

*Res. 2005-03.*

**MILTON TOWNSHIP  
ZONING RESOLUTION**

**WOOD COUNTY, OHIO**

TABLE OF CONTENTS

ARTICLE

I. PURPOSE..... 1

II. IDENTIFICATION ..... 1

III. INTERPRETATION..... 1

IV. EXEMPTIONS ..... 2

V. DEFINITIONS.....2

VI. DISTRICTS ..... 12

VII. CLASSIFICATION OF USES ..... 12

    A. Permitted Uses in "A" Agriculture District ..... 12

    A-1. Conditional Uses Requiring Zoning Board of Appeals Approval..... 12

    B "R-1" Residential District ..... 13

    B-1. Permitted Uses in "R-1" Residential District ..... 13

    B-2. Accessory Uses..... 13

    B-3. Conditional Uses Requiring Zoning Board of Appeals ..... 13

    C. Permitted Uses in "R-2" Residential District ..... 13

    C-1. Conditional Uses Requiring Zoning Board of Appeals Approval ..... 13

    D. "C" Commercial District..... 14

    D-1. Permitted Uses for the "C" Commercial District..... 14

    D-2. Commercial Requirements..... 14

    E. Permitted Uses in the "I" Industrial District..... 14

    E-1. Industrial Requirements ..... 14

    F. "S" Special District..... 15

    F-1. Permitted Uses in the "S" Special District ..... 15

    F-2. Conditional Uses Requiring Zoning Board of Appeals Approval ..... 15

VIII. PROHIBITED USE ..... 15

IX. NON-CONFORMING USES..... 16

X. RELOCATION OF A STRUCTURE..... 16

XI. SET BACK BUILDING LINES..... 16

XII. TREE AND SHRUB SETBACK LINE ..... 16

XIII. FENCE SETBACK LINE ..... 17

XIV. LOT AND FLOOR AREA REQUIREMENTS ..... 18

XV. MAXIMUM HEIGHT OF BUILDING.....	20
XVI. PARKING FACILITIES.....	20
XVII. SIGNS .....	21
XVIII. MANUFACTURED HOMES .....	22
XIX. DISABLED, ABANDONED, JUNK VEHICLES.....	23
XX. TRAILERS, MOBILE HOMES, AND RECREATIONAL VEHICLES .....	24
XXI. NON-TRADITIONAL ACCESSORY BUILDINGS.....	24
XXII. HOME OCCUPATIONS (TO INCLUDE OUTBUILDINGS).....	24
XXIII. PONDS.....	25
XXIV. CONDITIONAL USE PERMIT .....	25
A. Permits for Conditional Uses .....	25
B. Procedure.....	25
XXV. ADMINISTRATION.....	26
1. Zoning Inspector .....	26
2. Plats, Maps, and Descriptions .....	26
3. Zoning Certificate (Permit) .....	26
XXVI. PENALTIES .....	27
XXVII. VALIDITY .....	27
XXVIII. BOARD OF ZONING APPEALS .....	27
1. Organizations and Procedures .....	27
2. Appeals .....	28
3. Powers and Duties .....	28
XXIX. DISTRICT CHANGES AND RESOLUTION AMENDMENTS.....	30
1. General.....	30
2. Procedure for Change in Zoning Districts .....	30
3. Application Fees .....	30
XXX. EFFECTIVE DATE .....	32
XXXI. FEE SCHEDULE .....	33



3. Words uses in this resolution in the present tense shall be interpreted to include the future tense; words used in the singular number shall include the plural number, as the plural number shall include the singular number. The word "shall" as uses in this resolution shall be construed to mean mandatory, the word "may" is permissive. The masculine gender as used in this resolution shall include the feminine and neuter gender and vice-versa.
4. Where this resolution imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards than are imposed or required by other provisions of law, rules, regulations, covenants, or agreements, the provisions of this resolution shall apply, but nothing herein shall interfere with, abrogate or annul any easements, covenants, deed restrictions or agreements between the parties which impose restrictions greater than those imposed by this resolution.

#### ARTICE IV EXEMPTIONS

In accordance with Section 519.21 of the Ohio Revised code the following and only the following are exempt from the zoning regulations.

1. The use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such building or structure. This does not include the residential dwelling.
2. The use of land or building or any public utility or railroad whether publicly or privately owned, for the operation of its business.

#### ARTICLEV DEFINITIONS

Definitions which shall be applicable in construing this resolution:

1. Accessory Building Building customarily incident to and located on the same lot with another building, and not called a residential garage.
2. Agriculture "Agriculture" shall include farming, dairying, pasturage, apiculture, agriculture, horticulture, viticulture, animal and poultry husbandry.
3. Agricultural Zone Areas of land may be classified as agricultural provided the general area is not built up for urban use and the general area is open space.
4. Alteration Any change to a structure which does not involve a structural change.
5. Apartment A room or suite of rooms intended, designed, or used as residence by a single family.
6. Area of Building The number of square feet included within the outside walls, excluding porches, breezeways, terraces.

7. Basement A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A basement shall not be considered a story for purposes of height measurement, or in determining the permissible number of stories.
8. Building an structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.
9. 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.
10. 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.
11. Buildings, Principal A building in which is conducted the main or principal use of the lot on which said building is situated.
12. Clinic Any building or other structure devoted to the diagnosis, treatment and care of out-patients.
13. 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.
14. Cottage Building designed and/or constructed for seasonal occupancy only.
15. Dwelling A building designed, constructed or reconstructed for permanent occupancy by a family.
16. Dwelling, Single-Family A dwelling entirely detached and independent from any other principal structure, arranged, intended, designed and constructed or reconstructed to be occupied by a single family.
17. Dwelling, Two-Family A building designed for or occupied exclusively by two families.
18. Dwelling, Multiple-Family A building arranged and designed to be occupied by three or more families living independently of each other and having independent and separate living areas, including apartment houses, apartment hotels, flats and group houses

19. Essential Services The erection, construction, alteration or maintenance, by public utilities or municipal or governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings other than structures for mainly enclosing essential services described herein.
20. Family One or more persons who live together in one dwelling unit and maintain a common household. A "family" may also include domestic servants and gratuitous guests.
21. Floor Area The sum of the gross horizontal areas of the several floors of a building, "floor area" shall not include: basement space, stair bulkheads, attic space, terraces, breezeways and open porches, and uncovered steps.
22. Front Yard Minimum distance between a structure and the front lot line.
23. Frontage The part of a lot or parcel of land adjacent to a public street or highway.
24. Garage, Private An accessory building designed or used for the storage of motor vehicles owned and used by the occupants of the building to which it is accessory. Not more than one of the vehicles may be a commercial vehicle, which vehicle shall not exceed a two-ton capacity.
25. 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.
26. Gas Station, Service Station Any building, structure or land used only for the sale of motor vehicle fuels, oils, lubricants and automobile accessories directly to the consumer, and may include minor repairs incidental to such use. Storage tanks shall be located completely within lot lines and underground.
27. Gross Leasable Area The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces. It is all that area on which the tenants pay rent; it is the area producing income, abbreviated GLA.
28. Highway, Major A street or road of considerable continuity and used primarily as a traffic artery for inter-communication among large areas.
29. Hospital Any building or other structure containing beds for at least four patients and devoted to the diagnosis, treatment or other care of human ailments.

30. Home Occupation Business activities being conducted in or from the residential premise by the occupant of the residence, providing the activities do not involve: hired employees; private phone or mail advertising status; nor any extension or modification which alters its outward appearance as a dwelling unit.
31. Hotel A building, or any part of a building which contains living and sleeping accommodations for transient occupancy and has a common entrance or entrances.
32. Institution A building occupied by a non-profit corporation or a non-profit establishment for public use.
33. Junk Yards An open area where waste, scrap metal, paper, rags or similar materials are brought, sold, exchanged, stored, packed or handled, including building wrecking yards, motor vehicle salvage yards, but excluding uses taking place entirely within an enclosed building.
34. Laborer, Seasonal Agricultural An individual employed during the growing and/or harvesting or processing of agricultural products and whose place of employment is primarily on the remises on which the product is grown.
35. Loading Space A space with in the main building or on the same lot therewith, providing for the standing. Loading, or uunloading of trucks. Such space shall have direct usable access to a street or alley. Where such loading space has been provided, an additional space lying alongside, contiguous to and not separated from the first such loading space need not be wider than twelve feet.
36. Lodging House as herein defined, is a building other than a hotel where lodging for three or more persons is provided for compensation pursuant to previous arrangement and not to who may apply.
37. Lot A parcel of land occupied or legally capable of being occupied by a building and/or accessory buildings and to include such open yard areas as are required by this resolution.
38. Lot, Area of The area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.
39. Lot, Comer Any lot at the junction of abutting on two or more intersecting streets
40. Lot, Interior Any lot other than comer lot.
41. Lot Line, Front For an interior lot, a "front lot line" is a street line. On a comer lot, the street line having the least dimension shall be considered the "front lot line."
42. Lot Line, Rear Any lot line, other than a street line, which is parallel to the front lot line or within forty-five degrees of being parallel to the front lot line.
43. Lot Line, Side A "side lot line" is any lot line which is not a front lot line or a rear lot line.



44. Lot of Record A lot which has been recorded in the office of the County recorder or Auditor of Wood County, Ohio.
45. Manufacturing, General Any manufacturing or industrial process, including food processing and plant product processing, except that which is incident to agricultural operation on an individual's property holdings, which by the nature of the materials, equipment, and process utilized are not objectionable by reason of odor, noise, vibration, cinders, gas fumes, dust, smoke, refuse matter or water carried waste.
46. Manufacturing, Restricted Any manufacturing or industrial processing which by the nature of the materials, equipment and process utilized are to a considerable measure clean, quiet and free of any objectionable or hazardous element. Restricted industrial uses shall include the industrial uses listed below and any other uses which are determined to be of the same general character: drugs, jewelry, musical instruments, sporting goods; processing and assembly of glass products, small household appliances, electronic products and parts for production of finished equipment; research and testing laboratories; printing and engraving plants.
47. Manufactured Housing Housing other than site-built dwellings and may include the following:
  - A. Mobile Home Any vehicle manufactured as a single-family residence comprised of one or more sections, excluding recreational vehicles, which has been designed and manufactured for transportation on the public streets and highways on its own wheels, arriving at the site ready for occupancy except for normal unpacking, assembly operations and connections to utilities. This term shall not include a modular home as defined in this resolution, or an industrialized unit as defined in Section 3781.10 of the Ohio Revised Code, but includes a manufactured home as defined in this resolution.
  - B. Manufactured Home Any mobile home bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards. The term is used to distinguish mobile homes which have been so certified from those which have not been certified.
  - C. Modular Home A factory-built dwelling unit designed for assembly at the building site, bearing certification with the Ohio Building Code and meeting the definition of Industrialized Unit (O.R.C 3781.10 (h)).
48. Manufactured Home Park One (1) or more contiguous parcels of land under a single management which have been designed and developed in such a manner as to provide individual manufactured home sites for three or more manufactured homes. The term manufactured home park shall mean the same as a trailer park, trailer court, or trailer camp; however, only mobile homes or trailers with HUD certification shall be located therein.
49. Manufactured Home Space A plot of ground within a manufactured home park designed for the accommodation of one manufactured home.

50. Motor Court or Motel A building or group of buildings used for the temporary residence of motorists or travelers.
51. Motor Vehicle Salvage Yard Any place where two (2) or more motor vehicles not in running condition, or parts thereof, are stored in the open, in a fenced area, or in a partially enclosed building and are not being restored to operation, or any land used for wrecking, storing and/or salvage of such motor vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition.
52. Non-Conforming Use One that does not comply with the regulations established for the particular use, district or zone in which it is situated.
53. Non Traditional Accessory Buildings Including but not limited to, semi-truck trailers, box trucks, cargo containers used by the air, rail, shipping and land transportation industries, when used as an accessory building.
54. Off-Street Parking Space An off-street space available for the parking of one motor vehicle and having an area of not less than two hundred square feet, exclusive of passageways, driveways and other maneuvering area appurtenant thereto and giving access thereto. Such space shall have direct access to a street or alley.
55. Parcel An area of land shown as a unit or contiguous units on the County Auditor's map.
56. Parking Area An open, unoccupied space used or required for use for parking of automobiles exclusively.
57. Parking Space A surface area, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than two hundred (200) square feet exclusive of driveways.
58. Personal Services Any enterprise conducted for gain which primarily offers services to the general public, such as, shoe repair, watch repairing, barber shop, beauty parlors and similar activities.
59. Planning Commission Wherever Planning Commission or County Planning Commission is referred to, it shall be the Wood County Planning Commission.
60. Plant Cultivation The cultivation of crops, fruit trees, nursery stock, truck garden products and similar plant materials outside of structures, such as greenhouses.
61. Plat Required When more than five (5) parcels are created from one parcel or a new road is dedicated.
62. Platting Platting shall mean platting for residential development in accordance with Wood County Land Subdivision Regulations.
63. Porch Wherever mentioned, is a roofed open area, projecting from the front, side or rear wall of a building.

64. Professional Activities The use of offices and related spaces for such professional services as are provided by doctors, dentists, lawyers, architects and engineers.
65. Public/Semi-Public Use A designation of use to include governmental buildings and spaces, public and private schools, public and private park and recreation areas and religious institutions.
66. Public Service Facilities The erection, construction, alteration, operation or maintenance of a utility or service by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewerages services.
67. Quarry Any land from which rock, stone, gravel, sand, earth or mineral is removed or excavated for the purpose of disposition away from the immediate premises. However, this shall not include excavation necessary for the actual foundations of any building or structure for which a zoning certificate has been issued.
68. Rear Yard Minimum distance between a structure and the rear lot line.
69. Recreational Facilities - Commercial Recreational facilities open to the public, established and operated for a profit, such as, commercial golf courses, golf driving ranges, swimming pools, ice skating rinks, riding stables, race tracks, amusement parks, carnivals and similar enterprises.
70. Recreational Facilities - Non-Commercial Private and semi-public recreational facilities which are not operated for commercial gain, including private county clubs, riding clubs, golf courses and other private non-commercial recreation areas and facilities or recreation center, including private community swimming pools.
71. Recreational Facilities - Restricted Commercial Recreational facilities open to the public, established and operated for a profit and restricted to bowling alleys, swimming pools, ice skating rinks, miniature golf and similar recreation activities requiring limited land area
72. Recreational Vehicle (RV) Any vehicular portable structure designed and constructed to be used as a temporary dwelling for travel, recreational or vacation purposes. This includes, but is not limited to, motor homes, travel trailers, tent campers and truck campers.
73. Residence or Residential A "residence" or "residential" shall include a building, or any part of a building, which contains dwelling units for permanent occupancy. "Residences," therefore, include all one-family and multi-family dwellings. However, "residences" do not include: transient accommodations, as in transient hotels, motels, tourist cabins and trailer camps; that part of a building which is used for any non-residential uses, except accessory uses for residences, in a building containing both residences and other uses; and institutional uses, as in rest homes, nursing homes, homes for the aged, orphanages and other institutional residential uses.

74. 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.
75. Rest Home A home which provides personal assistance to persons who, by reason of age or infirmity, are dependent upon the service of others.
76. Right-of-way Land which is set aside between property lines for streets, alleys, easements, utilities or other physical improvements.
77. Sand and Gravel Extraction The exaction, storage, separation, cleaning and marketing of sand and gravel.
78. Semi-Public Uses Churches, Sunday schools, parochial schools, colleges, hospitals and other institutions of an educational, religious, charitable or philanthropic nature.
79. Set Back Building Line Line perpendicular to the set back distance at the specified distance.
80. Set Back Distance The minimum horizontal distance between the road right-of-way and the building line.
81. Sewage disposal - Combined An approved sewage disposal system which provide for a combined collection and disposal of sewage from a group residential, commercial or industrial buildings.
82. Sewage Disposal Individual A septic tank installation on an individual lot which utilizes an anaerobic bacteriological process for the elimination of solid wastes and provides for the proper and safe disposal of the effluent, subject to the approval of health or sanitation officials having jurisdiction.
83. Side Yard Minimum distance between a structure and the side lot line.
84. sign Any structure or part thereof or any device attached to a structure or painted or represented on a structure on which lettered, figured or pictorial matter is displayed or used for the purpose of bringing the subject thereof to the attention of the public. Any device designed to inform or to attract the attention of persons not on the premises on which the sign is located. A "sign" includes an billboard, but does not include any flag, badge, or insignia of any government or governmental agency or of any charitable, religious, educational similar organization.
85. Social Activities The use of land and buildings for clubs, fraternal organizations, veterans' organizations and similar social purposes.
86. Specialized Animal Raising and Care The use of land and buildings for the raising and care of fur-bearing animals, such as rabbits and domestic pets; and the stabling and care of horses, animal kennels, or birds of a similar nature.

87. 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
88. Story, Half A story under a gable, hop 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.
89. Street A public or private thoroughfare which affords the principal means of access to abutting property.
90. Street line A dividing line separating a lot, tract, or parcel of land and a contiguous street
91. Structure Structure or building is anything erected, constructed or reconstructed on a foundation, posts, piles, blocks, skids, sills, or any other support, whether such foundation, posts, piles, blocks, skids, sills, or other support is or is not permanently located in or attached to the soil.
92. Structural Change Wherever mentioned in this resolution means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, excepting such structural change as may be required for the safety of the building or occupants thereof. This does not include re-painting, re-roofing, or re-siding.
93. 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.
94. Township Wherever "Township" is referred to, it shall be Milton Township, Wood County, Ohio.
95. Trailer Coach, House Trailer Any vehicle originally built, manufactured, assembled, constructed or reconstructed to have one or more wheels, and is designed, used or intended for use as a temporary or permanent dwelling or shelter for one or more individuals.
96. Trustee, Board of Trustees The Board of Trustees of Milton Township, Wood County, Ohio.
97. Use Any purpose for which buildings, other structures or land may be arranged, designed, intended, maintained, or occupied.
98. Used Car Lot Any lot on which two or more motor vehicles in operating condition are offered for sale or display to the public.
99. Variance A change in the requirements within a district, not to include a change in basic land use.
100. Zoning Board of Appeals Board of Appeals of Milton Township, Wood County, Ohio.

101. Zoning Certificate The document issued by the Zoning Inspector, authorizing the use of the land or building.
102. Zoning Commission Wherever "Commission" or "Zoning Commission" is referred to, it shall be the Zoning Commission of Milton Township, Wood County, Ohio.
103. Zoning Inspector The Zoning Inspector or his authorized representative appointed by the Board of Trustees.

ARTICLE VI                      DISTRICTS

For the purpose of carrying out the provisions of this resolution the unincorporated area of the township is hereby divided into the following districts:

- "A" AGRICULTURE DISTRICT
- "R-1" RESIDENTIAL DISTRICT
- "R-2" RESIDENTIAL DISTRICT
- "C" COMMERCIAL DISTRICT
- "I" INDUSTRIAL DISTRICT
- "S" SPECIAL DISTRICT

These zones are designed on a zoning map and are hereby established and said map is made a part of the resolution. No buildings or premises shall be prescribed herein for the district in which it is located.

ARTICLE VII                      CLASSIFICATION OF USES

For the purpose of this resolution the following uses shall be permitted, including building and premises uses for the district mentioned.

A. PERMITTED USES IN "A" AGRICULTURE DISTRICT

- 1. Any agriculture use.
- 2. Any use or structure permitted and as regulated in the "R-1" District.
- 3. Roadside stands consisting of structures used for the display and sale of agricultural products of which fifty percent (50%) or more must be produced on the premises where stand is located. Such stands or displays shall be minimum of twenty (20) feet from the edge of a right-of-way and adequate parking facilities shall be maintained on the premises and not in the road right-of-way for customer parking. Any roadside stand shall have points of ingress/egress so situated that the visibility of the highway affording said ingress/egress be unobstructed for a distance of 500 ft. in each direction.
- 4. Home occupations.

A-1. CONDITIONAL USES REQUIRING ZONING BOARD OF APPEALS APPROVAL

- 1. Manufactured Homes as permitted in Article XVIII.
- 2. Structures for the temporary housing and shelter of seasonal agricultural laborers may be permitted on, or adjacent to, land, the use of which is for the production of the crops for which the agricultural labor is necessary. The location of such structures shall be as provided in Article XI and Article XIV. Minimum dwelling size, as provided in Article XVI shall not apply to such structures and the number of such structures per parcel of land shall be unlimited. Occupancy of such structures shall not extend more than thirty (30) days beyond the harvest season.
- 3. Non-commercial recreational use requiring open space, such as golf courses and hunting clubs, race tracks, or drag strips.

## B. "R-1" RESIDENTIAL DISTRICT

The Residential zone is intended as an area chiefly designed for single-family homes with related community facilities, such as religious and public recreation facilities which go into making up a balanced residential neighborhood.

### B-1. PERMITTED USES IN "R-1" RESIDENTIAL DISTRICT

1. One (1) single-family or one (1) two-family dwelling per lot for residential purposes, and buildings accessory thereto, but excluding the use of tents, cabins, and basements for residential purposes.
2. Schools and colleges for academic instruction.
3. Churches and Parish Houses, including Sunday Schools and meeting facilities.
4. Public buildings and properties of the cultural, administrative or public service type, but not including such uses as storage yards and warehouses.
5. Private recreation facilities not operated for profit, including swimming pools, tennis courts, etc.
6. Hospitals and sanatoriums, but not including those for contagious diseases or for the insane, liquor or drug addicts; and religious institutions, not including correctional institutions.
7. An office or "home occupation" which is conducted entirely within a dwelling by a resident thereof, providing such use does not involve any extension or modification of said dwelling which alters its outward appearance as a dwelling unit. Off-street parking shall be provided in accordance with Article XVI.
8. Platting of land for residential development in accordance with the SUBDIVISION REGULATIONS for Wood County.

### B-2. ACCESSORY USES

1. Private garage which may include living quarters not to be rented for profit.
2. Summer houses and other customary incidental structures.
3. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
4. One bulletin board or sign not exceeding twenty (20) square feet in area for an permitted church, school, or other public or semi-public institution.

### B-3. CONDITIONAL USES REQUIRING ZONING BOARD OF APPEALS APPROVAL

1. Specialized animal raising and care.

## C. PERMITTED USES IN THE "R-2" RESIDENTIAL DISTRICT

1. Any use as permitted in the "R-1" District.
2. Multiple dwellings.

### C-1. CONDITIONAL USES REQUIRING ZONING BOARD OF APPEALS APPROVAL

1. Manufactured home parks.
2. Specialized animal raising and care.



## D. "C" COMMERCIAL DISTRICT

The commercial zone is intended as an area wherein commercial uses are concentrated for the benefits of the residents of the township and others doing business with the commercial area. By concentrating the commercial areas, the following might be better accomplished: The safety and welfare of the commercial uses through better sharing of water, sewer, fire protection, trash collection, off-street parking, and other community services; and the economy and efficiency of the public agencies which provide these services.

### D-1. PERMITTED USES FOR THE "C" COMMERCIAL DISTRICT

1. Any retail or wholesale establishment whose primary function is serving the entire community, provided there shall be no manufacturing, assembly, processing of or compounding of products other than such as are customarily incidental or essential to such establishments, and provided further that there shall be not more than ten (10) persons engaged in such manufacture and that not more than fifty percent (50%) of the floor area used for treatment, manufacture and processing of products.
2. Residential dwellings and accessory buildings only shall be permitted and as regulated in the "R-2" District. No platting permitted.

### D-2. COMMERCIAL REQUIREMENTS

1. All commercial structures shall have plans reviewed by the Ohio Department of Industrial Relations and said plans shall be approved by the same, prior to the issuance of a zoning permit.
2. Lot size, side yards and set-back lines shall be in accordance with ARTICLES XI, XIV, AND XV.
3. Off-street parking shall be provided in accordance with ARTICLE XVI and shall be on the same side of the public road as the establishment.
4. The front set-back distance shall remain free of any and all structures.

## E. PERMITTED USES IN THE "I" INDUSTRIAL DISTRICT

1. Any industrial use, provided that no noxious or offensive activity shall be carried on within this district, nor shall anything be done which is injurious, dangerous or offensive to the neighborhood by reason of excessive emission of odor, dust, smoke, gas, noise, fumes, flame, radiation or vibration.
2. No residential construction shall be permitted.

### E-1. INDUSTRIAL REQUIREMENTS

1. All industrial structures shall have plans reviewed by the Ohio Department of Industrial Relations and said plans shall be approved by the same, prior to issuance of zoning permit.
2. Lot size shall be in accordance with ARTICLE XIV, LOT SIZE.
3. Off-street parking shall be provided in accordance with ARTICLE XVI.

## F. "S" SPECIAL DISTRICT

The "S" Special District is intended for areas which are large public or semi-public holdings, areas suitable for recreation and conservation purposes, areas suitable for non-commercial recreation, and/or areas subject to the periodic flooding.

### F-1. PERMITTED USES IN THE "S" SPECIAL DISTRICT

1. Agriculture
2. Parks
3. Public Uses
4. Accessory Uses
5. Conservation Areas
6. Non-commercial Recreational Facility
7. Plant cultivation

### F-2. CONDITIONAL USES REQUIRING ZONING BOARD OF APPEALS APPROVAL

1. Semi-public uses
2. Public Service Facility
3. Commercial Recreation Facility
4. Campground
5. Cemetery
6. Airports
7. Sand & Gravel Extraction

## ARTICLE VIII PROHIBITED USE

The following uses shall not be permitted in any district:

1. Breweries.
2. Metallic Powder Works.
3. Chemical Plants.
4. Crematory.
5. Distilling of bones, fat or glue, glue or gelatin manufacturing.
6. Manufacturing or storage of explosives, gun powder or fireworks.
7. Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal, or dead animals except such as result from the normal use of residential or agricultural premises, unless such dumping is done at a place provided by the Township Trustees for such specific purposes.
8. Junk yards, automobile graveyards, or places for the collection of scrap metal, paper, rags, glass, or junk for salvage purposes or for dismantling used vehicles or machinery.

ARTICLE IX

NON-CONFORMING USES

- I. A non-conforming use existing at the time this resolution takes effect may be continued, except that if it is voluntarily discontinued for two or more years, it shall be deemed abandoned and any further use must be in conformity with the uses permitted in such district.
2. Any building arranged, intended or designed for a non-conforming use, the construction of which has been started at the time of the passage of this resolution but not complete, may be complete and put to such non-conforming use, provided it is done within one (1) year after this resolution takes effect.
3. Any structure or building existing as a non-conforming use at the time this resolution takes effect which is destroyed by fire, accident, public enemy, or the elements, may be reconstructed and restored, provide the same is done within two (2) years from the date of said destruction, and is rebuilt as nearly as possible to conform with the zoning requirements within the district in which it is located.
4. Any building or structure or land area devoted to a non-conforming use at the time this resolution takes effect may not be altered or enlarged so as to extend said non-conforming use more than twenty-five percent (25%) of the original area, providing the alterations or enlargement is toward conformity with the zoning resolution within the district in which it is located.
5. When a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted or non-conforming use.

ARTICLE X

RELOCATION OF A STRUCTURE

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

ARTICLE XI

SET BACK BUILDING LINES

1. Set back lines shall pertain to all structures, not including fences.
2. Minimum set back distance shall be measured from the eaves and shall be as follows:

<u>District</u>	<u>Distance in feet from road right-of-way</u>	
<u>All</u>	<u>Township or County</u>	<u>State or Federal</u>
All	* 75	75

\*Set back distance shall be on the basis of 75' from the edge of a 60' right-of-way. If road has less than 60' right-of-way, then set back will be greater correspondingly.

3. Set back lines on comer lots shall be the same distance from each road according to its classification above.

ARTICLE XII

TREE AND SHRUB SETBACK LINE

Trees/Shrubs: Must have fifteen (15) feet setback from property lines unless notarized written consent between the abutting/affected property owners is submitted to the Zoning inspector.

ARTICLE XIII FENCE SETBACK LINE

Fences: Must setback three (3) feet from the property line unless notarized written consent between the abutting/affected property owners is submitted to the Zoning Inspector.

ARTICLE XIV  
LOT AND FLOOR AREA REQUIREMENTS

District	Min Front Yard Depth In Ft. (see Article IX for exceptions)	Min. Side Yard In Ft.	Min. Rear Yard in Ft.	Min. Lot Area per Family in Sq. Ft.	Min Lot Frontage In Ft.	Min. Building Floor Area Per Family In Sq. Ft.	
AGRICULTURE -A Individual sewage disposal and water supply	1 Family	75 Ft.	25 Ft.	25 Ft.	87, 120 (2 acre)	175 Ft.	1 Story= 900 1 ½ or 2 Story = 900 (1st Fl.=720)
	2 Family	75 Ft.	25 Ft.	25 Ft.	25,000	200 Ft.	900
RESIDENTIAL R-1 Individual sewage and Water supply	1 Family	75 Ft.	25 Ft.	25 Ft.	87, 120 (2 acre)	175 Ft.	1 Story= 900 1½or2Story= 900 (1st Fl.=720)
	2Family	75 Ft.	25 Ft.	25 Ft.	25,000	200 Ft.	900
Either public sanitary Sewer or public water supply	1 Family	75 Ft.	25 Ft.	25 Ft.	20,000	100Ft.	1 Story= 900 1 ½ or 2 Story = 900 (1st Fl.=720)
	2 Family	75 Ft.	25 Ft.	25 Ft.	15,000	125 Ft.	900
Both public sanitary sewer and public water supply	1 Family	75 Ft.	25 Ft.	25 Ft.	10,000	75 Ft	1 Story= 900 1 ½ or 2 Story = 900 (1st Fl.=720)
	2 Family	75 Ft.	25 Ft.	25 Ft.	7,500	85 Ft.	900

ARTICLE XIV  
 LOT AND FLOOR AREA REQUIREMENTS (CONTINUED)

District	Min Front Yard Depth In Ft. (see Article IX for exceptions)	Min. Side Yard In Ft.	Min. Rear Yard in Ft.	Min. Lot Area per Family in Sq. Ft.	Min Lot Frontage In Ft.	Min. Building Floor Area Per Family In Sq. Ft.
RESIDENTIAL R-2						
1 Family	Same as Residential R-1					
2 Family	Same as Residential R-1					
Multiple family with individual sewage disposal and water suooly system	Not Permitted					
Multiple family with public sanitary sewer and private water sunnlv	75 Ft.	25 Ft.	25 Ft.	7,500	85 Ft.	900 Sq. Ft.
With public sanitary sewage and public water supply	75 Ft.	25 Ft.	25 Ft.	7,500	60 Ft.	900 Sq. Ft.
COMMERCIAL - C	75 Ft.	25 Ft.	25 Ft.			
INDUSTRIAL - I	75 Ft.	25 Ft.	25 Ft.			
SPECIAL-S	Same as Agriculture - A					

ARTICLE XV MAXIMUM HEIGHT OF BUILDING

This resolution does not establish a definite maximum height of buildings or structures. The height of buildings and structures shall be such as to conserve the value of adjacent property, and so as to secure adequate light and air for the adjacent property.

ARTICLE XVI PARKING FACILITIES

Off-Street Parking

In computing the number of parking space required by these regulations, a parking space as hereinbefore defined is an enclosed or unenclosed area of not less than 200 sq. ft. permanently reserved for off-street parking, serviced by adequate access drives and connected with a street by a driveway which affords satisfactory ingress and egress (same side of road).

The following general requirements shall prevail:

1. Uses not specified The parking area required for a use not specifically mentioned herein shall be the same as for a use of similar nature.
2. Mixed uses (nonshopping plaza) In the case of mixed uses, the number of parking spaces shall be the sum of the various uses computed separately.
3. Location of parking spaces All parking spaces shall be located within a distance of 350 ft. of the facility being served.
4. All districts-Off-street parking in front yards A distance often (10) feet measured from the front lot line toward the building shall remain unobstructed.
5. Shopping Plaza-Neighborhood Eight (8) spaces per 1,000 sq. ft. of gross leasable area.  
Community Six and one-half(6.5) spaces per 1,000 sq. ft. of gross leasable area.  
Regional Five (5) spaces per 1,000 sq. ft. of gross leasable area.
6. Specific Requirements There shall be provided, at time of change in land use, off-street parking and loading spaces in accordance with the following requirements:

<u>Use</u>	<u>Number of Off-Street Parking Spaces</u>
1. Dwellings.....	One per dwelling unit, except that one additional space of proper size shall be provided for each additional motor vehicle owned or stored on the property by the resident or owner.
2. Museums, Schools, Libraries .....	One per staff member and one per 400 sq. ft. of floor area.
3. Churches, Auditoriums, Areenas .....	One per five (5) seats
Stadiums, Spectator Facilities in outdoor recreation areas	

(continued)

4. Hospitals ..... One per two (2) beds.
5. Motels and Hotels ..... One per Guest Room.
6. Theaters, Restaurants ..... One per four (4) seats.
7. Skating Rinks, Dance Hall, ..... One per 100 sp. ft. of floor area or fraction thereof  
Medical and Dental Offices
8. Clubs, Lodges and Similar Uses..... One per 200 sq. ft. of floor area or one per four (4) persons who can be seated in an assembly room, whichever is greater.
9. Bowling Alleys ..... Four per bowling alley.
10. All other Commercial ..... One per 300 sq. ft. of floor area or fraction thereof.  
Establishments
11. All Industrial Establishments ..... One per each employee on maximum working shift, plus spaces necessary to accommodate all vehicles used in connection therewith.
12. In-the-home Business ..... Two per each proprietor and/or employee

ARTICLE XVII                      SIGNS

SIGN (See Definitions)

1. The following shall not be included in the application of the regulations herein:
  - A. Signs not exceeding three (3) square feet in area and bearing only property number, post box numbers, or names of occupants of premises;
  - B. Flags and insignias of any government except when displayed in connection with commercial promotion;
  - C. Legal notices; identification, information or directional signs erected by governmental bodies;
  - D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights; and
  - E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
2. For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner with organized relationship of elements, each element shall be considered to be a single sign.
3. The surface area of a sign shall be computed as including the entire area within a parallelogram, triangle, circle or semi-circle comprising all of the display area of the sign and including all of the elements of the matter displayed, but not forming part of the display itself, or frames surrounding display areas.
4. The following provisions shall apply:
  - A. All signs except in Commercial Districts or Industrial Districts shall be set back twenty-five (25) feet from all State or Federal highways-twenty (20) feet on all other roads - from edge of right-of-way as a minimum.
  - B. One (1) sign per premises, relating in its subject matter to the premises on which it is located, shall be permitted in all districts, provided it does not exceed 9 sp. ft. No permit shall be required. (continued)



- C. Commercial on-site signs shall be permitted in all districts except residential districts and shall be limited to two (2) signs per parcel not exceeding 100 sq. ft. each if not affixed to the building, and a permit shall be required.
- D. Off-site signs for the purpose of outdoor advertising shall be deemed as structures and shall conform to all regulations in the district in which it is located. They will be permitted in all districts except residential districts. There shall not be more than one (1) sign per parcel of land and a zoning permit shall be required.
- E. In commercial or industrial districts, free-standing signs having maximum total area per exposed face of 100 sq. ft. and located not closer than ten (10) ft to any street right-of-way line and not closer than fifty (50) ft. to any adjoining lot line may be erected to serve a business or a group of business. There shall be a maximum of one (1) sign per building and no part of any sign shall project into the right-of-way of a street or highway. Any portion of a commercial sign within twenty (20) ft. of a street or road right-of-way shall have minimum of ten (10) ft. of unobstructed clearance between the lowest point of the sign and the surround grade. Such minimum shall not include supporting standards or braces provided such standards or braces do not exceed twelve (12) inches at the largest horizontal dimension.

#### ARTICLE XVIII                      MANUFACTURED HOMES

1. One (1) manufactured home per lot shall be permitted in an "A" Agricultural District, but only with a conditional use permit granted by the Board of Zoning Appeals. Such lot must measure at least two (2) acres in size, exclusive of the area in road right-of-way. The location of such permitted manufactured home shall be in accordance with the yard requirements specified for residential uses in an "R" District. Said conditional use shall be permanent.
2. Manufactured homes shall be permitted in established manufactured home parks.
3. Manufactured home parks shall be permitted in an "A" Agricultural District, but only with a conditional use permit granted by the Board of Appeals.
4. Manufactured home parks shall be constructed pursuant to the Rules of the Ohio Department of Health, Public Health Council, Mobile Home Parks Chapter 3701-27.
5. Manufactured homes placed outside of the confines of an established manufactured home park shall be limited to a density of four (4) per square mile, excepting those manufactured homes meeting requirements of 3781.10 O.R.C.
6. A manufactured home meeting requirements of 3781.10 O.R.C. may be placed in any district which permits single-family dwelling(s), providing all matters regarding lot size, set back and other provisions of this resolution are maintained. "Industrialized Units" meeting the requirements of the O.R.C. section are licensed by the State of Ohio with a letter of certification. A copy of said letter of certification shall be required at the time a zoning permit is requested as evidence of meeting the requirements of 3781.10 O.R.C. A conditional use permit shall not be required for such units.

(continued)

7. Replacement of an existing manufactured home by another manufactured home shall require a renewed conditional use permit for continued use, such permit to be issued by the Board of Zoning Appeals prior to occupancy.
8. The Zoning Inspector shall reserve the right to inspect all used manufactured units prior to placement and occupancy. Such inspection is necessary to encourage permanent construction and compliance with all requirements of this section.
9. No porch, canopy, patio roof, room, structure for storage, or other addition may be attached to a manufactured home unless of a material of type of construction specifically designed or manufactured for such use.
10. A manufactured home used for temporary living quarter or for storage of materials or equipment in conjunction with construction work only may be permitted in any district during the period that the construction is in progress. Such permitted use shall be conditional and requires approval by the Zoning Board of Appeals and shall expire upon completion of the construction work. Permits for such use shall be for one year and will require renewal for continued use.

ARTICLE XIX                          DISABLED, ABANDONED, JUNK VEHICLES

- I. Disabled, Abandoned, Junk Vehicles in any District The parking of two (2) or more inoperable, disabled, abandoned or junk vehicles is prohibited. Exceptions are permitted subject to the following conditions;
  - A. May be stored in an enclosed garage or other enclosed accessory building and no business conducted with said vehicles.
  - B. May be stored in an area properly screened by means of fencing, trees or other suitable screening or concealment. It shall be the determination of the zoning inspector with permission and prior announcement based on site visits, site plans or related drawings as to whether such vehicles are properly screened or concealed
2. For the purpose of this section, junk vehicle means any motor vehicle meeting the requirements of Divisions B, C, D, E or section 4513.63 of the Ohio Revised Code.
3. Historical or collectors vehicles may be allowed under the same provisions as in No. 1, A. and B., of this section.

ARTICLE XX TRAILER, MOBILE HOMES, AND RECREATIONAL VEHICLES

1. Parking or location of a mobile home coach or trailer, boat, van, or motor home in any district for 168 hours or longer 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. 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.

ARTICLE XXI NON-TRADITIONAL ACCESSORY BUILDINGS

1. The use, including but not limited to, semi-truck trailers, box trucks, cargo containers used by the air, rail, shipping and land transportation industries are prohibited in all districts when used as an accessory building. The Zoning Inspector shall make an initial determination that a proposed structure is a non-traditional accessory building at the time application is made. That decision may be appealed to the Zoning Board of Appeals. All other matters related to placement of an accessory building shall be in accordance with this Resolution.

ARTICLE XXII HOME OCCUPATIONS (TO INCLUDE OUTBUILDINGS)

Home Occupation Home Occupations shall be permitted unless it exceeds the following:

- A. No more than (1) person, other than members of the family residing on the premises, shall be engaged in such occupation;
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of floor area of the dwelling unit shall be used in the conduct of the home occupation;
- C. There shall be no change in the outside appearance of the building or premises, outside storage of materials incidental to the home occupation, nor other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) square feet in area, non-illuminated;
- D. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by conduct of such home occupation shall meet the off-street parking requirements as specified in this resolution, and shall not be located in a required front yard; and
- E. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

ARTICLE XXIII PONDS

A private pond is permitted in all districts with the following condition:

- A. A site plan to scare must be prepared, showing the location of the proposed pond, final grades, location of an 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;
- B. Any man-made or naturally occurring pond used for recreation, storm water retention or detention shall be located at least forty (40) feet from any public road right-of-way or drainage ditch. The natural grade of the land shall remain undisturbed within twenty-five (25) feet of any property line;
- C. If ponds are to be utilized for potable water supplies, approval of the Wood County Health Department shall be required;
- D. Pond(s) shall not be permitted to locate in a 100-year flood plain;
- E. Pond(s) shall provide at least one overflow. Adequate provisions for drainage shall be made subject to approval of the Wood county engineer;
- F. Fill dirt may be hauled off-site. Any fill dirt retained on-site shall not be mounded so as to obstruct a view from adjoining neighbor's residence;
- G. After completion, a pond shall be properly maintained and supervised so that it will not become a danger or nuisance to area residents; and
- H. A permit (certificate) shall be required and shall be the same fee as an accessory building on the current fee schedule of Milton Township

ARTICLE XXIV CONDITIONAL USE PERMIT

A. PERMITS FOR CONDITIONAL USES

The following uses may be permitted only by the Board of Zoning Appeals, in accordance with the procedure described in section B of this article:

- 1. Airport or aircraft landing field
- 2. Country club or golf course
- 3. Lodge or private club
- 4. Outdoor theater
- 5. Golf driving range
- 6. Radio or T.V. transmitting tower
- 7. Commercial recreational facilities
- 8. Manufactured homes as provided in ARTICLE XVIII
- 9. Non-commercial recreational facilities such as race tracks, drag strips
- 10. Sand, gravel and top soil extraction
- 11. Oil and gas wells

B. PROCEDURE

All requests for conditional use permits shall be reviewed by the Board of Zoning Appeals within the same time limits as set forth in Section 519.14 and 519.15, R.C.O. for hearing appeals.

(continued)

The Board of Zoning Appeals may require such supporting information, maps and sketches from the applicant as it deems necessary to review in order to reach a decision.

If the Board of Zoning Appeals finds the request reasonable and that the use would be consistent with the spirit, purpose and intent of this resolution, and will not substantially injure the appropriate use of neighboring property and will generally serve the public convenience and welfare of the township, it may grant the permit, including imposition of conditions of the use.

ARTICLE XXV ADMINISTRATION

1. ZONING INSPECTOR

**ENFORCEMENT BY WHOM:** The position of Township Zoning Inspector is hereby created and he is hereby designated and authorized to enforce this resolution. The Township Zoning Inspector, and such assistants may be determined necessary, shall be appointed by, and serve at the pleasure of, the Board of Township Trustees and shall receive such compensation as the Board of Township Trustees may provide.

2. PLATS, MAPS AND DESCRIPTIONS

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

3. ZONING CERTIFICATE (PERMIT)

- I. Before Constructing, location, reconstructing, changing the use of, or altering the outside dimensions of any structure, applications shall be made to the township zoning inspector for a zoning certificate. The application shall indicate the exact location of the proposed construction, addition, alteration, or change of use and shall include a plot plan, plans and specifications showing the proposed location and dimension, and the proposed use, all of which shall be included in the permanent record of application. Within ten (10) days after receipt of the application, the zoning inspector shall issue a zoning certificate if the proposed construction, alterations, or change of use by applications complies with the requirements of this resolution, and the application is accompanied by the proper fee, or shall refuse the same if it does not comply.
2. Each applicant shall pay a fee prior to the issuance of a zoning certificate (permit). Such fees are for the purpose of defraying the costs of inspection, certification and maintenance of necessary records pertaining to the implementation of the zoning resolution.
3. The zoning certificate (permit) must be posted on the premises before work is started, and so positioned to be read from outside of the building or structure.

(continued)

4. In the event that construction, reconstruction, changing the use of, or alterations to the outside dimensions of any structures occurs without issuance of a zoning certificate (permit), such activity shall cease immediately and shall be subject to penalties in accordance with Section 519.99 of the Ohio Revised Code (see ARTICLE XXVI PENALTIES).
5. No zoning certificate (permit) is required for maintenance, repairs, or alterations that do not change the area of the structure.
6. In the event that such proposed construction, addition, alteration or change of use does not occur within one (1) year from the date the zoning certificate (permit) is issued, such certificate (permit) shall be invalidated.

ARTICLE XXVI                      PENALTIES

- I. In accordance with Section 519.99 of the Ohio Revised Code, any person, firm or corporation violating this resolution, or any regulation, provision or amendment thereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one hundred dollars (\$100) for each offense. Each and every day there is a violation of these resolutions may be deemed a separate offense.
2. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of law or of this resolution or any amendment thereto, the Board of Township Trustees, the Prosecuting Attorney of the County, the Township Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action, actions or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

ARTICLE XXVII                      VALIDITY

Each section, sub-section, provision, requirement, regulations or restriction established by this resolution or any amendment thereto is hereby declared to be independent, and the holding of any part to be unconstitutional, invalid or ineffective for any cause shall not affect nor render invalid the resolution or amendments thereto as a whole or any part thereof except the particular part so declared to be invalid.

ARTICLE XXVIII                      BOARD OF ZONING APPEALS

SECTION I.              ORGANIZATIONS AND PROCEDURES

- I. The board of Township Trustees shall proceed as provided in Sections 519.13 through 519.15 inclusive O.R.C., to appoint a Board of Zoning Appeals and such board shall proceed under the regulations and powers provided by Section 519.13 through 519.15 inclusive.

(continued)

2. Hearings, Rules, Etc. - The hearings of the Board of Zoning Appeals shall be public. However, the Board may go into executive session for discussion but not for vote on any case before it.

The Board shall organize annually and elect a Chairman, Vice-Chairman and Secretary. The Board shall act by resolution in which three (3) members must concur.

The Board shall adopt, from time to time, such rules and regulations as it may deem necessary to carry into effect the provisions of the resolution.

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.

3. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other officials' actions, all of which shall be immediately filed with the Board of Trustees and shall be a public record.
4. Witnesses, Oaths, etc. - The Board shall have the power to subpoena witnesses, administer oaths, and may require the production of documents, under such regulations as it may establish.

## SECTION 2. APPEALS

Appeals shall be taken as provided in Section 519.15 O.R.C. and the Board of Zoning Appeals shall act as therein provided.

## SECTION 3. POWERS AND DUTIES

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

1. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this resolution or any amendments thereto.
2. In hearing deciding appeals, the Board shall have the power to grant an exception in the following instances:
  - A. Permit the extension of a district where the boundary line of a district divides a lot or tract held in a single ownership at the time of the passage of this resolution;
  - B. Interpret provisions of the resolution in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts, accompanying and made a part of this resolution where the street layout actually on the ground varies from the street layout, as shown on the map aforesaid; and
  - C. Determine whether an industry should be permitted within the "I" Industrial District because of an operation or activity of a noxious or offensive nature or causing excessive emission or odor, dust, smoke, gas, noise, fumes, flame, radiation or vibration, or is of such nature as to excessively restrict the circulation of air or light on adjoining property.

(continued)

3. The Board shall have the authority to grant the following variations:
  - A. Permit a variation in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variation will not seriously affect any adjoining property or the general welfare;
  - B. The extension or completion of a building devoted to a non-conforming use upon a lot adjoining, provided that such lot was under the same ownership as the lot in question on the date such building became non-conforming, and where such extension is necessary and incidental to the existing use of such building, provided, however, that floor areas of such extension shall not exceed, in all, twenty-five percent (25%) of the floor area of the existing building or buildings devoted to a non-conforming use and provided further that such extension or extensions shall be undertaken within five(5) years of the date when the use of such building became non-conforming; or
  - C. Authorize upon appeal - whenever a property owner can show that a strict application of the terms of the resolution relation to the use, construction or alterations of buildings or structures or the use of land will impose upon him unusual and practical difficulties or particular hardship - such variations of the strict application of the terms of the resolution as are in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of such variation will not merely serve as 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.
4. The Board shall have the power to hear and decide, in accordance with the provisions of the resolution, applications for conditional uses. In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures; and, in authorizing a conditional use, the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation - in addition to those expressly stipulated in maintenance and operation - in addition to those expressly stipulated in this resolution for the particular conditional use - as the Board may deem necessary for the protection of adjacent properties and the public interest.
5. In considering all appeals and all proposed exceptions to this resolution, the Board shall, before making any exceptions or variations from the resolution in a specific case, first determine that it will not impair an adequate supply of light and air to adjacent property or unreasonably increase congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property value within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the portion of the Township to which this resolution applies.



ARTICLE XXIX

DISTRICT CHANGES AND RESOLUTION AMENDMENTS

SECTION 1. GENERAL

Whenever the public necessity, convenience, general welfare or good zoning practices require, the Board of Trustees may by Resolution - after receipt of recommendation thereon from the Commission, and subject to the procedures provided by law - amend, supplement or change the regulations, district boundaries or classification of property, now or hereafter established by the resolution or amendments thereof. It shall be the duty of the commission to submit its recommendations regarding all applications or proposals for amendments or supplements to the Board of Township Trustees.

SECTION 2. PROCEDURE FOR CHANGE IN ZONING DISTRICTS

1. Applications for any change of district boundaries or classifications of property as shown on the Zoning Map, shall be submitted to the Commission upon such forms - and shall be accompanied by such data and information - as may be prescribed for that purpose by the Commission.

Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified.

Applications for amendments initiated by the Commission shall be accompanied by its motion pertaining to such proposed amendment.

2. Names and Addresses of Adjacent Property Owners -Any person or person desiring a change in the zoning classification of property shall file, with the application for such change, a statement giving the names and addresses of the owners of all properties lying within two hundred (200) feet of any part of the property the zoning classification of which is proposed to be changed.
3. Upon application for any change of district boundaries or classification of property as shown on the zoning Map, or any amendment or supplement of this resolution, the Zoning Commission shall proceed as provided in 519.12 O.R.C.

SECTION 3. APPLICATION FEES

1. At the time that an application for a change of zoning districts is filed with the Commission, as provided herein, there shall be deposited with the Township Treasurer the sum of one hundred dollars (\$100) as a fee to cover investigation, legal notices and other expenses incidental to the determination of such matter. Such sums so deposited shall be credited by the Township Treasurer to the General Fund of the Township.

(continued)

2. In the event the Commission disapproves the application and the petitioner elects not to have the same certified to the Board of Township Trustees, then a refund of ten dollars (\$10) shall be made to the petitioner by the Township Treasurer, if notified of such election by the petitioner within thirty (30) days from the time of the action taken by the Commission.



The Board of Township Trustees shall by resolution establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits and enforcement of this resolution, after considering the recommendations of the Zoning Inspector with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Zoning Inspector and may be altered or amended only by the Board of Township Trustees. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

MILTON TOWNSHIP ZONING FEES

WOOD COUNTY, OHIO

ZONING CERTIFICATES (PERMITS) ISSUED BY  
THE MILTON TOWNSHIP ZONING INSPECTION

1. Agricultural accessory building or additions to agricultural buildings..... \$ No fee
2. Residential dwelling/Two-family dwelling.....\$100.00
3. Multi-family dwelling..... \$150.00
4. Other accessory buildings, garages, or additions to buildings ..... \$50.00
5. Industrial, commercial building, or remodeling ..... \$300.00/  
\$150.00 Accessory
6. Off-site signs- less than 100 sq. ft.....\$25.00  
- more than 100 sq ft..... \$50.00
7. On-site signs ..... \$10.00
8. Conditional Use, Variance, Amendment and Appeals ..... \$150.00

ALL FEES WILL BE COLLECTED BY THE MILTON TOWNSHIP INSPECTOR  
AND DEPOSITED IN THE MILTON TOWNSHIP GENERAL FUND



April 2, 2008

Daniel Wensink  
Milton Twp. Zoning Inspector  
F-094 Co. Rd. 2  
Deshler, OH 43516

RE: Milton Township zoning amendment(s)

Dear Mr. Wensink:

Please be advised that the Wood County Planning Commission met in regular session on Tuesday, April 1st, 2008 at the County Office Building in Bowling Green. During the course of regular business, Planning Commission members reviewed and discussed a text amendment to the current Milton Township Zoning Resolution that addressed the specific issue of zoning for residential wind turbines.

After reviewing and discussing this item, a motion was made to recommend to Milton Township that the Township approve the amendments as submitted with the following suggestions:

1. The corresponding definitions be included with the new language.
2. Consider adjusting the length of time a unit is allowed to sit idle from six months to a longer period of time in order to better facilitate repairs to these units.
3. Consider placing more emphasis on decibel levels of these units.
4. Consider removing the color requirements for these units.

Please note that these *are not* issues that Milton Township overlooked, rather they are issues that were raised regarding the sample language drafted by the Director of the Planning Commission. To that end, it needs to be noted that there is a strong possibility that the sample language will be updated and amended, and it may be in the best interest of Milton Township to wait until this new language is drafted before proceeding any further with these amendments as they are currently written.

April 2, 2008  
Letter to Milton Twp.  
PageTwo(2)

Upon calling for a vote, Commission members responded with a vote of six (6) in favor, none opposed, motion carried.

Given the outcome of this particular item, it is likely that Milton Township will have questions and concerns regarding said item. Please do not hesitate to contact our Office for a more detailed explanation. Please also find enclosed the above noted definitions that are needed in order for this amendment to be complete. It is also important to note that while the operating portion of the zoning language will change, it is highly unlikely that the definitions portion will change.

Thank You

    e r      
Director

cc: Milton Twp. Trustees  
Milton Twp. Fiscal Officer

**DEFINITIONS: For purposes of the regulation of residential, commercial, and industrial use of wind turbine generators.**

**Accessory Structures:** Structures such as sheds, storage sheds, pool houses, unattached garages, and barns.

**Anemometer:** An instrument that measures the force and direction of the wind.

**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, accessory buildings, and will not intrude onto a neighboring property.

**Cowling:** A streamlined removable metal that covers the turbine's nacelle.

**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.

**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 the rotor blade at its highest point to the top surface of the Wind Power Generating Facility (WPGF) foundation.





The request for---,--- --- is being submitted because:  
(state reason or proposed use)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Duplicate maps which describe the property listed above are included as part of this request:

Applicant's Address	Signed: (owners or lessees)
_____	_____
_____	_____
	_____
	_____

Sworn to before me and signed in my presence this \_\_\_ day of  
\_\_\_\_\_ 19

\_\_\_\_\_  
Notary Public

(DO NOT WRITE BELOW THIS LINE)

The Wood County Planning Commission has considered the above

U G LQ.rJ iN C /2C:9u(SS7 on HfO.:L L 2.0 aSrr--

This Commission recommends to Wf.ed #15 this request.

COMMENTS:

<u>500 N 17th St W -</u>
<u>WJH</u>
<u>4-2-08</u>

The \_\_\_\_\_ Township Zoning Commission considered  
the above request at a Public Hearing held on --- ---- 19\_  
(date)

The notice of this hearing appeared in \_\_\_\_\_

on ..... 19 .....

The Zoning Commission moved to recommend this request be

accepted by a vote of \_\_\_\_\_ to 0  
COMMENTS: k & fu<sup>3</sup>/<sub>4</sub> .t residential ward  
member W. ...

Signed:

Matthew Bannard 2/4/08  
Secretary, Zoning Commission

The -- ('J IL\_1\_0 ,V --- Township Trustees considered the above request at a Public Hearing held on RP III .:1.2 1008 . The notice of this hearing appeared in "IN 6 GU 4NT ... av 11 fl" name of pu lication) on fi e&!'- iii+ '8(23\_, The recommendations of the Wood County Planning Commission and the - 1'w, ! 4 v 9 fl', c Township Zoning Commission were given careful consideration at this hearing. The Board of Trustees moved to A pf Ru Vlr# the

Stanley M. ...  
Charles ...  
John ...

voted es  
voted e5  
voted fl: "S."

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed:

Stephen Crawford  
Clerk of the Board of Trustees

attest: April 22, 2008

**Amendment to f11L-nwTownship Zoning Resolution**

The f11L-nw Township, Wood County, Ohio Zoning Resolution is hereby amended to add a new Article, which shall in its entirety as follows:

**Amendment to \_\_\_\_\_ Township Zoning Resolution**

**Section    Purpose:**

The purpose of this amendment is to establish general guidelines for the location of wind turbine generators (sometimes referred to herein as "WTG") and anemometer towers in f11L-nw Township, Wood County, Ohio (The "Township"). This amendment is consistent with the stated primary purpose of **the** Township Zoning Resolution: "Protecting the public health, safety, comfort, and general welfare" of f11L-nw Township residents. The Township recognizes in some specific instances, under carefully controlled circumstances, it may be in the public interest to permit the placement of wind turbine generators in certain areas of the Township. The Township also recognizes the need to protect the scenic beauty of the Township from unnecessary and unreasonable visual interference, noise radiation, and that wind turbine generators may have negative health, safety, welfare, and aesthetic impacts upon adjoining and neighboring uses. As such, this amendment seeks to:

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

**Section ----- Procedure**

Any proposed construction, erection, or setting of a wind turbine generator or anemometer shall be permitted only by issuance of a Conditional Use Permit in accordance with Section f11L-nw of this Resolution, as amended hereof.



## ARTICLE L WIND TURBINES

0)11 LD''' Township recognizes the importance of clean, sustainable and renewable energy sources. To that end, f'ltt.:EQN Township permits the use of residential wind turbines under the following regulations to ensure the safety and welfare of all township residents is met.

- I. Wind turbines shall be a *permitted use* in all district under the following conditions:
  - A. The maximum of height of any turbine shall be 100 feet. For purposes of this particular zoning item, maximum height shall **be** considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the base of the tower.
  - B. Setbacks: The following shall apply in regards to setbacks. Any turbine erected on a parcel of land will need to establish a "clear fall zone" from all neighboring property lines. structures, as well as any structures on the parcel intended for the turbine. 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 accessory buildings or uses.
  - C. Aesthetics: The following provisions shall be applied to the aesthetics issue of wind turbines: The turbine, including the prop blades, turbine, cowling, and tower shall be painted or coated white, gray, or sky blue. Logos or other identification markers other than those of the manufacturer and model type shall not be permitted anywhere on the turbine.
  - D. Maintenance: Wind turbines must be maintained in good working order. Turbines that become inoperable for more **than** months must be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and/or other hardware associates with the existing turbine.
- II. Permits
  - A. A permit shall be required before construction can commence on an individual wind turbine system.
  - B. As part of the permit process. the applicant shall inquire with the Wood County Planning Commission as to whether or not additional height restrictions are applicable due to the unit's location in relation to either the Wood County Airport or Toledo Metcalf Field.

- C. Applicant shall then provide the Township Zoning Inspector with the following items and or information when applying for a permit:
1. Location of all public and private airports in relation to the location of the turbine, as well as any applicable FAA restrictions that may be applicable to the turbine.
  2. An engineering report that shows:
    - a. The total size and height of the unit
    - b. The total size and depth of the unit's concrete mounting pad.
    - c. An average decibel rating for that particular model
    - d. A list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection.
    - e. Data specifying the kilowatt size and generating capacity of the particular unit.
  3. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right of ways and neighboring properties.
  4. Evidence of a "clear fall zone" with manufacturers' recommendation must be attached to the engineering report.
  5. Color of unit as well as the location and size of the manufacturers identifying logos shall be included in the plan.
  6. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.