

# FALLS TOWNSHIP ZONING RESOLUTION

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# ARTICLE I GENERAL PROVISIONS

## **100.01    Title**

This Resolution shall be known and may be cited to as the “Zoning Resolution of Falls Township”, except as referred to herein, where it shall be known as “this Resolution.”

## **100.02    Purpose**

This Resolution is enacted for the general purpose of promoting the public health, safety, comfort, and welfare of the residents of Falls Township; to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts; to facilitate the provision of public utilities and public services; to lessen congestion on public streets, roads, and highways; to provide for the administration and enforcement of this Resolution, including the provision of penalties for its violation; and for any other purpose provided in this Resolution, the Ohio Revised Code, or under common law rulings.

## **100.03    Interpretation**

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall govern.

## **100.04    Separability**

Should any section or provision of this Resolution be declared by the courts to be unconstitutional or 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 unconstitutional or invalid.

## **100.05    Repeal of Conflicting Resolutions**

All Resolutions in conflict with this Zoning Resolution or inconsistent with the provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

## **100.06    Effective Date**

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

## **100.07    Agriculture**

Except as noted below, nothing in this Resolution shall prohibit or otherwise regulate the use of land for agricultural purposes or, prohibit or otherwise regulate the construction of buildings or structures for agricultural purposes. Dwellings are not herein defined as agricultural structures, and are subject to all zoning requirements contained in this Resolution. Further, in any platted subdivision approved under section 711.05, 711.09, or 711.10 of the ORC and local subdivision regulations, or any area consisting of 15 or more contiguous lots (contiguous including those across a public street) approved under Section 711.131 of the ORC and local subdivision regulations, agricultural activity may be regulated in a non-agricultural zoning district.

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## ARTICLE II DEFINITIONS

### 200.01 Interpretation of Terms or Words

For the purpose of this Resolution, certain terms or words used herein shall be interpreted as follows:

1. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
4. The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied.”
5. The word “lot” includes the words “plot” or “parcel”.

### 200.02 Definitions

**Accessory Structure:** A subordinate structure detached from, but located on the same lot as a principal building. The use of an accessory structure is supportive to the use of the principal building. Accessory structures include structures such as garages, decks, and fences.

**Accessory Use:** A structure or use that: (1) is subordinate in area, extent, and purpose to the principal use; (2) contributes to the comfort, convenience, or necessity of the principal use; and (3) is located on the same lot and in the same zoning district as the principal use

**Adult Entertainment Business:** an adult book store, adult video store, adult motion picture theater, adult motion picture drive-in theater, or an adult only entertainment establishment as further defined in this section.

**Adult Book Store or Adult Video Store:** an establishment which, as one of its principal business purposes, offers for retail sale or rental, or for the purpose of display by coin or slug-operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes, cassettes or video representations in any medium which are distinguished by their emphasis on adult materials as defined in this section.

**Adult Motion Picture Theater:** an enclosed motion picture theater which, as one of its principal business purposes, offers for sale or rental or viewing, or presents material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section.

**Adult Motion Picture Drive-In Theater:** an open-air drive-in theater which is regularly used or utilizes viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section.

**Adult Only Entertainment Establishment:** an establishment where the patron directly or indirectly is charged a fee where the establishment features entertainment or services which constitute adult material as defined in this

section, or which features exhibitions, dance routines, or gyrational choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material.

**Adult Material:** means any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service:

1. Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or
2. Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.

**Agriculture:** The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce, provided, however that:

1. The operation of any such accessory uses shall be secondary to that of normal agricultural activities; and
2. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within 100 feet of any residential zoning district. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feed yard.

**Airport:** Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings, and open spaces.

**Alley:** See **Thoroughfare**.

**Alterations, Structural:** Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

**Amusement Arcade:** A place of business within a building or any part of a building having more than five (5) mechanical or electronically operated amusement devices which are used for the purpose of public entertainment through the operation, use, or play of any table game or device commonly known as an electronic game which is operated by placing therein any coin, plate, disc, slug, key, or token of value by payment of a fee.

**Automotive Repair:** The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles

**Automotive, Manufactured (Mobile) Home, Travel Trailer, and Farm Implement Sales:** The sale or rental of new and used motor vehicles, manufactured (mobile) homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises

**Automotive Wrecking:** The dismantling or wrecking of used motor vehicles, manufactured (mobile) homes, trailers, or the storage, sale or dumping of dismantled, obsolete or wrecked vehicles or their parts.

**Basement:** A story all or partly underground but having at least one-half of its height below the average level of

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the adjoining ground. (See **Story**)

**Bed and Breakfast:** A building or part thereof, other than a hotel, motel or rooming house dwelling where lodging is provided by a resident family to more than two (2) paying guests and mostly to transients.

**Bottomless:** means less than full opaque covering of male or female genitals, pubic area or buttocks

**Building:** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

**Building, Accessory:** A subordinate building detached form, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

**Building, Height:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

**Building Line:** (See **Setback Line**)

**Building, Principal:** A building in which is conducted the main or principal use of the lot on which said building is situated.

**Business, Convenience:** Commercial establishments which cater to and can be located in close proximity to residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and grocery stores, if less than 10,000 square feet in floor area. Uses in this classification tend to serve a day-to-day need in the neighborhood.

**Business, General:** Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving day-to-day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances, and furniture; department stores; and discount stores.

**Business Highway:** Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend to serve the motoring public. Highway business uses include, but need not be limited to, such activities as filling stations; truck and auto sales and service; restaurants and motels; and commercial recreation.

**Business, Office Type:** Quasi-commercial uses which may often be transitional between retail business and/or manufacturing, and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic, and drafting. Institutional offices of a charitable, philanthropic, or religious or educational nature are also included in this classification.

**Business Services:** Any profit-making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.

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**Business, Wholesale:** Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

**Cemetery:** Land use or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

**Boarding House:** An establishment with lodging for five or more persons where meals are regularly served for compensation and where food is placed upon the table family style, without service or ordering of individual portions from a menu. Also includes rooming house and college related clubs.

**Buffer Area** (See also screening) A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

**Building Line:** The line, parallel to the street line that passes through the point of the principal building nearest the front lot line.

**Building Height:** The vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the maximum height of any segment of a hip, gable or gambrel roof, as measured from the average surrounding grade elevation.

**Campground:** An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.

**Canopy:** Any structure, other than an awning, made of cloth or metal with a metal frame, attached to a building, projecting over a sidewalk, and carried by a frame supported by the ground or sidewalk.

**Car Wash:** An area of land and/or a structure with machine or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

**Cemetery:** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

**Channel:** A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

**Child Day-Care:** Administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four-hour day in a place or residence other than the child's own home. The following are child day-care facilities:

**Child Day-Care Center:** Any place in which child day-care is provided, with or without compensation, for 13 or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for 7 to 12 children at any one time. In

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counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.

**Type A Family Day-Care Home:** A permanent residence of the administrator in which child day-care is provided for 4 to 12 children at any one time, if 4 or more children are under 2 years of age. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term “Type A family day-care home” does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

**Type B Family Day-Care Home:** A permanent residence of the provider in which child daycare or child day-care services are provided for 1 to 6 children at one time and in which no more than 3 children may be under 2 years of age at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term “Type B family day-care home” does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

**Clinic:** A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are provided with board or room or kept overnight on the premises.

**Club:** A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

**Commercial Entertainment Facilities:** Any profit-making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

**Comprehensive Development Plan:** A plan, or any portion thereof, adopted by the planning commission and the legislative authority of the County of Muskingum showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

**Conditional Use:** A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals.

**Conditional Use Permit:** A permit used by the Zoning Administrator upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

**Condominium:** A building or group of buildings in which units are individually owned but the structure, common areas and facilities are owned on a proportional, undivided basis by all of the owners.

**Corner Lot:** (See **Lot Types**)

**Cul-de-Sac:** (See **Thoroughfare**)

**Dead-end Street:** (See **Thoroughfare**)

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**Density:** A unit of measurement expressing the number of dwelling units per acre of land.

1. Gross Density - the number of dwelling units per acre of the total land to be developed.
2. Net Density - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

**Density Bonus:** An increase in the number of allowable dwelling units per acre granted for some specific reason, such as the provision of lower-income housing, as provided for in the zoning regulations.

**District:** A part, zone, or geographic area within the township within which certain zoning or development regulations apply.

**Dwelling:** Any building or structure (except a house trailer or mobile home as defined by Ohio Revised Code 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

**Dwelling Unit:** Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

**Dwelling, Single Family:** A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

**Dwelling, Two-Family:** A dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

**Dwelling, Multi-Family:** A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units.

**Dwelling, Industrialized Unit:** An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit but not a mobile home.

**Dwelling, Rooming House (Boarding House, Lodging House, Dormitory):** A dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation over an extended period of time, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

**Easements:** Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

**Elderly Household:** Not more than three (3) persons, related or unrelated, who occupy a single dwelling unit, of whom one person is elderly.

**Elderly Housing Facility:** A building or buildings containing twelve (12) or more dwelling units where occupancy



is restricted to elderly persons or households. Such facilities may include emergency first aid care, day care, therapy, personal care, nursing facilities, recreational facilities, and provide for independent or semi-independent living. For the purposes of this definition, “elderly housing facility” shall not include convalescent homes, nursing homes, group residential facilities, or homes for the aged.

**Elderly Person:** Any person who is 62 years of age or older, or any person under 62 years of age who is handicapped such that his physical impairments are of a long-term duration and impede his ability to live independently without a suitable housing environment.

**Essential Services:** The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are 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.

**Exhibitor:** Any person owning and exhibiting or contracting or permitting any mechanical or electrically operated amusement device to be installed, used and exhibited in his own place of business, irrespective of the ownership of such device.

**Factory-Building Housing:** Factory-built Housing means a factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Resolution, “factory-built housing” shall include the following:

1. Manufactured Home. (See definition below)
2. Modular Home. (See definition below)
3. Mobile Home. (See definition below)

**Family:** A person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, motel or hotel, dormitory, fraternity or sorority house, provided, however, that “family” shall not include more than four persons unrelated to each other by blood, marriage or legal adoption, except for Class I Type B group residential facilities.

**Farm Vacation Enterprises (Profit or Non-Profit):** Farms adapted for use as vacation farms, picnicking and sport areas, fishing waters, camping, scenery, and nature recreation areas; hunting areas; hunting preserves and watershed projects.

**Feedlot:** A relatively small, confined land area for fattening or temporarily holding cattle for shipment.

**Flood Plain:** That land, including the flood fringe and the floodway, subject to inundation by the regional flood.

**Flood Processing:** The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

**Flood, Regional:** Large floods which have previously occurred or which may be expected to occur on a particular

stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred (100) year recurrence interval flood.

**Floodway:** That portion of the flood plain, including the channel, which is reasonable required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

**Floodway Fringe:** That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

**Floor Area of a Residential Building:** The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

**Floor Area of a Non-Residential Building (To be Used in Calculating Parking Requirements):** The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

**Floor Area Rates (FAR):** The total gross floor area of all buildings on a lot divided by the area of the lot.

**Floor Area, Usable:** Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

**Garages, Private:** A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises and wherein:

1. Not more than one space is rented for parking to person not resident on the premises;
2. No more than one commercial vehicle per dwelling unit is parked or stored;
3. The commercial vehicle permitted does not exceed two tons capacity.

**Garage, Public:** A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

**Garage, Service Station:** Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories maybe supplied and dispensed at retail, and where in addition, the following services may be rendered and sales made:

1. Sales and service of spark plugs, batteries, and distributors parts;
2. Tire servicing and repair, but not recapping or regrooving;
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease containers, wheel bearing, mirrors, and the like;
4. Radiator cleaning and flushing;
5. Radiator welding and repair;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps, oil pumps, and lines;
8. Minor servicing and repair of carburetors;
9. Adjusting and repairing brakes;

10. Minor motor adjustment not involving removal of the head or crankcase or racing the motor;
11. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations;
12. Provisions of road maps and other informational material to customers, provision of restroom facilities;
13. Warranty maintenance and safety inspections.

Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operation condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage nor a body shop.

**Group Residential Facility:** A group residential facility is a community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services. There are two classes of group residential facilities:

**Class I:** Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class I Type B group residential facility contains five (5) or less residents, exclusive of staff.

**Class II:** Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class II Type B group residential facility contains five (5) or less residents, exclusive of staff.

**Historic Area:** A district or zone designated by a local authority, state or federal government within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history, or because of their unique architectural style and scale, including materials, proportion, form and architectural detail, or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives or purposes.

**Home Occupation:** A home Occupation is generally an accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling. Home occupations are further defined as falling into two categories as described below:

**Home Occupation – Type A:** A home occupation that meets the following requirements:

1. The external appearance of the structure in which the use is conducted is not to be altered, and not more than one sign no larger than two (2) square feet shall be mounted flush to a wall of the structure.
2. No internal or external alterations, construction, or reconstruction of the premises to accommodate the use

shall be permitted.

3. There is no outside storage of any kind related to the use, and only commodities produced on the premises may be sold on the premises; no display of products may be visible from the street.
4. Not more than twenty-five percent (25%) for the gross floor area of the dwelling is devoted to the use.
5. No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.
6. No additional parking demand is created.
7. No person who is not a resident of the premises participates in the home occupation as an employee or volunteer.

**Home Occupation - Type B:** A home occupation that meets the following requirements:

1. There are no more than two (2) non-residential employees or volunteers to be engaged in the home occupation activity.
1. Sales of commodities not produced on the premises are limited to those reasonably related to the home occupation.
2. The home occupation may be conducted in a structure accessory to the residence.
3. Outside storage related to the home occupation is screened from adjacent residential lots.
4. Not more than thirty percent (30%) of the gross floor area of any residence is devoted to the home occupation.
5. The external appearance of the structure in which the use is conducted is altered, and not more than one sign no larger than two (2) square feet in size is mounted flushed to the wall of the structure.
6. Minor alterations to the home accommodate the home occupation.
7. No equipment, process, materials or chemicals is used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.
8. No more than two (2) additional parking places are provided and not be located in a required front yard.

**Hotel or Motel and Apartment Hotel:** A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

**Institution:** Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.

**Junk Buildings, Junk Shops, Junk Yards:** Any land, property, structure, building, or combination of the same, on which junk is stored or processed.

**Junk Motor Vehicles:** A motor vehicle that meets all of the following criteria:

1. Three (3) model years old, or older;
2. Apparently inoperable;
3. Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.

**Kennel:** Any lot or premises on which four (4) or more domesticated animals more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold and which offers provisions for minor medical treatment.

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**Loading Space, Off-Street:** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

**Location Map:** (See **Vicinity Map**)

**Lot:** For the purposes of this resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

**Lot Coverage:** The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

**Lot Frontage:** The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section. For the purpose of calculating total frontage, only sides of a lot adjacent to AND accessible to streets shall be considered frontage.

**Lot, Minimum Area of:** The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

**Lot Measurements:** A lot shall be measured as follows:

1. Depth: The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. Width: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

**Lot of Record:** A lot which is part of a subdivision recorded in the office of the County Recorder, or a parcel described by metes and bounds, the description of which has been so recorded.

**Lot Types:** Terminology used in this resolution with reference to corner lots, interior lots and through lots is as follows:

1. Corner Lot: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

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2. Interior Lot: A lot with only one frontage on a street.
3. Through Lot: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
4. Reversed Frontage Lot: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

**Major Thoroughfare Plan:** The portion of comprehensive plan adopted by the County Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction live independently. Such placement is pursuant to the authority of the State Department of Corrections.

**Maintenance and Storage Facilities:** Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

**Manufactured Home, HUD Code:** A manufactured home fabricated after June 14, 1976, and certified by the U.S. Department of Housing and Urban Development as conforming to regulations authorized by Title IV of the National Manufacturing Housing Construction and Safety Standards Act of 1974, as amended. (42 U.S.C. Sec. 5401-5426).

**Manufactured Home Park:** Any lot upon which three (3) or more manufactured homes used for residential habitation are sited, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle, or enclosure used or intended to be used as a part of the facilities of such park. The term "Manufactured Home Park" shall mean the same as a trailer park, trailer court, or trailer camp, however, only mobile homes or trailers meeting the definition of "Manufactured Home", including the HUD certification shall be located therein.

**Manufacturing, Extractive:** Any mining, quarrying, excavating processing, storing, separating, cleaning, or marketing of any mineral natural resource.

**Manufacturing, Heavy:** Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

**Manufacturing, Light:** Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

**Mechanical or Electronically Operated Amusement Device:** means any machine, device or instrument which, by the payment of a fee or other things of value, or by the insertion of a coin, plate, disc, slug, key or token, operates or may be operated as a game, contest or amusement, and which contains no automatic pay-off device for the return of money, coins, tokens or merchandise or check redeemable in money or anything of value. Mechanical or electronically operated amusement device includes, but is not limited to, devices such as mechanical baseball, mechanical football, pinball machines, any table game or device commonly known as an electronic game, and other similar types of devices; provided, however, that this definition is not intended to, nor shall it be construed to, include merchandise vending machines or coin operated mechanical or electrical musical instruments or

devices.

**Mobile Home:** Any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways and not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974, as amended. The term mobile home is intended to be synonymous with the term trailer.

**Modular Home:** A residence comprised of one (1) or more self-sufficient sections, except site preparations, transported on a vehicle from the place of manufacture to a site where it is to be occupied as a dwelling. This term shall not include a mobile home or a manufactured home.

**Non-conformities:** Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this resolution or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.

**Nude or Nudity:** the showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

**Nursing Home:** A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

**Nursery, Plant Materials:** Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

**Open Spaces:** An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, any other recreational facilities that the planning (zoning) commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

**Overlay District:** A district described by the zoning map within which, through super-imposition of a special designation, furthermore regulations and requirements apply in addition to those of the underlying districts to which such designation is added.

**Parking Space, Off-Street:** For the purpose of this resolution, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

**Performance Bond or Surety Bond:** An agreement by a subdivider or developer with the Township for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

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**Personal Services:** Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

**Planned Unit Development:** An area of land in which a variety of housing types and subordinates commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

**Professional Activities:** The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.

**Public Service Facility:** The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

**Public Uses:** Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

**Public Way:** An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway right-of-way, road, sidewalk, street, subway, tunnel viaduct, walk, bicycle path; or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

**Quasipublic Use:** Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

**Recreation Camp:** An area of land on which two or more travel trailers, campers, tents or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

**Recreation Facilities:** Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

**Research Activities:** Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or order shall be detected outside of said building.

**Roadside Stand:** A temporary structure designed or used for the display or sale of agricultural and related products.



**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 or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

**Satellite Signal Receiver:** “Dish-type Satellite Signal-Receiving Antennas”, “earth stations” or “ground stations”, whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system, shall mean one, or a combination of two or more of the following:

1. A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources.
2. A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer or transmit signals.
3. A coaxial cable whose purpose is to convey or transmit signals to a receiver.

**Seat:** For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

**Setback Line:** A line established by the zoning resolution, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said code. (See **Yard**)

**Sewers, Central or Group:** An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

**Sewers, On-Site:** A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

**Sexual Activity:** sexual conduct or sexual contact, or both.

**Sexual Contact:** any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

**Sexual Excitement:** the condition of the human male or female genitals, when in a state of sexual stimulation or arousal.

**Sidewalk:** That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

**Sign:** Any visual communication display, object, device, graphic, structure, or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, person, service, product, event, location, organization or the like, by means of letters, words, designs, colors, symbols, fixtures, images or illuminations.

1. Sign, On-Premises: Any permanent sign erected, maintained or used in the outdoor environment related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located. On-Premise signs display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.
2. Sign, Off-Premises: Any permanent sign erected, maintained or used in the outdoor environment that is unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is offered. Off-Premise signs provide commercial or noncommercial messages.
3. Sign, Temporary: A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs. Temporary signs commonly include: for sale signs, political signs, new construction information, garage sale/estate sale sign, special event sign, etc.
3. Sign, illuminated: Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
4. Sign, Lighting Device: Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
5. Sign, Projecting: Any sign which projects from the exterior of a building.

**Special District:** A zoning district created to meet the needs of an area experiencing unusual problems, or one that is designed to meet special needs.

**Story:** That part of a building between the surface of a floor and the ceiling immediately above. (See **Basement**)

**Structure:** Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards.

**Subdivision:** The division of a lot, tract, or parcel into two or more lots, tracts, or parcels or other divisions of land for sale, development, or lease.

**Supply Yards:** A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

**Swimming Pool:** A pool, pond, lake, or open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager.

1. Private: Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multifamily development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.
2. Community: Operated with a charge for admission; a primary use.

**Thoroughfare, Street, or Road:** The full width between property line bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

1. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and

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- large volume of traffic, usually on a continuous route.
3. **Collector Street:** A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
  4. **Cul-de-Sac:** A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
  5. **Dead-end Street:** A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
  6. **Local Street:** A street primarily for providing access to residential or other abutting property.
  7. **Loop Street:** A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
  8. **Marginal Access Street:** A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called **Frontage Street**).

**Through Lot:** (See **Lot Types**)

**Topless:** the showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.

**Transportation, Director of:** The Director of the Ohio Department of Transportation.

**Use:** The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

**Variance:** A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary hardship or practical difficulties depending on the type of variance. A variance may only be granted from the strict application of dimensional standards associated with this ordinance – such as setbacks, parking standards, building height requirements, etc.

**Veterinary Animal Hospital or Clinic:** A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation, and/or recuperation. It may also include boarding that is incidental to the primary activity.

**Vicinity Map:** A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

**Walkway:** A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

**Yard:** A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

1. Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
2. Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the front lot line to the front of the principal building.
3. Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

**Zero Lot Line Development:** An arrangement of housing on adjoining lots in which the required side yard is reduced on one side and increased on the other so that the sum of the offsets on any lot is no less than the sum of the required offsets. No building or structure shall be closer to a lot line than five (5) feet unless it abuts the lot line and is provided with an access easement of five (5) feet on the adjoining lot or abuts a building or structure on the adjoining lot. The offset adjacent to property not included in the zero (0) lot line development or a street shall not be less than that required in the zoning district.

**Zoning Inspector:** The Zoning Inspector is the person designated by the Board of Township Trustees to administer and enforce zoning regulations and related resolutions.

**Zoning Permit:** A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

## ARTICLE III NON-CONFORMITIES

### **300.01 Purpose**

Within the districts established by this resolution, or by amendments thereto which may later be adopted, existing lots, uses of land, structures, and uses of structures and land in combination which were lawful before this resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this resolution. The legitimate interest of those who lawfully established these non-conformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution. Furthermore, nothing contained in this resolution shall be construed to require any change in the layout, plans, construction, size or use of any lot, structure, or structure and land in combination, for which a zoning permit became effective prior to the effective date of this resolution, or any amendment thereto. Nevertheless, while it is the intent of this resolution that such non-conformities be allowed to continue until removed, they should not be encouraged to survive. Therefore, no non-conformity may be moved, extended, altered, expanded, or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the district without the approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this resolution

### **300.02 Uses Under Conditional Use Provisions Not Non-Conforming Uses**

Any use which is permitted as a conditional use in a district under the terms of this resolution shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

### **300.03 Incompatibility of Non-conformities**

Non-conformities are declared by this Resolution to be incompatible with permitted uses in the districts in which such uses are located. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this Resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

### **300.04 Certificates For Non-Conforming Uses**

The Zoning Inspector may upon his own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure or use is a valid non-conforming use. The certificate shall specify the reason why the use is a non-conforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the non-conforming use, and the extent that dimensional requirements are non-conforming. The purpose of this section is to protect the owners of lands or structures that are or become non-conforming. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner and one copy shall be retained by the Zoning Inspector, who shall maintain as a public record a file of all such certificates.

### **300.05 Substitution of Non-Conforming Uses**

So long as no structural alterations are made, except as required by enforcement of other codes or resolutions, any non-conforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another non-conforming use of the same classification or of a less intensive classification, or the Board shall find

that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this Resolution. Whenever a non-conforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.

### **300.06 Single Non-Conforming Lots of Record Compliance with Regulations**

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution, notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Other potential deviations from requirements listed in this Resolution shall be obtained only through action of the Board of Zoning Appeals as provided for in Article IV.

### **300.07 Non-Conforming Lots of Record in Combination**

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership area of record at the time of passage or amendment of this Resolution, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Resolution, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Resolution.

### **300.08 Non-Conforming Uses of Land**

Where, at the time of adoption of this Resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided:

1. No such non-conforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution;
2. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution;
3. If any such non-conforming uses of land are discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located;
4. No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such non-conforming use of land.

### **300.09 Non-Conforming Structures**

Where a lawful structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity;
2. Should such non-conforming structure or non-conforming portion of a structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this Resolution;
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

### **300.10 Non-Conforming Uses of Structures or of Structures and Land in Combination**

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Resolution that would not be allowed in the district under the terms of this Resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any non-conforming use of a structure or structure and land in combination, may, upon appeal to the Board of Zoning Appeals, be changed to another non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Resolution;
4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;
5. When a non-conforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;
6. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

### **300.11 Termination of Use Through Discontinuance**

When any non-conforming use is discontinued or abandoned for more than two (2) years, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the non-conforming use may not thereafter be resumed. The intent to continue a non-conforming use shall not be evidence of its continuance.

### **300.12 Termination of Use by Damage or Destruction**

In the event that any non-conforming building or structure is destroyed by any means to the extent of more than fifty percent (50%) of the cost of replacement of such structure, exclusive of foundation, it shall not be rebuilt, restored, or reoccupied for any use unless it conforms to all regulations of this Resolution. When such a non-

conforming structure is damaged or destroyed to the extent of fifty percent (50%) or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this Resolution and the following conditions:

1. A Zoning Certificate pertaining to such restoration shall be applied for and issued within one (1) year of such destruction, and rebuilding shall be diligently pursued to completion.
2. Such restoration shall not cause a new non-conformity, nor shall it increase the degree of non-conformance or noncompliance existing prior to such damage or destruction.

### **300.13 Repairs and Maintenance**

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.



# ARTICLE IV PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES

## **400.01    General**

Appeals and variances shall conform to the procedures and requirements of Article IV of this Resolution. As specified therein, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

## **400.02    Appeals**

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Administrator. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Administrator and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Administrator shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

## **400.03    Stay of Proceedings**

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken on due cause shown.

## **400.04    Variances**

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship or, in the case of an area variance, cause practical difficulties. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Resolution would result in either unnecessary hardship or practical difficulties.

1. Variances may be granted solely as related to the “area” requirements; the standard for granting a variance must demonstrate practical difficulties. A property owner encounters “practical difficulties” whenever an area zoning requirement unreasonably deprives him of a permitted use of his property. This standard is: whether the area zoning requirement, as applied to the property owner in question, is reasonable. No single factor controls in a determination of practical difficulties. The factors to be considered and weighed in determining whether a property owner seeking an area variance has encountered practical difficulties in the use of his property include, but are not limited to: (1) whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance; (2) whether the variance is substantial; (3) whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the

variance; (4) whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage); (5) whether the property owner purchased the property with knowledge of the zoning restriction; (6) whether the property owner's predicament feasibly can be obviated through some method other than a variance; (7) whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

#### **400.05    Application and Standards for Variances**

Except as otherwise permitted in this Resolution, no variance in the strict application of the provisions of this Resolution shall be granted by the Board of Zoning Appeals unless the Board shall find that the written application for the requested variance contains all of the following requirements:

1. Name, address and phone number of applicant(s);
2. Legal description of property;
3. Description or nature of variance requested;
4. A fee as established by resolution;
5. A narrative statement addressing how the variance meets the criteria of Section 400.04.

#### **400.06    Additional Conditions and Safeguards**

The Board may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this Resolution.

#### **400.07    Public Hearing by the Board of Zoning Appeals**

The Board of Zoning Appeals shall hold a public hearing within sixty (60) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

#### **400.08    Notice of Public Hearing in Newspaper**

Before conducting the public hearing required, notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

#### **400.09    Notice to Parties in Interest**

Before conducting the public hearing, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers.

#### **400.10    Action by Board of Zoning Appeals**

Within thirty (30) days after the public hearing required, the Board of Zoning Appeals shall either approve, approve with supplementary conditions, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. Appeals from Board decision shall be made in the manner specified in Article IV.

#### **400.11    Term of Variance**

No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than twelve (12) months from the date of such order unless the building permit or zoning approvals is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period.

#### **400.12    Authorized Variances**

Variances from the regulations of this Resolution shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions defined herein have been met by the applicant. Variances may be granted as guided by the following examples:

1. To permit any yard or setback less than the yard or setback required by the applicable regulations.
2. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but generally the respective area and width of the lot or lots should not be less than eighty percent (80%) of the required area and width.
3. To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
4. To reduce the applicable off-street parking or loading facilities required, but generally by not more than thirty percent (30%) of the required facilities.
5. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance.
6. To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally not more than forty percent (40%).
7. To increase the maximum allowable size or area of signs on a lot, but generally by not more than twenty-five percent (25%).
8. To increase the maximum gross floor area of any use so limited by the applicable regulations, but generally not more than twenty-five percent (25%)

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## **ARTICLE V PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USE PERMITS; SUBSTANTIALLY SIMILAR USES; ACCESSORY USES**

### **500.01    Regulation of Conditional Uses**

The provisions of this Article apply to the location and maintenance of any and all conditional uses.

### **500.02    Purpose**

In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety, and general welfare of the community. Toward these ends, it is recognized that this Resolution should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, and method of operation, intensity of use, public facilities requirements, and traffic generation.

### **500.03    Contents of Conditional Use Permit Application**

Any owner, or agent thereof, of property for which a conditional use is proposed shall make an application for a conditional use permit by filing it with the Zoning Inspector, who shall within seven (7) days transmit it to the Board of Zoning Appeals. Such application at a minimum shall contain the following information:

1. Name, address and phone number of the applicant;
2. Legal description of the property;
3. Zoning district;
4. Description of existing use;
5. Description of proposed conditional use;
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping features, and such other information as the Board may require;
7. A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the comprehensive plan, to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, and vibration;
8. A list containing the names and mailing addresses of all owners of property within five hundred (500) feet of the property in question;
9. A fee as established by Resolution;
10. A narrative addressing each of the applicable general and/or specific criteria contained in this Article.

### **500.04    General Standards for All Conditional Uses**

In addition to the specific requirements for conditionally permitted uses, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate

evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of Article 7 and appears on the Schedule of District Regulations adopted for the zoning district involved;
2. Will be in accordance with the general objectives of the Township's or County's comprehensive plan and/or the zoning resolution;
3. 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;
4. Will not be hazardous to existing or future neighboring uses;
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

#### **500.05     Criteria For Specific Conditional Uses**

1. Public Service Facility (All Districts)
  - a) All permanent buildings shall be constructed and designed so as to conform with the setback and building design of existing uses in the district.
  - b) Screenings and plantings to buffer any structures other than buildings from adjacent residential uses are required.
2. Church ("A", "R", "B" Districts)
  - a) The lot area shall be adequate to accommodate the required off-street parking requirements of the church.
  - b) The church building shall be setback from any adjacent residential property line a minimum of fifty (50) feet.
  - c) Parking shall not be permitted within fifty (50) feet of any side or rear property line.
3. Cemetery ("A", "I-A" Districts)
  - a) The site shall have direct access to a major thorough-fare which the Board of Zoning Appeals determines is adequate to serve the size of the facility proposed.
  - b) Any new cemetery shall be located on a site containing not less than twenty-five (25) acres.
  - c) All buildings, including but not limited to mausoleums and maintenance buildings, shall not be located within one hundred (100) feet of any property line.
  - d) All graves or burial lots shall be set back not less than fifty (50) feet from any property line.

#### **ARTICLE V PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USE PERMITS; SUBSTANTIALLY SIMILAR USES; ACCESSORY USES**

4. Attorney, Architect, Accountant, Engineer, Insurance Agency, Real Estate, Tax Preparation Service, and Bookkeeping Service Offices ("B" Districts)
  - a) Parking spaces shall be provided as required in this Resolution, provided that the Board of Zoning Appeals may increase the number of required spaces on the basis of the nature of the office and on the basis of generally known parking conditions in the neighborhood.
  - b) The design, location, and surface of the parking area shall be subject to approval of the Board of Zoning Appeals so as to reduce congestion, promote safety, and to reduce the impact on the residential character of the neighborhood.
  - c) One sign, not exceeding four (4) square feet in area and mounted flush against the building, shall be permitted.
5. Veterinary Clinic and Kennel ("A", "B" Districts)
  - a) Outdoor pens and exercise runs shall be kept in a clean and sanitary condition and shall be screened from public view. A screening plan shall be submitted to the Board of Zoning Appeals for approval.
  - b) Sanitation practices shall be adequate to assure that objectionable odors shall not be noticeable on or off the lot considering various wind conditions.
  - c) The applicant shall submit a written statement showing the measures and practices he will use to reduce the noise level in the design of the building and the management or rotation of animals in outdoor exercise runs.
  - d) No dead animals shall be buried on the premises and incineration of dead animals shall not create odors or smoke.
6. Child Day Care Center/Type A Family Day-Care Home ("B" Districts)
  - a) Outdoor playgrounds, tot lots, exercise areas, etc. shall be fully enclosed by a fence, the height and design of which shall be approved by the Board of Zoning Appeals.
  - b) The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for children that will not impede other traffic.
  - c) One sign, not exceeding four (4) square feet in area and mounted flush against the building, shall be permitted.
7. Funeral Home ("B" Districts)
  - a) The buildings shall be designed so as to conform to the architectural character of the residential neighborhood.
  - b) The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeal so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for visitors that will not impede other traffic.

ARTICLE V PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USE PERMITS; SUBSTANTIALLY  
SIMILAR USES; ACCESSORY USES

8. Boarding Home, Rooming House ("B" Districts)
  - a) No more than one person shall occupy each sleeping room.
  - b) All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate official shall accompany the application.
9. Tourist Home, Bed/Breakfast Home ("R", "B" Districts)
  - a) No more than two adults shall occupy each sleeping room. Children under twelve years of age are permitted in the same occupancy provided that no more than five (5) persons occupy one room.
  - b) All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate official shall accompany the application.
  - c) The facility shall be operated so that guests reside at the home for not longer than one continuous week.
  - d) The facility shall contain no more than four (4) sleeping rooms for guests.
10. Amusement arcades
  - a) Amusement arcades shall comply with the district regulations applicable to all properties in any zoning district in which they are located.
  - b) Amusement arcades shall have an adult who is eighteen (18) years of age or over on the premises and supervising the amusement arcade at all times during its hours of operation.
  - c) Amusement arcades shall have necessary security personnel as required by the appropriate law enforcement agency to police the interior and exterior of the premises.
  - d) The interior of the amusement arcades shall provide a minimum area per coin-operated amusement device equal to the size of the device plus two (2) feet of area on each side plus an area of four (4) feet in front of the device.
  - e) Prior to the issuance of a conditional use permit the applicant shall provide evidence that the structure meets the minimum requirements of the appropriate electrical and fire codes.
  - f) If the place of business or premises for which an amusement arcade is proposed is a free standing building, the application for the conditional use permit shall include an approvable exterior lighting plan.
  - g) In establishments which serve alcoholic beverages, any area containing amusement devices shall be visually separated from that portion or portions of the establishment wherein alcoholic beverages are served or sold for carrying out of the premises.
  - h) No amusement arcade may be established, operated or maintained in any place of business or on any premises which is within 500 feet of any adult entertainment business.
  - i) The application for the conditional use permit shall be accompanied by a copy of the applicant's license to operate and exhibit amusement devices, and a notarized statement that the applicant shall not permit any person fourteen (14) years of age or younger to operate any devices on the premises before 4:00 p.m. on days when school is in session.
11. Long-Term Parking Facilities
  - a) That no boundary of the proposed long-term parking area may be within fifty (50) feet of a residential district boundary.
  - b) The proposed parking area will not prevent access to adjacent properties by fire safety equipment.
  - c) The proposed parking area shall be screened in such a manner that the vehicles thereon parked will not be visible from the ground level of any adjacent residential properties.
  - d) That fencing and lighting of the facility will be sufficient to provide for its reasonable security.

ARTICLE V PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USE PERMITS; SUBSTANTIALLY  
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- e) That no service work, maintenance work, repair work, painting work, or other vehicular work shall take place on the premises.

12. Group Residential Facilities (Class I Type A, Class I Type B, and Class II Type A)

- a) Evidence is presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency.
  - b) Evidence is presented that the proposed facility meets local fire safety requirements for the proposed use and level of occupancy.
  - c) Evidence is presented that the proposed facility will not generate an unreasonable increase in traffic volume or require special off-street parking.
  - d) Such facilities shall comply with the district regulations applicable to other properties in the zoning district in which they are located.
  - e) No such facility may be located within six hundred (600) feet of another such facility.
  - f) No signs shall be erected by such facility for purposes of identification except a permitted street address sign.
  - g) The exterior of all such facilities shall not be altered in character but shall be compatible with other residential dwellings. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible.
  - h) Such facility shall be reasonably accessible, by virtue of its location or transportation provided by the applicant, to medical, recreational, and retail services required by its residents, and to employment opportunities, if applicable, and shall be in a relatively safe and stable neighborhood.
  - i) The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, to include a structured procedure whereby their grievances may be filed and resolved.
  - j) The applicant shall provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.
- Group residential facilities are conditionally permitted uses in certain districts.

13. Keeping and Raising of Chickens

- a) No resident or property owner shall:
  - i. Keep a rooster.
  - ii. Keep more than five (5) hens.
  - iii. Keep chickens inside of a dwelling.
  - iv. Sell eggs or have any commercial use on the property
- b) Any resident or property owner keeping or raising chickens in residential zones shall:
  - i. Maintain chickens (hens) shall be completely within an enclosure at all times (i.e., chicken coop, fenced area which includes overhead netting etc.) and shall not be allowed to roam free.
  - ii. Chicken enclosure shall be permitted in rear yards only and shall be setback a minimum of twenty (20) feet from all property lines.
  - iii. Dispose of all residue or waste related to the raising of chickens (i.e., compost, apply as fertilizer, bury or transport off of the property) to create a health hazard.

**500.06 Public Hearing**

The Board of Zoning Appeals shall hold a public hearing within sixty (60) days after it receives an application for a conditional use permit submitted by an applicant through the Zoning Inspector.

ARTICLE V PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USE PERMITS; SUBSTANTIALLY  
SIMILAR USES; ACCESSORY USES

#### **500.07     Notice of Public Hearing**

Before conducting the required public hearing, notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the hearing, and shall provide a summary explanation of the conditional use proposed.

#### **500.08     Notice of Parties of Interest**

Prior to conducting the public hearing, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the date of the hearing to all parties of interest, to include all property owners listed in the application. The notice shall contain the same information as required for notices published in newspapers.

#### **500.09     Action by the Board of Zoning Appeals**

Within thirty (30) days after the date of the public hearing, the Board shall take one of the following actions:

1. Approve issuance of the conditional use permit by making an affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted, that all conditions for approval of such use in such district have been met, and that such use will neither result in significant negative impacts upon nor conflict with surrounding uses. Such written finding may also prescribe supplementary conditions and safeguards as specified hereunder. Upon making an affirmative finding, the Board shall direct the Zoning Inspector to issue a conditional use permit for such use which shall list all conditions and safeguards specified by the Board for approval.
2. Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications which are deemed necessary.
3. Make a written finding that the application is denied, such finding specifying the reason(s) for disapproval.

If an application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas.

#### **500.10     Supplementary Conditions and Safeguards**

In granting approval for any conditional use, the Board may prescribe appropriate conditions and safeguards in conformance with this Resolution. Any violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a punishable violation of this Resolution.

#### **500.11     Expiration of Conditional Use Permit**

A conditional use permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if such conditionally permitted use has not been instructed or utilized within one (1) year of the date on which the permit was issued, or if for any reason such use shall cease for more than two (2) years.

#### **500.12     Procedure and Requirements to Determine That a Use is Substantially Similar.**

Where a specific use is proposed that is not listed or provided for in this Resolution, the Board of Zoning Appeals

may make a determination, upon appeal, that the proposed use is substantially similar to a specific use that is listed or provided for in this Resolution. If the Board finds that a use is substantially similar to a specific use listed in this Resolution, the substantially similar use is deemed to be a substantially similar permitted use in those districts where the specific use is a permitted use, and a substantially similar conditional use in those districts where the specific use is a conditionally permitted use. In formulating a determination that a proposed use is a substantially similar use; the Board shall follow the procedures relating to appeals and variances as specified in Article 4 of this Resolution. Upon making a determination that a proposed use is substantially similar, the Board shall notify the Township Trustees of its decision and shall include in its written findings the reasoning upon which the decision is based. Unless the decision is rejected within thirty (30) days of its receipt by the Township Trustees, such substantially similar use determination by the Board shall become effective.

#### **500.13     Remedy by Application for Amendment**

If the Board determines that a proposed use is not substantially similar, such determination shall not be appealed to the Township Trustees, but remedy may be sought by the appellant through the submission of an application for amendment as prescribed in Article 6.

#### **500.14     Standards for Consideration of Substantially Similar Uses**

The following standards shall be considered by the Board when making a determination that a use is substantially similar to a permitted or a conditional use within a specific district:

1. The compatibility of the proposed use with the general use classification system as specified in this Resolution.
2. The nature, predominant characteristics, and intensity of the proposed use in relation to those uses specified by this Resolution as being permitted, or in the case of a conditional use, conditionally permitted, in that district.
3. The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in this Resolution.

#### **500.15     Effect of Determination That a Use is Substantially Similar**

Should a use be determined to be substantially similar to a specific permitted or conditionally permitted use provided for in this Resolution, it shall then be permitted in the same manner and under the same conditions and procedures as the use is permitted to which it has been found to be substantially similar.

#### **500.16     Record of Substantially Similar Uses**

The Zoning Inspector shall maintain as a public record a listing of all uses which have been determined to be substantially similar. For each such use the record shall include the use as listed in the Resolution, the use unlisted in the Resolution about which the determination of substantial similarity was made, and the dates of any actions thereupon by the Board of Zoning Appeals or the Township Trustees. This record shall also contain the same information for all uses which have been determined not to be substantially similar. The Zoning Inspector shall consult this record in the process of issuing future permits.

#### **500.17     Dwellings as Accessory Uses**

Dwellings may be accessory uses in residential districts if located inside the principal home or if detached as a garage apartment, only if used as a residence by relatives or household servants and no rent is charged. Mobile

homes are not permitted as an accessory use.

**500.18     Accessory Elderly Dwelling Unit**

Notwithstanding the provisions of 500.17, an owner-occupied single-family dwelling unit may be converted to allow the incorporation of one additional dwelling unit for the exclusive occupancy of an elderly household, a member of which shall be an elderly person related to the owner of the single-family dwelling unit. Such accessory elderly dwelling unit shall be wholly contained within the existing principal building or shall be attached to it by a common wall, floor or ceiling. The application for the zoning permit for such conversion shall be accompanied by an affidavit attesting to the owner's present occupancy of the dwelling unit and to the age and relationship of the elderly person.

**500.19     Retail Sales and Services as Accessory Uses**

Retail sales and services are permitted as accessory uses when clearly incidental to the principal use. With the exception of restaurants in conjunction with a motel, such uses shall be conducted wholly within the principal building, and without exterior advertising or display. These activities shall be conducted solely for the convenience of the employees, patients, patrons, students, or visitors and not for the general retail public. In hospitals and clinics these accessory uses may include drug stores, florists, gift and book shops, restaurants, cafeterias and coffee shops, lounges, pro shops, and beauty and barber shops.

## ARTICLE VI AMENDMENT

### **600.01    Procedure For Amendments or District Changes**

This resolution may be amended by utilizing the procedures specified in Article VI. Said procedures shall comply with all provisions of the Ohio Revised Code. If the procedures contained in this Zoning Resolution are at any time in conflict with the procedures of the Ohio Revised Code, the procedures in the Ohio Revised Code shall be followed.

### **600.02    General**

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of Township Trustees may by resolution, after receipt of recommendation thereon from the Zoning Commission, and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

### **600.03    Initiation of Zoning Amendments**

Amendments to this resolution may be initiated in one of the following ways.

1. By adoption of a motion by the Zoning Commission;
2. By adoption of a resolution by the Board of Township Trustees;
3. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

### **600.04    Contents of Application for Zoning Map Amendment**

Applications for amendments to the Official Zoning Map adopted as part of this resolution by Article 7 shall contain at least the following information:

1. The name, address, and phone number of applicant;
2. The proposed amending resolution, approved as to form by the County Prosecutor;
3. A statement of the reason(s) for the proposed amendment;
4. Present use;
5. Present zoning district;
6. Proposed use;
7. Proposed zoning district;
8. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require;
9. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;
10. A statement on the ways in which the proposed amendment relates to the comprehensive plan;
11. A fee as established by Resolution of the Board of Township Trustees.

#### **600.05    Contents of Application for Zoning Text Amendment**

Application for amendments proposing to change, supplement, amend, or repeal any portion(s) of this Resolution, other than the Official Zoning Map, shall contain at least the following information:

1. The name, address and phone number of the applicant;
2. The proposed amending resolution, approved as to form by the County Prosecutor;
3. A statement of the reason(s) for the proposed amendment;
4. A statement explaining the ways in which the proposed amendment relates to the comprehensive plan;
5. A fee as established by Resolution of the Board of Township Trustees.

#### **600.06    Transmittal to Zoning Commission**

Immediately after the adoption of a resolution by the Board of Township Trustees or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Commission.

#### **600.07    Submission to County or Regional Planning Commission**

Within five (5) days after the adoption of a motion by the Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application by at least one (1) owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution, or application, together with the text and map pertaining to the case in question, to the County or Regional Planning Commission, if such a body exists. The County or Regional Planning commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

#### **600.08    Submission to Director of Transportation**

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail, to the Director of Transportation. The Zoning Commission may proceed as required by law; however, the Board of Township Trustee shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Board of Township Trustees that he shall proceed to acquire the land needed, then the Board of Township Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Board of Township Trustees that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Board of Township Trustees shall proceed as required by law.

#### **600.09    Public Hearing by Zoning Commission**

The Zoning Commission shall schedule a public hearing after the adoption of their motion, the transmittal of a resolution from the Board of Township Trustees, or the filing of an application for zoning amendment. Said hearing shall be no more than sixty (60) days from the date of adoption of such motion, transmittal of such resolution, or filing of such application.

**600.10    Notice of Public Hearing in Newspaper**

Before holding the public hearing as required, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination.

**600.11    Notice to Property Owners by Zoning Commission**

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission by first class mail, at least ten (10) days before the date of the public hearing, to all owners of property within, contiguous to, and directly across the thoroughfare from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers.

**600.12    Recommendation by Zoning Commission**

Within thirty (30) days after the public hearing, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be not granted. The written decision of the zoning commission shall indicate the specific reason(s) upon which the recommendation is based, to include the basis for their determination that the proposed amendment is or is not consistent with the comprehensive plan.

**600.13    Public Hearing by Board of Township Trustees**

Within thirty (30) days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such public hearing in a newspaper of general circulation shall be given by the Board of Township Trustees.

**600.14    Action by Board of Township Trustees**

Within twenty (90) days after the public hearing, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendations of the Commission, the unanimous vote of the Board of Township Trustees is required.

**600.15    Effective Date and Referendum**

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the zoning plan equal to not less than eight percent (8%) of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.



## ARTICLE VII ESTABLISHMENT OF DISTRICTS

### **700.01    Purpose**

The purpose of this article is to establish zoning districts in order to realize the general purposes set forth in the preamble of this Resolution, to provide for orderly growth and development, and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts.

### **700.02    Establishment of Districts**

The following zoning districts are hereby established for the Township of Falls, County of Muskingum, Ohio:

“A” District - Agricultural

“R” District - Residential

“B” District - Business and Commercial

“I” District - Industrial

“MHP” District - Manufactured Home Park

Nothing in this Article shall be construed to require the actual location of any district on the Official Zoning Map, as it is the intent of this Resolution to provide the flexibility in its administration to allow future expansion and emendation.

### **700.03    Zoning District Map**

The districts established in this Article, as shown on the Official Zoning Map, which, together with all data, references, explanatory material and notations thereon, are hereby official adopted as part of this Resolution and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.

### **700.04    Zoning Map Legend**

There shall be provided on the Official Zoning Map a legend which shall list the name of each zoning district and indicate the symbol for that district. A color, combination of colors, or black and white patterns may be used in place of symbols to identify the respective zoning districts in such legend.

### **700.05    Identification of Official Zoning Map**

The Official Zoning Map shall be properly identified by the signature of the Chairman of the Board of Township Trustees, as attested by the Township Clerk, and bearing the official seal. The Map shall be maintained by the Zoning Inspector, and shall remain on file in the office of the Clerk. The Official Zoning Map shall control whenever there is an apparent conflict between the district boundaries as shown on the Map and the description(s) as found in the text of this Resolution or any other resolution. The Official Zoning Map shall be a reproducible document, and copies shall be made available to the public upon request and upon payment of a fee as established by resolution. Not later than January 30 of each year, the map shall be recertified by the Chairman and the Clerk.

### **700.06    Interpretation of District Boundaries**

The following rules shall be used to determine the precise location of any zoning district boundary unless such

boundary is specifically indicated on the Official Zoning Map:

1. Where district boundaries are so indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be said boundaries;
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;
5. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Township unless otherwise indicated;
6. Where district boundaries are so indicated that they follow or approximately follow the limits of any municipal corporation, such boundaries shall be construed as following such limits;
7. Whenever any street, alley, or other public way is vacated by official Board of Township Trustees action, the zoning district adjoining each side of such street, alley, or public way shall automatically be extended to the center of such vacation, and all areas within that vacation shall thenceforth be subject to all regulations appropriate to the respective extended districts.

All questions and disputes concerning the exact location of zoning district boundaries shall be resolved by the Board of Zoning

#### **700.07     Zoning Map Amendments**

Within fifteen (15) days of the effective date of any change of a zoning district classification or boundary, the Zoning Inspector shall amend the Official Zoning Map to reflect such change, and shall note the effective date of such change, together with appropriate reference to the resolution authorizing such change. The Official Zoning Map shall then be signed by the Chairman and attested to by the Clerk.

## ARTICLE VIII DISTRICT REGULATIONS

### **800.01    Compliance with Regulations**

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

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located;
2. No building or other structure shall be erected or altered:
  - a) to provide for greater height or bulk;
  - b) to accommodate or house a greater number of families;
  - c) to occupy a greater percentage of lot area;
  - d) to have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required, or in any other manner be contrary to the provisions of this Resolution;
3. No yard or lot existing at the time of passage of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Resolution shall meet at least the minimum requirements set forth herein.

### **800.02    Official Schedule of District Regulations Adopted**

District regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted and declared to be a part of this Resolution and in Article 9 of this Resolution, "Supplementary District Regulations".

### **800.03    Official Schedule of District Regulations**

The Official Schedule of District Regulations is provided below.

**X= Permitted    C= Conditionally Permitted.**

Principal Land Uses	ZONING DISTRICTS				
	"A" District Agricultural	"R" District Residential	"B" District Business and Commercial	"I" District Industrial	"MHP" District Manufactured Home Park
Agriculture	X	X	X	X	X
Adult Entertainment Businesses				C	
Antique Store			X		
Asphalt or cement mixing plant				C	
Automobile repair garages			X		
Automobile sales and service businesses including used car lots and repair garages			X		
Automobile Wrecking Yard				C	
Automobile, Truck or other vehicle repair garages that involve outdoor storage of materials or items being repaired				X	
Automobile, Truck or other vehicle repair garages without outdoor storage of materials or items being repaired				X	
Bakery			X		
Banks and Other Financial Institutions			X		
Bars, cocktail lounges, wine bars, microbrewery			X		
Bed and Breakfast	C	C	X		
Bicycle Sales and Repair			X		
Billboards				C	
Bottling works				X	
Building material sales and contractors' offices if conducted wholly within an enclosed building			X	X	
Building material sales and contractors' offices with outside storage and display			C	X	
Bulk storage of petroleum products.				X	
Cabinet shop conducted wholly within an enclosed building			X	X	
Cabinet shop with storage of materials outside			C	X	
Car Wash			X		
Carpenter or cabinet workshop				X	
Carting, express or hauling establishments				X	
Cement or cinder block manufacture				X	
Cemetery	X	C	X		
Child Care Facility		C	X		
Churches	X	C	X		
Clinics			X		
Clothing or Apparel Store			X		

Principal Land Uses	ZONING DISTRICTS				
	"A" District Agricultural	"R" District Residential	"B" District Business and Commercial	"I" District Industrial	"MHP" District Manufactured Home Park
Coffee shops			X		
Commercial dry-cleaning plants				X	
Commercial offices, including administrative and sales offices			X		
Community Center		C	X		
Condominiums		C	X		
Contractors' establishments and construction equipment dealers			C	X	
Convenience businesses			X		
Copy / Business Center, Print Shop or Printer			X		
Dance or Music Academy			X		
Distribution Facilities and distributors warehouses and wholesale outlets with no outdoor storage, and no processing or fabrication			X		
Dwellings, in a mixed-use building			X		
Elderly Housing Facility		C	X		
Farm Implement Sale and Storage				X	
Florist			X		
Forestry	X	X	X	X	X
Fruit, Vegetable, Meat Market			X		
Funeral homes.			X		
Gas Station & Convenience Store			X		
General Business			X		
Grocery Store			X		
Group residential facilities, Class I, Class II			X		
Group residential facilities, Class I, Type B	X	X			
Hardware Stores			X		
Health Clubs			X		
Hospital			X		
Hospitals	C	C	X		
Hotels and Motels			X		
Hotels, Extended Stay			X		
Ice Storage and Sales			X		
Indoor, or outdoor theaters			X		
Industrial plants that involve the manufacturing, assembling or production of; small metal products; clothing; drugs and medicines; electrical equipment; glass products; furniture; other wood products; plastic products or finished equipment.				X	

Principal Land Uses	ZONING DISTRICTS				
	"A" District Agricultural	"R" District Residential	"B" District Business and Commercial	"I" District Industrial	"MHP" District Manufactured Home Park
Institutions			X		
Iron, steel, brass or copper foundry				X	
Junkyard				C	
Kennels, animal hospitals and veterinary offices	X		X	C	C
Laundromat			X		
Library, Museum, Art Gallery			X		
Limited light manufacturing of small electrical components and related research & development where all processing, fabricating or assembly takes place wholly within an enclosed building			C	X	
Lodges and fraternal organizations.			X		
Machine Shop				X	
Manufactured Home Park					X
Marijuana dispensaries			C	C	
Metal stamping.				X	
Mineral Extraction, Storage and Processing				X	
Mobile home and travel trailer sales and service				X	X
Monument works having retail outlet on premises			C	X	
Multiple-Family dwellings		C	X		
Newspaper or other printing facility				X	
Nursing Home		C	X		
Office and Institutional Uses		C	X		
Office Business			X		
Paper manufacture				X	
Parks, playgrounds and community buildings owned or operated by public agencies	X	X	X	X	X
Party and event venues			C	C	
Personal service businesses including barber shops, beauty parlors, and shoe repair shops, laundry and dry-cleaning pick-up stations, photography studios and similar businesses			X		
Pharmacy			X		
Plant Nursery & Sales	X		X		
Pressurized Gas Storage and Distribution				X	
Printing plants				X	

Principal Land Uses	ZONING DISTRICTS				
	"A" District Agricultural	"R" District Residential	"B" District Business and Commercial	"I" District Industrial	"MHP" District Manufactured Home Park
Professional offices and activities of a professional nature including financial services, doctors' and dentists' offices, etc.			X		
Public Garages			X		
Public Service Facility	X	X	X	X	X
Public Use Facility			X		
Radio and television broadcasting stations and towers				X	
Recreation camps	X				
Recreational Facility "extensive"	X				
Recreational Facility "intensive"			X		
Recreational Vehicle Park	C				
Recycling Center				X	
Repair services and businesses (non-vehicular)			X	X	
Research Laboratory			X	X	
Research, design, engineering, testing and diagnostics services			C	X	
Restaurant, without drive through or drive in features			X		
Restaurants with drive-through or drive in service			X		
Retail Sale of Boats or RV's			C	X	
Retail Sales of General Merchandise			X		
School		C	X		
Self- Service Storage Facility			X	X	
Service Station Garages			X		
Sexually-Oriented Business				C	C
Sidewalk Café			X		
Single-family dwelling, attached	C	X	X		
Single-family dwelling, detached	X	X			
Storage or Processing of Petroleum Products				X	
Supply store-builders, plumbing or heating			X		
Townhouses		C	X		
Two-family dwellings		X	X		
Warehouses (10,000 square foot or less).			C	X	
Warehouses (greater than 10,000 square feet)				X	

Accessory Land Uses	ZONING DISTRICTS				
	"A" District Agricultural	"R" District Residential	"B" District Business and Commercial	"I" District Industrial	"MHP" District Manufactured Home Park
Commercial parking lots and garages			X		
Free Standing Solar Collection Systems	C	C	X	X	X
Home Occupations Class 1	X	X			
Home Occupations Class 2	X	C			
Keeping and Raising Chickens	X	C			
Off-Street Parking, as required	X	X	X	X	X
Roof Mounted Solar Collection System	X	X	X	X	X

#### **800.04 Prohibited Uses**

The following uses shall be deemed to constitute a nuisance and shall not be permitted in any "A", "R", "B", "I", or "MHP" Districts, except in conjunction with a permitted use in the "I" District:

1. Metallic powder works
2. Chemical plant
3. Crematory
4. Distilling of bones, fat or glue, or glue or gelatin manufacturing.
5. Manufacture or storage of explosives, gun power or fireworks.
6. Manufacture of fertilizer.
7. Dumping, storing, buying, reducing, disposing of or burning garbage, refuse, scrap metal, scrap lumber, rubbish, offal of dead animals, except as results from the normal use of said premises, unless such dumping is done at a place provided by the Township Trustees for such specific purpose.
8. Junk yards, automobile graveyards, or places for the collection of scrap metal, paper, rags, glues or junk for salvage or storage purposes.
9. Racetracks, except a racetrack that is part of a county fairgrounds.
10. Any mining by "stripping" or any other method.
11. Gravel and/or sand operations.
12. Rear dwellings.

#### **800.05 Lot and Dimensional Requirements**

Buildings in all districts shall conform to all residential regulations contained in this zoning resolution.



	District A Agriculture	District R Residential	District B Business and Commercial	District I Industrial
<b>Res. Min. Lot Area (Sq. Ft.)</b> <sup>(1)</sup>	Single Family Dwellings	Single Family Dwellings	Single Family Dwellings	
Category A <sup>(2)</sup>	20,000	20,000	20,000	
Category B <sup>(3)</sup>	6,500	6,500	6,500	
<b>Res. Min. Lot Area (Sq. Ft.)</b> <sup>(1)</sup>		Two Family Dwellings	Two Family Dwellings	
Category A <sup>(2)</sup>		30,000	30,000	
Category B <sup>(3)</sup>		11,000	11,000	
				N/A
<b>Res. Min. Lot Area (Sq. Ft.)</b> <sup>(1)</sup>		Three+ Family Dwellings	Three+ Family Dwellings	
Category B (only) <sup>(3)</sup>		4 Units per Acre	10 Units per Acre	
<b>Non-Res. Min. Lot Area (Sq. Ft.)</b> <sup>(1)</sup>				
Category A <sup>(2)</sup>	N/A	N/A	N/A	5 Acres
Category B <sup>(3)</sup>				2 Acres
<b>Min. Lot Width (Ft.)</b> <sup>(1)</sup>				
Category A <sup>(2)</sup>	75	75	100	200
Category B <sup>(3)</sup>	60	60	100	200
Principal Building Size Min. Sq. Ft. <sup>(4)</sup>	700	700	1,000	---
Max FAR <sup>(5)</sup>	.40	.40	.50	.50
Max. Lot Coverage--All Buildings <sup>(5)</sup>	.60	.60	.60	.60
Min. Setbacks (Ft.)				
<b>Single Family</b>				
Front Yard <sup>(6)</sup>	30/40/50	30/40/50	30/40/50	---
Side Yard	5	5	5	---
Rear Yard	10	10	10	---
<b>Two Family</b>				
Front Yard	---	50	50	---
Side Yard	---	10	10	---
Rear Yard	---	25	25	---
<b>Three or More Family</b>				
Front Yard	---	60	60	---
Side Yard	---	15	15	---
Rear Yard	---	30	30	---
<b>All Other Uses</b>				
Front Yard	50	50	50	100
Side Yard	10	10	10	50
Rear Yard	25	25	25	50
		<b>Accessory Buildings</b>		
Maximum Sq. Ft.	3,000	---	---	---
Maximum FAR <sup>(5) (9)</sup>	.15	.16	.15	.20
Max. Lot Coverage-All Buildings <sup>(5)</sup>	.60	.60	.60	.60
Number of Buildings <sup>(7)</sup>	3	3	3	3
Front Yard <sup>(8)</sup>	See <sup>(8)</sup>	See <sup>(8)</sup>	See <sup>(8)</sup>	See <sup>(8)</sup>
Side Yard <sup>(9)</sup>	5	5 <sup>(9)</sup>	15	30
Rear Yard <sup>(9)</sup>	5	5 <sup>(9)</sup>	5	30
		<b>Height</b>		
Max. Height All structures (Ft.)	56	35	56	56

- (1) All new lots shall have frontage on a public road and all new lots shall have a minimum lot width as indicated. This provision does not apply if the lot was designated on a recorded plat or separately owned at the time the zoning code, as amended, takes effect and cannot practicably be enlarged to conform to this requirement. These provisions apply to each agricultural, residential, business, or industrial unit.
- (2) Category A-Lots with individual sanitary sewer and/or water facilities.
- (3) Category B-Lots with individual sanitary sewer facilities as acceptable to the County and/or State Health Department. The water system to be community or individual as acceptable to the County and/or State Health Department.
- (4) Minimum Sq. Ft. reflects the minimum required ground floor or "foot print" of the structure and is exclusive of breezeways, porches, terraces, and garages.
- (5) Max FAR – Maximum Floor Area Ratio is total gross floor area of all buildings divided by the area of the lot in all Districts. In addition to the maximum FAR requirement, the total area covered by buildings, storage and parking of any lot in all districts shall not exceed sixty percent (60%) of the total lot area, thereby requiring that a minimum of forty percent (40%) of the lot area shall be green space or landscaping.
- (6) Front yard setbacks exclude steps and uncovered porches less than ten (10) feet in width. Setbacks for all buildings, including outdoor advertising, shall be a minimum of 30 feet when fronting Township Roads, 40 feet when fronting County Roads, and 50 feet when fronting State Routes. If there is no established right-of-way side line from which setback can be determined, the side line shall be deemed to be thirty (30) feet from the center of the road right-of-way, or by the determination of the Zoning Administrator. Further, no existing principal building may be connected to an accessory structure by an addition that has less floor area than the accessory structure.
- (7) Accessory buildings in Residential Districts shall not be located in front yards.
- (8) No accessory building may be located closer to the road right-of-way than the principal structure on a lot.
- (9) In residential districts, the total size of accessory buildings shall not exceed 16% of the lot size and any accessory building exceeding 1,600 square feet shall be setback a minimum of 10 feet from all property lines.

## ARTICLE VIII DISTRICT REGULATIONS

## ARTICLE IX SUPPLEMENTARY REGULATIONS

### **900.01    General**

The purpose of supplementary district regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur, in order to alleviate or preclude such problems, and to promote the harmonious exercise of property rights without conflict.

### **900.02    Principal Building Per Lot**

No more than one principal building or structure may be constructed upon any one lot in residential districts for the purposes of this Resolution. Rear dwellings shall be prohibited, and any existing rear dwellings shall be considered non-conforming uses subject to the requirements of Article 3 of this Resolution.

In agricultural, commercial and industrial district more than one principal building may be permitted providing that all other requirements of the resolution such as setbacks, density, maximum lot coverage, parking and screening are met on the property.

### **900.03    Conversions of Dwellings to More Than One Unit**

A residence may not be converted to accommodate an increased number of dwelling units unless all of the following conditions are met:

1. The conversion is in compliance with all other local codes and resolutions, and any applicable State or Federal regulations;
2. The district within which the residence is located is so regulated as to allow such an increase in dwelling units;
3. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district;
4. The lot area per family equals the lot area requirements for new structures in that district;
5. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district;
6. The conversion is in compliance with all other relevant codes and resolutions.

### **900.04    Principal Building Per Lot**

No more than one principal building or structure may be constructed upon any one lot in residential districts for the purposes of this Resolution. Rear dwellings shall be prohibited and shall be considered non-conforming uses subject to the requirements of Article 3 of this Resolution.

In agricultural, commercial and industrial district more than one principal building may be permitted providing that all other requirements of the resolution such as setbacks, density, maximum lot coverage, parking and screening are met on the property.

#### **900.05     Reduction of Area or Space**

No lot, yard, parking area, or other space shall be reduced in area or dimension if such reduction has the effect of making the lot, yard, parking area, or other space less than the minimum required by this Resolution. Furthermore, any lot, yard, parking area, or other space which is already less than the required minimum shall not be reduced further. However, nothing in this section shall be interpreted to limit the power of the Board of Zoning Appeals in the granting of variances under this Resolution.

#### **900.06     Construction in Easements**

Easements for installation, operation and maintenance of utilities and drainage facilities are reserved as shown on each plat when recorded or otherwise established. Within these easements, no permanent building or structure shall be placed or permitted which may damage or which may interfere with the installation, operation, and maintenance of such utilities or which may change the normal direction of flow of drainage channels within the easement. The easement area of each lot, and any improvements within it, shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or a utility is responsible.

#### **900.07     Parking and Storage of Vehicles and Trailers**

No commercial vehicles, including commercial tractors, automobiles, trucks, buses, house trailers, semi-trailers, shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking. No automotive vehicles or trailers of any type without current license plates shall be parked or stored on any residential property other than in a completely enclosed building.

A maximum of one boat and/or one unoccupied recreational vehicle may be stored in the rear or side yard of any residentially zoned property if it has a current license, meets the requirements of this Resolution for accessory structures, and is screened according to the requirements of this Resolution. A maximum of one boat and/or one unoccupied recreational vehicle may be stored in the front yard a maximum of 30 days per calendar year of any residentially zoned property if it has a current license.

#### **900.08     Swimming Pools as Accessory Uses**

No private swimming pool, exclusive of portable swimming pools with a diameter of less than twelve (12) feet or with an area of less than one hundred (100) square feet, shall be allowed in any residential district or commercial as an accessory use, unless they comply with the following requirements:

1. The pool is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guests.
2. The pool may be located anywhere on the premises except in front yards, provided that it shall not be located closer than twelve (12) feet to any property line.
3. The swimming pool, or the entire property upon which it is located, shall be walled or fenced so as to comply with all state laws and regulations.

#### **900.09     Community or Club Swimming Pools**

A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club or association, for use and enjoyment by members and their families. Such swimming pools shall comply with the following requirements:

1. The pool is intended solely for and is used solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
2. The pool may be located anywhere on the premises except in required front yards, provided that it shall not be located closer than twelve (12) feet to any property line or easement.
3. The swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than six (6) feet in height, and it shall be maintained in good condition with a gate and lock.
4. Exterior lighting shall be so shaded or directed that it does not cast light directly upon adjacent properties.
5. Such pool facilities shall not be operated prior to 9:00 a.m. in the morning or after 10:00 p.m. in the evening.

#### **900.10     A Class I Type B Group Residential Facility**

A Class 1, Type B Group Residential Facility is permitted in specified districts and subject to the following specific criteria:

1. Evidence is presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency.
2. Evidence is presented that the proposed facility meets local fire safety requirements for the proposed use and level of occupancy.
3. Evidence is presented that the proposed facility will not generate an unreasonable increase in traffic volume or require special off-street parking.
4. Such facilities shall comply with the district regulations applicable to other properties in the zoning district in which they are located.
5. No such facility may be located within six hundred (600) feet of another such facility.
6. No signs shall be erected by such facility for purposes of identification except a permitted street address sign.
7. The exterior of all such facilities shall not be altered in character but shall be compatible with other residential dwellings. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible.
8. Such facility shall be reasonably accessible, by virtue of its location or transportation provided by the applicant, to medical, recreational, and retail services required by its residents, and to employment opportunities, if applicable, and shall be in a relatively safe and stable neighborhood.
9. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, to include a structured procedure whereby their grievances may be filed and resolved.
10. The applicant shall provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.

#### **900.11     Factory-Built Housing**

Any factory-built housing proposed to be located in an MHP district shall comply with Ohio Revised Code Section 3733.02, 3733.021, and Chapter 3701 of the Ohio Administrative Code.

#### **900.12     Required Refuse Collection Areas**

The refuse collection areas provided by all commercial, industrial, and multifamily residential uses for the collection of trash, garbage, and other refuse shall be enclosed on three sides by a solid wall or fence of at least four (4) feet in height, unless within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Inspector. In addition, the following requirements shall be met:

1. The storage of hazardous or toxic materials or wastes shall not be permitted without documented approval of the Ohio Environmental Protection Agency.
2. Materials or wastes which might cause fumes or dust or otherwise constitute a fire hazard, or which may attract rodents or insects, shall be stored only in closed containers constructed of impervious materials.
3. Storage areas in residential districts shall utilize such additional screening as required in this Resolution.
4. No train, truck or trailer containing trash or refuse may be parked on any public or private property in any residential, agricultural or commercial zoning district for a period of more than 24 hours.

#### **900.13     Junk**

The accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or other disregarded objects or debris defined as junk in the Ohio Revised Code shall be prohibited, outside of an approved junk yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents.

#### **900.14     Supplemental Yard and Height Regulations**

In addition to the regulations specified in Article 8 and in other sections of this Resolution, the following requirements modify requirements as indicated:

1. **Setback Requirements for Buildings on Corner Lots:** The principal building and its accessory structures located on any corner lot shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which structures are located. Corner lots have two front yards.
2. **Yard Requirements for Multi-Family Dwellings:** Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.
3. **Side and Rear Yards for Nonresidential Uses Abutting Residential Districts:** Nonresidential buildings or uses shall not be located nor conducted closer than forty (40) feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty percent (50%) of the requirement if acceptable landscaping or screening approved by the Zoning Administrator is provided. Such screening shall be a masonry wall or solid fence between four (4) and eight (8) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting. Neither type of screening shall obscure traffic visibility.
4. **Exceptions to Height Regulations:** The height limitations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a

hazard to the safe landing and take-off of aircraft at an established airport

5. **Architectural Projections:** Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard.
6. **Fences:** In residential zoning districts, the maximum size of a fence shall be four (4) feet in the required front yard and six (6) feet in side and rear yards. Solid fences shall have the finished side facing out toward neighbors and shall be maintained in good repair.

#### **900.15    Visibility at Intersections**

On a corner lot at the intersection of two streets in any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such manner as to impede vision materially between a height of two and one-half (2½) feet and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lot and a line joining points along said street lines fifty (50) feet from the point of intersection. On a corner lot at the intersection of two alleys, or at the intersection of an alley and a street, within any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such manner as to impede vision materially between a height of two and one-half (2½) feet and ten (10) feet above the center line grades of the intersecting alleys, or of the intersecting alley and street, in the area bounded by the right-of-way lines of such corner lot and a line joining points along said alley lines, or alley and street lines, twenty-five (25) feet from the point of intersection.

#### **900.16    Objectionable, Noxious, or Dangerous Uses, Practices or Conditions**

No land or building in any district shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which may otherwise adversely affect surrounding areas or adjoining premises, except that any use permitted by this Resolution may be undertaken or maintained if acceptable measures and safeguards to reduce any dangerous or objectionable conditions to acceptable limits, as established in this Section, are properly exercised. Specifically, the occupation or use of any land or building in any district shall be in violation of this Resolution if one or more of the following conditions is found to exist at any time:

1. The use or storage of flammable or explosive materials is not adequately protected by fire-fighting and fire-protection equipment or by such safety devices as are normally required for such activities;
2. Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved;
3. Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency;
4. Hazardous wastes are present in violation of the regulations of the Ohio Environmental Protection Agency;
5. Objectionable noise as determined by the Zoning Inspector due to volume, frequency or beat is present;
6. Vibration discernible by the Zoning Inspector without instruments is present on an adjoining lot or property;
7. Direct or reflected glare is present which is visible from any street or from any property not within a manufacturing district;
8. Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot or property;
9. Water pollution or contamination is present in violation of the regulation of the Ohio Environmental Protection Agency.

#### **900.17     Assurance Requirements and Plans**

Prior to the issuance of a zoning permit, the Zoning Inspector may require the submission of written assurances and plans indicating the manner in which dangerous and objectionable aspects or elements of processes or operations entailed in certain uses or occupations are to be eliminated or reduced to acceptable limits and tolerances.

#### **900.18     Enforcement Provisions**

Any occupancy, use, conditions or circumstances existing in violation of this Resolution shall constitute a violation of this Resolution and be subject to the enforcement procedures contained herein.

#### **900.19     Temporary Uses**

The following regulations are necessary to govern certain uses which are of a non-permanent nature. For such uses requiring temporary zoning permits, at least seven (7) days before the instigation of such use an application for a zoning permit shall be made to the Zoning Inspector, which shall contain a graphic description of the property to be used, a description of the proposed use, and site plan, with sufficient information to determine the yard, setback, parking, and sanitary facility requirements for the proposed temporary use.

The following uses are deemed to be temporary uses and shall be subject to the specified regulations and time limits which follow, as well as the regulations of any district in which they are located:

1. Real estate sales offices, which shall contain no living accommodations, shall be permitted within any district for any new subdivision for a period of one year, except that two (2) six (6) month extensions may be granted if conditions warrant. Such offices shall be removed upon the completion of the sales of the lots therein, or upon the expiration of the zoning permit, whichever occurs first.
2. Temporary buildings, offices, and equipment and storage facilities required in conjunction with construction activity may be permitted within any district for a period of one year, except that six (6) month extensions may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction or upon expiration of the zoning permit, whichever occurs first.
3. Temporary sales and services may be permitted within parking areas within any commercial district. A zoning permit valid for a period not to exceed four (4) consecutive days shall only be issued three (3) times within any twelve (12) month period to any individual or organization. The application for the temporary zoning permit shall be accompanied by written permission of the property owners, and shall be prominently displayed at the site. The Zoning Inspector shall not issue a permit for such temporary use if he determines that it encroaches upon more than twenty-five percent (25%) of the required parking area.
4. Temporary retail sales and services, such as sales of plants, flowers, arts and crafts, farm produce, or similar items on lots other than parking lots, including any lot on which an existing business is operating or on which a business is vacated, may be permitted for any for-profit individuals or organizations in any commercial district. A zoning permit valid for a period not to exceed two (2) consecutive days shall only be issued three (3) separate times for any particular lot within any twelve (12) month period, and not more than one permit may be issued at the same time for any lot. The applicant must submit a current vendor's license or transient vendor's license, and a written statement from the property owner giving his permission for such use. This section shall not be interpreted to prohibit any such use in any case where a valid covenant or deed restriction specifically authorizes such use. In any case, the zoning permit shall be prominently displayed at the site.
5. Garage sales, yard sales, barn sales, and similar activities, may be permitted within any district in which dwellings are permitted. Any individual or family may conduct two (2) such sales within any twelve (12) month period upon the property at which he or they reside for a period not to exceed three (3) consecutive



days without obtaining a zoning permit, so long as the provisions of this Resolution pertaining to signs and parking are observed. Garage sale permits shall only be issued to groups of families, neighborhood organizations, and community organizations two (2) times within any twelve (12) month period and shall not exceed a period of three (3) consecutive days, so long as the provisions of this Resolution pertaining to signs and parking are observed.

## **900.20    Screening**

Screening or buffering in compliance with the provisions of this Section shall be provided for any permitted or conditionally permitted non-residential uses which abut any residential district, in addition to setback and yard requirements provided elsewhere in the Resolution. Applicants for a zoning permit may request a variance from yard or setback requirements in conjunction with a plan for screening, which the Board of Zoning Appeals may consider by weighing the relationship of the proposed screening plan and the requested dimensional variance with respect to their joint impact upon neighboring properties. Such requested variance for a conditionally permitted use shall be incorporated in the conditional use procedure specified in Article 5 of this Resolution. The following provisions shall apply with respect to screening.

1. Screening shall be provided for one or more of the following purposes:
  - a) A visual barrier to partially or completely obstruct the view of structures or activities.
  - b) An acoustic screen to aid in absorbing or deflecting noise.
  - c) A physical barrier to contain debris and litter.
2. Screening may consist of one of the following, or a combination of two or more, as determined by the Zoning Inspector or Board of Zoning Appeals, in the event of an appeal, variance, or conditional use:
  - a) A solid masonry wall;
  - b) A solidly constructed decorative fence;
  - c) A louvered fence;
  - d) A dense vegetative planting;
  - e) A landscaped mounding.
3. Height of screening shall be in accordance with the following:
  - a) Visual screening walls, fences, plantings, or mounds shall be a minimum of five and one-half (5½) feet high in order to accomplish the desired screening effect, except in required front yards where maximum height shall be not greater than two and one-half (2½) feet. Plantings shall be a minimum of four (4) feet in height at the time of planting.
  - b) A dense vegetative planting with a minimum height of four (4) feet at planting and a mature height of at least five and one-half (5½) feet or greater, or a solidly constructed decorative fence, shall be permanently maintained along the mutual boundary of an accessory parking area and adjacent land zoned for residential uses, except for the portion of such boundary located within a required front yard.
4. Screening for purposes of absorbing or deflecting noise shall have a depth of at least fifteen (15) feet of dense planting or a solid masonry wall in combination with decorative plantings. The height shall be adequate to absorb noise as determined by the Zoning Inspector in relation to the nature of the use.
5. Whenever required screening is adjacent to parking areas or driveways, such screening shall be protected by bumper blocks, posts, or curbing to avoid damage by vehicles.
6. All screening shall be trimmed, maintained in good condition, and free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.

**900.21 Minimum Width of Residential Additions**

The minimum width of residential building additions shall be a minimum of ten feet wide.

**900.22 Minimum Standards for One and Two Family Dwellings**

Dwellings outside of Manufactured Home Parks shall conform to the following standards:

1. All dwellings shall be set on a full foundation extending under all exterior walls or if Post-frame construction is used, fully enclosed exterior walls down to ground level.
2. Roof shall be pitched at minimum 3:12 ratio on the main part of the structure except where flat roofs are common in the surrounding environment. This does not include porches, sunrooms and attached garages.
3. Exterior walls or siding shall be weather resistant and suitable for exterior use and shall be similar to materials found on site built dwellings.
4. The width of the narrowest part of the main portion of the dwelling shall be a minimum of twenty feet.
5. All dwellings shall contain interior plumbing as required by Section 900.23.

**900.23 Plumbing and Sanitary Requirements for Dwellings**

No structure of any type of construction shall be used as a dwelling or used for habitation unless it contains proper interior plumbing and fixtures approved by the state and county health department including running water and at least one toilet connected to an approved sewage system.

**900.24 Outside Toilets**

Outside toilets including outhouses and portable toilets also known as port-a-lets shall be prohibited in residential districts except for temporary uses by: 1. Contractors during construction and 2. Approved Special Events for a period not to exceed 72 hours.

**900.25 Public Road Access and Site Distance**

No use, including agricultural, residential, commercial and industrial uses shall be established on any lot or parcel unless the lot or parcel has frontage on a public road or there is legal access to a public road adequate for a driveway where ingress and egress to and from the lot or parcel has proper site distance for vehicular traffic to enter and exit safely. Site distances shall comply with current standards established by the State of Ohio and Muskingum County Engineer.

**900.26 Precautions During Construction**

Any person or company engaging in any type of construction or excavation whether industrial, commercial, residential or agricultural shall comply with the rules and regulations established by the Ohio EPA or Muskingum County Engineer to prevent erosion on neighboring public or private property and prevent mud, silt or dust from intruding on neighboring public or private property.

**900.27 Temporary Visitor Use of Recreational Vehicles and Trailers**

Recreational vehicles, campers and trailers shall not be used as a dwelling in any district except mobile home parks and campgrounds. A maximum of one recreational vehicle or camper capable of legally operating on public roads with a current license may be used for temporary occupancy for visitors on parcels

with a permanent dwelling for a maximum of 30 days per calendar year.

**900.28    Temporary Use of Recreational Vehicles and Trailers during Construction**

A maximum of one recreational vehicle, trailer or camper capable of legally operating on public roads with a current license may be used as a temporary shelter or office during construction of new structures with an approved zoning (building) permit during construction and shall be promptly removed when the new structure is occupied or the permit expires.

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## ARTICLE X SPECIAL REGULATIONS

1000.01 RESERVED FOR FUTURE USE

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## ARTICLE XI OFF-STREET PARKING AND LOADING FACILITIES

### **1100.01 General Parking Requirements**

In all districts, at any time any building, structure or use of land is erected, enlarged, increased in capacity, or used, there shall be provided for every use off-street parking space for automobiles in accordance with the provisions of this Article. A parking plan shall be required for all uses except for single or two-family residential uses. The parking plan shall be submitted to the Zoning Inspector as a part of the application for a zoning permit. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, and boundary walls, fences and a screening plan, as appropriate.

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 percent (10%) 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 percent (50%) or more in floor area or in the area used, such building or use shall then and thereafter comply with the parking requirements set forth herein.

### **1100.02 Off-Street Parking Design Standards**

All off-street parking facilities including entrances, exits, maneuvering areas, and parking spaces shall be in accordance with the following standards and specifications:

1. Parking Space Dimensions: Each off-street parking space shall have an area of not less than 162 square feet exclusive of access drives or aisles, and shall be of usable shape and condition.
2. Access: There shall be adequate provision for ingress and egress and all parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided, with a dedicated easement of access, as follows:
  - a) For one single-, two- or three-family residential dwellings, the access drive shall be a minimum of nine (9) feet in width.
  - b) For all other residential uses and all other uses, the access drive shall be a minimum of eighteen (18) feet in width.
  - c) All parking spaces, except those required for single, two-, or three-family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.
3. Setbacks: The location of off-street parking facilities for more than five (5) vehicles may be located in required yards as specified elsewhere in this Resolution notwithstanding the requirements specified in the Official and Supplementary Schedules of District Regulations and Dimensional Requirements. In no case, however, shall the parking area be located closer than three (3) feet to any street or alley.
4. Screening: In addition to the setback requirements specified in this Resolution for off-street parking facilities for more than five (5) vehicles, screening shall be provided on each side of a parking area that abuts any Residential District.
5. Paving: All required parking spaces, shall be hard-surfaced with a paving having an asphalt or concrete

binder, provided, however, that variances for parking related to school auditoriums, assembly areas, sports fields and other community meeting or recreation areas may be granted, provided that paved areas shall be provided for daily use parking areas. Where paving is not required, proper dust control measures shall be undertaken and maintained.

6. Drainage: All parking spaces, together with driveways, aisles, and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.
7. Barriers: Wherever a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.
8. Visibility: Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley.
9. Marking: All parking areas for twenty (20) or more spaces shall be marked with paint lines, curb stones, or in some other manner approved by the Zoning Inspector, and shall be maintained in a clearly visible condition.
10. Maintenance: Any owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dust, trash, or other debris.
11. Signs: Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked.
12. Lighting: Any lights used to illumine a parking lot shall be so arranged as to direct the light away from the adjoining property in any R District.
13. Whenever an off-street parking lot includes twenty (20) or more parking spaces, at least one (1) deciduous tree of at least two-inch caliper shall be provided for every ten (10) parking spaces (including two for the first 20). Such trees shall be located within parking islands or within five (5) feet of the edge of the parking lot. A minimum distance of three (3) feet shall be established between proposed tree plantings and the edge of curbing and pavement.
14. Dumpsters in, or adjacent to, parking areas shall be designed, constructed and maintained according to the following: The base of the enclosure shall be constructed of six (6) inches of reinforced concrete pavement that shall extend six (6) feet beyond the base or gate to support the axle of a refuse vehicle. The enclosure shall be a minimum of three (3) sides with a gate on the fourth side. The minimum height of the enclosure walls shall be six (6) feet. The enclosure shall be constructed of brick or concrete masonry units that complement the material and look of the principal structure. A wooden enclosure may also be used if it similarly complements the look and feel of the principal structure and it is treated to prevent decay or otherwise found to be durable and suitable for outdoor use. Landscape plantings along the wall of the enclosure shall be provided to better screen the dumpster if visible from a public road, or adjacent residence or residential district.

### **1100.03 Determination of Required Spaces**

In computing the number of parking spaces required by this Resolution, the following rules shall apply:

1. Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross horizontal area of all the floors of a non-residential building measured from the



- faces of the exterior walls, excluding only stairs, washrooms, elevator shafts, and similar non-usable areas.
2. Not more than fifty percent (50%) of the parking spaces required for theaters, bowling alleys, dance halls, night clubs, taverns and similar uses, and up to one hundred percent (100%) of the parking spaces required for churches, schools, auditoriums and similar uses may be provided and jointly used by banks, offices, retail stores, repair shops, service establishments and similar uses that are not normally open, used, or operated during the same hours as the uses with which such spaces are jointly or collectively used.
  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 legal counsel, and filed with the application for a zoning permit.

#### **1100.04 Off-Street Storage Areas for Drive-In Services**

Establishments which by their nature create lines of customers waiting to be served within automobiles shall provide off-street storage areas in accordance with the following requirements:

1. Photo pickups, restaurants, drive-thru beverage docks, and other similar commercial establishments that can normally serve customers in three (3) minutes or less shall provide no less than five (5) storage spaces per window. Drive-in restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of three (3) additional storage spaces for each such stopping point.
2. Other commercial establishments such as banks, savings and loan offices, or other similar facilities with service or money windows shall provide no less than four (4) storage spaces per window.
3. Self-serve automobile washing facilities shall provide no less than three (3) storage spaces per stall. All other automobiles washing facilities shall provide a minimum of six (6) storage spaces per entrance.
4. Motor vehicle service stations shall provide no less than two (2) storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line.

#### **1100.05 Parking of Disabled Vehicles**

The parking of a junk motor vehicle within any district for a period of more than one (1) week shall be prohibited, except that such vehicle may be stored in an enclosed garage or other accessory building. This section is not intended to restrict the operation of any business listed in Ohio Revised Code Section 507.173. Falls Township reserves all rights, regulatory powers, and remedies of Section 507.173.

#### **1100.06 Parking Space Requirements**

For the purposes of this Resolution the following parking space requirements shall apply, except within the Central Business District, and the number of parking spaces required for uses not specifically mentioned shall be determined by the Board of Zoning Appeals following the "substantially similar use" procedure as specified in Article V:

1. Residential Uses
  - a) Single family or two-family dwelling – Two for each unit.
  - b) Apartments, Townhouses or multi-family dwellings – Two for each unit.
  - c) Mobile homes – Two for each unit.
2. Business Related Uses
  - a) Animal hospitals and kennels – One for each 400 square feet of floor area and one for each two

- employees.
  - b) Motor vehicle repair station – One for each 400 square feet of floor area and one for each employee.
  - c) Motor vehicle salesroom – One for each 400 square feet of floor area and one for each employee.
  - d) Motor vehicle service stations – Two for each service bay and one for every two gasoline pumps.
  - e) Car washing facilities – One for each employee, plus stacking for 5 vehicles for automatic car wash lane. Or 2 spaces for each self-service washing stall.
  - f) Banks, financial institutions, post offices, and similar uses – One for each 250 square feet of floor area and one for each employee, plus stacking distance equal to 5 spaces per drive-in window
  - g) Barber and Beauty shops – 1 per chair and 1 per employee
  - h) Carry-out restaurants – One for each 200 square feet of floor area and one for each two employees.
  - i) Drive-in restaurants – One for each 125 square feet of floor area and one per each two employees.
  - j) Hotels, motels – One for each sleeping room plus one space for each two employees.
  - k) Boarding, Rooming, Tourist and Bed/Breakfast Home – One for each sleeping room.
  - l) Furniture, appliance, hardware, machinery or equipment sales and service and wholesale establishments – Two plus one additional space for each 200 square feet of floor area over 1000 square feet.
  - m) self-storage facility - Minimum of 5 additional spaces or 1 space per 100 storage units, whichever is greater
  - n) Consumer and trade service uses not otherwise specified – One for each employee.
  - o) Funeral home, mortuaries and similar type uses – One for each 50 square feet of floor area in slumber rooms, parlors, or service rooms.
  - p) Laundromats – One for every two washing machines.
  - q) Administrative, business and professional office uses – One for each 250 square feet of floor area.
  - r) Truck Stop - truck parking space for each 10,000 square feet of site area, plus 1 vehicle parking space per 200 square feet of building area
  - s) Sit-down restaurants, taverns, night clubs, and similar uses – One for each four persons of capacity.
  - t) Retail stores – One for each 250 square feet of floor area.
  - u) Wholesale establishment - 1 per each 1,000 square feet of usable floor area, plus 1 per each employee
  - v) All other types of business or commercial uses permitted in any business district – One for each 250 square feet of floor area.
3. Recreational and Entertainment Uses
- a) Bowling alleys – Four for each alley or lane; one for each three persons of capacity of the area used for restaurant, cocktail lounge, or similar use; and one for each three employees.
  - b) Dance halls, skating rinks – One for each 100 square feet of floor area used for the activity; one for each three persons of capacity in a restaurant, snack bar, or cocktail lounge; and one for each three employees.
  - c) Outdoor swimming pools: public, community or club – One for each ten persons of capacity, and one for each three persons of capacity for a restaurant.
  - d) Auditoriums, sport arenas, theaters, and similar uses – One for each four seats.
  - e) Miniature golf courses – One for each hole and one for each employee.
  - f) Private clubs and lodges – One for each ten members.
  - g) Tennis facilities, racquetball facilities or similar uses – Two for each playing area; one for each employee; and one for each 100 square feet of other activity area.

## ARTICLE XI OFF-STREET PARKING AND LOADING FACILITIES

4. Institutional Uses

- a) Churches and other places of religious assembly – One for each four (4) seats in main assembly room, or one for each classroom, whichever is greater.
- b) Hospitals – One for each three beds, plus one space per employee.
- c) Sanitariums, homes for the aged, nursing homes, rest homes, similar uses – One for each 3 beds.
- d) Medical and dental clinics – One for every 100 square feet floor area.
- e) Libraries, museums, and art galleries – Ten, and one for each 300 square feet floor area in excess of 2,000 square feet.

5. Educational Institution (Public, Parochial, or Private) Uses

- a) Elementary schools, and kindergartens – Four for each classroom; one for every four seats in auditoriums or assembly halls; and one for each additional non-teaching employee.
- b) High schools and middle schools – One for every ten students, or one for each teacher and employee, or one for every four seats in auditoriums, assembly areas or sports fields, whichever is greater.
- c) Business, technical and trade schools – One for each two students.
- d) Child care centers, nursery schools, and similar uses – One parking space for each 10 children, plus one parking space per employee and one loading / unloading space

6. Manufacturing Uses

- a) All types of manufacturing, storage, and wholesale uses permitted in any manufacturing district – One for every employee (on the largest shift for which the building is designed), and one for each motor vehicle used in the business.
- b) Cartage, express, parcel delivery, and freight terminals – One and one half for every one employee (on the largest shift for which the building is designed) and one for each motor vehicle maintained on the premises.

**1100.07 Handicapped Parking**

Parking facilities serving buildings and facilities required to be accessible to the physically handicapped shall have conveniently located designated spaces provided as follows:

<u>Total Spaces in Lot/Structure</u>	<u>Number of Designated Accessible Spaces</u>
Up to 100	One space per 25 parking spaces
101 to 200	4 spaces, plus one per 50 spaces over 100
201 to 500	6 spaces, plus one per 75 spaces over 200
Over 500	10 spaces, plus one per 100 spaces over 500

**1100.08 Elderly Housing Parking**

Each parking space provided for an elderly housing facility shall as a minimum measure nine (9) feet in width and twenty (20) feet in length, with aisles measuring twenty-one (21) feet in width. There shall be provided one (1) such parking space per dwelling unit and per regular shift employee, except that the Board of Zoning Appeals may approve a parking plan for an elderly housing facility which provides three (3) such parking spaces for every four (4) dwelling units and one (1) per regular shift employee, if the site plan includes a set-aside of landscaped area, which set-aside is not part of any open-space requirement and which is accessible to egress/entrance for parking purposes, should additional parking spaces be deemed necessary by the Board of Zoning Appeals subsequently.

### **1100.09 Off-Street Loading Space Requirements**

In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of three thousand (3,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, 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 the building, at least one off-street loading space, and one additional loading space for each ten thousand (10,000) square feet or fraction thereof of gross floor area so used in excess of three thousand (3,000) square feet.

### **1100.10 Off Street Loading Design Standards**

All off-street loading spaces shall be in accordance with the following standards and specifications:

1. Loading Space Dimensions: Each loading space shall have minimum dimensions not less than twelve (12) feet in width, sixty-five (65) feet in length, and a vertical clearance of not less than fourteen (14) feet.
2. Setbacks: Notwithstanding other provisions of this regulation and the Official and Supplementary Schedules of Permitted Uses and Dimensional Requirements, off-street loading spaces may be located in the required rear or side yard of any (indicate specific districts) provided that not more than ninety percent (90%) of the required rear or side yard is occupied and no part of any loading space shall be permitted closer than fifty (50) feet to any Residential District nor closer than five (5) feet from any street or alley.
3. Screening: In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any Residential District.
4. Access: All required off-street loading spaces shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.
5. Paving: All required off-street loading spaces, except for uses within any M District if said loading spaces are at least two hundred (200) feet from any Residential District, together with driveways, aisles, and other circulation areas, shall be surfaced with an asphaltic or portland cement binder pavement in order to provide a durable or dust free surface. Where paving is not required, proper dust control measures shall be undertaken and maintained.
6. Drainage: All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the excess drainage of surface water on to adjacent properties, walkways or onto the public streets. Arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.
7. Lighting: Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

## ARTICLE XII SIGNS

### **1200.01 General**

The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more visually attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising clutter, distraction, and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development by permitting signs which are compatible with their surroundings

### **1200.02 Governmental Signs Excluded**

For the purpose of this Resolution “sign” does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation.

### **1200.03 General Requirements for All Signs and Districts**

The regulations contained in this section shall apply to all signs and all use districts.

1. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or containing flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there from to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance;
2. No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. Subsections (1) and (2) of this section shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations or similar services. Additionally, illumination of signs shall conform with the following chart:

Signs may be illuminated to 0.3-foot candles above ambient light conditions when measured at the distances identified hereunder: AREA OF SIGN sq. ft.	MEASUREMENT Distance (ft.)
10	32
15	39
20	45
25	50
30	55
35	59

40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100

3. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local electrical code in effect, if any;
4. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel, or motel marquee;
5. No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building;
6. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided herein;
7. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign;
8. No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than twenty percent (20%) of the window surface;
9. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape;
10. All signs hung and erected shall be plainly marked with the name and telephone number of the person, firm, or corporation responsible for maintaining the sign;
11. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign;
12. No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property;
13. All signs shall be so designed and supported as to carry the weight of the sign, and shall comply with the local building code in effect;
14. All signs shall be secured in such a manner as to prevent significant movement due to wind;
15. No advertising signs shall be attached to or supported by a tree, utility pole, trash receptacle, bench, vending machine, or public shelter;
16. No sign shall contain words, images, or graphics illustrations of an obscene or indecent nature;
17. No sign shall be attached in such manner that it may interfere with any required ventilation openings;
18. No sign shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease, or for such purposes as the notification of present danger or the prohibition of trespassing;

## ARTICLE XII SIGNS

19. No sign shall be located nearer than eight (8) feet vertically or four (4) feet horizontally from any overhead electrical wires, conductors, or guy wires;
20. No vehicle or trailer may be parked on a business premises or a lot for the purpose of advertising a business product, service, event, object, location, organization, or the like.

#### **1200.04 Permit Required**

1. No person shall locate or maintain any sign, or cause a sign to be located or maintained, unless all provisions of this Article have been met. To assure compliance with these regulations, a sign permit issued pursuant to this Resolution shall be required for each sign unless specifically exempted in this Article.
2. A sign initially approved for which a permit has been issued shall not be modified, altered or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, altered or replaced if any such design element constituted a basis for approval of such sign unless a new or amended permit is obtained consistent with these regulations.
3. The repainting, changing of parts and preventive maintenance of signs shall not be deemed alterations requiring a sign permit.

#### **1200.05 Signs Permitted in All Districts Not Requiring a Permit**

1. Temporary signs
2. Professional name plates not to exceed four (4) square feet in area;
3. Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area.

#### **1200.06 Signs Permitted in Any District Requiring a Permit**

1. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies, which signs or bulletin boards shall not exceed fifteen (15) square feet in area and which shall be located on the premises of such institution;
2. Any sign advertising a commercial enterprise, including real estate developers or sub dividers, in a district zoned residential shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

#### **1200.07 Temporary Signs**

In Residential zoning districts, no more than two (2) temporary signs are allowed on each parcel for a period of not more than sixty (60) days. Each temporary sign may not exceed nine (9) square feet. Subsequent placement of one or more temporary signs on the same parcel shall not occur for a period of ninety (90) days. In all other zoning districts, no more than two (2) temporary signs are allowed on each parcel for a period of not more than sixty (60) days. Each temporary sign may not exceed fifty (50) square feet. Subsequent placement of one or more temporary signs on the same parcel shall not occur for a period of ninety (90) days.

Construction/contractor signs are permitted only while construction work is being performed and only on the property where work is being performed. The maximum size of construction signs permitted is six square feet in residential zones and 16 square feet in all other zones.

All temporary signs shall conform to the general requirements listed in this Article with respect to applicable setback requirements.

**1200.08 Free Standing Signs in “B” District, I Districts**

Free-standing on-premises signs in business and industrial districts may not be greater than thirty (30) feet in height, and may not have a maximum total sign area of one hundred (100) square feet per display area for each side of all display areas including message boards. No part of the structure or display area shall be located closer than ten (10) feet to any street right-of-way line and not closer than thirty (30) feet to any adjoining lot line shall be permitted. There shall be only one (1) free-standing sign for each building, regardless of the number of businesses conducted in said building.

**1200.09 Wall Signs Pertaining to Non-Conforming Uses**

On-premises wall signs pertaining to a non-conforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed twelve (12) square feet.

**1200.10 Sign Setback Requirements**

Except as modified in this Article, on-premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least ten (10) feet. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district.

**1200.11 Setbacks for Off-Premises Signs**

If a setback line is not established for the appropriate zoning district, off-premises signs shall be set back a minimum of twenty (20) feet from the right-of-way line.

**1200.12 Setbacks for Public and Quasipublic Signs**

Real estate signs and bulletin boards for a church, school or any other public, religious or educational institution may be erected not less than ten (10) feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.

**1200.13 Special Yard Provisions**

On-premises signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on-premises signs shall not be erected or placed within twelve (12) feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than twelve (12) feet, the latter shall apply.

**1200.14 Limitation**

For the purposes of this Article, outdoor advertising off-premises signs including billboards shall be a conditionally permitted use in Industrial and Commercial Districts but not be within 750 feet of existing Off-Premise sign or any Residential District. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of Ohio Revised Code Chapter 5516 and the regulations adopted pursuant thereto.



#### **1200.15 Maintenance**

All signs shall be maintained in safe and sound structural condition at all times and shall be presentable. The Zoning Inspector shall remove any off-premises advertising signs or structure found to be unsafe or structurally unsound within thirty (30) days of issuing a notification. The Zoning Inspector shall remove any on-premises sign which is determined to be unsafe or structurally unsound within ten (10) days of issuance of notification.

#### **1200.16 Non-Conforming Signs and Structures**

Advertising signs and structures in existence prior to the effective date of this Resolution which violate or are otherwise not in conformance with the provisions of this Article shall be deemed non-conforming. All such legal non-conforming signs and structures shall be maintained in accordance with this Article. The burden of establishing the legal non-conforming status of any advertising sign or structure shall be upon the owner of the sign or structure.

#### **1200.17 Loss of Legal Non-Conforming Status**

A legal non-conforming sign shall immediately lose its legal non-conforming status, and therefore must be brought into conformance with this Article or be removed, if the sign is altered in copy (except for changeable copy signs) or structure; or if it is enlarged, relocated, or replaced; or if it is part of an establishment which discontinues operation for ninety (90) consecutive days; or if it is structurally damaged to an extent greater than one half (½) of its estimated replacement value. Similarly, any legal non-conforming advertising structure so damaged must be brought into compliance or be removed.

#### **1200.18 Violations**

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Resolution, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Resolution. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under applicable sections of Article XIV. Political signs posted in violation of this Resolution are subject to removal by the Zoning Inspector five (5) days after written notice of violation of Sections 1230 has been given.

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## ARTICLE XIII ADMINISTRATION

### **1300.01 Purpose**

This article sets forth the powers and duties of the Zoning Commission, the Board of Zoning Appeals, the Board of Township Trustees, and the Zoning Inspector with respect to the administration of the provisions of this Resolution.

### **1300.02 General Provisions**

The formulation, administration and enforcement of the Zoning Resolution is hereby vested in the following offices and bodies within the Township of Falls government:

1. Zoning Inspector
2. Zoning Commission
3. Board of Zoning Appeals
4. Township Trustees

### **1300.03 Zoning Inspector**

A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this Resolution. The Zoning Inspector may be provided with the assistance of such other persons as the Board of Township Trustees may direct.

### **1300.04 Responsibilities of Zoning Inspector**

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

1. Enforce the provisions of this Resolution and interpret the meaning and application of its provisions.
2. Respond to questions concerning applications for amendments to the Zoning Resolution text and the Official Zoning District Map.
3. Issue zoning permits and certificates of occupancy as provided by this Resolution, and keep a record of same with a notation of any special conditions involved.
4. Act on all applications upon which he is authorized to act by the provisions of this Resolution within the specified time or notify the applicant in writing of his refusal or disapproval of such application and the reasons therefor. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit his request to the Board of Zoning Appeals.
5. Conduct inspections of buildings and uses of land to determine compliance with this Resolution, and, in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.
6. Maintain in current status the Official Zoning District Map which shall be kept on permanent display in the township offices.
7. Maintain permanent and current records required by this Resolution, including but not limited to zoning permits, zoning certificates, inspection documents, and records of all variances, amendments and special uses.

8. Make such records available for the use of the Township Trustees, the Zoning Commission, the Board of Zoning Appeals, and the public.
9. Review and approve site plans pursuant to this Resolution.
10. Determine the existence of any violations of this Resolution, and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations.
11. Prepare and submit an annual report to the Township Trustees and Zoning Commission on the administration of this Resolution, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Resolution. Such report shall include recommendations concerning the schedule of fees.

#### **1300.05 Proceedings of Zoning Commission**

The Zoning Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this ordinance. Meetings shall be held at the call of the Chairman 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 be immediately filed in the office of the Commission. The Zoning Commission is composed of five (5) members who reside in the unincorporated area of the Township, and are appointed by the Board of Township Trustees. Their terms are for five (5) years and so arranged that the term of one member expires each year. Members of the Commission may be removed from office by the Board of Township Trustees for cause upon written charges and after public hearing.

#### **1300.06 Duties of Zoning Commission**

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

1. Initiate proposed amendments to this ordinance;
2. Review all proposed amendments to this ordinance and make recommendations to the Board of Township Trustees.

#### **1300.07 Board of Zoning Appeals Created**

A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Board of Township Trustees, each for a term of five (5) years and so arranged that the term of one (1) member expires each year. Each member shall be a resident of the Township. Members of the Board may be removed from office by the Board of Township Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Board of Township Trustees for the unexpired term of the member affected.

#### **1300.08 Proceedings of the Board of Zoning Appeals**

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this ordinance. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. 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 examination and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

#### **1300.09 Duties of the Board of Zoning Appeals**

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The majority vote of the members of the Board shall be necessary to reverse the Zoning Inspector. For the purpose of this ordinance, the Board has the following specific responsibilities:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector;
2. To authorize such variances from the terms of this ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this ordinance will result in unnecessary hardship or practical difficulty, and so that the spirit of this ordinance shall be observed and substantial justice done;
3. To grant conditional use permits as specified in this ordinance, and such additional safeguards as will uphold the intent of this ordinance;
4. To revoke an authorized variance or conditional use permit granted for the extraction of minerals, if any condition of the variance or permit is violated.

#### **1300.10 Questions of interpretation**

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Board of Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Resolution. Under this Resolution the Board of Township Trustees shall only have the duties of considering and adopting or rejecting proposed amendments or the repeal of this Resolution as provided by law, and of establishing a schedule of fees and charges. Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board of the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the Board's written decision.

#### **1300.11 Board of Township Trustees**

The powers and duties for the Township Trustees pertaining to the Zoning Resolution are as follows:

1. Approve the appointments of members to the Zoning Commission.
2. Approve the appointments of members to the Zoning Board of Appeals.
3. Initiate or act upon suggested amendments to the Zoning Resolution text or Official Zoning District Map. Final action upon a suggested zoning amendment shall be undertaken at a public hearing.
4. Override a written recommendation of the Zoning Commission on a text or map amendment provided that such legislative action is passed by a unanimous vote of the Township Trustees.

**1300.12 Schedule of Fees**

The Board of Township Trustees shall by Resolution establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration 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.

## ARTICLE XIV ENFORCEMENT

### **1400.01 General**

This article stipulates the procedures to be followed in obtaining permits, certificates, and other legal or administrative approvals under this Resolution.

### **1400.02 Zoning Permits Required**

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefor, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance, or from Board of Township Trustees approving a Planned Unit Development District, as provided by this Resolution.

Zoning permits shall not be required for accessory structures with a total area less than 200 square feet provided such accessory structures meet all other requirements contained in Section 800.05.

### **1400.03 Contents of Application for Zoning Permit**

The application for zoning permit shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one (1) year or substantially completed within two and one-half (2½) years. At a minimum, the application shall contain the following information and be accompanied by all required fees:

1. Name, address, and phone number of applicant;
2. Legal description of property;
3. Existing use;
4. Proposed use;
5. Zoning district;
6. Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimension of the proposed building(s) or alteration;
7. Building heights;
8. Number of off-street parking spaces or loading berths, and their layout;
9. Location and design of access drives;
10. Number of dwelling units;
11. If applicable, application for a sign permit or a conditional, special or temporary use permit, unless previously submitted;
12. Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of, this Resolution.

**1400.04 Approval of Zoning Permit**

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. All zoning permits shall, however, be conditional upon the commencement of work within one (1) year. One (1) copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with the provisions of this Resolution.

**1400.05 Submission to Director of Transportation**

Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail, to the Director of Transportation that he shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or upon the expiration of the one-hundred twenty (120) day period or of any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the zoning permit.

**1400.06 Expiration of Zoning Permit**

If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within two and one half (2½) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or an extension granted.

**1400.07 Certificate of Occupancy**

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, until a certificate of occupancy shall have been issued therefor by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Resolution. The issuance of a use certificate in no way relieves the recipient from compliance with all the requirements of this Resolution and other regulations.

**1400.08 Temporary Certificate of Occupancy**

A temporary certificate of occupancy may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.



**1400.09 Record of Zoning Permits and Certificates of Occupancy**

The Zoning Inspector shall maintain a record of all zoning permits and certificates of occupancy, and copies shall be furnished, upon request and upon payment of the established fee, to any person.

**1400.10 Failure to Obtain a Zoning Permit or Certificate of Occupancy**

Failure to obtain a zoning permit or certificate of occupancy shall be a punishable violation of this Resolution.

**1400.11 Construction and Use as Provided in Application, Plans, Permits and Certificates**

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Resolution.

**1400.12 Complaints Regarding Violations**

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate it, and take action thereon as provided by this Resolution.

**1400.13 Entry and Inspection of Property**

The Zoning Inspector is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Resolution. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Inspector shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the Law Director in securing a valid search warrant prior to entry.

**1400.14 Stop Work Order**

The Zoning Inspector may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Resolution or based upon false information or misrepresentation in the application.

**1400.15 Notice of Violation**

Whenever the Zoning Inspector or his agent determines that there is a violation of any provision of this Resolution, a warning tag shall be issued and shall serve as a notice of violation. Such order shall:

1. Be in writing;
2. Identify the violation;
3. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Resolution being violated; and
4. State the time by which the violation shall be corrected.
5. Service of notice of violation shall be as follows:
6. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion; or

7. By certified mail deposited in the United States Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
8. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

#### **1400.16 Ticketing Procedure**

If, upon re-inspection following the issuance of a notice of violation, the condition has not been corrected, the person or persons responsible shall be issued a ticket. Such ticket shall:

1. Be served personally;
2. Be in writing;
3. Identify the violation;
4. State the time, date and place for appearance in court;
5. State the amount of the fine payable in lieu of a court appearance.

If the ticket cannot be served personally, the Zoning Inspector shall request that a summons be issued by the Court.

#### **1400.17 Penalties and Fines**

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain, or structurally alter any building, structure or land in violation of any provision of this Resolution or any amendment thereto. Any person, firm or corporation who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars (\$100.00) and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

#### **1400.18 Additional Remedies**

Nothing in this Resolution shall be deemed to abolish, impair or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Resolution, or in the case of an imminent threat of such a violation, the Zoning Inspector, the Law Director, or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourses provided by law, institute mandamus, injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violation.

## ARTICLE XV REGULATION OF ADULT ENTERTAINMENT BUSINESSES

The following regulations shall apply to adult entertainment business as herein defined.

### **1500.01 Purpose**

The purpose of Article 15 of this Resolution is to promote the public health, safety and welfare through the regulation of adult entertainment businesses. It is the intent of these sections to regulate entertainment businesses, as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to existing adult entertainment businesses, residentially zoned areas, schools, churches, parks and playgrounds with the township.

The provisions of this Article shall have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

### **1500.02 Adult Entertainment Business Conditional Use Permit Required**

No building shall be erected, constructed, or developed, and no building or premises shall be reconstructed, remodeled, arranged for use or used for any adult entertainment business unless authorized by the issuance of an Adult Entertainment Business Conditional Use Permit which shall be granted using the following Adult Entertainment Business Conditional Use Permit criteria:

1. Adult entertainment businesses shall comply with the district regulations applicable to all properties in any district in which they are located.
2. No adult entertainment business shall be permitted in a location which is within one thousand five hundred (1,500) feet of another adult entertainment business;
3. No adult entertainment business shall be permitted in a location which is within one thousand (1,000) feet of any church, any public or private school, any park, any playground, or any social services facility or neighborhood center;
4. No adult entertainment business shall be permitted in a location which is within five hundred (500) feet of any residence or boundary of any residential district;
5. No adult entertainment business shall be permitted in a location which is within two hundred (200) feet of any boundary of any residential district in a local unit of government abutting the township.

### **1500.03 Zoning of Adult Entertainment Businesses**

Adult entertainment businesses shall be conditionally permitted in accordance with the following schedule:

Use	Conditionally Permitted in Districts Per Section 800.03
Adult Book Store	I-A, I-B
Adult Motion Picture Theater	I-A, I-B
Adult Motion Picture Drive-In Theater	I-A, I-B
Adults Only Entertainment Establishment	I-A, I-B

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## ARTICLE XVI REGULATION OF MANUFACTURED HOME PARKS

The provision of this article provides for the location and regulation of manufactured home parks in order to foster their development and maintenance as an integral and stable part of the community.

### **1600.01 Definition**

“Manufactured Home Park” (See definitions in Article 2)

“Manufactured Home” (See definitions in Article 2)

### **1600.02 Approval Procedures**

Manufactured home parks shall be located only in the Manufactured Home Park Districts (MHP) and shall be developed according to the standards and regulations stated and referenced in The Ohio Revised Code and Ohio Administrative Code. The procedure to amend the Official Zoning Map to establish the MHP District shall be that procedure for amendments specified in Article VII.

### **1600.03 General Standards for Manufactured Home Parks**

The Zoning Commission and the Board of Trustees, shall review the particular facts and circumstances of each proposed manufactured home park development in terms of the following standards and shall find adequate evidence that such development meets these standards:

1. The proposed park will be served adequately by essential public facilities and services such as highways, streets, drainage, refuse disposal, schools, police and fire protection, or that the persons or agencies proposing the establishment of the park shall be able to provide any such services adequately;
2. The vehicular approaches to the proposed park property will be so designed as not to create traffic interference or congestion on surrounding public streets or roads;
3. The establishment of the proposed park will not result in the damage, destruction, or loss of any natural, scenic, or historic features of major importance;
4. The establishment of the proposed park shall not be demonstrably detrimental to the value of surrounding properties or to the character of the adjacent neighborhoods.
5. Mobile homes and trailers shall not be permitted in any district.

### **1600.04 Manufactured Home Park Requirements**

All manufactured home parks shall comply with the requirements of Ohio Administrative Code Chapter 3701 promulgated by the Ohio Public Health Council in accordance with Chapter 3733 of the Ohio Revised Code.