in area and shall contain not less than two thousand (2,000) square feet per sleeping unit.
    1. All buildings and structures shall be distant at least fifty (50) feet from a rear lot line and at least twenty-five (25) feet from the front and side lot lines.
    2. The buildings and structures on the lot shall not occupy in the aggregate more than twenty-five (25) percent of the area of the lot.
  - B. 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.
  - C. In the "R-4" District, signs shall be limited to two indirectly illuminated signs with a total area of not over forty (40) square feet; no part of the building or site shall be floodlighted and no part of any building shall be outlined or otherwise decorated with electric lights, except customary religious symbols and holiday lights and decorations with no commercial message, but only for a two month period which includes a recognized holiday.

**Section 29. TRANSPORTATION FOR HIRE BUSINESS**

1. Transportation-for-hire business with not more than one commercial vehicle or trailer may be located in an "A" or "R" district so long as the business is operated from a parcel with an owner/operator single family dwelling.
2. Any transportation-for-hire business with two (2) or more vehicles and/or trailers must be located in a commercial district.
3. Any transportation-for-hire business wherever located in the township must meet the following requirements:
  - A. Parts, tire and other vehicles supplies shall be stored in an enclosed building.
  - B. The drive and parking surface area shall be graveled or paved and shall be within the established setbacks. The parking area shall have a minimum dimension of ten by twenty-five (10 x 25) feet for each vehicle and ten by sixty (10 x 60) feet for each trailer.
  - C. No more than one building or structure associated with the transportation-for-hire business shall be located on the property. The maximum floor area of such building or structure shall not exceed one thousand square feet or one-third the living area of the single family dwelling on the premises whichever is greater.
4. This provision does not apply to the following:
  - A. Vehicles and trailers licensed as agricultural vehicles or trailers which are an integral part of onsite agricultural business.
  - B. Buildings or structures of, or the use of the land by, a person engaged in the transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants;
  - C. Infrequent short term parking of a commercial vehicle or trailer for the delivery of goods to a premises for use on the premises; and
  - D. The delivery or moving of goods to or from a dwelling unit.

**Section 30. DECKS<sup>B</sup>**

The purpose of this section is to establish regulations controlling the location, installation and standards for decks in order that a property owner may construct a deck or decks while respecting the rights and enjoyment of neighboring property owners and the overall health, safety and welfare of the public.

1. Definition

A structure constructed of any building material and that may or may not have railings or access to the ground but does not contain walls or a roof, and has a surface area greater than thirty-six square feet, and has a height greater than six inches measured from any point of the deck surface to the surrounding grade level. Structures constructed solely to provide handicap access directly to a dwelling shall not be defined as a Deck. A dock leading to a pond shall not be considered to be a deck.

2. Permit Requirements

No deck shall be constructed, altered, or reconstructed without an approved permit from the Township Zoning Inspector. To acquire the permit the applicant must submit a plan indicating the location, height, and material(s) of the proposed deck with accurate dimensions from all existing structures and property lines.

The issuance of a permit by the Township Zoning Inspector shall not certify the location of lot lines.

3. Deck Standards

- A. All decks must conform to required front and side yard setbacks, and may not be located closer than ten (10) feet to the rear lot line.
- B. Decks may be constructed of any building material including, but not limited to, wood, composite, brick, stone, pavers, or concrete.

**Section 31. NON-TRADITIONAL ACCESSORY BUILDINGS<sup>D</sup>**

The following non-traditional accessory buildings are prohibited; semi-truck trailers, box trucks, cargo containers used by rail, air, shipping and land transportation industries.

**Section 32. ACCESSORY STRUCTURE<sup>E</sup>**

Any accessory structure over 200 square feet in area shall require a township zoning permit and must meet building specifications per the Ohio Building Code.

**ARTICLE IX ENDNOTES**

- A Section 17 – PRIVATE SWIMMING POOLS - Resolution Amended October 2011
- B Section 30 – DECKS – Resolution Amended January 2013
- C Section 11 – LANDSCAPING REQUIREMENTS – Resolution Amended July 2015
- D Section 31 – NON-TRADITIONAL ACCESSORY BUILDINGS  
Resolution Amended December 2015
- E Section 32 – ACCESSORY STRUCTURE – Resolution Amended February 2016

## ARTICLE V

### SR 25 AND SR 582 OVERLAY ZONE

<b>Section 1. PURPOSE AND INTENT</b>	<b>Section 10. ACCESS OPTIONS</b>
<b>Section 2. DISTRICT BOUNDARIES</b>	<b>Section 11. TRAFFIC IMPACT STUDY</b>
<b>Section 3. REVIEW AND APPROVAL PROCEDURES</b>	<b>Section 12. TRAFFIC ASSESSMENT STUDY</b>
<b>Section 4. PERMITTED AND SPECIAL USES</b>	<b>Section 13. ARCHITECTURAL REVIEW REQUIREMENTS</b>
<b>Section 5. EXCLUDED USES</b>	<b>Section 14. LANDSCAPE REVIEW REQUIREMENTS</b>
<b>Section 6. ACCESSORY BUILDINGS AND USES</b>	<b>Section 15. GENERAL REQUIREMENTS</b>
<b>Section 7. DEVELOPMENT STANDARDS</b>	<b>Section 16. MAINTENANCE AND REPLACEMENT REQUIREMENTS</b>
<b>Section 8. ACCESS TO INDIVIDUAL PARCELS</b>	<b>Section 17. SIGNAGE</b>
<b>Section 9. ACCESS PERMITS</b>	<b>Section 18. UTILITIES</b>

#### **Section 1. PURPOSE AND INTENT**

The purpose of the State Route 25/582 Overlay District is to promote and protect the public health, safety, comfort, convenience and general welfare by providing for consistent and coordinated treatment of the properties bordering State Route 25 and State Route 582 in Middleton Township. State Route 25 is a major north-south route through Wood County that links the City of Perrysburg with the City of Bowling Green to the South. State Route 25 is a regionally significant roadway that serves as a major corridor as the surrounding areas continue to grow and develop. State Route 582 is the major northern east-west route through the Township. The State Route 25/582 Overlay District provides standards and requirements intended to preserve the environmental and aesthetic qualities of the corridor and manage access to property in a manner that will maintain traffic safety and roadway capacity. All regulations in the underlying zoning district apply in addition to the overlay zone requirements. In case of conflict, the more restrictive regulations will apply.

#### **Section 2. DISTRICT BOUNDARIES**

The boundaries of the District are hereby established as shown on the Zoning District Map. The District includes those parcels along the Route 25 right-of-way to a depth of 1,000 feet from the edge of right away along both sides, extending from the northern to southern boundary of Middleton Township. Boundaries for the State Route 582 Overlay Zone include the entire length of the portion of State Route 582 that runs through Middleton Township. All parcels along State Route 582 are subject to the overlay zone, which extends to a depth of 1000' ft. from the edge of right away along both sides of State Route 582.

#### **Section 3. REVIEW AND APPROVAL PROCEDURES**

Site plan review and approval shall be necessary for all new development and for any existing structure that is enlarged by 25% or more, or when the enlargement contains 5,000 square feet or more in floor area. Single-family homes and agriculture dwellings are exempt from the site plan review requirements. In addition, the Ohio Department of Transportation (ODOT) requires a driveway access permit application for any new or modified access, as well as for a change in use for the existing driveways. ODOT requires a traffic impact study for any proposed use that generates greater than 100 trips per peak hour.

**Section 4. PERMITTED AND SPECIAL USES**

All uses which are permitted or special uses in the underlying zoning district(s) are allowed in the Overlay District, except those uses expressly excluded below.

**Section 5. EXCLUDED USES**

1. Auction market with outdoor display and/or storage
2. Auto wrecking/ salvage yard/ junk yard
3. Flea market
4. Manufactured home, mobile home or industrialized dwelling unit sales
5. Manufactured home park
6. Truck transport terminal – Businesses which caters primarily to the needs of the trucking industry, by offering fuel, dining facilities, gift shops, emergency repairs and lodging or similar types of services.
7. Off-premises sign
8. Pole sign
9. Roof Sign
10. Sexually Oriented Businesses
11. Self Storage Facilities, (Mini Warehouses)
12. Land Fills
13. Bill Boards

**Section 6. ACCESSORY BUILDINGS AND USES**

All accessory buildings and uses which are permitted in the underlying zoning district(s) are permitted within the district, except that any detached accessory building on any lot shall have on all sides, the same architectural features, or shall be architecturally compatible with the principal building(s) with which it is associated. Accessory buildings used for residential or agricultural purposes are exempt from this requirement.

**Section 7. DEVELOPMENT STANDARDS**

1. Minimum Front Yard Setback  
The minimum front yard setback along State Route 25 and State Route 582 shall be 100 feet from the right-of-way line of State Route 25 and/or State Route 582. Parcels with frontage on more than one street shall have a minimum front yard setback from the right-of-way line of the minor street of 50 feet.
2. Minimum Side Yard Setback  
As Specified in the underlying zoning district.
3. Minimum Rear Yard Setback  
As specified in the underlying zoning district. In addition, a twenty-five (25') foot rear yard landscape area shall be provided for any commercial or industrial use where the rear yard abuts an agricultural or residential zoning district outside the overlay district.
4. Maximum Building Height  
As specified in the underlying zoning district.
5. Minimum Front Yard Landscape Area  
Thirty (30') feet along State Route 25 and State Route 582 and ten (10') feet along side streets. The landscape area shall be located within the front yard setback area(s) and no off-street parking shall be located within the landscape area. In those instances where a parallel service road is provided within the required front yard the minimum landscape area width shall be ten (10') feet. Residential and agricultural uses are exempt from this requirement.
6. Lot Frontage  
New lots shall have the same minimum frontage requirements as specified by the underlying zoning district. Existing lots of record at the time of this amendment's adoption with widths less than the minimum prescribed frontage shall retain their legal non-conforming status.

**Section 8. ACCESS TO INDIVIDUAL PARCELS**

Access along State Route 25 and State Route 582 shall be reviewed relative to the distances from other drive approaches and from roadway intersections. When deemed appropriate, access shall be reviewed by the Wood County Engineer and the Ohio Department of Transportation, prior to approval. If required by the Wood County Engineer and the Ohio Department of Transportation, or the Township Zoning Inspector, the development may be required to prepare a traffic impact study or a traffic assessment study.

**Section 9. ACCESS PERMITS**

All access permits shall be reviewed and approved by the Ohio Department of Transportation. Design and location of access driveways along State Route 25 and State Route 582 shall be in compliance with applicable ODOT guidelines and regulations.

**Section 10. ACCESS OPTIONS**

The preferred method of providing access to parcels is to reduce or eliminate driveways and curb cuts by using rear access drives, primarily, or where appropriate. In situations where rear access drives are not feasible, cross access easements and or a shared driveway approach will be reviewed and considered.

**Section 11. TRAFFIC IMPACT STUDY**

If required by the Wood County Engineer, the Ohio Department of Transportation, or the Township Zoning Inspector, a traffic impact study shall be prepared by a qualified Professional Engineer at the developer's expense. The study shall investigate the feasibility and benefits of improvements such as signals, turn lanes, driveway movement limitations, etc. to protect the safety and welfare of the traveling public. The traffic impact study shall include the following elements:

1. A description of the site and study area;
2. Anticipated development of adjacent parcels;
3. Trip generation and distribution;
4. Traffic assignment resulting from the development;
5. Projected future traffic volumes;
6. An assessment of the impact resulting from driveway alternatives;
7. Recommendations for site access and transportation improvements needed to maintain traffic flow at an acceptable and safe level of service; and
8. An evaluation of the effects the proposed development will have on the level of service and roadway capacity.

**Section 12. TRAFFIC ASSESSMENT STUDY**

In lieu of a Traffic Impact Study, the Wood County Engineer, the Ohio Department of Transportation, or the Township Zoning Inspector may request a Traffic Assessment Study to accompany the site plan for review and consideration. The following information shall be included with the Traffic Assessment Study:

1. Proposed and/or existing building size and use, driveways, parking areas, and drive aisles;
2. Current use, parking areas, drive aisles and driveways from all properties opposite and adjacent the proposed site;
3. Road details including public right-of-way within the limits of the traffic impact, including the number and type of vehicular traffic lanes, traffic signal locations, and traffic control signs such as stop and yield; and
4. Anticipated daily and peak hour traffic volumes at site access point.



**Section 13. ARCHITECTURAL REVIEW REQUIREMENTS**

Site plan review shall include review of architectural design elements. The Architectural design of buildings within the State Route 25 and State Route 582 Overlay District shall include consideration of the following elements:

1. Scale and proportion;
2. Suitability of building materials;
3. Design in relation to surrounding buildings;
4. Design in relation to proposed landscaping; and
5. Aesthetics of the proposed building.

In addition to the above guidelines, the following Architectural Review Requirements will need to be met:

1. At least 1/3 of the side of all buildings facing a state route shall have exterior building materials of high quality. These include, but shall not be limited to:
  - A. Brick
  - B. Wood
  - C. Natural Stone, or
  - D. Tinted, Textured Concrete Block or Tilt-Up Masonry Panels

**Section 14. LANDSCAPE REVIEW REQUIREMENTS**

Site plan review shall also include the review of landscape design elements and conformance with all applicable requirements.

**Section 15. GENERAL REQUIREMENTS**

In addition to the required front yard landscape area, landscaping for all uses except single-family dwellings, shall be provided in the following areas:

1. At the perimeter of parking lots to buffer, separate, and/or screen adjacent land uses;
2. Plants, fencing, and other landscape material areas shall not include any portion of the right-of-way;
3. Trash receptacles shall be screened and shall not be placed within any required setback areas.
4. All parking and access surfaces shall be paved or of other hard surfaces.

**Section 16. MAINTENANCE AND REPLACEMENT REQUIREMENTS**

The lot owner shall be responsible for the maintenance of all landscaping. The following requirements shall apply:

1. Landscape material shall not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a traffic hazard.
2. Within two (2) years of installation (or incorporation of existing vegetation), all trees, shrubs, ground covers and other plant material shall be replaced if they fail to thrive.
3. Replacement plants shall conform to the approved plan. Dead or unhealthy plants shall be replaced within the next planting season.
4. As part of the site plan, a bond, escrow, or other suitable guarantee shall be filed with the Zoning Inspector to ensure the landscape material is installed and maintained for a two (2) year period. No Zoning Certification shall be issued until the bond, escrow, or other suitable guarantee is received.

**Section 17. SIGNAGE**

Freestanding signs shall be limited to monument signs, except that monument style signs shall not exceed eight (8) feet in height, fourteen (14) feet in width, eighty (80) square feet in sign area (excluding area of support structure), and the sign face shall be perpendicular to the main road. All other signs, including signs in the applicable underlying zoning district shall be equivalent to those established in the Middleton Township Zoning Resolution (Sign Regulations).

**Section 18. UTILITIES**

New utilities shall be located underground.

# ARTICLE VIII DEVELOPMENT STANDARDS

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<p><b>Section 1. COMPLIANCE WITH REGULATIONS</b></p>	<p><b>Section 3. FOOTNOTES TO DEVELOPMENT STANDARDS MATRIX</b></p>
<p><b>Section 2. DEVELOPMENT STANDARDS MATRIX</b></p>	<p><b>ENDNOTES</b></p>

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**Section 1. COMPLIANCE WITH REGULATIONS**

Except as hereinafter provided:

1. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.
2. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot.
3. Setback from Publicly Established Drainage Ditches. In all districts a setback of forty (40) feet from the top of the nearest bank<sup>A</sup> of a publicly established drainage ditch shall be provided for all buildings or structures erected along such ditch.
4. No building shall hereafter be erected or altered to:
  - A. have a greater height;
  - B. accommodate or house a greater number of families;
  - C. have narrower side yards or smaller front and rear yards;
  - D. have a smaller lot area per family;
  - E. have a smaller residential floor area per family; and
  - F. have fewer parking spaces than are specified herein for the district in which such building is located.
5. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this resolution shall be included as a part of a yard or other open space similarly required for another building.
6. No accessory building shall project beyond a required yard line along any street.

**Section 2. DEVELOPMENT STANDARDS MATRIX**

The height, lot area, lot widths, front and rear yards and side yards; and the ground and floor area requirements for the location and erection of buildings and structures on any lot or tract of land are established and shown on the accompanying table.

DEVELOPMENT STANDARDS MATRIX Height, Lot Area, and Floor Area Requirements													
District Symbol	District	Maximum Height of Buildings <sup>1</sup>		Minimum Depth of Front Yard <sup>2</sup>	Minimum Width		Minimum Depth of Rear Yard <sup>4</sup>	Minimum Lot Area Per Residence	Minimum Lot Width	Minimum Residential Floor Area per Family in Sq. Ft.			
		(Stories)	(Feet)		Either Side <sup>3</sup>	Sum of Side Yards				No. Stories	Ground Floor	Per Family	District Symbol
"A-1"	Agricultural	2-1/2	40	75	15	40	50	1 acre	175	1 - 2-1/2	720	720	"A-1"
"S-1"	Special	2-1/2	40	100	15	40	50	2 acre	200	1 - 2-1/2	1,350	1,350	"S-1"
"R-1"	Estate-Residence	2-1/2	40	50	15	40	50	1 acres	150	Less than 2	1,350	1,350	"R-1"
										2 or more	900	1,200	
"R-2"	Suburban Residence	2-1/2	40	40	15	35	50	20,000 sf	100	Less than 2 <sup>B</sup>	1,350 <sup>B</sup>	1,350 <sup>B</sup>	"R-2"
										2 or more <sup>B</sup>	900 <sup>B</sup>	1,200 <sup>B</sup>	
"R-3"	Residence												"R-3"
	Individual Sewage Disposal System												
	Single-Family	2-1/2	40	40	10	35	40	20,000 sf	100	1 - 2-1/2	1,000	1,000	
	Two-Family	2-1/2	40	40	10	35 <sup>6</sup>	40	15,000 sf	120	1 - 2-1/2	1,000	900	
	Combined Sewage Disposal System												
	Single-Family	2-1/2	40	30	10	25	30	10,000 sf	75 <sup>5</sup>	1 - 2-1/2	800	800	
	Two-Family	2-1/2	40	30	10	25 <sup>6</sup>	30	7,5000 sf	85 <sup>5</sup>	1 - 2-1/2	800	720	
	Multi-Family	2-1/2	40	30	10	25 <sup>6</sup>	30	5,000 sf	100 <sup>5</sup>	1 - 2-1/2	800	800	

DEVELOPMENT STANDARDS MATRIX													
Height, Lot Area, and Floor Area Requirements													
District Symbol	District	Maximum Height of Buildings <sup>1</sup>		Minimum Depth of Front Yard <sup>2</sup>	Minimum Width		Minimum Depth of Rear Yard <sup>4</sup>	Minimum Lot Area Per Residence	Minimum Lot Width	Minimum Residential Floor Area per Family in Sq. Ft.			
		(Stories)	(Feet)		Either Side <sup>3</sup>	Sum of Side Yards				No. Stories	Ground Floor	Per Family	District Symbol
"R-4"	Multiple Dwelling												"R-4"
	Single-Family	2-1/2	40	30	10	25	30	7,500 sf	60 <sup>5</sup>	1 - 2-1/2	720	720	
	Two-Family	2-1/2	40	30	10	25	30	5,000 sf	75 <sup>5</sup>	1 - 2-1/2	720	600	
	Multi-Family	2-1/2	40	30	10	25	30	3,750 sf	90 <sup>5</sup>	1 - 2-1/2	720	500	
"RMH-1"	Mobile Home Park	N/A	N/A	(Per Ohio Department of Health Standards)						N/A	720	720	"RMH-1"
"B-1"	Neighborhood Business	2	45	10 <sup>B</sup>	10 <sup>7B</sup>	20 <sup>B</sup>	10 <sup>8</sup>	No residence permitted	No residence permitted				"B-1"
"B-2"	Integrated Community Business	3	45	50	20 <sup>7</sup>	40	20 <sup>8</sup>	No residence permitted	No residence permitted				"B-2"
"B-3"	Highway Business	3	45	50	20 <sup>7</sup>	40	21 <sup>8</sup>	No residence permitted	No residence permitted				"B-3"
"M-1"	Light Industrial	3	45	100	20 <sup>9</sup>	50	22 <sup>8</sup>	No residence permitted	No residence permitted				"M-1"
"M-2"	General Industrial	3	45	100	20 <sup>9</sup>	50	22 <sup>8</sup>	No residence permitted	No residence permitted				"M-2"

**Section 3. FOOTNOTES TO DEVELOPMENT STANDARDS MATRIX**

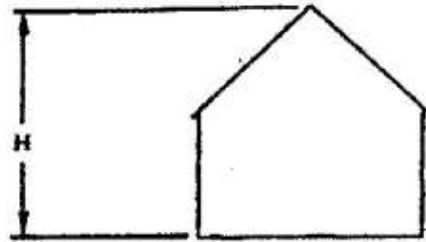
1. Height

The height regulations prescribed herein shall not apply to: public, semipublic or public service buildings, hospitals, institutions or schools; television and radio towers; church spires; belfries; monuments; tanks; water and fire towers; stage towers or scenery lofts; cooling towers; ornamental towers and spires; chimneys; elevators; bulkheads; smokestacks; conveyors; and flagpoles, except where the height of such structures are limited in supplemental regulations or will constitute a hazard to the safe landing and takeoff of military, public, commercial and private aircraft at an established airport.

# ROOF TYPES AND BUILDING HEIGHT

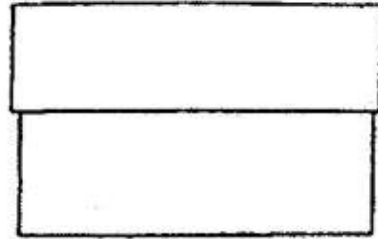
These diagrams are included in Articles VIII and XVIII.

H = HEIGHT OF BUILDING

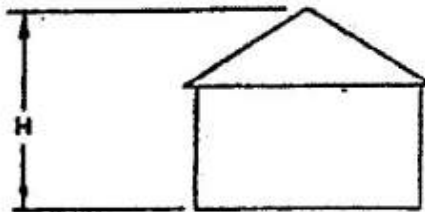


END VIEW

GABLE ROOF

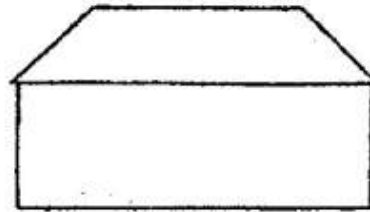


SIDE VIEW

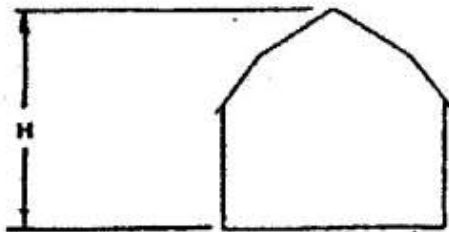


END VIEW

HIP ROOF

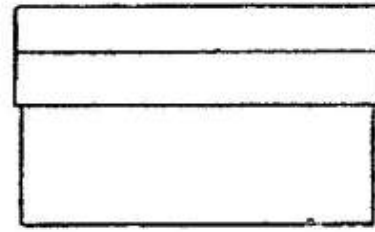


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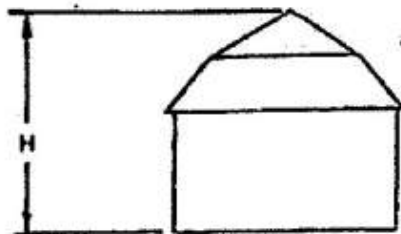


END VIEW

GAMBREL ROOF

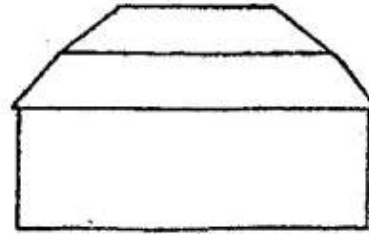


SIDE VIEW



END VIEW

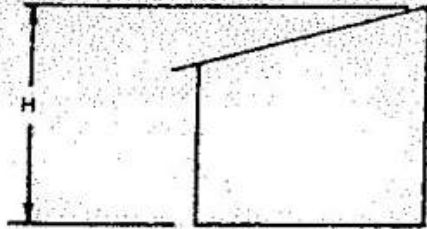
MANSARD ROOF



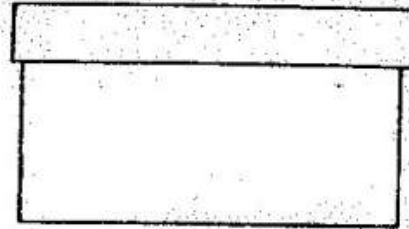
SIDE VIEW

# ROOF TYPES AND BUILDING HEIGHT

These diagrams are included in Articles VIII and XVIII.

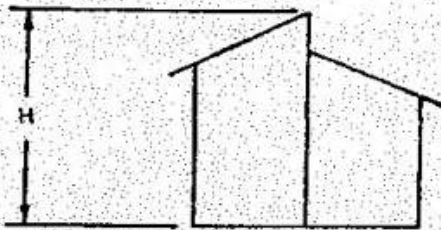


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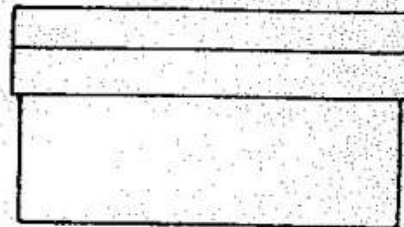


SIDE VIEW

## SHED

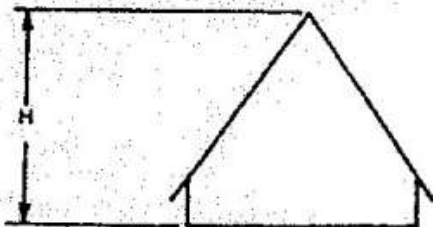


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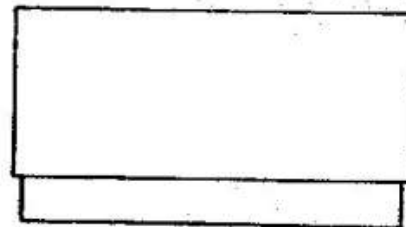


SIDE VIEW

## SPLIT ROOF



END VIEW



SIDE VIEW

## A FRAME



## 2. Front Yards

- A. When forty (40) percent or more of the frontage on one side of the street between two intersecting streets is improved with buildings that have a front yard which is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established, provided, however, that a front yard depth shall not be required to exceed fifty (50) percent in excess of the front yard otherwise required in the district in which the lot is located.
- B. A front yard of 100 foot depth shall be required for lots in all districts fronting on a Federal or State highway.
- C. Corner lots shall meet the requirements of Article IX, Section 4.
- D. On lots having double frontage, the required front yard shall be provided on both streets.
- E. An open, uncovered porch or paved terrace may project into a required front yard for a distance of not more than ten (10) feet, but this shall not be interpreted to include or permit fixed canopies.
- F. Outdoor advertising signs hereinafter erected shall conform to the front yard requirements of the district in which they are located.

## 3. Side Yards

- A. No accessory buildings shall be permitted in a required side yard unless permitted elsewhere in this Zoning Code.
- B. An eave building projection may extend to a distance not to exceed two and one half feet (2 ½) feet into a required yard<sup>C</sup>.
- C. The ordinary projections of sills, belt courses, cornices, and ornamental features may extend to a distance not to exceed eighteen (18) inches into a required yard.
- D. A porte-cochère or canopy may project into a required side yard, provided every part of such porte-cochère or canopy is unenclosed and not less than seven (7) feet from any side lot line.

## 4. Rear Yards

- A. Where a lot abuts upon an alley, one-half (½) the alley width may be considered as part of the required rear yard.
  - B. An Accessory buildings not exceeding twenty (20) feet in height, may occupy not to exceed thirty (30) percent of the area of a required rear yard; and unenclosed parking spaces may occupy not to exceed ninety (90) percent of the area of a required rear yard; but no accessory building shall be closer than ten (10) feet to the main building nor closer than ten (10) feet to any rear lot line.
  - C. The ordinary projections of sills, belt courses, cornices, and ornamental features may extend to a distance not to exceed eighteen (18) inches to a required yard.
  - D. Open or lattice-enclosed fire escapes, outside stairways and balconies opening upon fire towers and the ordinary projections of chimneys and flues into a rear yard may be permitted by the Township Zoning Inspector for distance not to exceed five (5) feet when these are so placed as not to obstruct light and ventilation.
5. Minimum lot frontage shall not be less than seventy-five (75) percent of the minimum lot width permitted specifically for subdivision eyebrow, cul-de-sac, and/or radius lots.
  6. For the purpose of side yard regulation, a two-family dwelling or multiple-family dwelling shall be considered as one building occupying one lot.
  7. A side yard of not less than fifteen (15) feet in width in a "B-1 District and thirty (30) feet in width in a "B-2" and "B-3" District shall be provided on the side of a lot adjoining a residential district.<sup>C</sup>

8. A rear yard of not less than fifteen (15) feet in a "B-1" District and not less than forty (40) feet in "B-2", "B-3" and "M-1" Districts is required where a lot abuts upon a residential district.
9. A side yard equivalent to the height of the structure adjacent to the side property line, but not less than forty (40) feet, is required where a lot in a manufacturing district adjoins a residential district.

**ARTICLE VIII ENDNOTES**

- A Section 1 – COMPLIANCE – Resolution Amended October 2011
- B Section 2 – MATRIX – Resolution Amended October 2011
- C Section 3 – FOOTNOTES – Resolution Amended October 2011

# **ARTICLE VII**

## **PERMITTED AND CONDITIONAL LAND USES**

- 
- Section 1.     LAND USE MATRIX**
- 1. Agricultural Land Uses**
  - 2. Residential Land Uses**
  - 3. Quasi-Public Land Uses**
  - 4. Commercial Land Uses**
  - 5. Industrial Land Uses**
  - 6. Accessory Land Uses**
- Section 2.     FOOTNOTES TO LAND USE MATRIX**
- 

**Section 1.     LAND USE MATRIX**

The following table provides a list of all land uses permitted and conditionally permitted in each of the Zoning Districts established in the Township. The land uses are grouped by the following types of uses: residential, quasi-public, commercial, industrial, and accessory uses. The letter "P" indicates permitted uses, the letter "C" indicates conditional uses, and the letter "X" indicates the use is prohibited.

<b>1. Agricultural Land Uses</b>	<b>A-1</b>	<b>S-1</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>RMH-1</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>M-1</b>	<b>M-2</b>
Agricultural uses subject to Township regulation pursuant to Article IX, Section 1 (Agriculture Use Restrictions)	P	P	P	P	P	P	P	P	P	P	P	P

“P” = permitted uses / “C” = conditional uses / “X” = use is prohibited.

<b>2. Residential Land Uses</b>	<b>A-1</b>	<b>S-1</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>RMH-1</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>M-1</b>	<b>M-2</b>
Dwellings, Single-family	P	P	P	P	P	P	P	X	X	X	X	X
Dwellings, Two-family	X	X	X	X	P	P	X	X	X	X	X	X
Dwellings, Conversion of Single-family to Two-family dwelling subject to development standards in Article VIII	X	X	X	X	P	P	X	X	X	X	X	X
Dwellings, Multi-family Apartments or Condominiums for any number of families	X	X	X	X	C	P	X	X	X	X	X	X
Apartment Hotels, Lodging Houses and Boarding Houses for any number of guests, but not primarily for transients	X	X	X	X	X	P	X	X	X	X	X	X
Rest Homes or Nursing Homes for convalescent patients subject to Article IX, Section 21	X	X	X	X	X	P	X	C	X	X	X	X
Manufactured Home Parks	X	X	X	X	X	X	P	X	X	X	X	X
Residence of a Night Watchman	X	X	X	X	X	X	X	X	X	X	C	X

“P” = permitted uses / “C” = conditional uses / “X” = use is prohibited.

<b>3. Quasi-Public Land Uses</b>	<b>A-1</b>	<b>S-1</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>RMH-1</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>M-1</b>	<b>M-2</b>
Cemetery including crematorium	C	C	X	X	X	X	X	X	X	X	X	X
Cemeteries adjacent to or an extension of existing cemeteries	C	C	C	C	C	C	X	X	X	X	X	X
Clubs, Fraternities, Lodges, and meeting places for other organizations subject to Article IX, Section 3	C	C	C	C	C	C	P	P	P	P	X	X
Correctional facilities	X	X	X	X	X	X	X	X	X	X	P	P
Day Care Centers subject to Article IX, Section 5	C	C	C	C	C	C	P	P	P	P	X	X
Day Camps subject to Article IX, Section 5	C	C	C	C	C	C	P	P	P	P	X	X
Essential services	P	P	P	P	P	P	P	P	P	P	P	P
Forests and Wildlife Reservations	P	P	P	P	P	P	P	P	P	P	X	X
Hospitals and Clinics for human care	C	C	X	X	X	X	X	P	P	P	P	X
Institutions of religious, charitable or philanthropic nature subject to Article IX, Section 18	C	C	C	C	C	C	C	P	P	P	P	X
Libraries and similar community facilities	C	C	C	C	C	C	C	P	P	P	X	X
Parks, playgrounds, and similar community facilities	P	P	P	P	P	P	P	P	P	P	C	X
Public buildings or structures erected, leased, or used by any government department, including semi-public facilities such as economic development agencies, fire and police stations, and post offices	P	P	X	X	X	X	P	P	P	P	P	P
Recreational Buildings, Centers, Areas, and Facilities of a private, non-commercial nature, such as country clubs, golf courses, and swimming pools	C	C	C	C	C	C	P	X	X	X	X	X
Schools having a prescribed curriculum the same as ordinarily given to public elementary and high schools	C	C	C	C	C	C	C	C	C	C	C	X
Schools for commercial trade or business.	X	X	X	X	X	X	X	C	C	C	P	X
Utility Stations, such as static transformer stations or booster stations, provided there is no yard or garage for service or storage	C	C	C	C	C	C	C	C	C	C	P	P

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<b>4. Commercial Land Uses</b>	<b>A-1</b>	<b>S-1</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>RMH-1</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>M-1</b>	<b>M-2</b>
Bakery of a retail nature	X	X	X	X	X	X	X	P	P	P	X	X
Bed and Breakfast Inns subject to Article IX, Section 2	C	C	C	C	C	C	X	X	X	X	X	X
Billiard Parlors and Pool Halls, and similar enterprises conducted within a completely enclosed building and at least one hundred (100) feet from any "R" District	X	X	X	X	X	X	X	P	P	P	X	X
Bowling alleys conducted within a completely enclosed building and is at least one hundred (100) feet from any "R" District	X	X	X	X	X	X	X	P	P	P	X	X
Building material sales yard, not including concrete mixing, subject to Footnotes 1 and 2 below	X	X	X	X	X	X	X	X	X	P	C	X
Dance Halls, Roller Skating Rinks, and similar enterprises conducted within a completely enclosed building and at least one hundred (100) feet from any "R" District	X	X	X	X	X	X	X	P	P	P	X	X
Drive-in theaters, provided the screen shall be so located as not to be visible from adjacent streets or highways and said screen shall be set back not less than two hundred (200) feet from the established right-of-way of any street or highway.	X	X	X	X	X	X	X	X	X	P	X	X
Farm Market Roadside Stands subject to Article IX, Section 6	C	C	C	C	C	C	C	C	C	C	C	C
Funeral Home or Mortuary, subject to Footnote 3.	X	X	X	X	X	X	X	X	X	P	X	X
Greenhouse of a commercial nature, subject to Footnote 3.	X	X	X	X	X	X	X	X	X	X	P	X
Greenhouse of a retail nature subject to Footnote 3, garden centers	C	X	X	X	X	X	X	P	P	P	X	X
Laundry and Clothes Cleaning, subject to Footnote 3.	X	X	X	X	X	X	X	C	C	P	X	X
Motels and hotels that front on a state or federal highway	X	X	X	X	X	X	X	X	P	P	C	X
Motor Vehicle Sales, including automobile, truck, trailer and farm implement establishments for display, hire, sale and major repair, including sales lots, but not within fifty(50) feet of any "R" District.	X	X	X	X	X	X	X	X	X	P	X	X
Motor Vehicle Service Stations, Car Washes, and Minor Repair and Storage Garages, subject to Article IX, Section 22	X	X	X	X	X	X	X	P	P	P	X	C
Motor Vehicle tire, battery, and accessory dealers of secondhand supplies	X	X	X	X	X	X	X	X	X	X	X	C

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<b>4. Commercial Land Uses (cont'd)</b>	<b>A-1</b>	<b>S-1</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>RMH-1</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>M-1</b>	<b>M-2</b>
Offices, when incidental and accessory to a permitted principle use	X	X	X	X	X	X	C	P	P	P	P	P
Offices for Banks and similar professional activities	X	X	X	X	X	X	X	P	P	P	P	P
Parking Lots, Commercial, for passenger vehicles subject to Article XI, Section 3 (Development and Maintenance of Parking Areas)	X	X	X	X	X	X	X	P	P	P	X	X
Personal service operations designed to attract and serve customers or clients on the premises, such as barber shops, beauty parlors, photographic or artist studios, dressmaking, tailoring, shoe repairing, repair of household appliances, dry cleaning and pressing and receiving stations for personal services	X	X	X	X	X	X	X	P	P	P	C	X
Personal service operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use, such as carpenter, paper hanging, electrical, plumbing, heating, and/or furniture upholstery, subject to Footnote 3.	X	X	X	X	X	X	X	X	X	P	C	X
Recreational facilities of a commercial, open air type, such as baseball fields, swimming pools, skating rinks, golf driving ranges or similar open-air recreational uses and facilities if located at least two hundred (200) feet from any "R" District.	X	X	X	X	X	X	X	X	X	P	X	X
Restaurants, Bars, Cocktail Lounges, Nightclubs, and similar enterprises which offer entertainment or dancing conducted within a completely enclosed building and at least one hundred (100) feet from any "R" District	X	X	X	X	X	X	X	C	P	P	C	X
Restaurants, cafes, and soda fountains, not including entertainment or dancing.	X	X	X	X	X	X	X	P	P	P	C	X
Restaurants of a drive-in type, summer gardens and roadhouses, including entertainment and dancing, provided the principal building is distant at least one hundred and fifty (150) feet from any "R" District.	X	X	X	X	X	X	X	X	C	P	C	X
Retail businesses such as a grocery, fruit or vegetable store, drugstore, drapery and curtain shop, and similar businesses	X	X	X	X	X	X	X	P	P	P	C	X

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<b>4. Commercial Land Uses (cont'd)</b>	<b>A-1</b>	<b>S-1</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>RMH-1</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>M-1</b>	<b>M-2</b>
Riding Stables subject to Article IX, Section 1.2.B.(2)	C	C	C	C	C	C	X	X	X	X	X	X
Sexually-oriented businesses subject to Article IX, Section 23	X	X	X	X	X	X	X	X	X	X	X	P
Veterinary establishment, animal hospital, clinic or kennel, not including any outdoor exercise runway,	C	C	X	X	X	X	X	C	C	P	X	X
Any other retail business or service establishment which is determined by the Board to be of the same general character as the permitted uses cited in this Subsection	X	X	X	X	X	X	X	P	P	P	X	X

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<b>5. Industrial Land Uses</b>	<b>A-1</b>	<b>S-1</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>RMH-1</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>M-1</b>	<b>M-2</b>
Airport or aircraft landing area	C	C	C	C	C	C	X	X	X	X	X	C
Apparel and other products assembled from finished textiles; fur goods manufacture, but not including tanning or dyeing	X	X	X	X	X	X	X	X	X	X	X	P
Bakery, subject to Footnote 3.	X	X	X	X	X	X	X	X	X	P	P	P
Blast furnaces, steel works, and rolling and finishing mills	X	X	X	X	X	X	X	X	X	X	X	C
Bottling of soft drinks, provided a building used for such processing and distribution shall be at least one hundred (100) feet from any "B-1" District.	X	X	X	X	X	X	X	X	X	C	P	P
Candy manufacturing, provided a building used for such processing and distribution shall be at least one hundred (100) feet from any "B-1" District.	X	X	X	X	X	X	X	X	X	C	P	P
Cleaning and Dyeing plants	X	X	X	X	X	X	X	X	X	X	X	P
Coal, coke or wood yard	X	X	X	X	X	X	X	X	X	X	X	P
Compounding, processing, and packaging of meat, dairy, and food products, exclusive of slaughtering where all activities are conducted within completely enclosed buildings.	X	X	X	X	X	X	X	X	X	X	P	P
Creamery, ice cream, and dairy operations, provided a building used for such processing and distribution shall be at least one hundred (100) feet from any "B-1" District.	X	X	X	X	X	X	X	X	X	P	P	P
Explosive Materials	X	X	X	X	X	X	X	X	X	X	X	C
Grain elevators and food mills	X	X	X	X	X	X	X	X	X	X	P	P
High-technology establishments such as computer-aided design and/or manufacturing (CAD/CAM) robotics, high temperature ceramics, sophisticated microelectronics, and biotechnology.	X	X	X	X	X	X	X	C	C	C	P	P
Ice plants or distribution stations, provided a building used for such processing and distribution shall be at least one hundred (100) feet from any "B-1" District.	X	X	X	X	X	X	X	X	X	P	P	P
Junk Yards, Recycling Centers, Landfills, and Motor Vehicle Salvage Yards, subject to Article IX, Section 10	X	X	X	X	X	X	X	X	X	X	X	C

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<b>5. Industrial Land Uses (cont'd)</b>	<b>A-1</b>	<b>S-1</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>RMH-1</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>M-1</b>	<b>M-2</b>
Laboratories for optical instruments and lenses	X	X	X	X	X	X	X	X	X	X	P	P
Laboratories for research and engineering	X	X	X	X	X	X	X	X	X	X	P	P
Lumber and building material mills, fabrication, and yards	X	X	X	X	X	X	X	X	X	X	X	P
Lumber yard of retail type, including only incidental mill work, subject to Footnotes 1 and 2.	X	X	X	X	X	X	X	X	X	P	X	X
Machine shops and tool and die shops	X	X	X	X	X	X	X	X	X	X	P	P
Machinery and heavy equipment rental, sales, and storage	X	X	X	X	X	X	X	X	X	P	P	P
Manufacture of plastic products, but not including the processing of raw materials	X	X	X	X	X	X	X	X	X	X	P	P
Manufacturing, assembling, or repairing of electrical and electronic products, components, and equipment	X	X	X	X	X	X	X	X	X	X	P	P
Manufacturing, processing, assembling, or compounding operations contained entirely within enclosed buildings and possessing characteristics similar to those industrial uses listed in this section which can be operated in compliance with the performance standards of this Zoning Resolution.	X	X	X	X	X	X	X	X	X	X	P	P
Mini-warehouses	X	X	X	X	X	X	X	X	X	X	P	P
Motor Vehicle Service Centers	X	X	X	X	X	X	X	X	X	P	P	P
Moving and Storage Companies	X	X	X	X	X	X	X	X	X	X	C	P
Petroleum refining	X	X	X	X	X	X	X	X	X	X	X	P
Petroleum storage, but only after the location and treatment of the premises have been approved by the Chief of the Fire Department	X	X	X	X	X	X	X	X	X	X	X	P
Printing, Publishing, Binding, Typesetting, or Lithographing shop, subject to Footnote 3	X	X	X	X	X	X	X	X	X	P	P	P
Removal of dirt, topsoil, or gravel subject to Article IX, Section 20	C	C	C	C	C	C	X	X	X	X	X	C
Sign Painting and Manufacturing	X	X	X	X	X	X	X	X	C	P	P	P
Stockyards	X	X	X	X	X	X	X	X	X	X	X	C
Storage yard or plant for contractor's equipment , or storage and rental of equipment commonly used by contractors, subject to Footnotes 1 and 2.	X	X	X	X	X	X	X	X	X	P	P	P
Supply Yards	X	X	X	X	X	X	X	X	X	X	P	P

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<b>5. Industrial Land Uses (cont'd)</b>	<b>A-1</b>	<b>S-1</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>RMH-1</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>M-1</b>	<b>M-2</b>
Trucking, carting, express or hauling terminal or transfer establishments, including storage of vehicles, subject to Footnotes 1 and 2.	X	X	X	X	X	X	X	X	X	X	P	P
Utilities which are non-exempt pursuant to ORC 519.21.1, including: electric substations, equipment buildings, transmission lines, and towers; telephone substations, distribution centers, and transmission equipment buildings; gas regulator and meter stations; water filtration plants and water pumping stations; sanitary sewage treatment plants and pumping stations; and recycling facilities.	X	X	X	X	X	X	X	X	X	X	P	P
Utilities which are non-exempt pursuant to ORC 519.21.1(B), including telecommunication facilities, commercial radio and television transmitting stations, and antenna towers.	X	X	X	X	X	X	X	X	X	X	C	C
Utility yard for a public utility service, subject to Footnotes 1 and 2.	X	X	X	X	X	X	X	X	X	P	P	P
Warehouse and Storage facilities	X	X	X	X	X	X	X	X	X	X	P	P
Wholesale establishments	X	X	X	X	X	X	X	X	X	X	P	P

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<b>6. Accessory Land Uses</b>	<b>A-1</b>	<b>S-1</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>RMH-1</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>M-1</b>	<b>M-2</b>
Accessory uses, buildings or other structures customarily incidental to any principle permitted use	P	P	P	P	P	P	P	P	P	P	P	P
Agricultural Migrant farm labor housing, subject to Township regulation pursuant to Article IX, Section 1 (Agricultural Use Restrictions)	P	P	X	X	X	X	X	X	X	X	X	X
Agricultural Temporary Housing on a 40 acre or larger site in Mobile or Manufactured Home, subject to Township regulation pursuant to Article IX, Section 1 (Agricultural Use Restrictions)	C	X	X	X	X	X	X	X	X	X	X	X
Exterior Signs - Billboards and outdoor advertising signs and structures located on premises abutting state or federal highways, and subject to Sign Code	C	X	X	X	X	X	X	P	P	P	P	P
Exterior Signs, including directional and incidental signs, which pertain only to a permitted use on the premises subject to Sign Code	X	X	X	X	X	P	P	P	P	P	P	P
Exterior Signs - Real estate signs and small announcement or professional signs subject to Sign Code	P	P	P	P	P	P	P	P	P	P	P	P
Home Occupations subject to Article IX, Section 9	C	C	C	C	C	C	C	X	X	X	X	X
Ponds, subject to Article IX, Section 16	P	P	P	P	P	P	P	P	P	P	P	P
Swimming Pools (Private) for the exclusive use of the dwelling residents subject to Article IX, Section 17	P	P	P	P	P	P	P	X	X	X	X	X
Temporary building for uses incidental to construction work, subject to Article IX, Section 27	P	P	P	P	P	P	P	P	P	P	P	P

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**Section 2. FOOTNOTES TO LAND USE MATRIX:**

1. The designated uses shall be conducted wholly within a completely enclosed building but not within fifty (50) feet of any "R" District unless the building has no openings other than stationary windows and required fire exits within said distance and is not within thirty (30) feet of any "R" District in any case; or when conducted within an area enclosed on all sides with a solid wall or uniformly painted board fence, not less than six (6) feet high but not within fifty (50) feet of any "R" District.
2. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste and must comply with performance requirements in Article IX, Section 15 (Performance Requirements).
3. The designated uses shall not be conducted within fifty (50) feet of any "R" District unless the building in which located has no openings other than stationary windows or required fire exits within said distance and is not within thirty (30) feet of any "R" District in any case.

# ARTICLE VI

## PUD – PLANNED UNIT DEVELOPMENT

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<p><b>Section 1. BENEFITS OF PUDS</b></p> <p><b>Section 2. TYPES OF PUDS</b></p> <p><b>Section 3. SITE AREA REQUIREMENTS</b></p> <p><b>Section 4. DEVELOPMENT STANDARDS</b></p> <p><b>Section 5. DENSITY DETERMINATION FOR RESIDENTIAL PUDS</b></p>	<p><b>Section 6. RESTRICTED OPEN SPACE</b></p> <p><b>Section 7. FINANCIAL ABILITY TO PROCEED</b></p> <p><b>Section 8. PROCEDURE</b></p>
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Planned Unit Developments shall be encouraged, but they shall conform to the regulations of this Resolution and to the following modifications.

**Section 1. BENEFITS OF PLANNED UNIT DEVELOPMENTS**

1. Benefit to the Township
  - A. Protect natural features, rural character and open space
  - B. Opportunity for detailed plan review and comment
  - C. Allow uses to be mixed together in new and creative ways
  - D. Provide commonly owned open space that can be managed in the best interest of the community
  - E. PUD criteria typically results in higher quality developments
2. Benefit to the Land Owner
  - A. Value of land is maintained by allowing a density similar to standard zoning districts
  - B. Environmental and unique features of the land can be preserved
  - C. Opportunity to buffer adjacent properties
3. Benefit to the Developer
  - A. Provide flexibility in yard area requirements, structure types, and lot sizes
  - B. Financial returns should equal or exceed those realized with standard zoning
  - C. Flexible design criteria allows developer to customize project to meet current trends
  - D. Possible reduction in development cost through more efficient street layout and less infrastructure

**Section 2. TYPES OF PLANNED UNIT DEVELOPMENTS**

1. Planned Unit Developments may be residential PUDs based upon the uses and development standards of an existing “R” zoning districts, and include the dwelling units allowed in such district, such as detached single-family graduating to multi-unit or group living facilities or combinations thereof.
2. Commercial or Industrial PUD developments may be based on the uses and development standards of the “B-1,” “B-3,” or “M” zoning districts, and include uses such as office parks in campus-like settings.
3. PUDs may also be combinations of residential and commercial or commercial and industrial uses.



**Section 3. SITE AREA REQUIREMENTS**

1. Residential PUDs must be at least 10 acres
2. Residential PUDs between 10 and 25 acres
  - A. R-1 and or R-2 Single-Family detached units can constitute 100% of the housing types within a Residential PUD or
  - B. R-3 and or R-4 Multi-family, two-family, or single-family units can constitute 100% of the housing types within a Residential PUD or
  - C. Any combination of residential housing types
3. Residential PUDs between 25 and 100 acres
  - A. R-1 and or R-2 Single-Family detached units shall constitute at least 65% of the housing types within a Residential PUD
  - B. R-3 and or R-4 Multi-family, two-family, or single-family units shall not constitute more than 35% of the housing types within a Residential PUD
4. Residential PUDs over 100 acres
  - A. R-1 and or R-2 Single-Family detached units shall constitute at least 75% of the housing types within a Residential PUD
  - B. R-3 and or R-4 Multi-family, two-family, or single-family units shall not constitute more than 25% of the housing types within a Residential PUD
5. Commercial PUDs must be at least five acres
6. Mixed Residential and Commercial PUDs must be at least thirty three (33) acres, where:
  - A. The commercial facilities which are part of such combination development shall be devoted primarily to the convenience and service of the PUD population.
  - B. No such commercial area shall exceed one (1) acre of commercial area for each thirty-two (32) acres of residential area in the plan.
7. Industrial PUDs must be at least twenty-five (25) acres.
8. Mixed Commercial and Industrial PUDs must be at least twenty-five (25) acres.

**Section 4. DEVELOPMENT STANDARDS**

1. Development Standard Requirements for all PUDs
  - A. A Market study or other evidence satisfactory to the Commission shall demonstrate a need for the proposed development;
  - B. All PUD developments must be served by central public water and sewer facilities. Individual sewage disposal and/or water supply shall not be permitted.
  - C. All right-of-way in a PUD cul-de-sac shall extend ten (10) feet beyond the edge of the pavement.
  - D. All utilities shall be placed underground.
  - E. Setbacks are measured from a structures foundation. Bay windows, eaves, hanging chimneys, etc. may encroach into the setback area.
  - F. No new lots shall be created without a plat.
  - G. The minimum setback from a proposed PUD perimeter boundary not located along an existing public street shall be equal to the appropriate setback of the zoning district associated with the PUD or an adjacent zoning district, whichever is greater.
  - H. Additional Setback: Zoning Commission shall have the discretion to require a developer of a PUD to provide additional setback from an existing street. The additional setback shall be of such a distance so as to not impose the new development on the existing character of the corridor. The area within an additional setback may be considered in the restricted open space calculations.

2. Development Standards Requirements for All Residential PUDs

- A. When the creation of new lots is proposed, such lots shall be of sufficient size and shape to accommodate dwelling units in compliance with the setback and lot width requirements of this Section.
- B. Minor subdivisions shall not be permitted in any PUD District.
- C. The minimum lot width of a proposed parcel fronting an existing public street on the perimeter of a proposed PUD shall be equal to the minimum lot width of the zoning district associated with the PUD.
- D. The minimum setback of any proposed structure fronting an existing public street on the perimeter of a proposed PUD shall be equal to the front yard setback of the zoning district associated with the PUD or an adjacent residential zoning district on the same side of the street, whichever is greater.
- E. The minimum lot width of a proposed parcel not located along an existing public street on the perimeter of a PUD may be varied to accommodate the types of residential structures, architectural features, road configuration, and open space requirements proposed in the site design.
- F. Specified perimeter lot width and setback requirements noted above shall not be reduced by variance without the prior approval of the Zoning Commission.
- G. Internal PUD lot widths and internal lot setbacks may be varied to accommodate the types of residential structures, architectural features, subdivision lot and road configuration, and open space requirements proposed in the site design.
- H. If lot widths for single or two family residential lots are varied, the Developer shall enter into an agreement with the Township that the property owners shall be assessed equally for any improvements which may be by assessment.
- I. Architectural Design. In "R" Districts, the design of single and two-family residential structures to be erected in a PUD shall be so varied in placement of windows, entrance-ways, roof design, coloring and height that no structure shall be closer than five lots to another structure substantially similar in design.
- J. Buffer areas: The zoning commission shall have the discretion to require the developer of a Residential PUD to develop buffer areas where the particular location causes the necessity to buffer. The Zoning Commission, when deemed necessary, shall determine the size, location, type and density of buffering.
- K. Protection of natural features: The zoning commission shall have the discretion to require the developer of a Residential PUD to preserve wetlands, woods, specimen trees, steep slopes, and significant views. These areas may be considered a part of the developments restricted open space area.

3. Development Standards for R-1 PUDs

- A. Minimum lot size: 20,000 sf
- B. Net density (maximum not including bonus): 1 du/ac
- C. Minimum lot frontage: 120'
- D. Restricted open space area: 40% of gross site area
- E. Building setbacks: Front: 30', Rear: 50', Side: 15'

4. Development Standards for R-2 PUDs

- A. Minimum lot size: 11,000 sf
- B. Net density (maximum not including bonus): 2 du/ac
- C. Minimum lot frontage: 80 feet
- D. Restricted open space area: 40% of gross site area
- E. Building setbacks: Front: 30', Rear: 50', Side: 15'

5. Development Standards for R-3 PUDs

- A. Minimum lot size:
  - Single-family        9,000 sf
  - Two-family            10,000 sf<sup>1</sup>
  - Multi-family         10 acres
- B. Net density (maximum not including bonus):
  - Single-family        2.25 du/ac
  - Two-family            2.50 du/ac
  - Multi-family         3.00 du/ac
- C. Minimum lot frontage:
  - Single-family        70 feet
  - Two-family            85 feet
  - Multi-family         must have legal frontage
- D. Restricted open space area:            40% of gross site area
- E. Building setbacks:

House Type	Front	Rear	Side
Single Family	25'	30'	10'
Two-Family	25'	30'	10'
Multi-Family	50'	50'	50'

6. Development Standard for R-4 PUDs

- A. Minimum lot size:
  - Single-family        7,500 sf
  - Two-family            10,000 sf
  - Multi-family         10 acres
- B. Net density (maximum not including bonus):
  - Single-family        2.50 du/ac
  - Two-family            2.50 du/ac
  - Multi-family         6.00 du/ac
- C. Minimum lot frontage:
  - Single-family        60 feet
  - Two-family            85 feet
  - Multi-family         must have legal frontage
- D. Restricted open space area:            40% of gross site area

E. Building setbacks:

House Type	Front	Rear	Side
Single Family	27'	30'	10'
Two-Family	25'	30'	10'
Multi-Family	50'	50'	50'

F. Detached single-family dwellings developed as part of a condominium shall be permitted, and shall be laid out as if there were lots and using the following criteria:

1. Rear yard minimum setbacks: 20'
2. Front yard minimum setback' 25'
3. Side yard setback 10'
4. Lot width minimum: 60'
5. A detached garage may be located in the rear serviced by a private alley if approved by the County.
6. Garage setback from alley (if approved by County) 16'

7. Development Standard Requirements for mixed Residential-Commercial PUDs.

- A. Multiple residential districts may be permitted in Mixed Residential-Commercial PUDs pursuant to the following:
  1. The size (in acres) and type of each residential district shall be defined on the Preliminary Development Plan,
  2. The development standards stated in this Article apply to each residential district,
  3. The restricted open space area requirement shall be calculated from the gross site area (including the commercial area(s)) and distributed throughout the project in a planned and thoughtful manner consistent with Section 6.
  4. The net density for a Mixed-Residential PUD shall not exceed 2.75 du/ac.
- B. The commercial portion of a proposed mixed residential-commercial PUD shall follow the "B-1" District requirements pursuant to Article VIII (Development Standards) and Section 4.8.

8. Development Standard Requirements for all Commercial PUDs.

- A. Commercial buildings and establishments shall be planned as groups with integrated and harmonious designs having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations and intersections with main thoroughfares.
- B. Open Space Requirement.  
A Commercial PUD shall not have a minimum open space requirement, but creative PUD site design shall be required to preserve unique natural features, develop pedestrian connectivity to existing or future adjacent residential areas, and provide additional landscaping treatments to visually enhance areas visible from the public right-of-way and adjacent residential areas.
- C. In planning these groups of buildings or establishments, no yard space will be required between uses within the groups; however, the yard requirements must be observed at the edge of the complete development.
- D. Planting screens or fences may be required by the Zoning Commission.
- E. The plan of the project shall provide for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the developer as well as from the standpoint of the adjoining and surrounding existing or potential developments.
- F. Off street parking and loading requirements shall be observed as required; however, group parking is recommended so long as the number of spaces provided is equal to the required number of spaces required for each use to be developed.

- G. Commercial PUD developments adjoining or adjacent to a residential area shall be complementary to the residential area.
    - 1. Commercial PUDs shall consist of low intensity uses providing convenience, products and/or services to neighboring residents and the surrounding area.
    - 2. The type of service and/or products dispensed, maximum hours of operation, approximate number of employees, signs, lighting, service and waste disposal facilities, parking, set-backs, screening, fencing and such other similar and related duties and facilities as may be required by the Zoning Commission shall be provided by the applicant and may be made part of the plan by the Commission.
    - 3. Such development shall be so located and designed so that it will not introduce outside commercial traffic into interior residential areas.
9. Development Standard Requirements for all Industrial PUDs
- A. Industrial uses and parcels shall be developed in park-like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas or dock and/or outdoor storage of raw materials or products.
  - B. Open Space Requirement. An Industrial PUD shall not have a minimum open space requirement, but creative PUD site design shall be required to preserve unique natural features and provide additional landscaping treatments to visually enhance areas visible from the public right-of-way and adjacent residential areas.
  - C. A planned industrial area shall provide for the harmony of buildings and a compact grouping or groupings in order to economize in the provision of such utility services as are required.
  - D. Perimeter Setback. No building shall be less than seventy-five (75) feet from any boundary of the tract on which the office, research, or industrial development is located.
  - E. Thoroughfares shall be kept to a minimum throughout a planned industrial area in order that those thoroughfares which are constructed may be built to the highest possible standards.
  - F. Certain types of commercial uses, such as a restaurant, central secretarial or stenographic pool, or other business service type uses, repair services, or clinics which form a small commercial center to serve the needs of the industries or their personnel, may be permitted in a planned industrial area.
  - G. Off-street parking and loading areas shall conform to the provisions of this resolution.
  - H. All intervening spaces between the street pavement and the right-of-way line and intervening spaces between buildings, drives, parking areas and improved areas shall be landscaped and properly maintained at all times.
  - I. Industrial PUD developments adjoining or adjacent to a residential area shall be complementary to the residential area.
    - 1. The type of service and/or products dispensed, maximum hours of operation, approximate number of employees, signs, lighting, service and waste disposal facilities, parking, set-backs, screening, fencing and such other similar and related duties and facilities as may be required by the Zoning Commission shall be provided by the applicant and may be made part of the plan by the Commission.
    - 2. Such development shall be so located and designed so that it will not introduce outside commercial traffic into interior residential areas.
    - 3. The maximum allowable dwelling units on a Residential PUD shall be determined by the preparation of a yield plan or use of a Dwelling Unit Formula.

**Section 5. DENSITY DETERMINATION FOR RESIDENTIAL PUDS**1. Yield Plan

The yield plan is a subjective sketch of the potential conventional subdivision that could otherwise be developed on the site in compliance with the Township zoning and County Subdivision Regulations. The number of units “yielded” through the plan becomes the basis for determining the equivalent number of units that can be permitted in a Residential PUD. The yield plan shall include:

- A. The name, address, and phone number of professional surveyor or professional engineer who prepared the drawing with appropriate numbers and seals;
- B. Location of proposed development
- C. Aerial photograph of site area
- D. Source of boundary information. Such as county auditor or professional surveyor
- E. Topographic contours no greater than five-foot intervals.
- F. Location, widths, and names of all existing or prior platted streets or other public right-of-ways, railroad rights-of-way, easements, parks, permanent buildings and structures, and township, section, and corporation lines, within or adjacent to the tract;
- G. Location of wooded areas, water bodies, water courses, drainage patterns, floodways, floodplains, and a good faith effort to identify other potentially un-buildable areas;
- H. Where an existing water course, channel, stream, or creek is proposed to be disturbed, the proposed location of such water course shall be shown;
- I. Location and dimension of each lot and or building envelopes, to indicate where buildings shall be located,
- J. Setback lines (a note listing setback dimensions may be added in lieu of showing setback lines if the plan will be made more legible);
- K. Conceptual plan for commercial and industrial development, showing proposed parking areas and streets
- L. Location and approximate size of all present and proposed storm water drainage facilities per county requirements.

2. Dwelling Unit Formula:

The following formula is an objective calculation based on the density requirements and resulting in a specific maximum allowable number of units permitted on the site.

$$(\text{Net Site Area}) \times (\text{Density} + \text{Density Bonus}) = \text{Maximum Allowable Units}$$

- A. Net Site Area (NSA). NSA is determined by deducting un-buildable area from the site's gross area. Un-buildable area includes:
  - 1. Existing or designated future Right-of-Ways
  - 2. Existing conservation easements
  - 3. Existing utility easements (such as gas and electric)
  - 4. Existing bodies of water (1 acre or more)
  - 5. Existing mapped floodways
  - 6. Others areas classified as un-buildable
  - 7. Un-mitigated wetland areas
- B. Density: See Gross Density in Development Standards for each proposed district.
- C. Density Bonus: At the sole option of the Zoning Commission, a bonus of additional housing units is allowed when restricted open space is made available for general public use and off-street parking equivalent to one (1) percent of such land area is provided for the public. For every whole acre of land devoted to walking/biking trails, equestrian trails, park areas or other quality open space that is also available for general public use, up to one additional housing unit per acre may be added to the overall density, provided however, that overall density does not increase by more than fifteen percent (15%) beyond the net density allowed per district.
- D. If the above formula produces a fractional value, the number shall be rounded up to the nearest whole number.
- E. The following calculations must be included with the application for Residential PUDs and for each residential district within a Mixed Residential-Commercial PUD.

<b>a. Gross Site Area</b>		_____ acres
<b>Un-Buildable Area</b>		
b. Existing or designated future Right-of-Ways	_____	acres
c. Existing conservation easements	_____	acres
d. Existing utility easements (such as gas and electric)	_____	acres
e. Existing bodies of water (1 acre or more)	_____	acres
f. Existing mapped floodways	_____	acres
g. Other areas classified as un-buildable	_____	acres
h. Un-mitigated wetland areas	_____	acres
<b>i. Un-Buildable Area</b> (add b thru h)		_____ acres
<b>j. NET SITE AREA</b> (subtract i from a)		_____ acres
k. Density	_____	du/ac
l. Density Bonus (enter 0 if does not apply)	_____	du/ac
m. Allowable Density (k plus l)	_____	du/ac
<b>n. MAXIMUM ALLOWABLE UNITS</b> (multiply m with j)		_____ UNITS

## Section 6. RESTRICTED OPEN SPACE

The following open space requirements shall apply to Residential PUDs or the residential portion of a mixed Residential-Commercial PUD.

1. Location
  - A. Every property in the PUD shall be designed to have suitable access directly to the required open space. Where direct access is not possible, the developer shall provide direct pedestrian linkages between properties to ensure that access is readily available to all users.
  - B. Restricted open space shall have maximum connectivity and substantial circulation linkages to other open space resources in the development as well as substantial linkages to outside destinations, such as public parks, playgrounds, schools, shopping facilities, municipal centers, etc., to increase recreation and transportation options.
2. Restricted Open Space Criteria
  - A. Open space can include farmland, homestead buffers, community parks and nature preserves, active or passive recreation areas, wetland preserves, meadows, woodlots, scenic viewsheds, and connective trails to other public or private locations outside the development. Areas designated for restricted open space may be preserved in its natural state.
    1. The design and layout of the development should conserve, maintain, and incorporate significant wildlife habitats in existing wooded areas, meadows, and hedgerows and tree lines between fields or meadows.
    2. Restricted open space should retain or incorporate native vegetation and integrate native plant materials selected from Oak Opening plant species recommended by the Wood County Park District to reduce visual impact or heighten visual interest.
    3. Buildings should be located to ensure that scenic views and vistas are unblocked or uninterrupted.
    4. Farmland that satisfies the USDA definition of "prime" or "locally unique" farmland should be conserved.
    5. The Zoning Commission may require additional buffering, screening, and setbacks where it is determined that farm, commercial, or industrial operations, or other land uses are not compatible with the parcel size, access, or configuration or where the amount and proximity of the development raises concerns about dust, noise, light, and traffic conflicts.
    6. Any restricted open space intended to be devoted to recreational activities shall be of a usable size and shape for the intended purposes. No more than twenty-five (25) percent of restricted open space should be used for active recreation pursuits and areas used for active recreation shall not dominate the natural features of a site. Examples of active recreation facilities include golf courses, tennis courts, swimming pools, basketball courts, and baseball and soccer fields.
    7. Area designated for the construction of man-made lakes, ponds, riparian areas, dry basins or wetlands used for wastewater settling ponds, or stormwater facilities shall not be considered in the restricted open space calculations
    8. Lakes that are not used for wastewater settling or stormwater facilities may be included in the restricted open space calculation if they do not exceed more than 50% required restricted open space area, and landscaped and maintenance commitments are clearly identified. Landscaping for such facilities may include shade and evergreen trees, shrubs, thick brush, and other native vegetation.
    9. In order to encourage the creation of large areas of contiguous open space, areas that shall not be considered restricted open space include:



10. Public rights-of-way and private roads;
  - a) Parking areas, accessways, and driveways;
  - b) Required building setbacks and minimum building spacing area;
  - c) A minimum buffer of fifteen (15) feet between buildings and required open space;
  - d) Other small fragmented open space areas
3. Ownership
  - A. Restricted open space land or recreational facilities shall be held in corporate ownership by the owners of the project area building sites through a homeowner association, community association, condominium association, or some other similar legal entity, as regulated by the Ohio Revised Code.
  - B. A homeowner or community association shall be an Ohio nonprofit corporation. A condominium association shall be either an unincorporated association or an Ohio nonprofit corporation. The property owner's association shall operate with financial subsidization by the developer before the sale of any lots within the development.
  - C. The developer shall incorporate into the Articles of Incorporation and either the Code of Regulations (for a homeowner or community association) or the Bylaws (for a condominium association) protective covenants and/or deed restrictions, a clause:
    1. Mandating membership in the property owner's association and giving an interest in such land to each owner who buys property within the development;
    2. The association shall be required to provide notice to the Zoning Inspector upon proposed or actual amendment of the development plan, the association's declaration, articles of incorporation and either code of regulations or equivalent filed document (for a homeowners' or community association or bylaws for a Condominium Association);
    3. The association shall not be authorized to allow its dissolution or the sale, transfer or other disposal of any restricted open space in the common area without:
      - a) an affirmative vote of seventy-five (75) percent of its members;
      - b) having established a successor entity to take over said property pursuant to the Zoning Resolution; and
      - c) the approval of the Board of Township Trustees;
    4. The association shall be responsible for maintenance, control, and insurance of common areas, including the required open space, if owned by the association;
    5. The association shall be authorized to impose assessments on members for the maintenance, control and insurance of common areas, and have the power to place liens against individual properties for failure to pay assessments either as provided for by statute (Condominium Association) or as specified in the association's declaration, code of regulations or equivalent filed document (Homeowners' Association et al);
    6. The Association shall have the authority to adopt and enforce reasonable rules and regulations governing the use of, and payment of assessments for maintenance, control and insurance of, common areas;
    7. The restricted open space shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township and duly recorded in the office of the Recorder of Deeds of Wood County.
    8. Requiring deed restrictions shall be drawn to subject the owners in fee, and all leases or others holding, thereunder, to the requirements of the Planned Unit Development by reference thereto;
    9. And shall provide further that any resident or owner of property in or adjoining the Planned Unit Development, or the Township, may enforce such requirements by injunction or other appropriate legal remedy.

- D. As an alternate to a property owner's association, the developer may (under conditions suitable to the township and in accordance with the provisions of ORC §5301.67-70) deed the land or grant a conservation easement to any of the entities listed in ORC §5301.68, such as to the township or a land trust, which shall maintain the restricted open space in lieu of a property owner's association. The conveyance shall contain appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under ORC 5301.68 in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.
4. Maintenance
- A. Maintenance shall involve insurance, security, enforcement of encroachments, development of trails, natural resource protection of soils through erosion controls, and preservation and improvements of riparian areas, woodlands, ecologically sensitive areas, and wildlife.
- B. Any area within the restricted open space that is disturbed during construction or otherwise not preserved in its natural state, shall be landscaped with vegetation that is compatible with the natural characteristics of the site.
- C. Open space areas consisting of properly planned and tended natural meadows of native grass areas should be excluded from any Township weed laws which could result in the mowing of these areas.

### **Section 7. FINANCIAL ABILITY TO PROCEED**

The proponents of the development shall satisfactorily guarantee a financial ability to complete the proposed project. Construction shall begin within one (1) year of the necessary zoning approval and the project shall be completed within a reasonable time as determined by the Commission.

### **Section 8. PROCEDURE**

#### 1. Overview

Property proposed to be developed as a PUD must be rezoned to a PUD District pursuant to Article XVII (District Changes and Resolution Amendment). Upon the approval of the rezoning of the site to a PUD District, the Official Township Zoning Map shall be amended to designate the property "PUD" preceded by the name of the conventional zoning district upon which standards it is based (e.g., "R-1 PUD"). At the option of the applicant, the rezoning to a PUD District may be concurrent with review of the PUD Development Plan. Plans may include the proposal to phase construction of the PUD development. Final Development Plans must be administratively approved by the Zoning Commission before the Zoning Inspector may issue a Zoning Certificate.

#### 2. Informal Review

It is recommended that prior to going to the expense of preparing and submitting a detailed PUD Development Plan review application for approval, a prospective applicant should hold an informal review with the Zoning Inspector and Zoning Commission.

- A. The purpose is to discuss early and informally with the applicant the intent and effect of these zoning regulations and the criteria and standards contained within.
- B. To aid the discussion, the Applicant should prepare a discussion plan, drawn approximately to scale, showing the relationship of the development to surrounding properties, locations of buildings and parking areas, an internal circulation pattern, proposed sizes of buildings, and proposed uses to be included in the development.
- C. Requests for informal review by the Zoning Commission that are made at least seven (7) days prior to the next meeting of the Zoning Commission will be placed on the agenda of such meeting.
- D. No action shall be taken at such a meeting and any discussions, opinions, suggestions, or recommendations discussed at the Informal Review shall not be relied upon by the applicant to indicate subsequent approval or disapproval of the plan.

### 3. Preliminary Development Plan

An application for Preliminary Plan PUD review shall include the requirements listed in Section 8.6 (Requirements of the Preliminary Development Plan) for the use and development of all of the tract of land for residential, commercial, industrial and allied purpose. The application shall be filed with the Zoning Inspector by the landowner, a group of owners of the land acting jointly, or a development team member acting on behalf of and with the full consent of the owner.

- A. Once the application is deemed complete, the Preliminary Development Plan shall be referred to the Township Zoning Commission and the County Planning Commission for study, public hearings, and report. Procedures and notice provision for such public hearings shall conform to the procedures prescribed in Article XVII (District Changes and Resolution Amendments).
- B. Following the public hearing and upon determination by the Zoning Commission that the proposed PUD project as shown by the Preliminary Development Plan conforms to this Article and all other applicable provisions of this Resolution, the Zoning Commission shall recommend approval to the Board of Trustees. Upon finding the Development Plan does not conform to this Article and all other applicable provisions of this Resolution, the Zoning Commission shall recommend approval with modifications, or denial of the application to the Board of Trustees. Where an application contains a concurrent application for a change of zoning districts, the Zoning Commission shall make separate recommendations for both the zoning change and the Development Plan.

### 4. Amendments to the Preliminary Development Plan

After approval of the Preliminary or Final Development Plan by the Zoning Commission and Board of Trustees, adjustments or rearrangements of lots, yards, buildings or structures, parking areas, driveways, streets, or entrances shall require resubmission of the Preliminary or Final Development Plan for re-approval.

- A. Minor changes or revisions to an approved PUD may be made by the Zoning Commission for the following:
  1. Adjustments to lot configuration without increasing the number of lots originally submitted;
  2. Adjustments to the size and location of buildings, swimming pools, and other on site structures as long as:
    - a) There is no increase in the number of units over and above those that the plan covers;
    - b) There are no material encroachments into the established setback areas;
    - c) There are no material encroachments to the designated parking areas to the extent that would necessitate an alteration in the layout of the access drives or provisions for additional parking spaces; and
    - d) A large building mass is not created either through an increase in height or length that would magnify the effect of the development on the adjoining areas.
  3. Alterations to the proposed drives and/or parking areas as long as they do not encroach materially into building or specified recreation areas.
  4. Adjustments in the size and location of development identification signs.
- B. A major change is any change that does not meet the criteria under Subparagraph 6.4.1 above, and constitutes a significant alteration in the basic plan design or result in a use different from those originally intended. A major change shall require consideration and processing the same as a zoning change by the Zoning Commission and Board of Trustees, initiated in accordance to Article XVII (District Changes and Resolution Amendments).

### 5. Final Development Review

- A. Upon receipt of approval of a zoning change, the applicant shall have one (1) year to prepare and submit a Final Development Plan application to the Zoning Inspector containing the requirements listed in Paragraph 8.7 (Requirements of the Final Development Plan), which

plan shall incorporate any changes or modifications to the Preliminary Plan required by the Board of Trustees.

- B. An application for Final Development Review shall be required for each phase of development.
- C. If the Final Development Plan is found to comply with the Preliminary Plan approved by the Board of Trustees and the requirements set forth in this Article and other applicable provisions of this Resolution, the Zoning Commission shall approve the Final Development Plan and instruct the Zoning Inspector to issue a zoning certificate to the applicant for the construction of the proposed PUD.

6. Requirements of the Preliminary Development Plan

The applicant for the PUD shall submit twelve (12) copies of the proposed Preliminary Plan and the applicable fee (as established by separate resolution of the Township Trustees) to the Zoning Inspector along with the required application. The content of the Preliminary Plan shall include a preliminary drawing submitted at a scale between one hundred (100) feet to the inch and ten (10) feet to the inch on one or more sheets 24"X 36" or 18"X 24" in size, clearly and legibly drawn, containing at least the following information:

A. Identification Notes, as follows:

- 1. The name, address, and phone number of the applicant, professional surveyor or professional engineer who prepared the drawing with appropriate numbers and seals;
- 2. Proposed name of the subdivision, location by section, range, township or other survey;
- 3. Date of survey, scale of the drawing shown graphically, north point, and legend; and
- 4. Vicinity map at a scale of four hundred (400) feet to the inch or less.

B. Delineation shall include but is not limited to the following:

- 1. Boundary line of proposed PUD indicated by a solid heavy line, indicating acreage;
- 2. Name of adjacent subdivisions, owners of adjoining parcels, and boundary lines and acreage of adjacent tracts of un-subdivided and subdivided land, showing owners of tracts greater than one (1) acre, extended to 200 feet beyond the boundary of the subdivision;
- 3. Topographic contours referenced to USGS Datum or Wood County Benchmark with intervals no greater than two (2) feet at five (5) percent slope, no greater than five (5) feet for slopes over five (5) percent and less than or equal to fifteen (15) percent, and no greater than ten (10) feet for slopes greater than fifteen (15) percent;
- 4. Topographic features within and adjacent to the plat for a minimum distance of 200 feet unless access to adjacent property has been denied the professional surveyor.
- 5. Location, widths, and names of all existing or prior platted streets or other public right-of-ways, railroad rights-of-way, easements, parks, permanent buildings and structures, and township, section, and corporation lines, within or adjacent to the tract;
- 6. Location of wooded areas, water bodies, water courses, drainage patterns, floodways, floodplains, and a good faith effort to identify other potentially hazardous areas;
  - a) Where an existing water course, channel, stream, or creek is proposed to be disturbed, the proposed location of such water course shall be shown;
  - b) Estimated flood elevations for high water level shall be determined by the developer's engineer in areas where such information has not been made available from other sources;
- 7. A good faith effort to identify the location of environmentally sensitive areas;
- 8. A good faith effort to identify the soil types, derived from the USDA Soil Survey;
- 9. Known cemeteries, historical or archeological sites;

10. A good faith effort to identify the layout, number, dimensions of each lot, the maximum parameters, or building envelopes, to indicate where buildings shall be located, and setback lines (a note listing setback dimensions may be added in lieu of showing setback lines if the plan will be made more legible);
  11. Statements of proposed use of lots, giving type and number of dwelling units and/or type of business or industry;
  12. Conceptual plan for commercial and industrial development, showing proposed parking, loading areas, alleys, pedestrian walkways, streets, points of vehicular ingress/egress to the development and landscape features;
  13. Parcels of land reserved for public use or reserved by covenant for residents of the PUD;
  14. Point of ingress/egress or driveway locations and the distance to any existing driveway(s);
  15. A drawing of all present and proposed grades and facilities for storm water drainage in cases where natural drainage is altered;
  16. Type of water supply and wastewater disposal proposed, approximate locations and dimensions of all proposed utilities and sewer lines, easements, drainage tiles, water mains, culverts, or other underground utilities within the tract or adjacent thereto;
  17. A schedule outlining the order of development of each section or phase of the PUD.
- C. Additional Information for the Preliminary Plan, such as the following, may be requested during the Preliminary Plan review or required during review and approval of applications:
1. A feasibility study on sewer and water facilities for land developments of two or more dwelling units per acre;
  2. Screening, buffering and/or noise abatement measures;
  3. Other information, studies, items, or provisions deemed necessary or prudent to meet the requirements of this Zoning Resolution and to promote the public health, safety, convenience, comfort, prosperity, and general welfare.
7. Requirements of the Final Development Plan  
The applicant for a PUD shall submit twelve (12) copies of the proposed Final Plan to the Zoning Inspector along with the required application. The following list of technical requirements shall be satisfied in order for the Zoning Commission to approve the Final Plan:
- A. All requirements indicated for Preliminary Plan PUD review in Section 8.6 as modified below
  - B. Final Plan delineation shall:
    1. Comply with limits with the Minimum Standards for Boundary Surveys in the State of Ohio and the measurement specifications as contained in Chapter 4733-37 of the Ohio Administrative Code;
    2. Be based on accurate traverse, with angular and linear dimensions determined by an accurate control survey in the field.
    3. Determine boundaries by an accurate survey in the field which will be balanced and closed with an error of closure not to exceed one (1) to then thousand (10,000);
    4. Indicate all lot lines with accurate dimensions in hundredths of a foot and bearings measured to thirty (30) seconds, indicating area in acres;
    5. Contain true bearings and distances to at least three (3) of the nearest established street lines of official monuments which shall be accurately described on the Final Plan.
    6. Indicate radii, internal angles, points of curvature, tangent bearings, length of arcs, and lengths and bearing of chords of all streets;
    7. Include survey computation sheets;
    8. Be drawn and signed in black opaque ink;
    9. Contain a certification by a registered surveyor to the effect the Final Plan represents a survey made by him and that the monuments shown thereon exist as located and that all geodetic details are correct.

- C. Accurate survey and legal description of the boundaries of the proposed development site;
- D. A statement or table indicating total acreage for the development site, as well as total acreage devoted to lots, street right-of-way, open space, easements, and various development types;
- E. A specific description of permitted, conditionally permitted, and accessory uses to be allowed in each area of the development;
- F. Accurate locations and dimensions of all lots, setbacks (a note listing setback dimensions may be added in lieu of showing setback lines if the drawing will be made more legible), and building envelopes.
- G. Accurate locations of areas to be dedicated or reserved for public or common use of property owners within the PUD, with the purpose indicated thereon. A copy of proposed deed restrictions, restrictive covenants, and other notes, items, restrictions, or provisions required by these Regulations, the Wood County Planning Commission, the County Engineer, or other authority shall be attached;
- H. The exact location, width, and names of all interior streets proposed for the development and adjoining streets, and the exact location and widths of all alleys and cross-walks. The applicant shall check with the proper county officials to ensure proposed street names do not duplicate that of any other street;
- I. Exact locations and dimensions of all easements for rights-of-ways provided for public services or utilities, with wording addressing the purpose of such easements or rights-of-way and accompanying letter(s) from the electric and/or gas company indicating that all necessary energy easements have been obtained or are being negotiated;
- J. Final drawings of sewer and water facilities as well as street and drainage systems, with direction of flow indicated;
- K. Landscaping plan for all buffers and other common areas.
- L. Layout and dimensions of all parking and loading areas along with an indication of what they are to be built to serve.
- M. A description of the expected timing of the development with phasing.
  - 1. The applicant is also required to submit a project narrative describing the following items:
  - 2. Terms and conditions under which the property will be maintained subsequent to the development.
  - 3. A description of the objectives to be achieved by the development concept but not limited to:
    - a) The manner in which the proposed development meets or exceeds the intent of the PUD district;
    - b) Architectural and site design guidelines to apply throughout the development, including style, colors, and types of materials, placement of structures to maximize views, and take advantage of the site's natural character;
  - 4. A letter from the permitting agency indicating that a driveway permit has been issued or will be issued by the office of the county engineer or Ohio Department of Transportation on existing roads;
- N. In addition to the above, the Township may require additional information, including environmental impact studies and archaeological surveys prepared by appropriate professionals to document the impacts of the development and to address potential mitigation measures.

- O. The applicant shall be responsible for all outside expenses incurred by the Township in reviewing final development plans. Such expenses are beyond application fees established by the Township and may include professional service fees incurred in connection with reviewing the submitted plans, such as legal expenses or fees from other professionals such as engineers, landscape architects, planners, or environmental scientists. These fees shall not exceed \$5,000, unless otherwise negotiated between Middleton Township and the developer/owner of such property. Funds for the estimated cost of such reviews or studies shall be placed on deposit with the Township Board of Trustees.

# ARTICLE XIII ALTERNATIVE ENERGY REGULATIONS

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<p><b>Section 1. PURPOSE</b></p> <p><b>Section 2. DEFINITIONS</b></p> <p><b>Section 3. PERMITS</b></p>	<p><b>Section 4. WIND TURBINE REGULATIONS</b></p> <p><b>Section 5. SOLAR PANEL REGULATIONS</b></p>
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**Section 1. PURPOSE**

Middleton Township recognizes the importance of clean, sustainable and renewable energy sources. To that end, Middleton Township permits the use of these alternative energy systems, wind turbines and solar panels; under the following regulations to ensure the safety and welfare of all township residents is met.

1. Protect residential and agricultural areas from potential adverse impact of alternative energy systems;
2. Permit alternative energy systems 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 alternative energy systems; and
4. Avoid potential damage to real and personal property from alternative energy systems or the failure of such structures and related operations.

**Section 2. DEFINITIONS**

For purposes of the regulation of use of alternative energy systems, the following definitions and phrases are used in this article and are also defined in Article XVIII.

- **Accessory Structures:** Structures such as sheds, storage sheds, pool houses, unattached garages, and barns.
- **Alternative Energy:** Energy, such as wind or solar energy that can replace or supplement fossil-fuel sources, such as coal, oil, and natural gas.
- **Anemometer:** An instrument that, measures the force and direction of the wind.
- **Clear Fall Zone:** An area surrounding a 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 habitable structures, and will not intrude onto a neighboring property.
- **Cowling:** A streamlined removable metal housing that covers the turbine’s nacelle.
- **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.
- **Nacelle:** A separate streamlined metal enclosure that covers the essential mechanical components of the turbine.



- 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.
- Professional Engineer. A qualified individual who is licensed as a Professional Engineer in the State of Ohio.
- Solar Panel: A panel containing solar cells or absorbing plates that convert the sun's radiation into energy for use in providing electricity or heating to buildings or structures.
- Solar Panel Array: A single panel or group of connected panels, including an attached mounting system. A solar panel array may be installed on a building or structure, or on a free standing support system as defined in Article XIII, Section 2 of this Zoning Resolution.
- Wind Power Turbine Owner. The person or persons who owns the Wind Turbine structure.
- Wind Power Turbine Tower. The support structure to which the turbine and rotor are attached.
- Wind Power Turbine Tower Height. The distance from a rotor blade at its highest point to natural undisturbed grade level of a wind turbine tower foundation.

### **Section 3. PERMITS**

1. A zoning permit shall be required before construction can commence on an alternative energy system.
2. As part of the permit process, for a wind turbine, 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 any other private or public airport.
3. Applicant shall then provide the Township Zoning Inspector with the following items and or information when applying for a permit.
  - A. Location of all public and private airports in relation to the location of the alternative energy system, as well as any applicable FAA restrictions that may be applicable to either wind turbines or solar panel array.
  - B. An engineering report that shows:
    1. The total size and height of the unit, system or array.
    2. The total size and depth on the unit's concrete mounting pad.
    3. A list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection.
    4. Data specifying the kilowatt size and generating capacity of the particular unit.
    5. If a turbine, the maximum decibel level of the particular unit. This information must be obtained from the manufacturer of the turbine unit.
  - C. A site drawing showing the location of the unit, system or array in relation to existing structures on the property, roads and other public right of ways, and neighboring properties.
  - D. For turbines, evidence of a "clear fall zone" with manufacturer's recommendation must be attached to the engineering report.
  - E. A maintenance schedule as well as a dismantling plan that outlines how the unit, system, or array will be dismantled, shall be required as part of the permit.

**Section 4. WIND TURBINE REGULATIONS**

1. Wind turbines shall be a permitted use in all districts under the following conditions:
  - A. The maximum height of any turbine shall be 125 feet. Height is defined as distance from a rotor blade at its highest point to natural undisturbed grade level of a Wind Turbine Tower.
  - B. Setbacks: the following shall apply in regards to setbacks.
    1. Any turbine erected on a parcel of land will need to establish a “clear fall zone” from all neighboring property lines, as well as any habitable structures on the parcel intended for the turbine and any overhead utility lines. A turbine will need to be erected and placed in such a manner 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 habitable structures.
    2. Clear Fall Zone shall be a minimum of turbine unit height plus 10 %.
    3. Any turbine erected shall be erected behind the required front yard setback for each district.
  - C. Maintenance  
Wind turbines must be maintained in good working order. Turbines that become inoperable for more than 12 months must be repaired 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.
  - D. Decibel Levels  
All units shall operate within a decibel range not to exceed 70 decibels. This information shall be included in the engineering report described below in Section II 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. If testing of decibel readings becomes necessary, it will be done at Property owner’s expense.
  - E. Wiring and electrical apparatuses:  
All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground.
  - F. Output  
Maximum energy output from a wind turbine or wind turbines is limited to the total electric power requirement of the site on which it is located plus 10%.

**Section 5. SOLAR PANEL REGULATIONS**

1. Solar Panel arrays shall be allowed in all zoning districts either to permitted principal or accessory buildings or as free-standing structures subject to the following conditions:
  - A. Attached to the building. Where attached to the building, solar panel arrays shall be subject to the same regulations as the building in terms of height and setbacks. Solar panel arrays may be attached to the roof or the building wall.
    1. Flush-mounted solar panel arrays installed on a building or structure with a sloped roof surface shall not project more than twelve inches (12") above the peak of the roof to which it is attached.
    2. Solar panel arrays may be mounted on a flat roof in zoning districts B-3, B-4, M-1 and M-2.
  - B. Free-standing solar panel arrays that are not attached to a building shall be permitted subject to the following regulations:
    1. Free-standing solar panel arrays shall not be permitted in the front yard.
    2. Free-standing solar panel arrays shall be set back by a minimum of fifteen feet (15') from all side lot lines and ten feet (10') from the rear lot line.
    3. Free-standing solar panel arrays shall not exceed a height of twenty feet (20').
    4. The ground surface area covered by free-standing solar panel arrays shall be included in the total permitted lot coverage calculations for the lot and not to exceed 40% of maximum available area.
    5. All power transmission lines shall be underground.
  - C. Maintenance  
Solar panel arrays must be maintained in good working order. Panels that become inoperable for more than 12 months must be repaired or 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 solar panel array.
  - D. Glare  
Solar panel arrays shall be placed and arranged such that reflected solar radiation or glare shall not create a hazard or nuisance to adjacent buildings or roadways.
  - E. Output  
Maximum energy output from a solar panel array is limited to the total electric power requirement of the site on which it is located plus 10%.

# ARTICLE XII

## SIGNAGE REGULATIONS

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<p><b>Section 1. PURPOSE OF SIGNAGE REGULATIONS</b></p> <p><b>Section 2. SIGN DEFINITIONS</b></p> <p><b>Section 3. GENERAL SIGN STANDARDS</b></p> <p><b>Section 4. SIGN STANDARDS BY TYPE</b></p> <p><b>Section 5. PERMANENT SIGN STANDARDS</b></p>	<p><b>Section 6. PROHIBITED SIGNS</b></p> <p><b>Section 7. SIGN PERMITS</b></p> <p><b>Section 8. NON-CONFORMING SIGNS</b></p> <p><b>Section 9. MAINTENANCE OF SIGNS</b></p> <p><b>Section 10. ABANDONED SIGNS</b></p> <p><b>ENDNOTES</b></p>
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### Section 1. PURPOSE OF SIGNAGE REGULATIONS

The purpose of this article is to apply a uniform standard for signs and outdoor advertising within Middleton Township in order to protect the public safety, health and welfare. By regulating the use, location and area of signs and outdoor advertising of all types the Township will protect property values, maintain an attractive business climate, promote the safety of motorists, allow for creative and varying sign designs and enhance the Township's appearance.

### Section 2. SIGN DEFINITIONS

The following definitions and phrases are used in this article and are also defined in Article XVIII.

- **Awning:** A canopy or roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window.
- **Banner:** A fabric or other non-rigid material that is not enclosed in a structural frame that is erected for the purpose of attracting the public's attention.
- **Base of Building:** The location along a building wall that comes in contact with the ground.
- **Billboard:** Any sign containing a message that pertains to a person, product or service that is not available at the parcel on which the sign is located.
- **Building Frontage:** The linear portion of a building facing an adjacent street or common parking area.
- **Fluorescent Color:** A colorant that absorbs light energy and reradiates the energy at visible wavelengths producing a reflectance value over 100%.
- **Illumination:** The lighting of an object.
  - **External Illumination:** The lighting of an object from a light source that is not within the object.
  - **Internal Illumination:** The lighting of an object from a light source that is within the object.
- **Logo:** A textual and/or graphic image displayed for the purpose of identifying an establishment, product, goods, services or other message to the general public.
- **Neon Color:** An extremely bright color.
- **Sign:** Any object consisting of a communication in the form of text, or sign copy, designed for the purpose of identifying an establishment, product, goods, services or other message to the general public.
- **Sign Amount:** The quantity of signs on premise.
- **Sign Area:** The entire area (in square feet) within a shape defined by a continuous line having only right angles that enclose the limits of sign copy. Sign structures shall not be included in the sign area measurement.
- **Sign Copy:** Words, letters, numbers, logos, symbols or designs.

- Sign Face: The portion of a sign that displays sign copy.
- Sign Height: The measurement from the location along a sign structure that comes in contact with the ground to the upper most point of the sign. Placing a sign on top of a mound is permitted if the mound is aesthetically incorporated into the sign's composition with elements such as landscaping and retaining walls.
- Sign Setback: The distance from the nearest edge of a sign or sign structure, measured at a vertical line perpendicular to the ground, to the right-of-way or future right-of-way if established prior to the sign's construction.
- Sign Structure: Any portion of a sign constructed to support a sign face.
- Sign, Address: A sign of high-intensity green background with high-intensity white numbers, not to exceed one square foot in area.
- Sign, Awning: Any sign, copy, symbol or logo displayed on an awning.
- Sign, Building Mounted: A sign attached to a building that is visible to the general public.
- Sign, Cantilever: A sign supported on the ground by a pole, not attached to any building, whereas the sign extends away from the primary support structure.
- Sign, Construction: A sign identifying the name(s) of project owners, or those involved in a project being constructed or improved.
- Sign, Directional: A sign erected for the sole purpose of directing vehicle or pedestrian traffic.
- Sign, Freestanding: A self-supporting sign.
- Sign, Monument: A self-supporting sign with a solid base upon which a sign is displayed.
- Sign, Multi-Sign Copy Display: An object containing more than one sign.
- Sign, Off-premise: See Billboard
- Sign, Pole: A sign supported on the ground by a pole that is not attached to any building or other structure.
- Sign, Political: A temporary sign used in connection with local, state or national elections.
- Sign, Portable: A sign that is not permanently affixed to a structure or ground.
- Sign, Real Estate: A sign indicating or directing one to a property that is available for sale, rent, or lease.
- Sign, Roof: A sign located on a roof, or a sign that extends above the roofline of a building.
- Sign, Single-Sign Copy Display: An object containing one sign.
- Sign, Special Event: Any sign used to present information regarding a special event.
- Sign, Subdivision Identification: Any sign used for the purpose of identifying a residential community consisting of condominiums, apartments, mobile homes, and or single-family homes.
- Sign, Subdivision Marketing: Any temporary sign used for the purpose of advertising the sale of platted lots, sale or lease of multi-family units, or available space in a commercial development.
- Sign, Window: Signs that are affixed to a window or are positioned within two (2) feet of the inside of a window so they are visible from the outside.
- Special Structure: Unoccupied buildings typically located at the entrance of a development for the purpose of aesthetics and/or sign display.
- Window Area: The area contained within the boundary of a window. A group of windows may be considered one window if they are on the same building face and are less than six inches apart.
- Zoning Inspector: The person employed by Middleton Township with the title "Zoning Inspector."

### Section 3. GENERAL SIGN STANDARDS

#### 1. Illumination

The following shall apply to the illumination of signs and sign structures:

- A. All signs may be illuminated internally or externally if the source of light is not visible.
- B. Illumination must be arranged to reflect away from adjoining property and or right-of-ways.
- C. Illumination shall not cause a hazard to traffic or conflict with traffic control signs or lights.
- D. Illumination involving movement, or causing the illusion of movement by reason of the lighting arrangement, shall not be permitted. This includes blinking, flashing, or other illuminating devices that have a changing light intensity, brightness or color, and devices that resemble large TV screens.
- E. The intensity or brightness from an illuminated sign shall not create a negative impact on residential properties as determined by the Zoning Inspector.

#### 2. Billboards

- A. Such signs may only be located on a property adjacent to an officially designated state or federal highways.
- B. Such signs shall be set back from the right-of-way at least as far as the required front yard depth for a principal building in such districts. In addition:
  1. For every square foot by which such signs exceed eighty (80) square feet, such setback shall be increased by one-half (1/2) foot but need not exceed a setback of one hundred (100) feet.
  2. Such signs located at the intersection of any state or federal highway with a major or secondary street the setback shall not be less than five hundred (500) feet from the establishment right-of -way of each such highway or street.
  3. Such signs shall not be less than two hundred (200) feet from the intersection of any county or township road with any other public roadway.
  4. Such signs shall not be permitted within 100 feet of a residential lot line.
  5. Such sign shall not be permitted within 500 feet of a residential structure.
  6. Such sign shall not be permitted within 300 feet of a parcel containing any public parkways, public square or entrance to any public park, public or parochial school, library, church, or similar institution.
  7. Such signs are not permitted in areas within the State Route 25 and State Route 582 Overlay Zone.
  8. Such signs shall not exceed 672 sf in area (14' x 48')
  9. Such signs shall not exceed the maximum height permissible in the underlying zoning district. Where no maximum height is specified the maximum height shall be thirty feet (measured from the ground to top of structure)
  10. Such signs are not permitted in any "R" districts.
  11. Only two such signs are allowed per parcel.
  12. Such signs must be at least 1,250' apart.

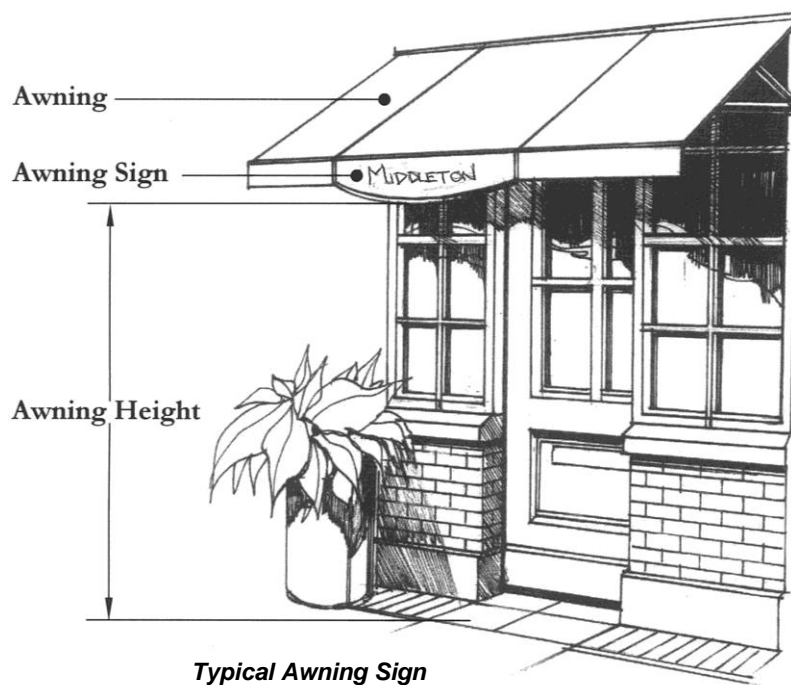
#### 3. Public Areas

- A. No sign shall be permitted to be placed on any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on public property nor over or across any street or public thoroughfare, except as may otherwise be authorized by this Article or as follows:
  1. A blade sign attached to a building may project a maximum of three feet over a public sidewalk, if the lowest part of the sign is at least eight feet above the sidewalk surface.
  2. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.
  3. A bus stop sign erected by a public transit company.

4. Signs of a public utility regarding its poles, lines, pipes, or facilities.
  5. Subdivision identification signs located in a boulevard if it is demonstrated the sign will not adversely obstruct a driver's or pedestrian's view. The placement will be subject to review by the BZA and the County.
  6. Emergency warning signs erected by a governmental agency, a public agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
4. Colors
    - A. No more than five colors may be used per sign.
    - B. For the purpose of this Section, black shall be considered a color.
    - C. Neon and fluorescent colors are prohibited.
  5. Lettering Styles and Sign Coverage
    - A. No more than two letter styles are permitted per sign.
    - B. Letters may not occupy more than 75 percent of any sign face.

**Section 4. SIGN STANDARDS BY TYPE**

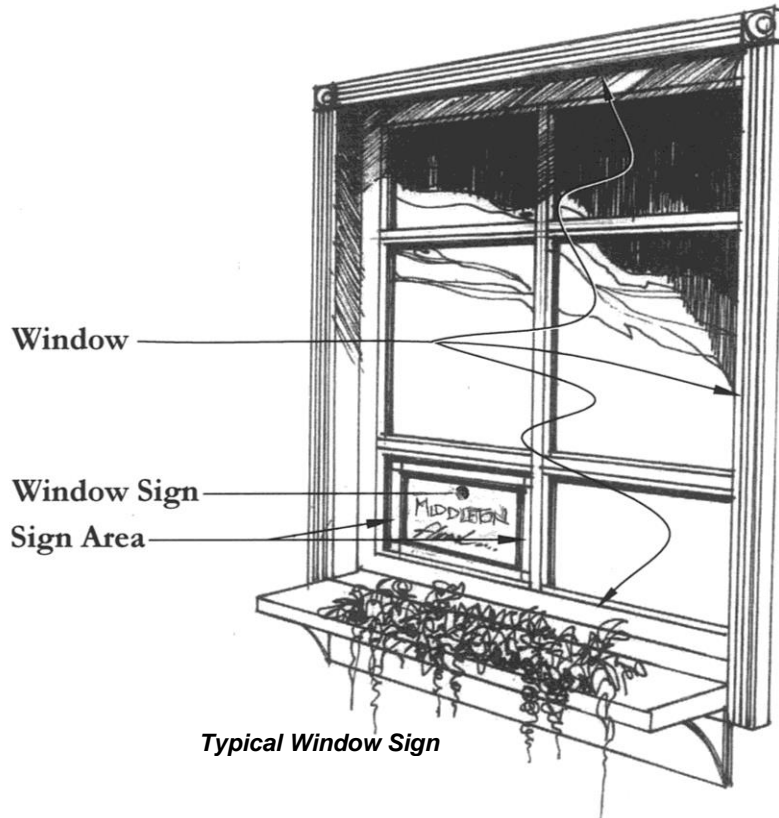
1. Awning Sign
  - A. Awning signs are permitted only as an integral part of the awning to which they are permanently attached.
  - B. No part of the awning sign is allowed to be detached from the awning.
  - C. Awning signs are not permitted in S-1, R-1, R-2, R-3, R-4 or RMH-4.
  - D. Awning signs are not permitted to be internally illuminated. Awnings may be illuminated by a light protruding from the building it resides on if the light is directed downward.
  - E. No structural element of an awning sign shall be located less than eight feet above a public walk. Where no walk is present, not less than seven feet above the base of a building.
  - F. One awning sign is allowed per building frontage. For multi-tenant buildings, one awning sign is allowed per business, per frontage. That is, a building or business may have two awning signs if the business is located at an intersection and fronts two streets.
  - G. A building or tenant may not have both a building mounted sign and an awning sign.
  - H. Awning signs are only permitted over a first floor window and or door.
  - I. Sign copy on an awning sign shall not exceed 12" in height.





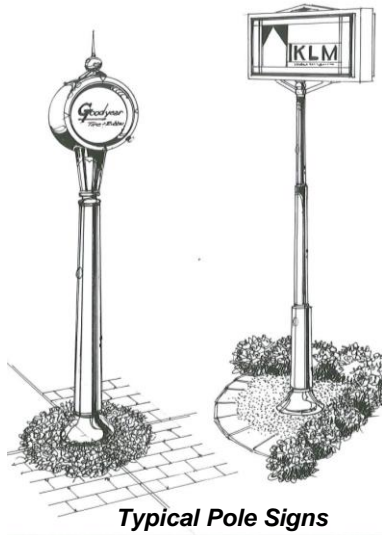
2. Window Signs

- A. Window signs are not permitted in S-1, R-1, R-2, R-3, R-4 or RMH-4.
- B. Any interior sign located within two feet of a window and exposed to public view shall be considered a Window sign.
- C. Window signs are only permitted on a building's first floor.
- D. One window sign is permitted per window.
- E. Sign area cannot exceed 25% of the total window area up to 36 square feet.



3. Pole Sign

- A. Pole sign heights, areas and amounts vary by district. See Section 5.
- B. Pole signs may not be internally illuminated.
- C. Pole signs may be doubled sided
- D. Footing design, inspection and wind-load calculations may be required by the County.

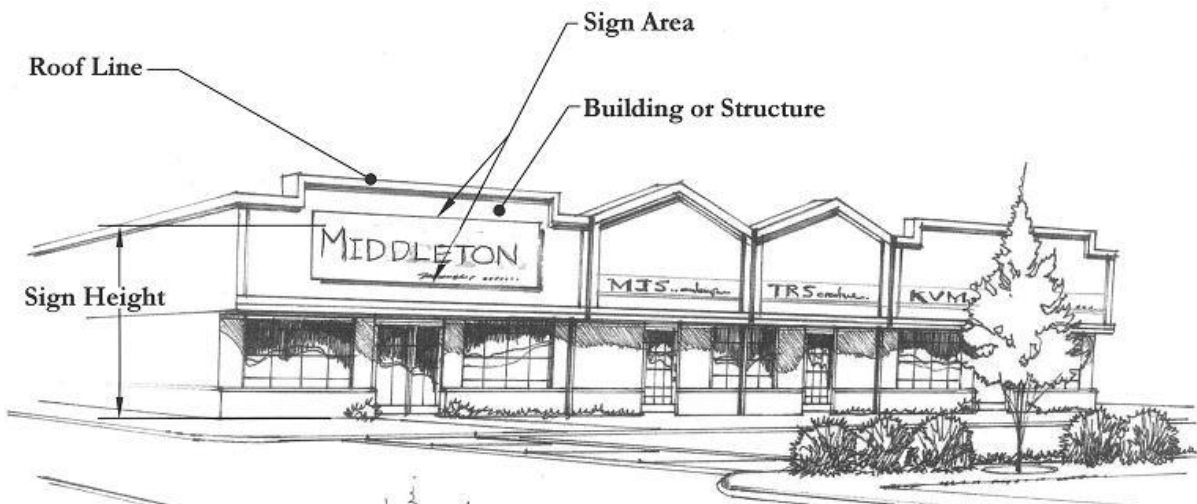


4. Building Mounted Signs

- A. Building mounted signs are not permitted in S-1, R-1, R-2, R-3, R-4 or RMH-4.
- B. The sign copy shall only represent the primary occupant or tenant of the building that the building mounted sign is attached.
- C. One building mounted sign is allowed per building frontage. For multi-tenant buildings, one building mounted sign is allowed per business, per frontage. That is, a building or business may have two building mounted signs if the business is located at an intersection and fronts two streets.
- D. A building or tenant may not have both a building mounted sign and an awning sign.
- E. Building mounted signs shall not project above the edge of the structure upon which it is attached.
- F. Building mounted signs shall not project more than 12" from the structure surface to which it is attached.
- G. The sign area of a building mounted sign shall be determined by multiplying 1.5 by the building frontage upon which the sign will be located; however, the sign area shall not exceed the area indicated in Section 5. For multi-tenant buildings, the portion of a building that is owned or leased by a single tenant shall be considered the "building" and the sign area shall be calculated based on the tenant's building frontage.



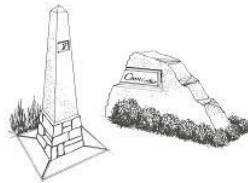
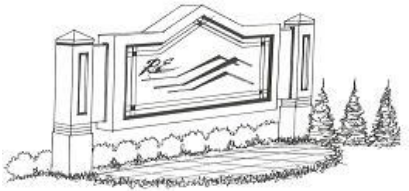
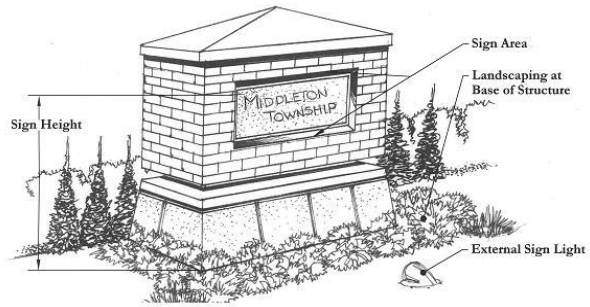
**Typical building mounted sign on a single-tenant building**



**Typical building mounted sign on a multi-tenant building**

5. Monument Sign

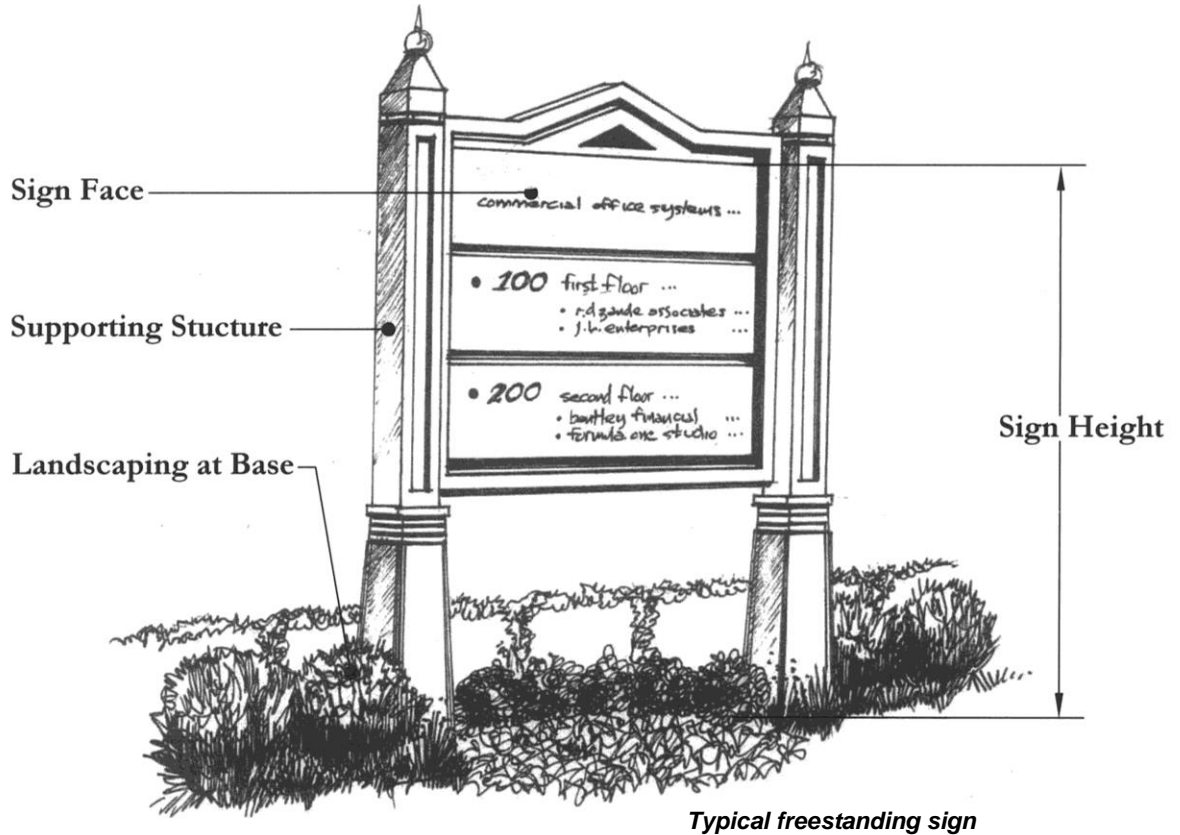
- A. Monument sign heights, areas and amounts vary by district. See Section 5.
- B. Footing design and inspection may be required by the County.



***Monument sign variations***

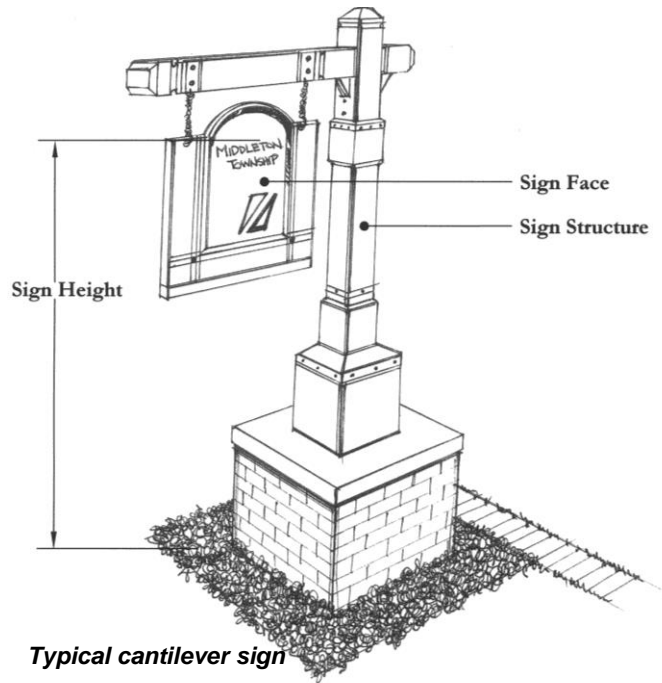
6. Freestanding Signs

- A. Freestanding signs are not permitted in residential districts: S-1, R-1, R-2, R-3, R-4 or RMH-4.
- B. The total sign area, per side, of a freestanding sign shall be determined by multiplying 0.5 by the lot frontage upon which the sign will be located; however, the sign area shall not exceed the area indicated in Section 5.
- C. Such signs are typically used for multi-sign-copy display. For single-sign-copy, cantilever or monument signs are recommended.
- D. Footing design, inspection and wind-load calculations may be required by the County.
- E. The posts of such signs must be aesthetically pleasing.



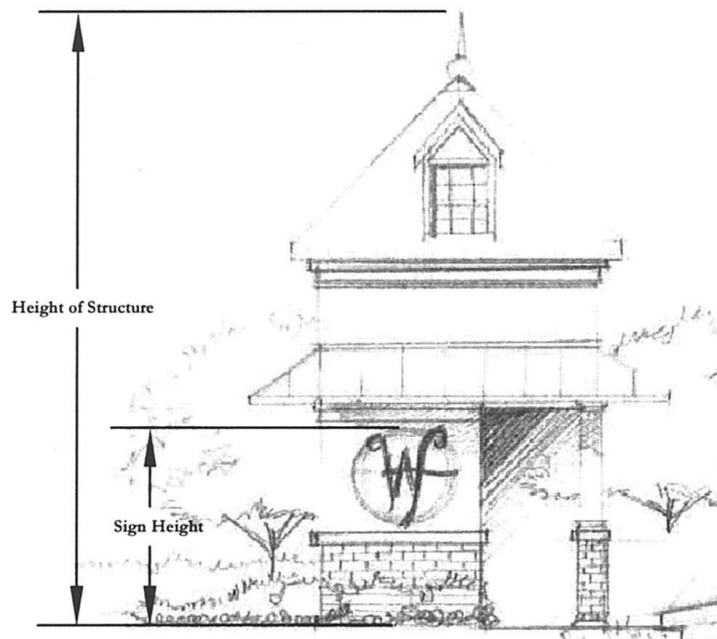
7. Cantilever Sign

- A. Cantilever sign heights, areas and amounts vary by district. See Section 5.
- B. Footing design, inspection and wind-load calculations may be required by the County.



8. Special Structures:

- A. Such structures should be located to incorporate an architecture style into the site's frontage or entry landscape. These often resemble guardhouses or carriage houses.
- B. Such structures shall not serve any purpose other than sign support and/or aesthetics.
- C. Such structures should be constructed of materials similar to the site's building materials.
- D. The structures materials, scale, and proportions are subject to Township review during permitting.
- E. Special structure heights and areas vary by district. See section 5.



*Typical special structure*



*Special structure variation*

**Section 5. PERMANENT SIGN STANDARDS**

The charts in Section 5 represent a summary of sign standards and are presented for reference only. For a detailed description of standards see the applicable section. Values for each item represent either a maximum or minimum standard.

Height:	Maximum
Area:	Maximum
Setback:	Minimum
Amount:	Maximum

1. Residential Districts  
See Table below for Monument, Pole, Cantilever, and Special Structure Standards for the following Residential Districts:  
A-1, S-1, R-1, R-2, R-3, R-4, and RMH-4.
2. Non-Residential Districts  
See Table below for Awning, Window, Monument, Pole, Building Mount, Freestanding, Cantilever, and Special Structures for the following Non-Residential Districts:  
B-1, B-2, B-3, M-1, and M-2.



PERMANENT SIGN STANDARDS - RESIDENTIAL DISTRICTS				
District	Monument	Pole	Cantilever	Special Structure*
A-1	Height: 6' Area: 30 sf Setback: 25' Amount: 1/entry	Height: 10' Area: 10 sf Setback: 25' Amount: 1/entry	Height: 10' Area: 20 sf Setback: 25' Amount: 1/entry	Height: 20' Footprint: 100' Setback: 35' primary, 10' secondary Amount: 2/entry
S-1	Height: 6' Area: 30 sf Setback: 25' Amount: 1/entry	Height: 10' Area: 10 sf Setback: 25' Amount: 1/entry	Height: 10' Area: 20 sf Setback: 25' Amount: 1/entry	Height: 20' Footprint: 100' Setback: 35' primary, 10' secondary Amount: 2 / entry
R-1	Height: 6' Area: 30 sf Setback: 25' Amount: 1/entry	Height: 10' Area: 10 sf Setback: 25' Amount: 1/entry	Height: 10' Area: 20 sf Setback: 25' Amount: 1/entry	Height: 20' Footprint: 100' Setback: 35' primary, 10' secondary Amount: 2 / entry
R-2	Height: 6' Area: 36 sf Setback: 25' Amount: 2/entry	Height: 15' Area: 15 sf Setback: 20' Amount: 1/entry	Height: 15' Area: 25 sf Setback: 20' Amount: 2/entry	Height: 20' Footprint: 100' Setback: 25' primary, 10' secondary Amount: 2/entry
R-3	Height: 6' Area: 36 sf Setback: 20' Amount: 2/entry	Height: 15' Area: 20 sf Setback: 10' Amount: 1/entry	Height: 15' Area: 20 sf Setback: 25' Amount: 2/entry	Height: 25' Footprint: 100' Setback: 25' primary, 2' secondary Amount: 2/entry
R-4	Height: 8' Area: 36 sf Setback: 20' Amount: 2/entry	Height: 15' Area: 20 sf Setback: 10' Amount: 1/entry	Height: 15' Area: 30 sf Setback: 10' Amount: 2/entry	Height: 25' Footprint: 100' Setback: 25' primary, 2' secondary Amount: 2/entry
RMH-4	Height: 8' Area: 36 sf Setback: 20' Amount: 2/entry	Height: 15' Area: 20 sf Setback: 10' Amount: 1/entry	Height: 15' Area: 30 sf Setback: 10' Amount: 2/entry	Height: 25' Footprint: 100' Setback: 25' primary, 2' secondary Amount: 2/entry
<b>*SPECIAL STRUCTURE NOTE:</b>				
Footprint: floor area of the structure (width x depth)		Setback primary: measured from existing roadway fronting site		Setback secondary: measured from proposed roadway constructed to access homes

PERMANENT SIGN STANDARDS - NON-RESIDENTIAL DISTRICTS								
Dist.	Awning	Window	Monument	Pole	Bldg. Mount*	Freestanding	Cantilever	Special Structure^
B-1	<b>Height::</b> 8' from public walk, 7' w/o walk <b>Size:</b> 12" max. <b>Amount:</b> 1 per business per frontage	<b>Height::</b> 1 <sup>st</sup> floor only <b>Size:</b> 25% of window area up to 36 sf <b>Amount:</b> 1 per window	<b>Height::</b> 8' <b>Size:</b> 48 sf <b>Setback:</b> 20' <b>Amount:</b> 2/entry	<b>Height::</b> 25' <b>Size:</b> 25 sf <b>Setback:</b> 20' <b>Amount:</b> 1/entry	<b>Area:</b> 64 sf <b>Amount:</b> 1 per business per frontage	<b>Height::</b> 8' <b>Size:</b> 36 sf <b>Setback:</b> 20' <b>Amount:</b> 1 per business per frontage	<b>Height::</b> 15' <b>Size:</b> 25 sf <b>Setback:</b> 20' <b>Amount:</b> 1/entry	<b>Height::</b> 25' <b>Footprint:</b> 100' <b>Setback:</b> 25' primary 2' secondary <b>Amount:</b> 2 / entry
B-2	<b>Height::</b> 8' from public walk, 7' w/o walk <b>Size:</b> 12" max. <b>Amount::</b> 1 per business per frontage	<b>Height::</b> 1 <sup>st</sup> floor only <b>Size:</b> 25% of window area up to 36 sf <b>Amount::</b> 1 per window	<b>Height:</b> 8' <b>Area:</b> 48 sf <b>Setback:</b> 20' <b>Amount:</b> 2/entry	<b>Height:</b> 25' <b>Area:</b> 25 sf <b>Setback:</b> 10' <b>Amount</b> 1/entry	<b>Area:</b> 100 sf <b>Amount:</b> 1 per business per frontage	<b>Height:</b> 20' <b>Area:</b> 50 sf <b>Setback</b> 25' <b>Amount:</b> 1 per business per frontage	<b>Height</b> 15' <b>Area:</b> 25 sf <b>Setback:</b> 10' <b>Amount:</b> 1/entry	<b>Height</b> 25' <b>Footprint</b> 100' <b>Setback:</b> 25' primary, 2' secondary <b>Amount</b> 2 / entry
B-3	<b>Height::</b> 8' from public walk, 7' w/o walk <b>Size:</b> 12" max. <b>Amount::</b> 1 per business per frontage	<b>Height::</b> 1 <sup>st</sup> floor only <b>Size:</b> 25% of window area up to 36 sf <b>Amount::</b> 1 per window	<b>Height</b> 8' <b>Area:</b> 48 sf <b>Setback:</b> 20' <b>Amount</b> 2/entry	<b>Height</b> 25' <b>Area:</b> 25 sf <b>Setback:</b> 10' <b>Amount:</b> 1/entry	<b>Area</b> 100 sf: <b>Amount:</b> 1 per business per frontage	<b>Height</b> 30' <b>Area:</b> 100 sf <b>Setback:</b> 25' <b>Amount:</b> 1 per business per frontage	<b>Height</b> 15' <b>Area:</b> 25 sf <b>Setback:</b> 10' <b>Amount:</b> 1/entry	<b>Height</b> 25' <b>Footprint</b> 100' <b>Setback:</b> 25' primary, 2' secondary <b>Amount:</b> 2 / entry
*Bldg. Mount: Sign area for building mounted signs is determined by multiplying 1.5 by the building frontage and cannot exceed the area shown in this table			^ Setback primary: measured from existing right-of-way fronting site			^ Setback secondary: measured from proposed right-of-way constructed to access development		

PERMANENT SIGN STANDARDS - NON-RESIDENTIAL DISTRICTS (cont'd)								
Dist.	Awning	Window	Monument	Pole	Bldg. Mount*	Freestanding	Cantilever	Special Structure^
M-1	Height:: 8' from public walk, 7' w/o walk Size: 12" max. Amount:: 1 per business per frontage	Height: 1 <sup>st</sup> floor only Size: 25% of window area up to 36 sf Amount:: 1 per window	Height: 8' Area: 72 sf Setback: 35' Amount: 2/entry	Height 25' Area: 25 sf Setback: 10' Amount: 1/entry	Area 250 sf: Amount: 1 per business per frontage	Height 35' Area: 120 sf Setback 25' Amount: 1 per business per frontage	Height 15' Area: 25 sf Setback: 10' Amount: 1/entry	Height 25' Footprint 100' Setback: 25' primary, 2' secondary Amount: 2/entry
	Height:: 8' from public walk, 7' w/o walk Size: 12" max. Amount:: 1 per business per frontage	Height:: 1 <sup>st</sup> floor only Size: 25% of window area up to 36 sf Amount:: 1 per window	Height 8' Area: 72 sf Setback: 35' Amount: 2/entry	Height 25' Area: 25 sf Setback: 10' Amount: 1/entry	Area: 250 sf Amount:: 1 per business per frontage	Height: 35' Area: 120 sf Setback: 25' Amount: 1 per business per frontage	Height 15' Area:: 25 sf Setback 10' Amount: 1/entry	Height 25' Footprint 100' Setback 25' primary, 2' secondary Amount: 2/entry
*Bldg. Mount: Sign area for building mounted signs is determined by multiplying 1.5 by the building frontage and cannot exceed the area shown in this table			^ Setback primary: measured from existing right-of-way fronting site			^ Setback secondary: measured from proposed right-of-way constructed to access development		

**Section 6. PROHIBITED SIGNS**

The following signs and types of signs are prohibited in all zoning districts:

1. Signs that have flashing, moving, rotating, intermittent lights, signs with mechanical devices, motion picture signs, or signs that give the illusion of motion;
2. Air actuated attraction devices;
3. Roof signs;
4. Electronic variable message signs and reader boards, except in the State Route 25 and State Route 582 overlay zone;<sup>B</sup>
5. Signs that are harmful to juveniles, or of an obscene, pornographic, or immoral character, or which contain advertising which is untruthful;
6. Signs that emit an audible sound;
7. Signs that resemble or may be confused with traffic signs or signals;
8. Signs that may conceal or divert attention from the view of any street sign, signal or device;
9. Sign copy shall not be attached to a motor vehicle or trailer for the purpose of advertising a product, service, or business location, with the intent to be used as or in lieu of a portable sign,

**Section 7. SIGN PERMITS**

1. Sign Permit Criteria for Permanent Signs
  - A. A sign permit shall be required in order to erect, move, alter, or reconstruct any permanent or temporary sign, except signs that are exempt from permits in compliance with this Article. Additional permits may be required through the County Building Department.
  - B. The Township Zoning Inspector shall review all sign permit applications. Upon determining the sign application is complete, the Zoning Inspector will either grant the sign permit, or deny the sign permit citing sections of the Code with which the application is inconsistent.
  - C. Applicants for a sign permit must submit the following information for each sign:
    1. Completed sign application acquired from the Township Zoning Inspector
    2. Fee
    3. Site plan indicating:
      - a) The distance from sign to the nearest public right-of-way
      - b) Indicate any established future right-of-way
      - c) Existing spot elevations at base of sign
      - d) Proposed spot elevations at base of sign
      - e) Indication of existing grading along adjacent streets and within 50' of proposed sign
      - f) Indication of any mounding, retaining walls, or grading associated with the sign's construction.
      - g) Some of the above site plan criteria may be waived for building mounted signs
      - h) The Township may request a site distance exhibit using ODOT standards to demonstrate the proposed sign does not adversely impede the view of motorists
  4. Front elevation of proposed sign indicating:
    - a) Height, width and depth of support structure
    - b) Description of visible materials
    - c) Outline of sign area with dimensions and total area (in square feet)
    - d) Sign copy including any logos, fonts and ancillary line work
    - e) Indicate if sign is single-faced or double-faced
    - f) Color rendering of proposed sign

- g) Lighting style, type, wattage, and location. The Township may require a photometric study to demonstrate if light is affecting adjacent properties. A separate electric plan for an electric permit may be required by the County.
- h) Other information deemed necessary by the Township Inspector to insure the public safety, health and welfare is protected.

## 2. Sign Permit Criteria for Temporary Signs

- A. The Zoning Inspector must issue a temporary sign permit prior to the erection or construction of any temporary sign listed below.
- B. If a temporary sign is not removed upon expiration of the permit, the Zoning Inspector shall initiate the immediate removal of the sign without notice. The sign shall then become the property of the Township. Any and all costs associated with removing the sign shall be assessed against the property.
- C. Temporary Sign Types:
  - 1. Subdivision Marketing Signs
    - a) Such signs may be used for the purpose of advertising the sale of platted lots, sale or lease of multi-family units, and available space in a commercial development.
    - b) Such signs shall be limited to one per street frontage. No more than two (2) sign faces per sign.
    - c) Such signs shall be limited to thirty-two square feet per sign face.
    - d) Such signs shall not be more than ten (10) feet in height.
    - e) Such signs shall not be located closer than 25 feet from any public right-of-way.
    - f) Such signs shall be permitted for one (1) year. Additional temporary sign permits may be issued to extend the display period at the Zoning Inspectors discretion.
  - 2. Banners
    - a) Banners shall not exceed the allowable area for a monument sign in the applicable district
    - b) Banners shall not be displayed above the roofline of any structure.
    - c) Banners shall not have more than five colors. For the purpose of this Section, black shall be considered a color.
    - d) Banners shall not be located in or over any right-of-way.
    - e) Banners shall be permitted for one (1) year. Additional temporary sign permits, with corresponding fee, may be issued to extend the display period at the Zoning Inspectors discretion.
    - f) No property shall have more than two banners per frontage at any one time.
  - 3. Special Event Signs
    - a) Such sign shall not exceed the allowable area for a monument sign in the applicable district.
    - b) Not more than two such signs regarding the same topic shall be erected at any given time and located no closer than one thousand feet from each other.
    - c) Such signs shall not impede the view of motorists or create a public hazard.
    - d) Such signs shall not be illuminated.
    - e) Such signs shall not be located in or over any right-of-way.
    - f) Such signs shall not be displayed for a period more than thirty (30) days before the event and shall be removed within forty-eight (48) hours after the event. Additional temporary sign permits, with corresponding fee, may be issued to extend the display period at the Zoning Inspectors discretion.
  - 4. Portable Signs
    - a) Such signs shall be permitted for not more than 30 days, two separate times, per year for each business.

- b) Such signs shall be not exceed seven feet in height or eight feet in width.
- c) Such signs shall not be located in any right-of-way.
- d) Such signs shall not impede the view of motorists nor create a public hazard.
- e) Additional temporary sign permits, with corresponding fee, may be issued to extend the display period at the Zoning Inspector's discretion.

5. Construction Signs

- a) Such sign copy is limited to the names of project owners, or those involved in the project being constructed or improved.
- b) Such signs shall be limited to only one per building.
- c) Such signs shall not exceed twenty (20) square feet in area for a residential project and thirty-two (32) square feet for a non-residential project.
- d) Such signs shall not exceed four (4) feet in height for a residential project and ten (10) feet in height for a non-residential project.
- e) Such sign shall not be located closer than 15 feet from any public right-of-way.
- f) Such signs shall not impede the view of motorists nor create a public hazard.
- g) Such signs shall be permitted only during the actual time of construction and shall be removed within thirty (30) days after construction.

3. Permanent Signs Exempt From Permit

A permit shall not be required for the following nor should these exempt signs be included in the determination of the total allowable number of signs or total allowable sign area for a site:

- A. Flags of any nation, state, municipality, or other political jurisdiction that do not exceed 25' in height. Limit one of each per parcel.
- B. Cornerstones, commemorative tablets and historical signs, that do not exceed ten square feet in area.
- C. Signs bearing only a residential property address or names of occupants of a residential premises that do not exceed one square foot in area.
- D. An address sign shall be required for all commercial and/or residential buildings and is exempt from permit.
- E. One sign on or over a window or door of a business, announcing only the name of tenants and the nature of the business that do not exceed three square feet in area.
- F. Signs designated "official neighborhood watch area" that do not exceed three square feet in area.
- G. Signs located off-site that provide directions to publicly owned facilities or emergency facilities that do not exceed twelve square feet in area.
- H. Traffic directional signs indicating points of entry or exit to off-street parking, provided such signs are not larger than six square feet in area.
- I. Window signs less than twenty-five (25) percent of the window area.
- J. A sign(s) located inside a building that is not visible from the exterior.
- K. Elevated signs posted to indicate special parking locations for the handicapped, imprinted with the international symbol of accessibility.

4. Temporary Signs Exempt From Permit

- A. Temporary real estate signs for the sale or lease of property do not require a permit if they satisfy the following:
  - 1. Such signs shall not exceed twelve square feet in area.
  - 2. Such signs shall not exceed four feet in height.
  - 3. Property for sale shall be limited to one real estate sign per street frontage.
  - 4. "Sold" signs may be posted for a period not to exceed ten days.
  - 5. Such signs shall not be illuminated.

6. Signs exceeding this criterion may be allowed but will require a permit per Section 7.2.
- B. Open House Signs do not require a permit if they satisfy the following:
  1. No more than three off-premise directional signs shall be permitted, in conjunction with an open house, for no more than forty-eight consecutive hours.
  2. During the hours of the open house, one additional sign indicating that the house is open will be permitted on the property.
  3. Such signs shall not be illuminated.
- C. Small announcement signs that do not exceed two square feet and are not erected for more than 30 days and are not illuminated.
- D. Political signs do not require a permit if they satisfy the following:
  1. Signs are erected for a period of time not to exceed sixty days before the election at which such candidacy; question or issue is to be submitted to voters or seventy-two hours after the election.
  2. Signs shall not exceed four square feet in total display area.
  3. Signs shall not exceed four feet in height.
  4. Signs shall not be erected within any public right-of-way or easement nor attached in any manner to any utility pole, fence or any other structure within any public right-of-way and must not adversely impede the view of drivers.
  5. Such signs shall not be illuminated.
- E. Official and legal notices required by a court or governmental agency.
- F. Flags, signs and lights clearly in the nature of decorations customarily associated with any national, state, local or religious holiday, and containing no advertisement.

### **Section 8. NON-CONFORMING SIGNS**

1. Legal Non-conforming Status
  - A. A sign shall be considered "Legal non-conforming" and will be exempt from the requirements of this Article if it was in existence on the date of adoption and was constructed in accordance with the requirements and other applicable laws in effect on the date of its construction, even if, by reason of its area, height, location, design, or construction, is not in conformance with the requirements of this Article.
  - B. A legal non-conforming sign shall immediately lose its legal non-conforming status if any of the following is true:
    1. The sign is altered in any way (except for normal maintenance),
    2. The sign is relocated,
    3. The sign face (except for changeable copy signs) is changed,
    4. The sign and/or sign structure sustains damage which requires repairs that are in excess of thirty percent of the sign's value.
  - C. Upon the loss of legal non-conforming status, a sign shall be immediately brought into compliance with this Article by securing a new permit or it shall be removed.
2. Notification of Non-conformity
  - A. Upon the adoption of this Article, the Zoning Inspector shall identify all signs that are to be classified as "legal non-conforming" and notify their owners.
  - B. If the sign owner cannot be determined, a notice shall be affixed in a conspicuous place to the sign or to the business premises with which the sign is associated.

### **Section 9. MAINTENANCE OF SIGNS**

1. No person shall maintain or permit to maintain a sign that is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign at the owner's expense.

2. Every sign and supporting hardware, including temporary signs, shall be maintained in a safe and presentable manner at all times by the owner. This may include painting, cleaning, and repair or replacement of defective parts.
3. Repairs to signs and supporting hardware shall be equal to or better in quality of materials and design than the original sign.
4. The Zoning Inspector shall require compliance with all standards of this Article. If the sign is not made to comply with adequate safety and maintenance standards, the Zoning Inspector shall require its removal in accordance with this Article.

**Section 10. ABANDONED SIGNS**

Abandoned signs are a public nuisance and cause a blighting influence on nearby properties.

1. An abandoned sign shall be any sign that meets the following conditions:
  - A. Any sign that is not maintained in accordance with this Article.
  - B. Any sign that remains after the termination of a business. A business shall be considered terminated if it has ceased operations for at least one hundred eighty (180) consecutive days. Seasonal businesses are exempted from this determination.
2. Upon determining a sign has been abandoned, the Zoning Inspector will mail a notice to the owner of the sign and or property declaring the sign abandoned and advising the owner that it must be removed within thirty days from the date of mailing the notice.
3. If a person desires to appeal the abandoned sign designation, they must file notice to the Township Board of Zoning Appeals (BZA) within 10 days of receipt of the notice.
4. If it is determined by the Zoning Inspector that a sign is creating a dangerous situation and contact cannot be made with the sign owner, the service of a written notice may<sup>A</sup> not be required. In such an emergency, the Zoning Inspector may<sup>A</sup> initiate the immediate removal of the sign without notice. The sign may<sup>A</sup> then become the property of the Township. Any and all costs associated with removing the sign may<sup>A</sup> be assessed against the property.



**ARTICLE XII ENDNOTES**

- A Section 10 – ABANDONED SIGNS - Resolution Amended October 2011
- B Section 6 - PROHIBITED SIGNS – Resolution Amended September 2013

# ARTICLE XI OFF-STREET PARKING AND LOADING REQUIREMENTS

<p><b>Section 1. OFF-STREET PARKING SPACE REQUIREMENT</b></p> <p><b>Section 2. SPECIAL PARKING PROVISIONS</b></p>	<p><b>Section 3. DEVELOPMENT AND MAINTENANCE OF PARKING AREAS</b></p> <p><b>Section 4. OFF-STREET LOADING REQUIREMENTS</b></p>
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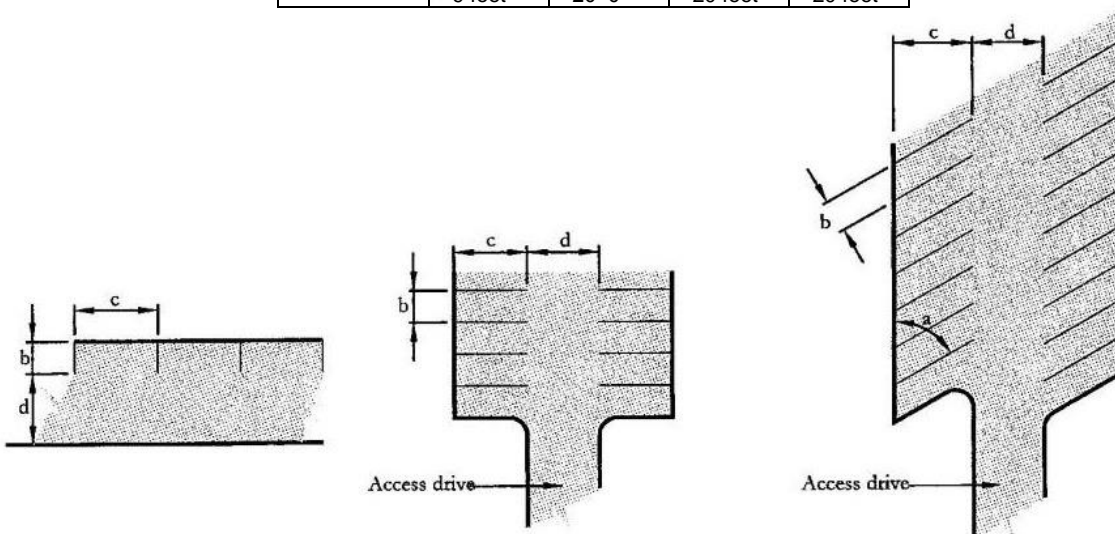
**Section 1. OFF-STREET PARKING SPACE REQUIREMENT**

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. Parking areas shall be designated to comply with the Americans with Disabilities Act (ADA) in particular, the amount of ADA spaces required, their location, and dimensions.
- B. Parking spaces and aisle ways shall be designed in accordance with the following dimensional standards:

a. Angle	b. Stall Width	c. Stall Depth	d. Aisle 1-way	d. Aisle 2-way
0	9 feet	23'-0"	12 feet	20 feet
30	9 feet	17'-9"	9 feet	20 feet
45	9 feet	20'-6"	11 feet	20 feet
60	9 feet	21'-9"	17 feet	20 feet
90	9 feet	20'-0"	20 feet	20 feet



1. 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 ten (10) feet in width in the case of a dwelling and not less than twenty (20) feet in width in all other cases, leading to the parking or 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 connection with a use permitted in a "R" District, such easement of access or access drive shall not be located in any "S" or "R" District.
  2. All driveways on Township roads shall require a permit from the Township Zoning Inspector.
  3. Driveways over culverts shall meet county and state requirements and the applicant shall ensure no harm will be caused to the roadway or drainage ditch.
- C. Front yards abutting streets may not be used for off-street parking. In commercial and industrial districts for uses with retail sales, no more than ten (10) percent of the total required parking area for the use may be located in a front yard abutting a street.
2. Number of Spaces to be Provided.  
In all districts there shall be provided off-street parking spaces in accordance with the following requirements at the time any building or structure is erected or structurally altered, except as provided in Section 2 (Special Parking Provisions) of this Article:

<b>Table of Parking Requirements</b>	
<b>Use</b>	<b>Parking Spaces Required</b>
Auto wash (automatic)	One (1) space for each one (1) employee on the maximum work shift. In addition, reservoir-parking spaces equal in number to five (5) times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty (20).
Auto wash (self service or coin operated)	Three (3) spaces for each washing stall in addition to the stall itself.
Automobile or machinery sales and/or Service establishments	One (1) space for each two hundred (200) square feet of showroom floor area plus two (2) spaces for each service bay, plus one (1) space for each employee.
Barber and beauty shops	Two (2) spaces for each chair, plus one (1) space for each employee.
Contractors establishments	One (1) space for each employee, one (1) space for each vehicle stored on the premises, plus, two (2) spaces for customer.
Cultural, philanthropic, and social - Community center, library, museum or art gallery	Ten (10) spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet.
Dance halls, catering hall, exhibition halls, and assembly halls without fixed seats	One (1) space for each thirty (30) square feet of usable floor space.
Dwellings - Mobile home park	Two (2) spaces per unit plus one (1) space for each two (2) employees of the park plus one (1) visitor space per five (5) units.
Dwellings- Rooming or boarding houses	One (1) space for each bedroom.
Dwellings - Single family	Two (2) spaces for each dwelling unit.
Dwellings - Senior citizens units	One (1) space for each dwelling unit, plus one (1) space for each employee.
Dwellings - Two family and multiple family	Two (2) spaces for each dwelling unit plus one additional space for every four units in the development.
Dwellings Emphasizing Special Services, Treatment, or Supervision - Child care home, halfway house, sanitarium, convalescent home, home for the aged or similar institution.	One (1) space for each two (2) beds.
Dwellings Emphasizing Special Services, Treatment, or Supervision - Institutions where mentally ill persons are confined or penal and correctional facilities	One (1) space for every employee on the maximum work shift.
Educational - Elementary and junior high schools	One space for each employee plus one (1) space for each classroom, including portables, in addition to the requirements for auditoriums.
Educational - Senior high schools, trade or vocational schools, community colleges, colleges, universities (including associated facilities such as dormitories, office buildings, athletic fields, etc.)	One (1) space for each employee plus one (1) space for each four (4) students of the rated capacity, plus the requirements for auditoriums.

<b>Table of Parking Requirements</b>	
<b>Use</b>	<b>Parking Spaces Required</b>
Fraternal and philanthropic - Fraternities, sororities	One (1) space for each two beds, or one (1) for each five (5) permitted active members, whichever is greater.
Fraternal and philanthropic - Private clubs, lodge halls, and similar uses	One (1) space for each four (4) member families, plus spaces as required for each accessory use, such as a restaurant.
Gasoline service stations	Two (2) spaces for each lubrication stall, rack, or pit; and one (1) for each gasoline pump.
Hospitals, clinics, other medical (including mental health) treatment facilities in excess of 10,000 square feet of floor area	One (1) space for each bed or exam room, plus one (1) space for each two (2) employees.
Junk Yards	One (1) space for each employee plus one (1) space for each operating vehicle stored on the on the premises, plus (2) spaces for each acre of land in the yard.
Laundry (self-serve) or dry cleaning stores	One (1) space for each two (2) washing, drying, or dry cleaning machines.
Manufacturing, processing, repair, assembly, or research establishments and related accessory office - Majority of dollar volume of business not done with walk-in-trade	One (1) space for every (1) employee in the largest working shift, plus space to accommodate all trucks and other vehicles used in connection therewith.
Manufacturing, processing, repair, assembly, or research establishments and related accessory office -Majority of dollar volume of business done with walk-intrade	One (1) space for each four hundred (400) square feet of gross floor area, except that, if permissible in a B district, such use shall provide one (1) space for each two hundred (200) square feet of gross floor area.
Mortuary or funeral home	One (1) space for each fifty (50) square feet of floor space in slumber rooms, parlors, or individual funeral services room.
Motel, hotel, or other commercial lodging establishment	One (1) space for each one (1) occupancy unit, plus one (1) space for each one (1) employee; plus additional spaces for restaurant or other facilities pursuant to other sections of the Table.
Offices and services - Banks with drive-in windows	One (1) space for each one hundred (100) square feet of usable floor space plus five(5) stacking spaces of twenty feet length for each teller window or bay.
Offices and services - Operations designed to attract and serve customers or clients on the premises (such as the offices of attorneys, physicians, other professions, insurance and stock brokers, travel agents, government office buildings, etc.)	One (1) space for each two hundred (200) square feet of usable floor space.
Offices and services - Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use	One (1) space for each four hundred (400) square feet of usable floor space.
Offices or clinics of physicians, dentists or similar professions with not more than 10,000 square feet of GFA	One (1) space for each fifty (50) square feet of usable floor area in waiting rooms and one (1) space for each examining room, dental chair, laboratory, or similar use area to be occupied by patients or employees.

<b>Table of Parking Requirements</b>	
<b>Use</b>	<b>Parking Spaces Required</b>
Planned commercial or shopping center	<p>Three and one-half (3.5) spaces for each 1,000 square feet of gross leasable area (GLA) for the first 100,000 square feet.</p> <p>For centers with freestanding or attached cinemas occupying up to ten (10) percent of the total center GLA, three (3) additional spaces are required for every one hundred (100) cinema seats.</p> <p>For centers with food services occupying up to 10 percent of the total GLA, an additional ten (10) spaces per 1,000 square feet of food service tenant area is required.</p> <p>Four (4) spaces for each 1,000 square feet of GLA are required for centers having 100,001 to 400,000 square feet of GLA.</p> <p>For centers having 100,001 to 200,000 square feet of GLA with freestanding or attached cinemas occupying up to ten (ten) percent of the total center GLA, three (3) additional spaces are required for every one hundred (100) cinema seats above four hundred fifty (450) seats.</p> <p>For centers having greater than 200,000 square feet of GLA, three (3) additional spaces are required for every one hundred (100) cinema seats above seven hundred fifty (750) seats.</p> <p>For centers having 100,001 to 200,000 square feet of GLA with food services occupying up to 10 percent of the total GLA, six (6) additional spaces per 1,000 square feet of food service tenant area is required.</p> <p>For centers having 200,001 to 400,000 square feet of GLA with food services occupying up to ten (10) percent of the total GLA, no additional spaces are required.</p> <p>Four and one-half (4.5) spaces for each 1,000 square feet of GLA for centers having in excess of 400,000 square feet of GLA.</p> <p>For centers having greater than 200,000 square feet of GLA, three (3) additional spaces are required for every one hundred (100) cinema seats above seven hundred fifty (750) seats.</p> <p>For centers having 600,000 square feet or more of GLA with food services occupying up to ten (10) percent of the total GLA, the required parking may be reduced by four (4) spaces per 1,000 square feet of GLA devoted to food services.</p>

<b>Table of Parking Requirements</b>	
<b>Use</b>	<b>Parking Spaces Required</b>
Recreation, amusement, entertainment - Auditoriums, automobile and motorcycle racing tracks, sports arenas or stadiums, theaters, and assembly halls	One (1) space for each four (4) seats that the facility is designed to accommodate when used to the maximum capacity.
Recreation, amusement, entertainment - Bowling alley	Seven (7) spaces for each lane; plus one (1) additional space for each two hundred(200) square feet of area used for accessory uses such as eating, drinking or other recreation.
Recreation, amusement, entertainment - Golf and country clubs	Six (6) spaces for each golf hole and one (1) space for each employee plus spaces required for each accessory use such as a restaurant.
Recreation, amusement, entertainment - Golf driving ranges not accessory to golf courses	One (1) space per tee plus one (1) space per 200 square feet in building gross floor area
Recreation, amusement, entertainment - "Par-3" golf course.	Two (2) spaces per golf hole plus one (1) space per two hundred (200) square feet of building gross floor area.
Recreation, amusement, entertainment - Miniature golf, skateboard parks, water slides, and similar uses	One (1) space per 300 square feet of area plus one (1) space per two hundred (200) square feet of building gross floor area.
Recreation, amusement, entertainment - Indoor and outdoor athletic and exercise facilities, tennis and squash courts, swimming pools, skating rinks, and billiard and pool halls)	One (1) space for each two hundred (200) square feet of gross floor area within enclosed buildings, plus one (1) space for every three persons that the facilities are designed to accommodate when used to the maximum capacity.
Religious - Churches, synagogues, and temples (including associated residential structures for religious personnel and associated buildings but not including elementary school or secondary school buildings)	One (1) space for each four (4) seats in the portion of the religious building to be used for services, plus spaces for any residential use as determined in accordance with the parking requirements set forth for dwellings, plus one (1) space for every two hundred (200) square feet of gross floor area designed to be used neither for services nor residential purposes.
Restaurant, bar, or night club for sale and consumption on the premises of beverages, food or refreshments	One (1) space for each seventy-five (75) square feet of usable floor space.
Restaurant with drive-through facility	One (1) space for each twenty-five (25 ) feet of usable floor space.
Sales and rental of goods, merchandise, and equipment - Convenience stores	One (1) space for each one hundred fifty (150) square feet of gross floor area plus one (1) space for each two (2) employees on the maximum work shift.
Sales and rental of goods, merchandise, and equipment - Large and bulky items (such as furniture stores, carpet stores, major appliance stores, and showrooms of a plumber, decorator, electrician, or similar trade)	One (1) space for each four hundred (400) s.f. of gross floor area plus one (1) space for each two (2) employees on the maximum work shift.
Sales and rental of goods, merchandise, and equipment - Small, portable items	One (1) space for each two hundred fifty (250) s.f. of gross floor area plus one (1) space for each two (2) employees on the maximum work shift.
Sales and rental of goods, merchandise, and equipment - Warehouses and wholesale establishments and related accessory office	(1) space for every one (1) employee in the largest working shift, but not less than five (5) spaces; plus three (3) spaces for each 1,000 s.f. of gross floor area; plus space to accommodate all trucks and other vehicles in connection therewith.

3. Rules Governing the Determination of the Number of Spaces

When computing the number of spaces required in Section 1.2 (Number of Spaces to be Provided) of this Article, the following rules shall govern:

- A. "Floor area" shall mean the gross floor area of the specified use.
- B. For all uses without separate seats, each eighteen (18) inches (or fraction thereof) of seating space shall be considered one (1) seat.
- C. Where fractional spaces result, the parking spaces required shall be constructed to be the nearest whole number.
- D. The parking spaces requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
- E. 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 spaces 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 or more 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 2. SPECIAL PARKING PROVISIONS**

1. Satellite Parking.

All parking spaces required herein shall be located on the same lot with the building or use served, 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.

2. Joint Use of Required Parking Spaces.

Not more than fifty (50) percent of the parking spaces required for (a) theaters, 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, services 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 Section 2.3 hereof.

3. 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 Legal Advisor and executed by the Trustee of the Township and shall be filed with the application for a building permit.

**Section 3. 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 shall comply with the screening and landscaping requirements of Article X, Section 7 (Off-street Parking Area Landscaping and Screening).

2. Minimum Distance and Setbacks

- A. Off-street parking facilities in any "B" District or "M" District shall not be nearer than fifty (50) feet to any "A" or "R" District.



B. 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 or acceptable design. If on the same lot with a main building, the parking area shall not be located within the front yard or side street side yard required for such building. In no case shall any part of a parking area, aisle, or driveway be closer than five (5) feet to any established street, alley right-of-way, or property line. 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.

3. Surfacing.

Any off-street parking area for more than five (5) vehicles shall be graded for proper drainage and surfaced with an asphalt or Portland cement binder pavement 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 distant from any "R" District, except that a dustless surface shall be provided in any case.

4. Lighting.

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

**Section 4. 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 by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building a sufficient off-street loading and unloading area in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner.
2. The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question., The Zoning Commission may require more or less loading and unloading area if reasonably necessary to satisfy the foregoing standard.
  - A. The following table indicates the number and size of spaces that, presumptively, satisfy the standard set forth in this subsection.

Gross Leasable Area of Building	# Spaces
1,000 - 19,999	1
20,000 - 79,999	2
80,000 - 127,999	3
128,000 - 191,000	4
192,000 - 255,999	5
256,000 - 319,999	6
320,000 - 391,999	7
<b>Plus one (1) space for each additional 72,000 square feet or fraction thereof</b>	

- B. Each loading space shall be not less than twelve (12) feet in width, fifty-five (55) feet in length, and have an overhead clearance of fourteen (14) feet from the street grade.
3. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way. Further, the vehicles must be able to complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.

4. Front yards abutting streets may not be used for loading.
5. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.
6. Whenever there exists a lot with one or more structures on it constructed before the effective date of this chapter; and a change in use that does not involve any enlargement of a structure is proposed for such lot; and the loading area requirements of this section cannot be satisfied because there is not sufficient area available on the lot that can practicably be used for loading and unloading, then the developer need only comply with this section to the extent reasonably possible.
7. Subject to the limitations specified in this Section, such loading requirements may occupy all or any part of any required yard or court space.
8. No such space shall be located closer than fifty (50) feet to any other lot in an any "S" or "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.

# ARTICLE XIV ENFORCEMENT

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<p><b>Section 1. ZONING INSPECTOR</b></p> <p><b>Section 2. RECORD KEEPING</b></p> <p><b>Section 3. ZONING CERTIFICATE</b></p> <p><b>Section 4. CONDITIONS UNDER WHICH CERTIFICATES ARE REQUIRED</b></p> <p><b>Section 5. APPLICATION AND ISSUANCE OF ZONING CERTIFICATES</b></p> <p><b>Section 6. DEVELOPMENT IN AN IDENTIFIED SPECIAL FLOOD HAZARD AREA (SFHA)</b></p>	<p><b>Section 7. DEVELOPMENT STANDARDS</b></p> <p><b>Section 8. EFFECTIVE PERIOD</b></p> <p><b>Section 9. FEE FOR ZONING CERTIFICATES</b></p> <p><b>Section 10. ZONING CERTIFICATE FOR NONCONFORMING USES</b></p> <p><b>Section 11. VIOLATION AND PENALTIES</b></p> <p><b>Section 12. VIOLATIONS- REMEDIES</b></p> <p><b>ENDNOTES</b></p>
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**Section 1. ZONING INSPECTOR**

1. It shall be the duty of the Zoning Inspector, who shall be appointed by the Board of 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 locations of new construction, reconstruction, changes of land use, or other potential violations of this Resolution.
2. Appeal from the decision of the Zoning Inspector may be made to the Board of Appeals, as provided in Article XVI, Section 1.1 (Appeals).

**Section 2. RECORD KEEPING**

1. A record of all zoning certificates shall be kept on file in the Office of the Township Trustees or their agent, and certified copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.
2. On a monthly basis, the Zoning Inspector shall provide the Board of Township Trustees with a written report which lists all permits issued over the period including the type of permit, the location of the building or use, the type of district, and the owner and occupant of the building. Upon discovery of a permit issued not in conformance with the provisions of this Resolution, the Board of Township Trustees may rescind the permit as long as the applicant’s financial position in the land use or building has not materially changed in reliance on the permit.

**Section 3. ZONING CERTIFICATE**

1. It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a zoning certificate shall have been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a certificate, provided he is satisfied that the structure, building or premises and the proposed use thereof conform with all the requirements of this Resolution. No permit for excavation or construction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this Resolution.
2. Under written request from the owner or tenant the Zoning Inspector shall issue a zoning certificate for any building or premises existing at the time of enactment of this Resolution certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this Resolution.

**Section 4. CONDITIONS UNDER WHICH CERTIFICATES ARE REQUIRED**

A zoning certificate shall be required for any of the following, except as provided otherwise in this Resolution:

1. Construction or alteration of any building or structure, including accessory buildings.
2. Construction of a driveway or a sidewalk.
3. Change in use of an existing building, structure or accessory building to a use of a different classification.
4. Occupancy and use of vacant land.
5. Change in the use of land to a use of a different classification.
6. Any change in the use of a nonconforming use.

**Section 5. APPLICATION AND ISSUANCE OF ZONING CERTIFICATES**

1. A written application for a zoning certificate and payment of the proper fee shall be made at the same time as the application for a building permit. The application must contain a detailed description of the use of the building or alteration. The Zoning Inspector shall review the application for completeness and determine whether Site Plan Review pursuant to Section 5.3.B., Conditional Use Review pursuant to Article XVI, Section 1.3, or other appropriate action or recommendations by other agencies and organizations that are required or deemed necessary to satisfy the requirements of the Resolution. A file of such applications and plans shall be kept in the office of the Zoning Inspector.
2. If the Zoning Inspector is authorized to make a determination on the application without additional review, a certificate shall be issued, provided such construction, alteration, or proposed use is in conformity with the provisions of this Resolution. A certificate for construction of a new building or for the alteration of an existing building shall be issued within ten (10) days after a written request. A certificate for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use shall be issued within fifteen (15) days after a written request.
3. Each application for a zoning certificate shall provide a plot plan or a site plan which complies with the following requirements:
  - A. Plot Plan Review.  
All applications not requiring site plan review shall provide two reproducible copies of a plot plan containing the following information:
    1. The name of the property owner and/or authorized agents (if any), the name of the development (if any), and the lot numbers of the concerned and abutting properties.
    2. The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure thereon.
    3. The location, type, and size of the proposed structure to be erected and /or the existing structure enlargement or alteration.
    4. The street providing access to the lot and the exact location of the lot in relation to the nearest cross street.
    5. Each plan shall bear statements declaring:
      - a) That no part of the land involved in the application has been previously used to provide required yard space or lot area for another structure.
      - b) Which abutting land was formerly that of the owner of the land involved in the application and, if any, the approximate date of title transfer.
    6. A landscaping plan, pursuant to Article X (Landscaping Requirements).
    7. Any other information which in the judgment of the Zoning Inspector may be necessary to provide for the enforcement of this Resolution.
    8. Each property owner or authorized agent shall be required to attest to the correctness of the statements and data furnished with the application.
    9. Where construction or physical improvement of the land is involved, or where complete and accurate information is not readily available from existing records, all dimensions

shown on filed plans shall be based on an actual survey of the lot by a registered engineer or surveyor.

**B. Site Plan Review**

A site plan review by the Zoning Commission shall be required in any district when any construction, alteration, modification, change of use, or expansion of any residential, institutional, commercial, or industrial principal/accessory structure would result in the required enlargement of a parking area by five (5) or more spaces, in accordance to Article XI (Off-Street Parking and Loading Requirements).

**1. Purpose.**

The purposes of site plan review procedures and requirements are to provide a means and process for the Zoning Commission to review the proposed development of structures and establishment of land uses in a way that considers the following concerns and, where necessary, requires modification of development proposals to eliminate or reduce potential land use conflicts and nuisances. The principle areas of concern are:

- a) Balancing of landowners' rights to use their land, with the corresponding rights of abutting and neighboring landowners to live without land use conflicts;
- b) The convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads;
- c) The protection of surface or ground-water from pollution and the adequacy of waste disposal methods;
- d) The protection of natural environmental features on the site and in adjacent areas; and
- e) The form of the proposed development as it relates to the preservation of property values in the Township by inclusion of design features that are inviting to the public, help create a sense of place and character, and provide a more human-scale environment.

**2. Time Frame.**

The Zoning Commission shall act on any site plan submitted under this section within forty-five (45) days from the time the Zoning Inspector receives a complete submission of required application materials. Any person submitting a site plan may agree to a longer review period by the Zoning Commission.

**3. Third Party Review.**

The applicant shall be responsible for reasonable expenses incurred by the Township in reviewing final development plans and for any associated site inspections. Such expenses are beyond application fees established by the Township and may include professional service fees incurred in connection with reviewing the submitted plans, such as legal expenses or fees from other professionals such as engineers, landscape architects, planners, or environmental scientists. These fees shall not exceed \$5,000, unless otherwise negotiated between Middleton Township and the developer/owner of such property. Funds for the estimated cost of such reviews or studies shall be placed on deposit with the Township Board of Trustees.

**4. Applications Requiring Variance or Conditional Use Reviews.**

When a particular site plan requires a variance and/or conditional use approval, it must be acted upon by the Board of Zoning Appeals prior to the Zoning Commission issuing site plan approval.

5. Contents - Written Description.

All applications for site plan approval shall contain a written description of the proposed development which includes:

- a) The applicant's name, address, and phone number.
- b) A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf.
- c) The name and address of the property owner(s) of record, if the applicant is not the owner.
- d) The address and parcel number of the subject property.
- e) Names and addresses of all contiguous and adjacent property owners.
- f) Name and address of the engineer, architect, and/or surveyor.
- g) Project description, including where applicable: the total number and square footage of structures; the area of each building to be used for a particular use (such as retail operation, office, storage, etc.); the number of units, bedrooms, offices, etc.; useable floor area; maximum number of employees by shift; maximum seating capacity; number of parking spaces existing and required for the intended use; and similar related project-specific information.
- h) A Traffic Impact Study (if required according to Section 5.3.C.).
- i) Evidence that an Ohio Stormwater Pollution Plan (SWP3) has been prepared and properly submitted to the Ohio EPA (Environmental Protection Agency).
- j) A complete set of building drawings and plans as approved by the State Certified Building Department.
- k) Project completion schedule/development phases.
- l) Each plan shall bear statements declaring:
  - (1) That no part of the land involved in the application has been previously used to provide required yard space or lot area for another structure.
  - (2) Which abutting land was formerly that of the owner of the land involved in the application and, if any, the approximate date of title transfer.
- m) Each property owner or authorized agent shall be required to attest to the correctness of the statements and data furnished with the application.

6. Contents - Plans.

All applications for site plan approval shall contain six sets of full size plans and one set of replicable reductions made from the original tracings at a size ranging from 8 ½" x 11" to 11" x 17." The plans for the proposed development shall be based upon a survey of the lot by a registered engineer or surveyor and include:

- a) A vicinity map with a north arrow, scale of 1" = 2000', and date of original submission and last revision.
- b) Any ditches, creeks, or other natural features that may affect development of the property in question. If regulatory flood plains are present on the site, 100-year flood elevations shall be shown on the plan based on information found on Flood Hazard Boundary Maps provided by the Wood County Planning Commission.
- c) Existing and proposed topographic elevations shall be shown with two-foot contour intervals.
- d) Identification of any significant site amenities or unique natural features.
- e) An indication of the gross and net acreage of all parcels in the project.
- f) The zoning classifications of the subject property and all abutting property uses (residential, commercial, etc.), and approximate location of abutting property, buildings, and/or structures.
- g) The location and name of all adjacent thoroughfares indicating both right-of-way and pavement widths measured from the centerline.

- h) The exact location and dimensions of the subject property, existing structure(s), and proposed structure(s). The plan shall indicate building removals and other alteration, if any, of existing property.
- i) The distance from existing and proposed structure(s) to the right-of-way line of all adjacent thoroughfares as well as to the front, side, and rear lot lines.
- j) The locations, size (height), and material of all existing and proposed fencing on the subject property.
- k) The location, the height above grade, the type of illumination, the source lumens, and the luminous area for each existing and proposed exterior source light on the subject property, including estimates for perimeter spill-over lighting, measured in foot candles on a vertical plane along the property line. The lighting model may be provided on a separate photometric computer printout.
- l) The location, dimensions, materials, illuminating characteristics (both internal and/or external) and design for existing or proposed signs on the property.
- m) A landscaping plan, pursuant to Article X (Landscaping Requirements), which includes the dimensional and material characteristics of any existing and/or proposed landscaping, screening, or existing natural land features, trees, forest cover, and water resources, and all proposed changes to such features including size and type of vegetative or building materials to be used. Water resources include ponds, lakes, streams, wetlands, flood plains, drainage ditches and retention areas, rivers, and any other body of water or waterway.
- n) The location of all present and proposed utility systems including sewage or septic systems, water supply system, and storm drainage system including existing and proposed drain lines, culverts, catch basins, head walls, end walls, hydrants, manholes, and drainage swales, detention areas, and storm system design calculations. Also, the site plan shall show the location of water mains and the location of hydrants and valves.
- o) Existing and proposed off-street parking, driveways, and recreational areas with complete dimensions. Curb cuts shall be measured at the curb and throat widths shall be indicated. The drawing shall include the number and size of proposed parking stalls along with the internal circulation pattern of the off-street parking and interior landscaping. If the off-street parking is physically joined with abutting property, then circulation between the properties shall be shown.
- p) The locations and dimensions of existing and/or proposed sidewalks, paths, unloading areas, or bikeways, and illustrating natural and man-made streetscaping including paving materials, vegetative materials, and material and design of street furniture.
- q) Proposed location and dimensions of common spaces and common facilities, such as swimming pools or community buildings.
- r) Location, size, and specifications for screening of all trash receptacles and other solid waste disposal facilities.
- s) Location and specifications for any existing or proposed above- or below-ground storage facilities for any chemicals, salts, flammable materials or hazardous materials, as well as any containment structures or clear zones required by government authorities.
- t) The locations of vehicular stacking spaces for each drive-up window for a proposed drive-up establishment.

7. Site Plan Review Criteria.

All site plans shall be reviewed on the basis of uniform criteria that advance the principles of good site design to provide safe vehicular access and pedestrian movement. Site plans shall also be reviewed on the basis of achieving site designs that will promote a healthy natural and built environment for residents. Specific site plan approval criteria include the following:

- a) The site plan shall show (consistent with the findings of a Traffic Impact Study) that a proper relationship will exist between thoroughfares, service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety on both public and private lands.
- b) All development features, including the principal buildings, open spaces, service roads, driveways and parking areas, shall be so located and related as to minimize the possibility of adverse effects upon adjacent properties.
- c) Building location and placement shall be developed with consideration given to minimizing removal of trees and change of topography.
- d) Maximum visual and auditory privacy for surrounding properties and occupants shall be provided through the design of the relationship among buildings, fences and walls, landscaping, topography, and open space.
- e) Parking area landscaping and screening shall be arranged to minimize large expanses of hard surfaces and to channel traffic flow in a safe manner.
- f) Parking and loading provisions shall meet the requirements of Article XI (Off- Street Parking and Loading Requirements) and on-site traffic circulation shall be designed to provide adequate access for fire and police protection, and minimize interference with the traffic-carrying capacity of adjacent streets.
- g) Refuse storage and pick-up facilities shall be indicated on the site plan and shall be fenced, screened, or landscaped to prevent blowing or scattering of refuse, and to provide an adequate visual barrier from locations both on- and off-site.
- h) All utilities on-site shall be located underground.
- i) Grading and surface drainage provisions shall be designed to minimize nonpoint source pollution and other adverse effects on abutting properties, streams, and public streets, and to minimize the possibility of erosion pursuant to Article IX, Section 25 (Stormwater Management).

8. Action on Site Plans.

The Zoning Commission shall take one of three actions on a site plan as described below:

- a) A site plan may be approved as submitted.
- b) A site plan may be approved with modifications expressly stated in a motion passed by the Zoning Commission.
- c) A site plan may be approved as submitted (or with modifications) in phases.

9. Conformance with Approved Site Plans. All aspects of the development shall conform to the approved site plan. It shall be a violation of this Resolution for any building or premises to be occupied or used, prior to conformance with all applicable requirements of this Resolution and completion of all specifications of this section including required landscaping, drainage, parking area, road, and driveway improvements according to the site plan approved by the Zoning Commission.

10. Amendments to Approved Site Plans. Amendments to approved site plans may be made in the same manner as an original site plan approval except that an applicant need not resubmit information that has already been submitted as part of a previous site plan review process.



C. Access Management Standards.

Access management regulations promote and protect the public health, and safety, convenience, comfort, prosperity, and general welfare by providing development regulations that result in safer access to property and traffic flow.

1. A Traffic Impact Study shall be required and shall be submitted by an applicant as part of a proposed site plan when so required by the Ohio Department of Transportation according to the State Highway Access Control Manual; by the Wood County access management regulations for county and township roads; or when the proposed development will generate or has the potential to generate more than one hundred (100) vehicle trip ends during the peak hour of generation according to the most recent version of the ITE trip generation manual. Such a Traffic Impact Study shall meet all of the requirements established by the Ohio Department of Transportation according to the Access Control Manual. A vehicle trip end is the total of entering and exiting vehicles for the proposed development at full build out and occupancy. Estimates of traffic volumes shall be based on weekday traffic for locations at which weekday employment predominates. Retail development shall include weekend traffic volumes in the estimates.
2. A Traffic Impact Study shall also be required for new phases or changes to an existing development where an existing traffic study is more than two (2) years old and roadway conditions have changed significantly (volumes increasing more than two percent (2%) annually).
3. As part of the site plan review process, a specific driveway location(s) may be approved pursuant to an agreement requiring that such driveway(s) be closed when specific circumstances are met. Such circumstances may include the future construction of a service road on adjacent property, the opportunity for a shared driveway with development of adjacent property, or other site-specific circumstances. This conditional approval may be required even if the driveway(s) conforms to all other requirements of this section.

**Section 6. DEVELOPMENT IN AN IDENTIFIED SPECIAL FLOOD HAZARD AREA (SFHA)**

Before beginning any development in an identified special flood hazard area (SFHA), a "SFHA Development Permit" must be obtained from the local Flood Plain Administrator, i.e., the Wood County Planning Commission. Applications for such permits may be obtained from the Planning Commission or from the Middleton Township Zoning Inspector. Maps delineating the identified SFHAs are available from the local Flood Plain Administrator or may be viewed in the office of the Township Zoning Inspector.

1. As per the Wood County Flood Damage Prevention Regulations, and for the purposes of this section, the term "development" includes, but is not limited to the:
  - A. Construction or alteration of a building or structure, or a substantial improvement to a building or structure;
  - B. Installation or placement of a manufactured home;
  - C. Excavation, mining, filling, grading, paving, or drilling of the land;
  - D. Dredging or alteration of the course of a waterway;
  - E. Alteration of the course of a waterway; or the
  - F. Storage of equipment or materials in buildings or structures, or in the open.
2. The "SFHA Development Permit" issued by the local Flood Plain Administrator must be presented to the Zoning Inspector when application for a zoning certificate is submitted for any development within an identified SFHA.

**Section 7. CONDITIONAL OR TEMPORARY PERMITS**

Any conditional permit or temporary permit issued by the Zoning Inspector shall clearly itemize any and all conditions placed on the permit and/or the time frame of the permit. Prior to issuance of a conditional permit, statements of the applicant relating to the intended action shall be verified through proof of a contract with a contractor, bank financing commitments, or a building permit in place. The permit shall clearly indicate to the holder that violation of the itemized conditions or expiration of the time period of the permit shall place the building or alteration in violation of this Resolution.

**Section 8. EFFECTIVE PERIOD**

A zoning certificate issued pursuant to an application for a new structure or development shall be effective for a one year period, during which period construction shall have proceeded at least to the extent that the new structure or development is substantially complete. A renewal certificate shall be required for the completion of any structure or development beyond a period of one (1) year, all subject to current zoning regulations.

**Section 9. FEE FOR ZONING CERTIFICATES**

1. Each applicant shall pay a fee prior to the issuance of a zoning permit as established from time to time by Resolution adopted by the Middleton Township Board of Trustees.
2. 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.
3. Every zoning certificate shall require the applicant to certify 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 Township Trustees. All fees are non-refundable.<sup>A</sup>

**Section 10. ZONING CERTIFICATE FOR NONCONFORMING USES**

A zoning certificate shall be required for all lawful nonconforming uses of land or buildings created by adoption of this Resolution. Application for such certificate for a nonconforming use shall be filed with the Zoning Inspector by the owner or lessee of the building or land occupied by such nonconforming use within one (1) year of the effective date of this Resolution. It shall be the duty of the Zoning Inspector to issue a certificate for a lawful nonconforming use, but failure to apply for such certificate for a nonconforming use or refusal of the Zoning Inspector to issue a certificate for such nonconforming use shall be evidence that said nonconforming use was either illegal or did not lawfully exist at the effective date of this Resolution.

**Section 11. VIOLATION AND PENALTIES**

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building, structure or land in violation of any regulation in or any provisions of this Resolution or any amendment or supplement thereto adopted by the Board of Trustees of the Township. Any person, firm or corporation violating any regulation in or any provision of this Resolution or any amendment or supplement thereto shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than Five Hundred Dollars (\$500). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or uses continues may be deemed a separate offense as per ORC 519.99.

**Section 12. VIOLATIONS - REMEDIES**

1. In case any building or structure 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 this Resolution or any amendment or supplement thereto, the Board of Township Trustees, the Zoning Inspector, the County Prosecutor or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.
2. Inspections of private property to ascertain suspected violations of zoning regulations require a search warrant where the owner or occupant of the property does not give consent, unless there is an emergency, the property is open to the public, or the industry conducted on the property has a history of government oversight such that no reasonable expectation of privacy exists. Where consent is not provided for inspection, the Zoning Inspector shall document or photograph violations from the public right-of-way. For purposes of proof of identification as an official of the Township, the Zoning Inspector shall obtain an identification from the Wood County Sheriff's Department and cause it to be carried at all times while on official duty.

**ARTICLE XIV ENDNOTES**

- A Section 9 – FEE FOR ZONING CERTIFICATE - Resolution Amended October 2011

# ARTICLE X

## LANDSCAPING REQUIREMENTS

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<p><b>Section 1. PURPOSE AND APPLICABILITY</b></p> <p><b>Section 2. LANDSCAPING PLAN</b></p> <p><b>Section 3. VISION CLEARANCE</b></p> <p><b>Section 4. PLANT MATERIAL AND INSTALLATION SPECIFICATIONS</b></p> <p><b>Section 5. MAINTENANCE STANDARDS</b></p> <p><b>Section 6. BUFFERING BETWEEN INCOMPATIBLE USES</b></p>	<p><b>Section 7. OFF-STREET PARKING AREA LANDSCAPING AND SCREENING</b></p> <p><b>Section 8. LANDSCAPE STRIP REQUIREMENT</b></p> <p><b>Section 9. SERVICE STRUCTURE SCREENING</b></p> <p><b>ENDNOTES</b></p>
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**Section 1. PURPOSE AND APPLICABILITY**

This Article consists of a set of landscaping standards and regulations for use throughout the Township. The regulations address materials, placement, layout, and timing of installation.

1. Purpose

The intent of these regulations and requirements is to promote the public health, safety, convenience, comfort, prosperity and general welfare by establishing minimum standards for the maintenance of existing natural amenities, and design and installation of landscape improvements. Landscaping is a critical element of the physical environment contributing to: development quality; compatibility between land uses by reducing negative physical, visual, noise, and lighting impacts; slowing the effects of erosive winds and stormwater runoff pollution; preservation of existing natural areas such as woodlands, wetlands and floodplains within and adjacent to a development site; re-establishment of native plants; energy conservation by providing shade from the sun and shelter from the wind; stability of property values; and the overall improved character of Middleton Township. The standards set forth herein define, articulate, and integrate Township planning for outdoor spaces, architectural elements, and other various site design elements.

2. Applicability

A. This section shall apply to the construction or improvement of any site, building, structure, or vehicular use, or any collective substantial improvements to existing structures, including:

1. Planned Unit Developments;
2. Any land dedicated for a public park or open space;
3. Any new development or land use which also requires the provision of five (5) or more parking spaces pursuant to Article XI (Off-Street Parking and Loading Requirements);
4. Substantial improvements to existing land uses, but only to the extent of the alteration or expansion, and not for the entire property, unless the alteration or expansion is substantial. An alteration or expansion to an existing building or structure shall be deemed substantial based on the following criteria:

When the existing structure has a gross floor area of...	A substantial expansion is an increase in gross floor area of...
0-1,000 Sq. Ft.	50% or greater
1,001-10,000 Sq. Ft.	40% or greater
10,001-25,000 Sq. Ft.	30% or greater
25,001-50,000 Sq. Ft.	20% or greater
50,001 Sq. Ft. and larger	10% or greater

- B. Refer to Article IX, Section 11 (LANDSCAPING REQUIREMENTS)<sup>A</sup>
- C. Existing Landscape Material. Existing landscape material on a site that is in satisfactory condition may be used to satisfy any landscaping requirement in whole or in part.

**Section 2. LANDSCAPING PLAN**

1. General.

A separate, detailed Landscape Plan shall be submitted for any property to which this Section applies including all reviews of Site Plans and Planned Unit Development Plans.

- A. When new development or the expansion of an existing structure involves the construction of more than fifty thousand (50,000) square feet of floor area, the applicant shall furnish plans prepared by a landscape architect registered in the State of Ohio.
- B. Plans shall show location, spacing, size, variety and other pertinent data concerning existing and proposed landscaping materials.

2. Requirements for Submission.

All Landscape Plans must be at a reasonable scale to indicate all types of proposed landscape improvements at a minimum scale of one (1) inch equals twenty (20) feet and shall include the following information:

- A. North arrow and scale;
- B. The name of the applicant/owner;
- C. The name, registration number, address and phone number of the person or firm responsible for the preparation of the landscape plans (if applicable);
- D. The dates on which plans are submitted or revised;
- E. All existing and proposed buildings and other structures, paved areas, planted areas, fencing, walls, water outlets, utility poles, fire hydrants, light standards, underground utilities, signs, fences, dumpster locations and other permanent features to be added or retained on the site;
- F. All existing plant material to be removed or retained and all proposed additions or changes to landscaping, buffering, and walkways, illustrating existing natural land features including, but not limited to: trees, forest cover, and water resources (Water resources include ponds, lakes, streams, wetlands, flood plains, and drainage ditches and retention areas, rivers, and any other body of water or waterway.);
- G. A schedule of all new landscaping materials to be installed. The plant list shall include the common names, specified installation size, and on center planting dimensions when applicable. When the list of plant material to be removed contains existing trees, the landscape plan shall justify that building location and placement has been developed with due consideration given to minimizing removal of trees. Quantities required shall be referenced on the plan;
- H. The locations and dimensions of existing and/or proposed streets, sidewalks, curbs and gutters, railroad tracks, paths, walkways, and/or bikeways, and illustrating natural and

manmade streetscaping including paving materials, vegetative materials, and material and design of street furniture;

- I. All property lines and easements;
- J. Any other information which is determined necessary to adequately review the proposal.

### **Section 3. VISION CLEARANCE**

All landscaped areas on corner lots and in median strips must not obstruct traffic vision within a site triangle between points twenty (20) feet along both intersecting streets from their respective edge of pavement:

1. Low opacity screening and short ground cover shall be substituted for required tall and high opacity screening plant materials within vision clearance areas.
2. No tree should be planted closer than twenty-five (25) feet to the squared sidewalk corner of a street intersection; however trees with at least eight (8) feet of limbless trunk may be permitted within the sight distance triangle.

### **Section 4. PLANT MATERIAL AND INSTALLATION SPECIFICATIONS**

#### **1. Existing Vegetation.**

Existing landscaping or natural vegetation may be used to meet the standards contained in this Zoning Resolution, if protected and maintained during the construction phase of the development.

- A. Every development shall retain all existing trees eighteen (18) inches in diameter or more unless it is determined that the retention of such trees would unreasonably burden the development.
- B. No excavation or other subsurface disturbance may be undertaken within the drip line of any tree eighteen (18) inches in diameter or more, and no impervious surface (including, but not limited to, paving or buildings) may be located within twelve and one-half (12-½) feet (measured from the center of the trunk) of any tree eighteen (18) inches in diameter or more unless compliance with this subsection would unreasonably limit reasonable use of the site.

#### **2. New Vegetation**

- A. All plant material shall be nursery grown and installed in accordance with accepted, good construction and horticultural practices. Plant material shall meet current standards set by the American Association of Nurserymen and shall be freshly dug, have outstanding form and be free of disease, insects and/or damage. Alternatives to these materials that can be shown to meet both the intent and requirements of this Zoning Code may be approved as part of a Landscaping Plan.
- B. Species selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site.

#### **C. Grass and Ground Cover.**

Grass or ground cover shall be planted on all portions of the property not occupied by structures, vehicular use areas or other plant material. If approved as part of a Landscaping Plan, ground cover may also consist of rocks, pebbles, wood chips, and/or other natural material. Any form of mulch shall only define a landscaped area and shall not be permitted to be installed in lieu of grass or ground cover.

1. Grass shall be planted in species normally grown as permanent lawns selected to assure slow growth and low water consumption whenever possible. To prevent the installation of short-lived or undesirable grasses as a high percentage of the mix, the installation of grass shall require:
  - a) Seeding pursuant to the "urban mix" as set forth in the most recent edition of the ODOT Construction Materials Specifications (consisting of 35% Kentucky Bluegrass; 35% Creeping Red Fescue; 10% Annual Rye Grass; and 20% Perennial Ryegrass) or an equivalent seed mix approved in advance of installation for the area by a landscape designer and the Zoning Inspector, applied at the rate of six (6) pounds per one thousand (1,000) square feet;

- b) Commercial fertilizer, 12-12-12, applied at the rate of twenty (20) pounds per one thousand (1,000) square feet.
  - 2. Ground cover shall be planted a minimum of eight (8) inches on center and shall be planted in such a manner to present a finished appearance and seventy-five (75) percent coverage after one (1) complete growing season.
- D. Vines.
  - Shall be at least twelve (12) to fifteen (15) inches high at planting, and are generally used in conjunction with walls, fences, or other buffering.
- E. Shrubs.
  - Shrubs shall be at least twenty-four (24) inches in average height and spread at the time of planting. Where required for buffering, shrubs shall form a continuous, year-round, solid visual screen within five (5) years after planting.
- F. Trees.
  - The trees shall be species which are resistant to damage and disease and which do not cause interference with underground utilities or street lighting. It is advised that a tree with an ultimate height of less than forty (40) feet be used. Evergreen trees shall be a minimum of four feet tall.
  - 1. Preferred Deciduous Tree Species.
    - The species of deciduous trees encouraged are Red Maple, Norway Maple, Sugar Maple, Sycamore Maple, Red Oak, Thornless Honey Locust, London Plane Tree, Amur Cork Tree and Sweet Gum, Buckeye, Ruby Red Horse-chestnut, European Hornbeam, Hornbeam, American Hop Horn-beam, European Linden, or any other indigenous species.
  - 2. Trees shall represent the best possible combinations of the following characteristics:
    - a) Diversity. Planting diversity is the goal of the tree program to prevent an overdependence on a few species. Over-use of a few species is inevitable without a conscious effort to vary plant species and families. The use of several varieties adds interest to the plantings of the Township and insures against the loss of all trees in case of an epidemic disease striking any one species. The International Society of Arboriculture's "Diversification Formula" shall be used as a guideline to prevent over planting of a single species or family. This formula states that, out of the total planting, no more than 10% should be from one family, and no more than 5% should be of one species.
    - b) Hardiness. Resistance to extreme temperatures; resistance to drought; resistance to storm damage; resistance to air pollution; and ability to survive physical damage from human activity.
    - c) Life Cycle. Moderate to rapid rate of growth; and long life.
    - d) Foliage and Branching. Tendency to branch high above the ground; wide spreading habit; and relatively dense foliage for maximum shading.
    - e) Maintenance. Resistance to pests; resistance to plant diseases; little or no pruning requirements; and no significant litter problems.
  - 3. Hazardous Trees.
    - Trees which produce nuts, seeds, or fruit, low branches, unpleasant odors, excessively thick foliage, susceptibility to disease or attack by insects, or large root systems are prohibited where they may create a hazard to pedestrians or vehicles.
    - a) Poplar, Willow, Cottonwood, American Elm, Ailanthus, Mountain Ash, Silver Maple, Ash Leaved Maple and Oregon Maple shall not be planted in such a manner that the natural dripline of an average adult tree of the species planted will be any closer than three feet (3 ft.) of a pedestrian walkway or parking lot.
    - b) Poplar, Willow or Cottonwood trees shall not be located within 100 feet of any public sewer or septic system.



4. Tree Planting Specifications.

Whenever possible, planting should be done during the months of April, May, October or November. Size, balling, branching and quality of tree shall be according to U.S.A. standards for Nursery Stock Trees.

- a) Tall deciduous trees normally should not be planted closer than forty (40) feet to each other.
- b) Present and future approaches to dwellings and garages shall be considered in location of new trees.
- c) Tree pits shall be dug with sides approximately vertical to a depth of twenty-two (22) inches and with a diameter of thirty-six (36) inches. When rock, hard-pan, stumps and roots, and any undesirable material is encountered, the pit shall be dug a minimum nine (9) inches greater than the approximate required depth. All undesirable material shall be removed and replaced with topsoil.
- d) New trees shall be planted at the same level or slightly higher than it had been at the nursery. Back fill used around a tree in the planting process shall be of a good quality topsoil free of stones, roots, weeds and other undesirable material. Peat moss may be mixed with topsoil backfill but under no circumstances shall dry peat moss be used in the mixing process. A saucer shall be left around the tree. Trees shall be mulched and artificially watered to stimulate good root, stem and leaf growth. Mulching shall be of well-rotted manure or wood chips within the saucer area. When wood chips are used, a commercial fertilizer shall be used prior to placement of chips.
- (e) New trees shall be staked with a two (2) inch by two (2) inch by eight (8) foot hardwood stake or snow fence stake. A cross tie, in the form of an "X," should be installed to support the tree and tied in such a manner that the wind does not cause the tree to de-bark upon the stake. The trunk shall be wrapped to prevent sun-scald.

**Section 5. MAINTENANCE STANDARDS**

The owner/lessee or responsible party of the property shall be responsible for continued maintenance of all landscaping materials and areas, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first. Proper maintenance shall be accomplished by the following standards:

1. All plant growth in landscaped areas shall be controlled by pruning, trimming, or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a hazard.
2. All planted areas shall be maintained in a weed-free condition, clear of undesirable undergrowth, and free from refuse and debris.
3. All landscaped areas must be irrigated to provide an adequate water source, or must otherwise be designed to ensure the long-term survival of landscaping materials.
4. Replacement plants shall conform to the standards that govern the original installation.

**Section 6. BUFFERING BETWEEN INCOMPATIBLE USES**

Every commercial or industrial development which adjoins or faces a residential or institutional use or premises situated in any "R" district, including across streets and alleys, shall provide sufficient screening in all side and rear yards so that neighboring properties are buffered from any adverse external effects of that development (noise, dust, glare, etc.).

1. A buffer area consists of an area not less than ten (10) feet in width and running the length of the side and/or rear yards within a required front, rear, and side yard setback adjacent to the abutting use or uses.
2. Buffer areas shall consist of maintained living vegetative material such as trees, shrubs, ornamental plants; earth mounding or fencing made of wood that results in one hundred (100) percent opacity to a height of six (6) feet or more within one (1) year of planting so that no rear or

side service areas on the development's premises shall be visible from the ground on the neighboring property. Fences shall not exceed a maximum height of six (6) feet.

3. A buffer area may only be occupied by utilities, screening, sidewalks and bikeways, and landscaping. No buildings, accessways, or parking areas shall be allowed in a buffer area except where an access way has been previously approved by the Township.
4. Where vegetative and/or topographic conditions that provide a natural buffer exist prior to development of a subject property, every effort shall be made to retain such conditions. In such cases, additional buffering may not be required, provided that provision is made for maintenance of such areas.
5. The requirement for the installation of buffers may be waived if equivalent buffering is provided by existing or planned parks, parkways, recreation areas or by topography or other natural conditions.

#### **Section 7. OFF-STREET PARKING AREA LANDSCAPING AND SCREENING**

1. All off-street parking areas, access drives, or other vehicle use areas for more than five (5) vehicles shall be effectively screened on each side which adjoins or faces any "R" or institutional use or any premises situated in a "R" district by a masonry wall or solid fence. 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 shall be landscaped with grass, hardy shrubs or evergreens ground cover and maintained in good condition. In lieu of such wall or fence, linear mounding with a slope no greater than a horizontal to vertical ratio of three-to one (3:1) on a strip of land not less than fifteen (15) feet in width and planted with an evergreen hedge or a dense planting of evergreen shrubs not less than four (4) feet in height may be substituted if maintained in good condition.
2. Landscaping within parking areas, whether ground cover or upright plant material, is necessary not only to reduce the generation of heat and water runoff, but to break up, visually, the expanse of paved areas. The use of parking islands or peninsulas strategically placed throughout the parking lot is required to landscape parking lot interiors. The use of shade trees in these landscape areas is encouraged.
  - A. The interior of any parking lot containing 30 parking spaces or more shall be landscaped. Interior landscaping shall be provided at a ratio of one shade tree for every ten parking spaces, always rounding up to the nearest whole number.
  - B. Trees for parking lot interiors shall be deciduous and capable of attaining a height of 30' and shall have at least a 2.5" caliper at the time of planting.
  - C. Landscaping and design shall be at the discretion of the applicant.
  - D. Trees for parking lot interiors shall be located so that they are surrounded by at least two hundred (200) square feet of unpaved and pervious area.
  - E. All trees shall be maintained in healthy condition and replaced as needed.
3. No paving may be placed within twelve and one-half (12-½) feet (measured from the center of the trunk) of any existing tree retained to comply with the requirements of this Section,
4. Parking areas shall be designed and detailed to prevent vehicles from striking trees. Parked vehicles may hang over the interior landscaped areas by no more than three (3) feet. Curbing or other wheel stops shall be provided to ensure no greater overhang or penetration into the landscaped area.

### **Section 8. LANDSCAPE STRIP REQUIREMENT**

A landscape strip shall be provided along the full front width of a commercial or industrial lot. The landscape strip shall be mounded at a slope no greater than a horizontal to vertical ratio of three-to-one (3:1) and remain unoccupied, except for landscape treatments as provided in this section, permitted signs, sidewalks, and driveways (generally perpendicular to the right-of-way line). The width of the landscape strip shall be no less than thirty (30) feet. Corner lots shall have a landscape strip of required width on both frontages.

1. Within this landscape strip, there shall be at least one (1), three (3) inch caliper deciduous tree or small flowering trees with creative placement for every twenty-five (25) feet of road frontage, along with random shrub plantings, in conformance with any similar landscaping required on adjacent lots.
2. Street Trees to be planted shall be straight-trunked and grown as a street tree in the nursery row one and three-quarter (1-3/4) inches to two (2) inches in diameter (measured one (1) foot above ground level) with a height of ten (10) to twelve (12) feet with lowest branching between four (4) and six (6) feet.
3. Earth mounds and decorative landscape treatments shall not impede visibility between the heights of three (3) feet and eight (8) feet at any point of ingress or egress on the development site.

### **Section 9. SERVICE STRUCTURE SCREENING**

Service structures shall be screened in all zoning districts. Service structures shall include, but not be limited to, loading docks, propane tanks, dumpsters, electrical transformers, and other equipment or elements providing service to a building or a site.

1. Required screening shall include a continuous planting, hedge, fence, or similar screening feature that will enclose any service structure on all sides, unless such structure must be frequently moved, in which case screening on all but one side is required.
2. Screening established with plant materials shall provide one hundred (100) percent opacity within two (2) years of planting. All other types of screening shall completely hide service structures.
3. The minimum height of the screening material shall be one (1) foot more than the height of the enclosed structure (within two (2) years of planting) but shall not be required to exceed ten (10) feet in height.
4. Whenever a service structure is located next to a building wall, perimeter landscaping material, or off-street parking area, landscaping material such as walls or screening material may fulfill the screening requirement for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this district.
5. Whenever a dumpster or similar waste collection unit is designed to be removed or emptied mechanically on a regular basis, a curb to contain the placement of the unit is required
6. Whenever screening material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regular basis, a barrier shall be provided which will prevent damage to the screening when the container is moved or emptied.

**ARTICLE X ENDNOTES**

- A Section 1. 2B - LANDSCAPING REQUIREMENTS - Resolution Amended July 2015

# ARTICLE XVI

## BOARD OF ZONING APPEALS

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<b>Section 1. POWERS AND DUTIES</b> <b>Section 2. FEES</b>	<b>Section 3. ORGANIZATION AND PROCEDURES</b> <b>Section 4. PUBLIC HEARING PROCEDURE</b>
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**Section 1. POWERS AND DUTIES**

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

1. Appeals.

Appeals shall be heard 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. The Board of Zoning Appeals is authorized to interpret the Zoning Map and to pass upon disputed questions of lot lines or district boundary lines and similar questions in such a way as to carry out the intent and purpose of the plan. The Board of Zoning Appeals is authorized to determine on appeal whether an industry should be prohibited within the "M-1" or "M-2" Industrial Districts because of the methods by which it would be operated and/or because of its effect upon uses within surrounding zoning districts.

- A. Appeals may be taken to and before the Board of Zoning Appeals by any person aggrieved, or by an officer of the Township. Such appeal shall be taken within twenty (20) days 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 office 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 appealed from was taken.
- B. An appeal shall stay all proceedings 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 an imminent peril to life or property, in which case proceedings shall not be stayed otherwise than 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.
- C. 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 that end, shall have all powers of the Zoning Inspector from whom the appeals is taken. Any party adversely affected by a decision of the Board may appeal to the Court of Common Pleas of the County, on the ground that the decision was unreasonable or unlawful.

## 2. Variance Appeals

The Board of Zoning Appeals shall have the authority to grant the following variations upon appeal upon finding the following considerations have been satisfied:

- A. A variation in the area, yard, and height requirements of any district may be permitted 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 variations will not seriously affect any adjoining property or the general welfare.
- B. A variation to the strict application of the terms of this Resolution relating to the permitted use of land where there are unusual and practical difficulties or particular hardship and where such variations of the strict application of the terms of this Resolution are in harmony with the general purpose and intent of this Resolution; 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 difficulty so great as to warrant a variation from the zoning plan as established by this Resolution, and at the same time, the surrounding property will be properly protected.
- C. A variation in the extension or completion of a building devoted to a nonconforming 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:
  1. The floor areas of such extension 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
  2. Such extension or extensions shall be undertaken within five (5) years of the date when the use of such building became nonconforming.
- D. A variation to 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 on the map aforesaid.
- E. A variation in 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.
- F. A variation in the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than sixty (60) percent of its fair market value where the Board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly.
- G. Waiver or reduction of 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 a convenience.
- H. A variation to permit land within three hundred (300) feet of a multiple dwelling to be improved for the parking spaces required in connection with a multiple dwellings, but only when there is positive assurance that such land will be used for such purpose during the existence of the multiple dwelling.

### 3. Conditional Use Review

The Board shall have the power to hear and decide applications for conditional uses in accordance with the provisions of this Resolution.

- A. In considering an application for a conditional use, the Board shall determine that the use will not:
  - 1. Impair an adequate supply of light and air to adjacent property;
  - 2. Unreasonably increase the congestion in public streets;
  - 3. Increase the danger of fire or endanger the public safety;
  - 4. Unreasonably diminish or impair established property values within the surrounding area, giving due regard to the nature and condition of all adjacent uses and structures; and
  - 5. In any other respect impair the public health, safety, convenience, comfort, prosperity, or general welfare of the inhabitants of the portion of the Township to which this Resolution applies.
- B. 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.

## **Section 2. FEES**

Each applicant for an appeal, variance or conditional use shall pay upon filing application with the Zoning Inspector. Said fee shall be established from time to time by Resolution adopted by the Middleton Township Board of Trustees. The Zoning Inspector shall forthwith pay over to the Township Clerk to the credit of the General Fund of the Township. Said fees are to defray the costs of investigation, legal notices and maintenance of records of the Township. Such fees are non-refundable and each action requested of the Board of Appeals shall require separate application and payment of fees.

## **Section 3. ORGANIZATION AND PROCEDURES**

### 1. Membership.

There is hereby created a Township Board of Zoning Appeals. The Township Trustees shall appoint five (5) members, who shall be residents of the unincorporated area of the Township included in the area zoned.

#### A. Terms.

The terms of each member shall be five (5) years, beginning January 1st, except that the terms of the original members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified.

#### B. Alternates.

The Board of Township Trustees may appoint two alternate members to the Board of Zoning Appeals, for terms to be determined by the Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Board. An alternate member shall meet the same membership criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. Each alternate member shall serve until the member's successor is appointed and qualified.

#### C. Vacancies and Removal.

Vacancies shall be filled by the Board of Township Trustees and shall be for the respective unexpired term. Members of the Board of Zoning Appeals shall be removable for nonperformance of duty, misconduct in office, or other cause by the board, upon written charges being filed with the board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving such copy at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges.

2. Officers.
  - A. The Board of Zoning Appeals shall organize annually and elect a Chairperson and Vice-Chairperson from its membership. The Township Board of Trustees may appoint a Secretary to serve the Township Board of Zoning Appeals.
  - B. The Chairperson shall preside at all meetings of the Board of Zoning Appeals, decide on all points of order and procedure, unless otherwise directed by a majority of the Board. The Chairperson may appoint committees deemed necessary to carry out the business of the Board. The Chairperson may administer oaths.
  - C. The Vice-Chairperson shall serve in the absence of the Chairperson and shall have all the powers of the Chairperson during an absence, disability or disqualification.
  - D. The Secretary shall keep minutes of all meetings and shall be responsible for all official correspondence of the Board. The Secretary's signature shall be the official signature of the Board and shall appear on all decisions as directed by the Board.
3. Proceedings of the Board of Zoning Appeals
  - A. The Board shall act by resolution in which three (3) members must concur.
  - B. The Board shall adopt rules as may be necessary to carry into effect the provisions of this Resolution and to exercise the powers and jurisdiction conferred upon it by the Resolution. Meetings shall be held at the call of the Chairperson and at such other times as the Board may determine. All meetings shall be open to the public.
  - C. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and filed in the office of the Board of Trustees.

#### **Section 4. PUBLIC HEARING PROCEDURE**

Hearings shall follow adjudicatory hearing procedures as outlined in the Ohio Revised Code.

1. Hearings Shall be Open to the Public
  - A. 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.
  - B. Parties in Interest.  
The Board shall hear the intervention of any owner of property adjacent to, in the rear of, or across the street from a lot as to which the granting of any building permit is pending and shall also hear any other parties in interest. Third parties without legal interest in the subject matter who could not assert a claim, make a defense, control proceedings, examine witnesses, or appeal from the judgment are not required to be heard.
2. Format for the Hearing.  
In order to insure a fair and objective public hearing, the following procedure shall be followed by the Board of Zoning Appeals:
  - A. Open the Hearing.  
The chairperson shall open the hearing and advise the participants that *Robert's Rules of Order* shall cover parliamentary issues. The chairperson shall summarize the hearing procedure, announce the subject, and summarize the application. If legal council is not present, the Chairman shall announce that if the Board of Zoning Appeals is in doubt as to how to proceed on a legal issue, it shall recess for an opinion by its own council. At this time, recognition of the required public notice publication should be made for the record.



B. Call for Abstentions and Ex Parte Contacts

1. The chairperson shall call for and recognize abstentions by any member of the Board of Zoning Appeals in the event that there is a personal conflict of interest and the Member shall be responsible for explaining the validity of the nature of the conflict of interest.
2. The chairman shall call for acknowledgment of any prior ex parte (off-the-record) communications by members of the Board of Zoning Appeals.
  - a) The official receiving the ex parte communication should summarize the nature of an oral communication on the record of the hearing so that its substance may be contested in public by other parties.
  - b) Ex parte written materials received by members of the Board shall be included in the agenda of the hearing or announced by the chairman at the hearing so that all parties can review them.
  - c) Ex parte communications do not need to be acknowledged at the hearing when they have been made public by sending a copy or a summary of the nature of an oral communication to the Secretary of the Board and that the communication was timely placed in the applicant's case file for public inspection and to parties required to receive notice by mail.

C. Oath of Witnesses.

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. All testimony shall be taken under oath. The chairperson shall direct all Township staff and persons wishing to present testimony to stand and be sworn at one time. Then, as each person is later recognized to present testimony, the chairperson shall only need ask witnesses to identify themselves, their residence or business address, and the fact they have been sworn in.

D. Staff Report and Summary.

The chairperson shall direct the Zoning Inspector or other Township staff to present a report on the subject land use. Visual aids, such as flip charts, maps, or projected images should be employed to make or clarify critical points.

E. Proponents Recognized.

The chairperson shall seek testimony from the applicant and those favoring the proposal. Presentation time shall be generally limited to three (3) to five (5) minutes for each individual.

F. Examination of Proponents Through the Chair.

The chairperson shall recognize members of the Board of Zoning Appeals with questions regarding the presentation of the proponent. All questions and responses shall be directed through the chairperson.

1. Direct testimony shall be taken in the form of reliable, probative, and substantial evidence from experts and non-experts.
2. Members of the Board should probe views of witnesses to separate fact from opinion and lay opinion from expert opinion.
3. Hearsay evidence may not be considered or presented in an arbitrary manner. Factors bearing on arbitrariness include whether any party objected to the hearsay; whether both sides take advantage of liberalized evidentiary rules regarding hearsay; whether the hearsay carried an indicia of reliability; and whether the Board blindly accepted the accuracy of the hearsay evidence.

G. Opponents Recognized.

The chairperson shall seek testimony from those opposed to the proposal. Individuals who were entitled to receive notice of the hearing or groups represented by spokespersons shall be recognized first. The same amount of time allowed each proponent should be afforded each opponent.

- H. Examination of Opponents through the Chair.  
The chairperson shall recognize members of the Board with questions regarding the opponents' presentation. All questions and responses shall be directed through the chairperson.
  - I. Rebuttal and Cross-examination of Witnesses.  
The chairperson shall recognize both opponents and proponents who desire to submit rebuttal testimony or to cross-examine witnesses. All testimony shall be subject to cross-examination. All rebuttal comments or questions to and from members of the hearing body shall be directed through the chairperson. The proponents shall have the final opportunity for rebuttal.
  - J. Continuation of the Hearing.  
If pertinent data needs to be obtained, the chairperson shall announce a continuation of the hearing to another specified date, time, and place.
  - K. Closing of the Hearing.  
Upon completion of all testimony and upon a motion of a member of the Board, the chairperson should close the public hearing.
  - L. Deliberation and Decision.  
At the conclusion of the hearing, the Board of Zoning Appeals shall deliberate upon the application and reach a decision. If time does not permit adequate deliberation, the matter should be continued for a decision at a meeting open to the public at a specified date, time, and place.
3. Record.  
A record of the proceedings of a public hearing, approved by the Board of Zoning Appeals and signed by the Secretary of the Board, shall be maintained in case the decision is appealed. A typical hearing record shall include:
- A. The applicant's request on a properly completed form;
  - B. The records of any actions on this request by an administration official or body, including all past records regarding the property such as an earlier request for variance, conditional use approval, or a record of a nonconforming use status;
  - C. Records that verify proper notice has been given to the appropriate parties and to neighboring property owners, including any newspaper notice and the affidavit of publishing thereof;
  - D. Any relevant maps, exhibits, drawings, or photographs presented and marked as evidence or as a part of the application, and copies of any correspondence received or sent out with regard to the request;
  - E. A complete record of all public input made at the hearing submitted by sworn witnesses. The hearing may be tape-recorded for later transcription into minutes or a court stenographer shall be present to prepare a complete record;
  - F. A record of what the hearing body saw on any visits it made to the property in question, and a summary of any conversations between the hearing body and parties with an interest in the application;
  - G. Copy of a reference to the relevant ordinance requirements;
  - H. The findings of fact, the conclusions reached, and the recommendation or decision made on the request by the Board of Zoning Appeals; and
  - I. A copy of any other correspondence to or from the petitioner regarding the decision.

# ARTICLE XVII

## DISTRICT CHANGES

### AND RESOLUTION AMENDMENTS

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**Section 1. GENERAL**

**Section 3. APPLICATION FEES**

**Section 2. PROCEDURE FOR  
CHANGES TO A ZONING  
DISTRICT**

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**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 ORC 519.12, amend, supplement or change the regulations, district boundaries or classifications of property, now or hereafter established by this Resolution or amendment thereof. It shall be the duty of the Commission to submit its recommendations regarding all applications or proposals for amendments or supplements to the Trustees.

**Section 2. PROCEDURE FOR CHANGES TO A ZONING DISTRICT**

1. Initiation of Amendments.

Applications for any change of district boundaries or classifications of property as shown on the Zoning Map may occur through any of three methods:

- A. By the motion of the Zoning Commission;
- B. By the passage of a resolution by the township Board of Trustees subsequently certified to the Zoning Commission; or
- C. By the filing, with the Commission, of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by a proposed amendment. An application for amendment 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 record. Each such application shall be verified by at least one 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 applications.

2. Public Hearing by Zoning Commission.

Upon the adoption of such motion, the certification of such resolution, or the filing of such application, the Zoning Commission shall set a date for a public hearing, which date shall not be less than twenty (20) or more than forty (40) days from the date of adoption of such motion, the certification of such resolution, or the receipt of the request or application for a zone change thereon.

3. Notice

Notice of the hearing shall be given by one or more of the following techniques:

- A. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the county auditor's current tax list, then:
  - 1. Written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the county auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment.

2. In addition, notice of the public hearing shall be given by one (1) publication in a newspaper of general circulation in the Township.
3. The published and mailed notices shall set forth all of the following:
  - a) The time, date, and place of the public hearing;
  - b) The name of the Zoning Commission;
  - c) A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;
  - d) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the county auditor's current tax list;
  - e) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
  - f) The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the public hearing;
  - g) The name of the person responsible for giving notice of the public hearing;
  - h) A statement that, after the conclusion of such hearing, a recommendation on the matter may be submitted to the Board of Township Trustees for its action; and
  - i) Any other information requested by the Zoning Commission.
- B. If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the county auditor's current tax list, notice shall be given by one (1) publication in a newspaper of general circulation in the Township which sets forth all of the following:
  1. The time, date, and place of the public hearing;
  2. The name of the Zoning Commission;
  3. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
  4. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing;
  5. The name of the person responsible for giving notice of the public hearing by publication;
  6. A statement that, after the conclusion of such hearing, the matter will be submitted to the Board of Township Trustees for its action;
  7. Any other information requested by the Zoning Commission.
4. Recommendation of County Planning Commission.  
 Within five (5) days after the adoption of such motion, the certification of such resolution, or filing of such application, the Township Zoning Commission shall transmit a copy thereof together with the text and map pertaining thereto to the County Planning Commission for consideration at their next regularly scheduled meeting. The County Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall forward such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed amendment.
5. Public Hearing Procedure.  
 Hearings shall follow legislative hearing procedures as outlined in the Ohio Revised Code requiring a recommendation of approval or disapproval based upon governmental, political and policy considerations.
  - A. Record.  
 A record of the proceedings of a public hearing, approved by the Zoning Commission and signed by the Secretary of the Zoning Commission, shall be maintained. A typical legislative hearing record should include the same requirements listed for an adjudicatory hearing in

Article XV, Section 4.3 (Record). In addition, the record should also contain any memorandum or report forwarding a recommendation on a zoning change or PUD to the Board of Township Trustees, along with the basis or rationale for it, and any recommended changes or conditions to be imposed through legislation.

B. Format for the Hearing.

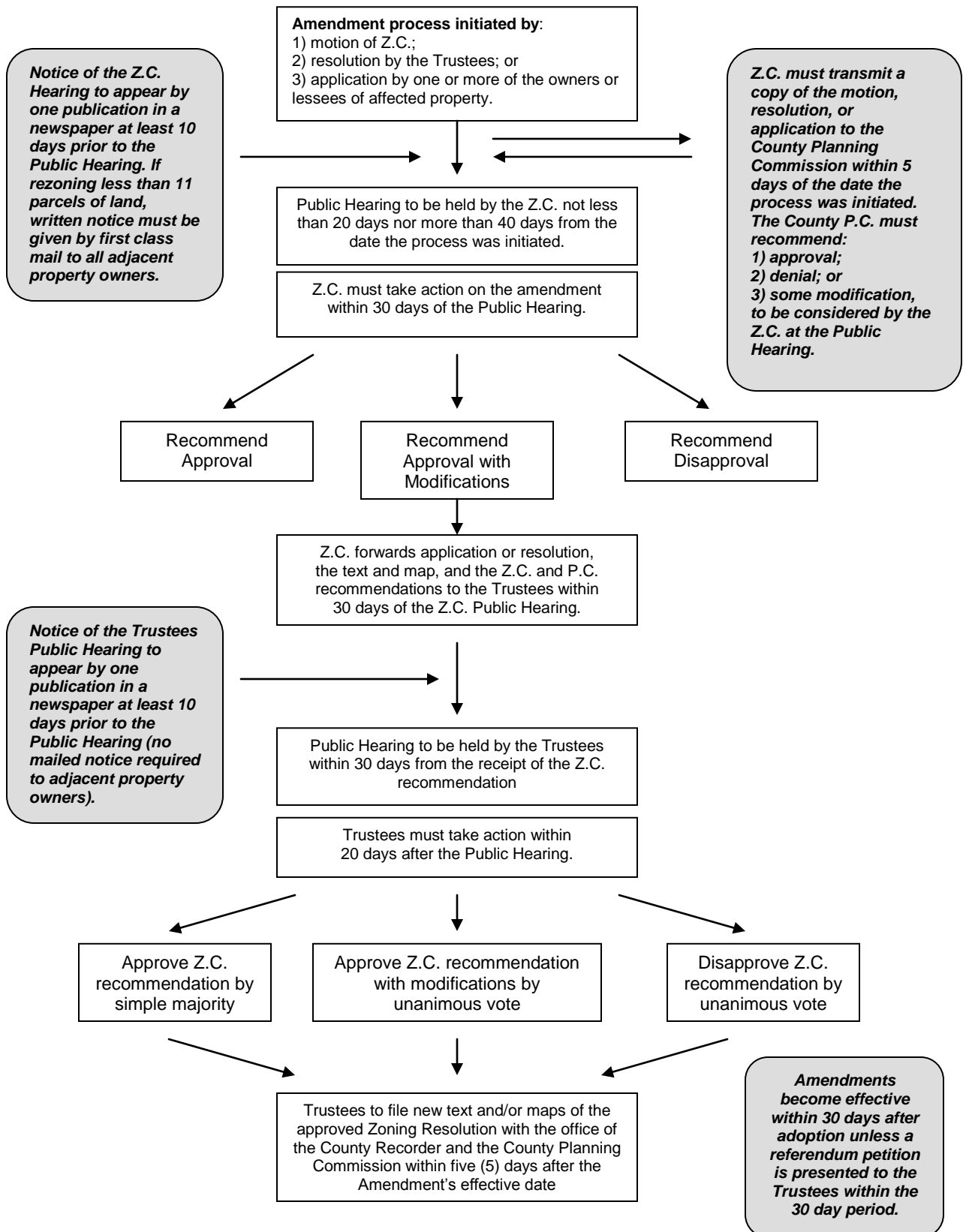
In order to insure a fair and objective public hearing, the following procedure should be followed by the Zoning Commission:

1. Open the Hearing.  
The chairperson should open the legislative hearing, advise the participants that *Robert's Rules of Order* shall cover parliamentary issues, summarize the hearing procedure, announce the subject, and summarize the application.
2. Staff Report and Summary.  
The chairperson may ask staff to present a report of the recommendations received by the County Planning Commission and recommendations sought by the Township from other officials, agencies, or experts. Visual aids, such as flip charts, maps, or projected images may be employed to make or clarify critical points.
3. Proponents Recognized.  
The chairperson may seek testimony from the applicant and those favoring the proposal. Presentation time shall be generally limited to three (3) to five (5) minutes for each individual.
4. Opponents Recognized.  
The chairperson may seek testimony from those opposed to the proposal. Individuals who were entitled to receive notice of the hearing or groups represented by spokespersons shall be recognized first. The same amount of time allowed each proponent should be afforded each opponent.
5. Continue or Close the Hearing.  
If pertinent data needs to be obtained, the chairperson may announce a continuation of the hearing to another specified date, time, and place. When all pertinent data and public testimony is of record, the chairperson should close the hearing.
6. Deliberation and Decision.  
At the conclusion of the hearing, the Zoning Commission shall deliberate upon the application and reach a decision. If time does not permit adequate deliberation, the matter should be continued for a decision at a future meeting open to the public at a specified date, time, and place announced at the meeting.
6. Action of the Zoning Commission.  
The Zoning Commission shall, within thirty (30) days after such hearings, recommend that the application for zoning amendment be granted as requested, or it may recommend modifications to, or conditions upon, the zoning amendment requested in the application, or it may recommend that the application be not granted. This recommendation, together with such application or resolution, the text and map pertaining to it, and the County Planning Commission recommendations shall then be submitted to the Board of Township Trustees.
7. Public Hearing by Board of Township Trustees.  
After receiving from the Commission such recommendations, the Township Trustees shall set a date for a public hearing not more than thirty (30) days after receipt of the proposed amendment. At least ten (10) days notice shall be given by publication in a newspaper of general circulation in the Township.

- A. For amendments proposing to rezone ten (10) or fewer parcels, the published notice shall include all of the following:
    - 1. The time, date, and place of the hearing;
    - 2. The name of the board;
    - 3. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
    - 4. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the county auditor's current tax list;
    - 5. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
    - 6. The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the public hearing;
    - 7. The name of the person responsible for giving notice; and
    - 8. Any other information requested by the board.
  - B. If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land as listed on the county auditor's current tax list, the published notice shall include all of the following:
    - 1. The time, date, and place of the hearing;
    - 2. The name of the board;
    - 3. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
    - 4. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the public hearing;
    - 5. The name of the person responsible for giving notice;
    - 6. Any other information requested by the board.
8. Action of Board of Township Trustees.  
 After receiving from the Commission the certification of said recommendations on the proposed amendment and after holding the above public hearing, the Board of Township Trustees shall consider such recommendations and vote on adoption, denial or some modification of the recommendation of the Zoning Commission within twenty (20) days.
- A. The Board of Township Trustees may adopt the recommendation of the Zoning Commission by a simple majority vote.
  - B. The Board of Township Trustees may deny or modify the Zoning Commission recommendation only by unanimous vote of the Board of Township Trustees.
  - C. Such amendment or supplement adopted by the Board shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Board of Township Trustees a petition signed by a number of qualified voters residing in the unincorporated areas of the Township or part thereof included in the zoning plan equal to not less than eight (8) percent of the total votes cast in the last general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.
    - 1. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents.
    - 2. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in Section 3501.38 of the Revised Code.

**Process for Initiation of Amendment to Zoning Resolution**

[Pursuant to ORC 519.12]



**Section 3. APPLICATION FEES**

At the time an application for an amendment to the Resolution or a change in the District Map is made; as provided herein, there shall be deposited a fee as established from time to time by Resolution of the Board of Trustees, Middleton Township. Said fee is for the purpose of defraying costs of investigation, legal notices and other such 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 Middleton Township.



# ARTICLE XV

## ZONING COMMISSION

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**Section 1. DUTIES OF ZONING COMMISSION**

**Section 2. ORGANIZATION AND PROCEDURES**

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**Section 1. DUTIES OF ZONING COMMISSION**

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

1. Prepare and adopt land use plans for the unincorporated territory of the Township;
2. Review and/or initiate and review all proposed amendments to this Zoning Resolution and make recommendations to the Board of Township Trustees;
3. Review Planned Unit Development Preliminary Plans and make recommendations to the Board of Township Trustees and approve Planned Unit Development Final Plans;
4. Review and approve Site Plans; and
5. Make an analysis and present a report on any matter before the Board of Zoning Appeals.

**Section 2. ORGANIZATION AND PROCEDURES**

1. Membership.

There is hereby created a Middleton Township Zoning Commission of five (5) members, who shall be appointed by the Township Trustees. Members shall be residents of the unincorporated area of the Township included in the area zoned.

A. Terms.

The terms of each member shall be five (5) years beginning January 1st, except that the term of the original members shall be of such length and so arranged that the term of one successor is appointed and qualified each year. Each member shall serve until the member's successor is appointed and qualified.

B. Alternates.

The Board of Township Trustees may appoint two alternate members to the township Zoning Commission, for terms to be determined by the Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the township Zoning Commission. An alternate member shall meet the same membership criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. Each alternate member shall serve until the member's successor is appointed and qualified.

C. Vacancies and Removal.

Vacancies shall be filled by the Board of Township Trustees and shall be for the respective unexpired term. Members of the Zoning Commission shall be removable for nonperformance of duty, misconduct in office, or other cause by the board, upon written charges being filed with the board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving such copy at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges.

2. Officers

- A. The Zoning Commission shall organize annually and elect a Chairperson and Vice-Chairperson Secretary from its membership. The Township Board of Trustees may appoint a Secretary to serve the Township Zoning Commission. The Commission shall adopt rules as may be necessary to carry into effect the provisions of this Resolution and to exercise the powers and jurisdiction conferred upon it by the Resolution.
- B. The Chairperson shall preside at all meetings of the Commission, and decide on all points of order and procedure unless otherwise directed by a majority of the Commission. The Chairperson may appoint committees deemed necessary to carry out the business of the Commission. The Chairperson may administer oaths.
- C. The Vice-Chairperson shall serve in the absence of the Chairperson and shall have all the powers of the Chairperson during an absence, disability or disqualification.
- D. The Secretary shall keep minutes of all meetings and shall be responsible for all official correspondence of the Commission. The Secretary's signature shall be the official signature of the Commission and shall appear on all decisions as directed by the Commission.

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