

Defiance Township Zoning Ordinance

RESOLUTION NO. 2010-12

IN THE MATTER OF: ADOPTION REVISION TO THE COMPREHENSIVE TOWNSHIP'S "ZONING PLAN"

EFFECTIVE - July 27, 2010

DATE: TUESDAY, July 27, 2010

The Board of Defiance Township Trustees, of Defiance County in the State of Ohio met in regular session on Tuesday the 27th day of July 2010 at 500 Court Street, 2nd Floor meeting room of Defiance County Commissioners building, in Defiance, Ohio, with the following members present:

Diana M. Mayer: X Charles Bakle: X Daniel J. Peck: X

Mr. S. Mayer moved the adoption of the following Resolution:

WHEREAS, the Township desires to provide guidance for the future development of its land; and

WHEREAS, The Township wishes to maintain and update its comprehensive plan and provisions of chapter 519 of the Ohio Revised Code which encourages, regulating, and restricting therein the location, construction, reconstruction, alteration and use of the structures and land within the Township; and

Whereas, The Township wishes to promote the orderly development of residential, business, industrial, recreational, and its public areas by providing for adequate light, air and convenience of access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties; limiting congestion in the public right of ways; providing the compatibility of different land uses and the most appropriate use of land; providing for the administration of this resolution, defining the powers and duties of the administrative officers as provided within the rules and prescribing penalties for the violation of the provisions in this document or any amendment thereto, all for the purpose of protecting the public health, safety, comfort and general welfare; and

WHEREAS, These rules, regulations and the required zoning map and land use map have been reviewed, revised and approved after three public hearings held by the Township Zoning Commission in March, April, & May 2010, in which the "ZONING PLAN" as originally presented were amended and said amendments are to be incorporated in the "ZONING PLAN";

NOW THEREFORE, BE IT RESOLVED, that the Defiance Township Trustees do hereby approve and adopt the "Defiance Township Zoning PLAN" on this 27th, day of July, 2010.

Mr. Peck seconded the above Resolution and the roll being called upon the question of its adoption, the vote resulted as follows:

Charles Bakle yea nay
Diana Mayer yea nay
Daniel Peck yea nay

The vote being three yeas -- no nays;

The Resolution was passed at a public meeting pursuant to Ohio Revised Code 121.22 on the 27th, day of July, 2010.

ATTESTED: Timothy J. Houck, Township Fiscal Officer

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ARTICLE ONE

GENERAL PROVISIONS

SECTION 100: Title.

This Resolution shall be known and may be cited to as the "Zoning Resolution of the township of, Defiance," except as referred to herein, where it shall be known as "this Resolution."

SECTION 110: Purpose.

This Resolution is enacted for the general purpose of promoting the public health , safety, comfort, and welfare of the residents of Defiance Township; to protect the property rights of all individuals by assuring the compatibility of uses and practices within the 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.

SECTION 120: 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.

SECTION 130: 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.

SECTION 140: Repeal of Conflicting Ordinances.

All Ordinances 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 a full force and effect.

SECTION 150: Effective Date.

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

ARTICLE TWO

DEFINITIONS

Interpretations 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, acreage" or "parcel."

Accessory Use (or Structure): Any use, object, or structure which a) is clearly incidental and subordinate to the principal use, object, or structure, b) is located on the same lot, parcel, plot or acreage as the principal use, object, or structure and, c) is subordinate in area, extent, or purpose to the principal building or principal use served. Examples include, but are not limited to, fences, walls, sheds, garages, parking places, decks, poles, poster panels, and billboards. Except as otherwise required in this Resolution, an accessory use shall be permitted.

Adult Entertainment Facility: An establishment consisting of, or having the characteristics of any or all of the following:

1. ADULT BOOKSTORE: An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes, or films that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

2. ADULT CABARET: (1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or related to sexual activities or anatomical genital areas; (2) a cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.

3. ADULT MINI-MOTION PICTURE THEATER: An enclosed building with a capacity for less than fifty persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

4. ADULT MOTION PICTURE THEATER: An enclosed building with a capacity for fifty or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

Agriculture: The use of land for farming, dairying, pasturage, aquaculture, 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 agriculture 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 feedyard.

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, repair 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, footers or girders.

Animals, Domestic: Animals that are typically small in size and customarily kept for personal use or enjoyment within the home. Household pets shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, and rodents.

Animals, Exotic: Those animals which meet two or more of the following criteria:

1. Dangerous;
2. Not indigenous to Ohio;
3. Wild (not domesticated).

Animals, Farm: Those animals that are typically kept for commercial purposes.

Apartment Unit: One or more rooms with a private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing three or more dwelling units.

Aquaculture: Land or water devoted to the hatching, raising, and breeding of fish or other aquatic plants or animals for sale or personal use.

Automobile: A self-propelled, free-moving vehicle, with four wheels, usually used to transport not more than six passengers and licensed by the appropriate state agency as a passenger vehicle.

Automotive Repair: The repair, refurbishing, rebuilding, installing or reconditioning of motor

vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

Automotive, Mobile Home, Motor/Sail Boat, Travel Trailer, and Farm Implement Sales: The sale or rental of new and used motor vehicles, mobile homes, motor or sail boats 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, mobile homes, boats, motorcycles, trailers, or the storage, sale or dumping of dismantled, obsolete or wrecked vehicles or their parts.

Bar/Tavern: An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use.

Basement: That portion of a building that is all or partly underground but having at least one-half of its height below the average level of the adjoining ground. A basement shall be termed a cellar when more than one half of its height is below the average adjoining elevation. (See **Story**)

Building: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property; or any other structure of an enclosed nature.

Building, Accessory: A subordinate building detached from, 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, Enclosed: Any structure with four sides of adjoining opaque material and an attached roof.

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 the main or principal use of the lot on which said building is situated is conducted.

Business, Convenience: Commercial establishments which cater to and can be located in close proximity to or within 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, video rentals, 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, Cottage: Any family business operated out of the home or upon premises zoned residential involving no more than five (5) persons of whom no more than three (3) are non-family members.

Business, General: Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving the day-to-day needs of the community, TO 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, autoparts, apparel, footwear, appliances, and furnitur;; 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 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. The 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. Examples include, but are not limited to, printers, janitorial staff, maintenance, and security.

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 fabrication of a product, or for use by a business service. Examples include, but are not limited to, office supplies, beer distributors, farm and garden supplies, etc.

Cemetery: Land used 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 and all applicable state and county health regulations.

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

Child Care 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 not provided with room or board or kept overnight on the premises.

Child Day-Care: Administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than 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:

1. **CHILD DAY - CARE CENTER:** Any place in which child day-care is provided, with or without compensation, for (13) or more children at one time, or any place that is not the permanent residence of the administrator in which child day-care is provided, with or without compensation, for 7 to 12 children at any one time. In counting children for the purposes of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.
2. **TYPE A FAMILY DAY-CARE HOME:** A permanent residence of the administrator or provider 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.
3. **TYPE B FAMILY DAY - CARE HOME:** A permanent residence of the provider in which child day-care 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.

Church (or place of religious worship): A quasipublic institution that people regularly attend to participate in or to hold religious services, meetings and other activities. "Church" shall not carry a secular connotation and shall include buildings in which religious services of any denomination are held.

Clinic, Medical: 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 not provided with board or room or kept overnight on the premises.

Club: Buildings or facilities owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose, generally for the exclusive use of members and their guests; but not primarily for profit or to render service that is usually a business.

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

Commercial Recreation Facility: Recreational facilities open to the public established and operated for a profit, such as commercial golf courses, golf driving ranges, swimming pools, ice skating rinks, riding stables, race tracks, carnivals, boat docks and launching ramps, fishing piers and similar commercial enterprises.

Non-Commercial Recreation Facility: Private and semipublic recreational facilities which are not operated for commercial gain, including private country clubs, riding clubs, golf courses, game preserves, ski slopes, hunting and trapping, and other private facilities or recreation centers, including church grounds and private community swimming pools. Non-commercial recreational facilities may be leased to outside groups or organizations provided the fee for such purposes is limited to incidental maintenance and custodial expenses.

Comprehensive Development Plan: A plan, or any portion thereof, adopted by a planning commission authorized by the Ohio Revised Code showing the general location and extent of present and proposed physical facilities including infrastructure, 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 permitted use, requiring a conditional use permit from the Board of Zoning Appeals. Conditional Uses permitted in each district are listed in Article Eight. The use shall be permitted if all

conditions of the permit are met.

Conditional Use Permit: A permit issued by the Zoning Inspector 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 or rented but the structure, common areas and facilities are owned on a proportional, undivided basis by all of the owners.

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

Correctional Facility: An institution established by statute according to local, state, or federal regulations specializing in the internment or rehabilitation of those convicted in the criminal justice system.

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

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

Deck: A structure constructed of either wood or masonry immediately adjacent to a dwelling and overlooking a lawn or garden.

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 use.

Density Bonus: An increase in the number of allowable dwelling units per acre granted for some specific reason, such as the provision of the 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.

Drainageway: Any natural or artificial watercourse, trench, ditch, swale, or similar depression into which surface water flows.

Duplex: A building containing two single-family dwelling units totally separated from each other by an unpierced fire wall extending from ground to roof.

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 human habitation.

Dwelling, Attached: A single family dwelling attached to two or more single family dwellings by vertical fire walls.

Dwelling, Bed and Breakfast, Hostel 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, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

Dwelling, Detached: A dwelling that is not attached to any other dwelling by any means.

Dwelling, High-Rise: A building of eight or more stories.

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 replacement, and including land devoted to a modular or sectional unit but not a mobile home.

Dwelling, Mid-Rise: An apartment building containing from three to seven stories.

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, Single Family: A building containing one dwelling unit designed for occupancy by one family for living purposes and including not more than two (2) lodgers or boarders.

Dwelling, Townhouse: A one-family dwelling in a row of at least three such units in which each unit has its front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

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

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.

Easements: A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

Easement, Scenic: An easement, the purpose of which is to limit development in order to preserve a view or scenic area.

Elderly Household: Not more than three (3) persons, related or unrelated, who occupy a single dwelling unit, of whom one person is over the age of 55. (Note: The federal Fair Housing Amendments Act of 1988 prohibits housing discrimination against children. Exempted from this law are federal and state elderly housing, provided that at least one occupant is at 55 years of age.)

Elderly Housing Facility: A building or buildings containing twelve (12) or more dwelling units where occupancy is restricted to persons over the age of 55. Such facilities may include emergency first aid care, day care, therapy, personal care, nursing facilities, and provision for independent or semi-independent living. (See **Note for Elderly Household**)

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 or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants. This includes 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. This does not include buildings.

Factory - Built 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:

1. MANUFACTURED HOME : Any non self-propelled vehicle transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet. A manufactured home is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

Calculations used to determine the number of square feet in a structure are based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions include all

expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. A Manufactured Home bears a label certifying that it is built in compliance with Federal Manufactured Housing Construction Safety Standards.

2. **MODULAR HOME:** Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the state modular homes shall be subject to the same standards as site built homes.

3. **MOBILE HOME, HOUSE TRAILER:** A transportable, factory-built home which does not bear a label certifying that it is in compliance with the Federal Manufactured Housing Construction Safety Standards.

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 five persons unrelated to each other by blood, marriage or legal adoption, except for Class I Type B group residential facilities.

Family, Immediate: One's immediate family includes one's spouse and children and parents, or any other members of the individual's household.

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 livestock and fowl for shipment.

Filling Station: (See **Garage, Service Station**)

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

Flood, Regional: Large floods which have previously occurred or which may be expected to occur on a particular river, stream, or creek 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 reasonably 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 square footage of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but not 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): All floor area of the specified building excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas. All dimensions shall be measured between interior faces of walls.

Floor Area, Usable: Measurement of usable floor area shall be the square footage of the several floors of the building, measured from the interior faces of the exterior walls.

Foundation: A construction of compressed wood or masonry which permanently attaches a structure to the ground.

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

Frontage: That side of a lot abutting on a street.

Frontage Road: A service road, usually parallel to a highway, designed to reduce the number of driveways that intersect the highway.

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

1. Not more than one space is rented for parking to a non-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: Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the incidental sale and installation of lubricants, tires, batteries, and other minor vehicle accessories. Also included under the definition of a service station is the provision of road maps and other informational material, the provision of restroom facilities, and the sale of cold drinks, alcoholic beverages (if permitted by local and state ordinances), packaged foods, tobacco, and similar convenience goods for service station customers, as both accessory and incidental to principal operations.

Garage, Repair: Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered. The replacement of motors, engine overhauls, and structural modifications are permitted; however, the sale of vehicular fuels and alcoholic beverages is not permitted under the jurisdiction of a repair garage.

Garage, Body Shop: Any building, premises, and land in which or upon which a business, service, or industry including fender/body repair or painting of automobiles. The sale of vehicular fuels and alcoholic beverages is not permitted.

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:

1. 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 fewer residents, exclusive of staff.

2. 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 and psychological 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 fewer residents, exclusive of staff.

Health Club: An establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, showers, and lockers.

Historic Area: A geographically defined area possessing a significant concentration or continuity of landmarks, improvements, or landscape features united by historic events or by physical development, and which area has been designated as an historic landmark district by statute; said district may have within its boundaries noncontributing buildings or other structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual character of the district.

Home Occupation: Home Occupation means 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, and is conducted entirely within the dwelling unit, or elsewhere on the premises by conditional use permit, without any significant adverse effect upon the surrounding neighborhood or any perceptible change in the appearance of the dwelling. Activities such as teaching, tutoring, baby-sitting, tax consulting and the like shall involve not more than three receivers of such services at any one time.

Home Professional Office: A home occupation consisting of the office of a practitioner of a recognized profession.

Hospital: An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities and services in surgery, and general medical practice. A hospital also provides related facilities or services such as laboratories, out-patient departments, emergency transport, training facilities and overnight or extended care.

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 contrast to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

Incinerator: A device used to burn waste substances and in which all the combustion factors-temperature, retention time, turbulence, and combustion air- can be controlled.

Industrial Park: A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

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

Intermediate Care Facility: A facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services, to individuals who require the degree of care and treatment that a hospital or skilled nursing facility provides.

Junk: Any dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles and parts thereof, that have been abandoned from their original use and may be used again in its present or in a new form.

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

Junk Motor Vehicle: For the purposes of this Resolution, any motor vehicle meeting four of the following requirements:

1. Three years old, or older;
2. Extensive damage, such damage including but not limited to, any of the following: missing wheels, tires, motor, or transmission;
3. Apparently inoperable;

4. Having a fair market value of fifteen hundred dollars or less;
5. Left uncovered in the open on private property for more than seventy-two hours with the permission of the person having the right to the possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under authority of sections 4737.05 to 4737.12 of the Ohio Revised Code or regulated under the authority of a political subdivision.
6. Any vehicle should have a current registration and tags on the vehicle. Upon request, vehicles must be able to start and move under their own motor power.

Junk Motor Vehicle, Abandoned: Any motor vehicle meeting all of the following requirements:

1. Left on private property for more than seventy-two hours without the permission of the person having the right to the possession of the property, on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway, for forty-eight hours or longer;
2. Three years old, or older;
3. Exclusively damaged, such damage including, but not limited to, any of the following: missing wheels, tires, motor, or transmission;
4. Apparently inoperable;
5. Having a fair market value of fifteen hundred dollars or less.

Kenel: 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.

Landfill: A disposal site in which refuse and earth, or other suitable material, are deposited and compacted in alternative layers of specified depth in accordance with an approved plan and environmental regulations.

Landlocked: A lot or parcel of land without direct access to a public road.

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 space shall be located totally outside of any street or alley right-of-way.

Location Map: (See Vicinity Map)

Lot: A lot is a contiguous quantity of land of an owner, and includes all contiguous land of such owner whether or not the tract was acquired at one time under a single conveyance or is an accumulation of parcels acquired over time.

For the purposes of this Resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, density, coverage, and area, and to provide such yards and other open spaces as herein required. Such lots 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 adjacent to the street or roadway, typically the location of the principal entrance to the principal building. For the purpose of determining yard requirements on the 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.

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 mean distance between the front and rear lot line.
2. WIDTH: The mean distance measured between the side lines of the lot.

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

Lot Types: Terminology used in this Resolution with reference to the 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.
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 through lot that is not accessible from one of the parallel or non-intersecting streets upon which it fronts.

(See illustration in **Appendix B**)

Major Thoroughfare Plan: The portion of a comprehensive plan adopted by the Regional Planning Commission indicating the general location recommended for arterial, collector,

and local thoroughfares within the appropriate jurisdiction.

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

Manufactured Home Park: Any tract of land upon which three or more manufactured homes are located, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots is not a manufactured home park even though three or more manufactured homes are parked thereon if the roadways are dedicated to the local government authority. "Manufactured Home Park" does not include any tract of land used solely for the storage or display for sale of manufactured homes or solely as a temporary park-camp. (See **Factory-Built Housing**)

Manufacturing, Heavy: A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

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.

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

Manufactured Home: (See **Factory Built Housing**)

Mobile Home: (See **Factory Built Housing**)

Modular Home: (See **Factory Built Housing**)

Motor Vehicle: Means any vehicle, including manufactured home and recreational vehicles, propelled or drawn by power other than muscular power and power collected from overhead electric trolley wires. Junk Motor Vehicles are also included within this definition, even if inoperable. For the purposes of this zoning Resolution a boat or trailer shall be considered a Motor Vehicle; however, when a boat is placed on a trailer it shall constitute one unit for the purpose of the application of this zoning resolution.

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.

Nursery, 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, or transplanting of live trees, shrubs, or plants offered for retail or wholesale sale on the premises, including products used for gardening or landscaping.

Off-Street Parking: (See **Parking Space, Off-Street**)

Office Building: A building used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity and may include supplementary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, and child-care facilities.

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, or any other recreational facilities that the planning (zoning) commission deems permissible. Streets, parking areas, structures for habitation, additional paved areas, and the like shall not be included.

Overlay District: A district described by the zoning map within which superimposed regulations and requirements apply, in addition to those of the

underlying districts.

Park: Any public or private land available for recreational, educational, cultural, and aesthetic use.

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 the 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.

Patio: An unroofed area immediately adjacent to a house and overlooking a lawn or garden, abutting on one or more sides by a wall.

Performance Bond or Surety Bond: An agreement by a subdivider or developer, the bond obligor and 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.

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

Planned Unit Development: An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, regarding regulations 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.

Plant Cultivation: The cultivation of crops, fruit trees, nursery stock, truck garden products and similar plant materials outside of structures, such as greenhouses, but not including such plant cultivation as is conducted on the residential properties for the primary benefit of the resident family.

Pond: Natural or man-made depression in the earth storing water. This depression is not fully enclosed, which would distinguish it from cisterns, and exists as an exposed excavation. It is primarily for the purpose of water supply or recreation.

Pond, Farm: A body of water, an

impoundment, which is man made, using a natural impounding area or otherwise, which is intended for recreation, water supply, fire protection or aesthetic value.

Porch: A covered entrance to a building, usually projecting from a wall and not a continuation of the roof.

Privacy Fence: Fence or structure at least five and 1/2 feet high consisting of man-made or natural materials through which the object or objects on the other side cannot be viewed.

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 to access, or which are dedicated, whether improved or not.

Quasipublic (Semipublic) Use: Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, 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 facility or fixture of equipment that is used or intended to be used in connection with 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.

Recreational Path: A public way, four (4) feet or more in width, for non-motorized vehicle or pedestrian use only, whether along a side of a road or not.

Recycling Center: A lot or parcel of land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products.

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 closed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

Retail Sales, Outdoor: The display and sale of products and services primarily outside of a building or structure, including vehicles, garden supplies, gas, tires and motor oil, food and beverages, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber yards.

Right-of-Way, Public: All land used for public roadway purpose owned or dedicated to state easement. 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.

Roadside Stand: A temporary structure designed or used for the display or sale of agricultural or other products produced at that parcel.

Roadway: Public or private way owned or dedicated for purposes of vehicular transportation.

Sand and Gravel Extraction: The excavation, storage, separation, cleaning and marketing of sand and gravel.

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 the following:

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

School: A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

Scrap Material Facilities: Any land, property, structure, building, or combination of the same on which scrap material such as metal, rags, paper, glass and similar items are stored and/or processed or recycled.

Screening: A device or materials used to conceal one element of a development from other elements or from adjacent or contiguous development. Screening may include one or a combination of the following materials of sufficient mass to become opaque after 12 months and which shall be maintained in an opaque condition: walls, berms, or plantings. For the purposes of this Resolution, screening shall consist of objects a) kept in good condition, b) free of advertisements, and c) which meet front and side yard set-back lines.

Seating: 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.

Seasonal Residence: Summer cottages, winter lodges and similar housing occupied less than six (6) months during a year.

Self-Service Storage Facility: A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of a customer's goods or wares.

Setback Line: A line established by the Zoning Resolution, parallel with and measured from the lot line, defining the limits of a yard and the placement of structures 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 network collection 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 proper and safe disposal of the effluent, subject to the approval of health, sanitation and environmental officials having jurisdiction.

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 sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.

2. **SIGN, OFF-PREMISES:** Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.

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.

6. **SIGN, FLASHING:** Any sign where illumination is intermittent, sequential, or involving repetitive changing in color or intensity.

7. **SIGN, PORTABLE:** Any sign not affixed in a permanent manner to a structure or foundation and which is designed for or easily transported from one location to another.

8. **SIGN, ROOF:** Any sign erected upon, against, or directly above a roof or roof eave, or on top or above the parapet, or on a functional architectural appendage above the roof or roof eave.

9. **SIGN, TEMPORARY:** A display, informational sign, banner, or other advertising device constructed of cloth, canvas, fabric, wood, or other temporary material, with or without a structural frame, and intended for a limited period of display, including decorative displays for holidays or public demonstrations.

(See illustration in **Appendix B**)

Social Activities: Any building and land used for private or semi-private club activities, including lodges, fraternities, and similar activities.

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**)

Strip Commercial Development: Commercial or retail uses, usually one-story high and one-store deep, that front on a major street.

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 transfer of ownership, 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 water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty inches, designed, used, and maintained for swimming and bathing.

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: Open to the general public; a primary use.

Terrace (Stoop): An unroofed paved area immediately adjacent to a house and overlooking a lawn or garden, supported on one or more sides by a wall.

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

1. ALLEY: A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

2. ARTERIAL STREET: A general term denoting a highway primarily for through traffic, carrying heavy loads and 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 the 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)

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.

Vacant Land: (1) Land that is undeveloped and unused; (2) any non-residential areas with significant amounts of land not covered by non structural impervious surfaces; (3) land suitable for redevelopment or infill at higher densities; and (4) residential areas with lot sizes in excess of two acres where environmental factors permit higher densities.

Variance: A modification of the strict terms of the relevant regulations where 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 and undue hardship.

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 treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

Vicinity Map: A drawing 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.

Warehouse: A building used primarily for the storage of goods and materials.

Walkway: A public way, four (4) feet or more in width, for pedestrian use only, which may or may not be immediately adjacent to a roadway.

Weeds, Noxious: According to the Ohio Administrative Code, Chapter 901: 5-31 and Chapter 901: 5-37-01, the following plants are hereby designated "prohibited noxious-weeds": field bindweed, quack grass, Canada thistle, Johnson grass, hoary cress, hairy whitetop (or ballcress), perennial sowthistle, Russian knapweed, leafy spurge, hedge bindweed, serrated tussock, shatter cane, Russian thistle, wild parsnip, wild carrot, oxeye daisy, and wild mustard.

The following plants are hereby designated as "secondary noxious weeds": dodder, horsenettle, corncockle, wild garlic, wild onion, curly dock, French weed, and buckhorn.

Yard: An open space unoccupied and unobstructed by any structure or portion of a structure more than three (3) feet in height;

1. **YARD, FRONT:** A yard extending between side lot lines across the front of a lot and from the 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 rear lot line to the rear 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 6 feet unless it abuts the lot line and is provided with an access easement of 6 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 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 Ordinances. This person may also be known as the Zoning Administrator.

Zoning Permit: A document issued by the zoning inspector authorizing a proposed change in the use of land and structures and the characteristics of the uses.

ARTICLE THREE
ENFORCEMENT

SECTION 300: General.

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

SECTION 301: Zoning Permits Required.

No building or other structure shall be erected, moved, added to, or structurally altered so as to change the outside shape; nor shall any building, structure, or land be established or changed in use without a permit 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 the Board of Township Trustees, approving a Planned Unit Development District, as provided by this Resolution.

SECTION 302: Contents of Application for Zoning Permit.

The application for zoning permit shall 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 year** or substantially completed within two **and one-half** years. At a minimum, the application shall contain the following information:

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 the existing buildings on the lot, if any; the location and dimensions of the proposed building(s) or alteration; and the identification of the principal and accessory structures;
7. Building heights;
8. Number of off-street parking spaces or loading berths;
9. Location and design of access drives; statement from County Engineer concerning type and size of drainage pipes;
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.

SECTION 303: 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 year. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector marked such copy either as approved or disapproved and attested to same by placing his signature on such copy. One copy of the plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a notice, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Resolution.

SECTION 304: 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.

SECTION 305: Expiration of Zoning Permit.

If the work described in any zoning permit has not begun within one 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 (2.5) years of the date of issuance thereof, the said permit shall expire and be revoked by the Zoning Inspector and written notice shall be given to the persons affected, together with the notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained or an extension granted.

SECTION 310: Certificate of Compliance.

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 has been issued by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Resolution.

SECTION 311: Temporary Certificate of Compliance.

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.

SECTION 312: Record of Zoning Permits and Certificates of Occupancy.

The Zoning Inspector shall maintain a record of all zoning permits and certificates of occupancy. Copies shall be furnished, upon request and payment of any established fee, to any person. The Zoning Inspector shall also submit to the County Auditor yearly, evidence of all buildings for which permits have been issued.

SECTION 320: Failure to Obtain a Zoning Permit or Certificate of Occupancy.

Failure to obtain a zoning permit or certification of occupancy shall be a violation of this Resolution and punishable under Section 350 of this Resolution.

SECTION 330: Construction and Use to Be as Provided in Applications, 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 violation of this Resolution, and punishable as provided in Section 350 of this Resolution.

SECTION 340: Complaints Regarding Violations.

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. A 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, and take action as provided in this Resolution.

SECTION 341: 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 (County Prosecutor) in securing a valid search warrant prior to entry.

SECTION 342: Stop Work Order.

Subsequent to his determination that work is being done contrary to this Resolution, the Zoning Inspector shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Zoning Inspector, shall constitute a punishable violation of this Resolution.

SECTION 343: Zoning Permit Revocation.

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.

SECTION 344:

NOTICE OF VIOLATION.

Whenever the Zoning inspector 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:

- a. Be in writing;
- b. Identify the violation;
- c. Include a statement of the reason (s) why it is being issued and refer to the sections of this Resolution being violated; and
- d. State the time by which the violation shall be corrected.

SECTION 345:

Ticketing Procedure.

If, upon re-inspection following the issuance of a notice of violation, the condition has not-been corrected, the person (s) responsible shall be issued a ticket. If the ticket cannot be served personally, the Zoning Inspector shall request that a summons be issued by the Court. 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; and
5. State the amount of fine payable in lieu of a court appearance.

SECTION 350:

Penalties for Violation.

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 shall, upon conviction thereof, be fined not more than **five hundred (500) dollars** 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.

SECTION 360:

Schedule of Fees, Charges, and Expenses.

The Board of Township Trustees shall by Resolution establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this Resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector or Township Trustees, and may be altered or amended only by the Board of Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal. **See Tab**

ARTICLE FOUR
NON-CONFORMITIES

SECTION 400: Purpose.

Within the districts established by this Resolution or amendments that may later be adopted there exists 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 or future amendments. 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, their restoration, reconstruction, extension, and substitution. Nevertheless, while it is the intent of this Resolution to permit these non-conformities to continue until they are removed, they should not be encouraged to survive. It is further the intent of this Resolution that non-conformities shall not be enlarged upon, expanded or extended, nor to be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

SECTION 401: 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.

SECTION 402: Incompatibility of Non-conformities.

Non-conformities are declared by this Resolution to be incompatible with permitted uses in the districts in which such use is 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.

SECTION 410: Avoidance of Undue Hardship.

To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

SECTION 420: Certificates for Non-Conforming Use.

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.

SECTION 430: 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.

SECTION 440: Single Non-Conforming Lots of Record.

In any district in which single-family dwellings are permitted, a single-family dwelling and 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, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Article Nine of this Resolution other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in **Sections 560 through 569**.

SECTION 441: 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 are 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.

SECTION 450: 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 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 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 with such non-conforming use of land.

SECTION 460: 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, bulk, 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.

SECTION 470: Non-Conforming Uses 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 a 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 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.

SECTION 480: Termination of Non-Conforming 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.

SECTION 490: Termination of Non-Conforming 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 (50) percent of the cost of replacement of the 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 (50) percent or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with

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 non-compliance existing prior to such damage or destruction.

SECTION 495: 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 is intended 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. When appropriate, a building permit for such activities shall be required.

ARTICLE FIVE
ADMINISTRATION

SECTION 500: 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.

SECTION 501: General Provisions.

The formulation, administration and enforcement of this Zoning Resolution is hereby vested in the following offices and bodies within the Township of Defiance;

1. Zoning Inspector
2. Zoning Commission
3. Board of Zoning Appeals
4. Township Trustees
5. Law Director (County Prosecutor)

SECTION 510: Zoning Inspector.

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

SECTION 511: Responsibilities of the Zoning Inspector.

For the purposes of this Resolution, the Zoning Inspector has the following responsibilities:

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 Inspector is authorized to act by the provisions of this Resolution within the specified time or notify the applicant in writing of refusal or disapproval of such application and the reasons therefore. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit the 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 the necessary corrective action;

6. Maintain in current status the Official Zoning District Map which shall be kept on permanent display in the township office;
7. Maintain permanent and current records required by this Zoning 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 actions 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.

SECTION 520: Zoning Commission.

A Zoning Commission is hereby created, which shall consist of five (5) members appointed by the Board Township Trustees. The term of all members shall be five (5) years, except that the initial appointments shall be one (1) member each for one (1), two (2), three (3), four (4), and five (5) year terms. Each member shall be a resident of the Township. Members of the Commission 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 expired term of the member affected.

SECTION 521: Proceedings of Zoning Commission (Board).

The Commission shall adopt rules as necessary for the execution of its responsibilities in keeping with the provisions of this Resolution. Commission meetings shall be held at the call of the chairperson and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each motion, or if absent or failing to vote, indicating such fact, and shall keep record 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 presence of three (3) members shall constitute a quorum. The concurring vote of three (3) members of the Commission shall be necessary to reverse an order, requirement, decision, or determination of the Zoning Inspector or the Zoning Commission.

SECTION 522: Responsibilities of the Zoning Commission.

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

1. Recommend the proposed Zoning Resolution, including the text and Official Zoning District Map to the Board of Township Trustees;
2. Initiate proposed amendments to this Resolution;

3. Review all proposed amendments to this Resolution and make recommendations to the Board of Township Trustees as specified in Article 6;
4. Review all planned unit developments and make recommendations to the Board of Township Trustees as provided in Article 13.

SECTION 530: Board of Zoning Appeals.

A Board of Zoning Appeals is hereby created and shall consist of the same number of members and be appointed in the same manner for the same term sequence as outlined in Section 520 for the Zoning Commission.

SECTION 531: Proceedings of the Board of Zoning Appeals.

The Board shall adopt rules as necessary for the execution of its responsibilities in keeping with the provisions of this Resolution. Meetings shall be held at the call of the chairperson and at such other times as the Board may determine. The chairperson, or in his absence the acting chairperson, 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 motion, 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 Board.

Three (3) members of the Board shall constitute a quorum. The Board shall act by resolution, and the concurring vote of three (3) members of the Board shall be necessary to reverse an order of determination of the Zoning Inspector, to decide in favor of an applicant in any matter over which the Board has original jurisdiction under this Resolution, or to grant any variance from the requirements stipulated in this Resolution.

SECTION 532: Responsibilities 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 Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and 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 concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution or to effect any variation in the application of this Resolution.

For the purpose of this Resolution the Board has the following specific responsibilities:

1. 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. Authorize such variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done.
3. To grant conditional use permits as specified in the Official Schedule of District Regulations and under the conditions specified in Article 9 and such additional safeguards as will uphold the intent of this Resolution.

SECTION 540: Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal.

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 as stated in **Section 551** of this Resolution. Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board to 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.

SECTION 550: Board of Township Trustees.

The powers and duties of the Board of 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 vote of not less than three-quarters of the Township Trustees.

SECTION 560: Procedure and Requirements for Appeals and Variances.

Appeals and variances shall conform to the procedures and requirements of Sections 561-569, inclusive, of this Resolution. As specified in Section 532, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

SECTION 561: Appeals.

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

Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

SECTION 562: Stay of Procedures.

An Appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals, after 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 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 Inspector from whom the appeal is taken on due cause shown.

SECTION 563: 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. No non-conforming use of neighboring lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on grounds of convenience or profit, but only where strict application of the provisions of this Resolution would result in unnecessary hardship.

SECTION 564: Application and Standards for Variances.

A variance from the terms of this Resolution shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals containing:

1. Name, address, and phone number of applicants;
2. Legal description of property;
3. Description of nature of variance requested;
4. A narrative statement demonstrating that the requested variance conforms to the following standards:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - b. That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Resolution;
 - c. That special conditions and circumstances do not result from the actions of the applicant;
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district.

SECTION 565: Supplementary Conditions and Safeguards.

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Resolution in the district involved, or in any use expressly or by implication prohibited by the terms of this Resolution in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, which shall be deemed a violation of this Resolution punishable under Section 370 of this Resolution.

SECTION 566: Public Hearings by the Board of Zoning Appeals.

The Board of Zoning Appeals shall hold a public hearing within **twenty (20) days** after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

SECTION 567: Notice of Public Hearing In Newspaper.

Before holding the public hearing required in **Section 566**, written notice of such hearing shall be given in one or more newspapers of general circulation of 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 nature of the proposed appeal or variance.

SECTION 568: Notice to Parties in Interest.

Before holding the public hearing required in **Section 566**, written notice 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 as specified in **Section 567**.

SECTION 569: Action by the Board of Zoning Appeals.

Within thirty (30) days after the public hearing required in **Section 566**, the Board of Zoning Appeals shall either approve the request for appeal conditions as specified in **Section 565**, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding that 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 decisions shall be made in the manner specified in **Section 540**.

SECTION 580: Procedure and requirements for Approval of Conditional Use Permits.

Conditional uses shall follow the procedures and requirements of Sections 581-588, inclusive.

SECTION 581: General.

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Article 9 shall follow the procedures and requirements specified in Sections 582-588, inclusive.

Appears by at least one owner or agent of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant;

SECTION 582: Contents of Application for Conditional Use Permit.

2. Legal description of property;
3. Description of existing use;
4. Zoning district;
5. Description of proposed conditional use;
6. A plan of the proposed site for the conditional use showing the location and measurement of all buildings, parking and loading area, utilities, sign, yards, traffic access and traffic circulation, open spaces, landscaping, refuse and service area, and other such information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this Resolution;
7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; a map illustrating the location of structures on adjacent property; and the relationship of the proposed use to the comprehensive plan;
8. Such other information as may be required in Article Nine of this Resolution.

SECTION 583: General Standards Applicable to All Conditional Uses.

In addition to the specific requirements for conditionally permitted uses as specified in **Article Nine**, 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 Nine** and appears on the Official Schedule of District Regulations adopted by **Section 910** for the zoning district involved;
2. Will be harmonious with and in accordance with the general objective of the County's comprehensive plan and/or the zoning resolution;
3. Will be designed, constructed, operated, and maintained so as to be harmonious;
4. Will not be hazardous or disturbing 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 adequately provide any such service;
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 doors;
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.

SECTION 585: Supplementary Conditions and Safeguards.

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution and punishable under **Section 350** of this Resolution.

SECTION 586: Procedure for Notice.

Upon receipt of the application for a conditional use permit specified in **Section 582**, the Board of Zoning Appeals shall hold a public hearing, publish notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in **Section 566 through 568**.

SECTION 587: Action by Board of Zoning Appeals.

Within **thirty (30) days** after the public hearing required in **Section 586**, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in **Section 585**, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval. If the application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in **Section 540**.

SECTION 588: 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, for any reason, the conditional use shall cease for more than **two (2) years**.

ARTICLE SIX
AMENDMENT

SECTION 600: Intent.

It is the intent of this article to specify the procedures for amendments or district changes. **SECTION**

601: 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.

SECTION 603: Initiation of Zoning Amendments.

Amendments to this Resolution may be initiated in one of the following manners:

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

SECTION 605: Contents of Application for Zoning Map Amendments.

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

1. Name, address, and phone number of applicant;
2. Proposed amending resolution, approved as to form by the County Prosecutor;
3. 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, structures, 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 how the proposed amendment relates to the comprehensive plan;
11. A fee as established by the Township Trustees according to Section 360.

SECTION 610: Contents of Application for Zoning Text Amendments.

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

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 (if any) as established by resolution of the Board of Township Commissioners.

SECTION 615: 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 agent of property, said resolution or application shall be transmitted to the Commission.

SECTION 620: 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 Township Trustees or the filing of an application by at least one (1) owner or agent, 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 Regional Planning Commission. The 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 Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission.

SECTION 625: 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 Trustees 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 any land needed, then the Board of Township Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the 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, then the Director of Transportation and the property owner, the Township Trustees shall proceed as required by law.

SECTION 630: Public Hearing By Zoning Commission.

The Zoning Commission shall schedule a public hearing after the adoption of the motion, transmittal of a resolution from the Township Trustees, or the filing of an application for zoning amendment. Said hearing shall be not less than **twenty (20)** nor more than **forty (40) days** from the date of adoption of such motion, the transmittal of such resolution, or the filing of such application.

SECTION 635: Notice of Public Hearing in Newspaper.

Before holding the public hearing as required in Section 630, 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 of 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 Township Trustees.

SECTION 640: Notice to Property Owners by Zoning Commission.

If the proposed amendment intends to rezone or redistrict ten (10) or fewer 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, according 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 as specified in Section 635.

SECTION 645: Recommendation by Zoning Commission.

Within **thirty (30) days** after the public hearing required by Section 630, the Zoning Commission shall recommend to the 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.

SECTION 650: 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 shall be given by the Board of Township Trustees as specified in Section 635.

SECTION 655: Action by Board of Township Trustees.

Within twenty (20) days after the public hearing required by Section 650, 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 recommendation of the Commission, the unanimous vote of the Board of Township Trustees is required.

SECTION 660: 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 but not less than eight (8) percent of the total vote cast for all candidates or 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 are in favor of the amendment. Upon certification by the Board of Election that the amendment has been approved by the voters, it shall take immediate effect.

ARTICLE SEVEN
PROVISIONS FOR OFFICIAL ZONING MAP

SECTION 700: **Official Zoning Map.**

The districts established in Article 7 of this Resolution as shown on the Official Zoning Map which, together with all explanatory matter thereon, are hereby adopted as part of this Resolution.

SECTION 710: **Identification of the Official Zoning Map.**

The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Township Trustees, attested by the Township Clerk, and bearing the seal of the Township.

SECTION 720: **Interpretation of District Boundaries.**

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

1. Where district boundaries are 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 such 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 such 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.

ARTICLE EIGHT

ESTABLISHMENT AND PURPOSE OF DISTRICTS

SECTION 800: Intent.

The following zoning districts are hereby established for the Township of Defiance, Ohio. For the interpretation of this Resolution the zoning districts have been formulated to realize the general purposes as set forth in the preamble of this Resolution. In addition, the specific purpose of each zoning district shall be as stated.

SECTION 810: Residential Districts.

Residential districts are established to meet the purposes set forth in **Sections 811-815**, inclusive.

SECTION 811: Low Density Residential District (R-1).

The purpose of the R-1 District is to permit a degree of development of a rural non-farm nature in areas not expected to have public facilities in the near future. This district also allows the opportunity to satisfy individual housing preferences and shall permit not more than one (1) dwelling per gross acre.

Permitted Uses

Single Family Dwelling
Public Uses
Quasipublic Uses
Plant Cultivation
Day Care
Accessory Uses
Essential Services

Conditional Uses

Church
Public Service Facility Non-commercial Recreational Facility
Hospitals
Business, Cottage
Cemetery
Nursing Home
Home Occupation

SECTION 812: Medium Density Residential District (R-2).

The purpose of the R-2 District is to permit the establishment of low density single family dwellings with lot sizes sufficient for individual water and sewer facilities, but not to exceed two (2) dwelling units per gross acre. Centralized water and sewer facilities are, however, encouraged.

Permitted Uses

Church

Single Family Dwelling
Two-Family Dwelling
Public Uses
Quasipublic Uses
Plant Cultivation
Day Care
Accessory Uses
Essential Services

Conditional Uses

Multiple Family Dwelling
Non-commercial Recreational Facility
Home Occupation
Nursing Home
Public Service Facility
Bed and Breakfast
Business, Convenience
Private Swimming Pool
Business, Cottage

SECTION 814: Medium-High Density Multi-Family Residential District (RMF-3).

The purpose of this district is to encourage the establishment of medium-high density multi-family dwellings not to exceed **seventeen (17) dwelling units** per gross acre. All such districts must abut upon either an arterial or collector thoroughfare as specified in the Major

Thoroughfare Plan and have centralized water and sewer facilities of sufficient size. The predominant housing type will be townhouse and garden apartments.

Permitted Uses

Single Family Dwelling
 Two Family Dwelling
 Multi-Family Dwelling
 Public Uses
 Quasipublic Uses
 Day Care
 Accessory Uses
 Essential Services

Conditional Uses

Church
 Non-commercial Recreational Facility
 Professional Activities
 Public Service Facility
 Home Occupation Child
 Care Clinic Nursery,
 Nursing Home
 Public Service Facility
 Manufactured Home Park
 Hospitals
 Funeral Home
 Community Swimming Pool
 Business, Cottage

SECTION 815: Manufactured Home Park District (RMH).

The purpose of this district is to encourage the development of manufactured home parks in a well-planned environment. Such districts shall abut upon an arterial or collector thoroughfare as identified on the Major Thoroughfare Plan. Manufactured home parks shall comply with regulations of Chapter HE-27 of the Ohio Sanitary Code, as well as those general standards specified in **Article 14** of this Resolution. Where the standards of the Ohio Sanitary Code and **Article 14** conflict, the Ohio Sanitary Code shall apply.

SECTION 820: Business Districts.

Business districts are established to meet the purposes set forth in Sections 821-823, inclusive.

SECTION 821: Local Business District (LB).

The purpose of the LB District is to encourage the establishment of areas for convenience business uses which tend to meet the daily needs of the residents of an immediate neighborhood. Such districts shall be strategically located with access to a collector thoroughfare as specified in the Major Development Plan. Marginal strip development shall be prohibited.

Permitted Uses

General Business Essential Services
 Personal Services Accessory Uses
 Professional Activities
 Business Office Type
 Restaurants
 Social Activities
 Public Uses
 Quasipublic Uses

Conditional Uses

Garage, Service Station
 Public Service Facility
 Garage, Body Shop
 Garage, Repair
 Business, Cottage

SECTION 822: General Business District (GB).

The purpose of the GB District is to encourage the establishment of areas for general business uses to meet the needs of a regional market area. Activities in this district are often large space

users and the customers using such facilities generally do not make frequent purchases. Shopping centers will be the predominant building approach. Strip development shall be prohibited. GB Districts shall be located on an arterial thoroughfare as specified in the Major Thoroughfare Plan.

Permitted Uses

Conditional Uses

Retail Business	Automotive Sales	Business, Cottage
Personal Services	Social Activities	Domestic Animal Clinics
Garage, Service Station	Garage, Repair	Adult Entertainment Facility
Professional Activities	Motels	Community Swimming Pools
Business Services	Essential Services	Funeral Home
Business Office Type	Public Service Facility	Cemetery
Restaurants & Bars	Garage, Body Shop	Commercial Recreation Facility
Accessory Uses		Wholesale Business
		Farm Equipment Sales
		Sale/Storage of Building Materials

SECTION 823: Accommodation Business District (AB).

The purpose of the AB District is to encourage the establishment of areas for highway business uses only. This district is specifically designed to service the motoring public. AB Districts are generally associated with interchange areas along the major limited access highways.

SECTION 830: Manufacturing Districts.

Manufacturing districts are established to meet the purposes set forth in **Section 831-833**, inclusive.

SECTION 831: Light Manufacturing District (M-1).

The purpose of the M-1 District is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare; operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged. This district is further designed to act as a transitional use between heavy manufacturing uses and other less intense business and residential uses.

Permitted Uses

Conditional Uses

Business Office Type	Business, Cottage
Research Activities	Restaurants
Public Service Facility	Signs
Essential Services	Printing & Publishing
Accessory Uses	Food Processing
Light Manufacturing	Warehousing
	Wholesale Business

SECTION 832: Heavy Manufacturing District (M-2).

The purpose of the M-2 District is to encourage the development of major manufacturing, processing, warehousing, and major research and testing operations. These activities require extensive community facilities and reasonable access to arterial thoroughfares; they may have

extensive open storage and service areas, and generate heavy traffic, but shall be prohibited if they create nuisances beyond the limitations established by the Zoning Commission.

Permitted Uses

Light Manufacturing
 Manufacturing, Sale & Storage
 of Building Material
 Transport & Trucking Terminals
 Wholesale & Warehousing Activities
 Food Processing
 Grain Elevators & Feed Mills Essential
 Services
 Accessory Uses
 Public Service Facility

Conditional Uses

Agriculture
 Restaurants
 Signs
 Mineral Extraction, Storage & Processing
 Auto Wrecking, Storage & Salvage
 Auto Repair
 Business, Cottage

SECTION 833: **Extractive Manufacturing District (M-3).**

The purpose of the M-3 District is to provide land for the mining, processing, and storage of mineral resources. This district is designed to assure that these resources be properly managed and all land be reclaimed so as not to create a hazard or nuisance which either immediately or in the future adversely affects the health, safety, or general welfare of the community.

SECTION 839: **Special Districts.**

Special Districts are established to meet the purposes set forth in **Sections 840-843**, inclusive.

SECTION 840: **Agricultural District (A).**

The purpose of the A District is to preserve and protect the decreasing supply of prime agricultural land. This district also is established to control the indiscriminate infiltration of urban development in agricultural areas, which adversely affects agricultural operations.

Permitted Uses

Agriculture

 Public Use
 Public Service Facility
 Non-commercial Recreation Facility

Conditional Uses

Sand & Gravel Extraction
 Commercial Recreation Facility
 Cemetery
 Church
 Quasi-public Use
 Mineral Extraction
 Business, Cottage
 Single Family Dwelling (96th
 Amendment)

SECTION 841: **Open Space District (OS).**

The purpose of the OS District is to provide for public and quasi-public uses, areas for recreation and conservation purposes, and areas suitable for non-commercial recreation.

Permitted Uses

Parks and Recreation
 Conservation
 Forestry

Essential Services

Conditional Uses

Business, Cottage
 Public Service Facility
 Public & Quasipublic Buildings

SECTION 842: Flood Plain Districts (FP).

The purpose of the FP District is to guide development in the flood prone areas of any water course that are consistent with the requirements for the conveyance of flood flows, and to minimize the expense and inconvenience to the individual property owners and the general public through flooding. Uses permitted in this district are generally associated with open space, recreational, and agricultural land uses and shall not hinder the movement of floodwaters.

Permitted Uses

Agriculture
Parks & Recreation

Conditional Uses

Public & Quasipublic Buildings

SECTION 843: Transportation Corridor (TC).

The purpose of the Transportation Corridor District is to discourage development and urban build-up of any kind on land, or over water, in any specific area of the township which is designated as a future site for a freeway or major highway as proposed in the Defiance County Comprehensive Plan of 1976, and shown on the Official Zoning map. In zoning cases where there is any possibility of encroachment by structures, new easements of access, water impoundments, etc., of a transportation corridor, there shall be a delay of at least one hundred twenty (120) days before the township Zoning Commission shall make a decision to grant a variance, grant a zoning amendment or issue a building permit, which would in any way impede the future construction of a highway in the designated transportation corridor. During the one hundred twenty (120) day period it shall be the responsibility of the township zoning commission to immediately notify the Regional Planning Commission of the possibility of development in or encroachment upon a proposed transportation corridor. The Regional Planning Commission will, in turn, notify the Ohio Department of Transportation, the Defiance County Commissioners, and Defiance County Engineer of the possibility of such encroachment or development in a transportation corridor. Such organizations and governmental units will then pursue a course of action which will either defer the development/encroachment or enter into an agreement of some type whether financial settlement, deferred payment, lease arrangement, dedication, gift, or other, which will prevent development/encroachment of the transportation corridor and which will be satisfactory to all parties concerned.

Permitted Uses

Agriculture
Forestry

Conditional Uses

Parks and Recreation
(without buildings & structures)

SECTION 844: Specific Criteria for Conditional Uses.

Specific criteria for the conditional uses outlined in this section may be located in **Section 935-972.**

Section 845: The Official Schedule of District Regulations.

All districts established herein are to meet the specific district regulations as set forth in the Official Schedule of District Regulations.

Zoning District	Color Code	Planned Unit Development	Permitted Use Minimum Lot Size (with on-site sewage treatment)	Permitted Minimum Lot Size (with group sewage treatment)	Permitted Minimum Lot Size (Width in Feet)	Maximum % of Lot to be Occupied (principal and accessory buildings)	Dwelling Minimum Floor Area (sq Feet)	Maximum Height of Building (stories)	Maximum Height of Buildings (feet)	Minimum Yard Size (ft)	Minimum Yard Size (ft)	Minimum Yard Size (ft)	Minimum Yard Size (ft)	Minimum Mandatory Off-street Loading Space	Minimum Mandatory Off-street Parking Space
										Front	Rear	1 Side Yard	Sum of Side Yards		
Agriculture (A)	White	No	1 Acre	N/A	150	15	1100	2.5	35	60	60	10	40	N/A	2 spaces per single family dwelling; all others according to Sec. 1131-1135
Low Density Residential (R-1)	Yellow	No	1 Acre	N/A	150	15	1100	2.5	35	50	40	10	40	N/A	According to Sec. 1131-1135
Medium Density Residential (R-2)	Purple	Yes	20,000 sq. feet	10,000 sq. feet	85-(Multi-Family Dwelling Only) 100	20	900 (Multi-Family Dwelling; 1100 (others)	2.5	35	30	30	6	15	N/A	According to Sec. 1131-1135

Zoning District	Color Code	Planned Unit Development	Permitted Use Minimum Lot Size (with on-site sewage treatment)	Permitted Minimum Lot Size (with group sewage treatment)	Permitted Minimum Lot Size (Width in Feet)	Maximum % of Lot to be Occupied (principal and accessory buildings)	Dwelling Minimum Floor Area (Sq Feet)	Maximum Height of Building (stories)	Maximum Height of Buildings (ft)	Minimum Yard Size (ft)	Minimum Yard Size (ft)	Minimum Yard Size (ft)	Minimum Yard Size (ft)	Minimum Mandatory Off-street Loading Space	Minimum Mandatory Off-street Parking Space
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Transportation
Corridor (TC)
Flood Plain (FP) Brown Yes
Open Space (OS) Green Yes

ARTICLE NINE
DISTRICT REGULATIONS

SECTION 900: Compliance with Regulations.

The regulations for each district set by this Resolution shall be the minimum regulations and shall apply uniformly to each class or kind of structure or land, with the following exceptions:

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 is required in this Resolution, 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.

SECTION 910: 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 10 of this Resolution, "Supplementary District Regulations."

SECTION 920: Identification of the Official Schedule of District Regulations.

The Official Schedule of District Regulations shall be identified by the signature of the Chairman of the Board of Township Trustees.

SECTION 930: Adult Entertainment Facilities Prohibited.

The establishment of adult entertainment facilities in any Zoning District other than General Business (GB) is hereby prohibited.

SECTION 932: Exotic Animals Prohibited.

The keeping of exotic animals in any Zoning District other than Agricultural is hereby prohibited.

SECTION 935: Specific Criteria for Conditional Uses.

Specific requirements for conditional uses for the zoning districts as outlined in Article 8 are contained in **Sections 940-995**, inclusive.

SECTION 940: Adult Entertainment Facilities Permitted As Conditional Use.

In General Business Districts no building shall be erected, constructed, remodeled, or developed; and no building or premises shall be reconstructed, remodeled, arranged for use or used for adult entertainment business unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article 5 of this Resolution. In addition to said provisions, an adult entertainment facility shall comply with the following conditional use criteria:

1. Adult entertainment facilities shall comply with the district regulations applicable to all properties in any district in which they are located;
2. No adult entertainment facility shall be permitted in a location which is within 1,500 feet of another adult entertainment facility;
3. No adult entertainment business shall be permitted in a location which is within 2,000 feet of any church, any private or public 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 1,000 feet of any residence or boundary of any residential district;
5. No adult entertainment facility shall be permitted in a location which is within 500 feet of any boundary of any residential district in a local unit of government abutting the township.

SECTION 945: Private Swimming Pools. (R-1, R-2)

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

1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located;
2. It may not be located closer than ten (10) feet to any side property line;
3. The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. The fence or wall shall not be less than six (6) feet in height and maintained in good condition with a gate and lock;
4. It may not be located closer than ten (10) feet to any public right-of-way.

SECTION 950: Community Swimming Pools. (R-2, RMF-3, GB)

Community and club swimming pools are permitted in any commercial or residential district, but shall comply with the following conditions and requirements:

1. The pool is intended 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 and accessory structures thereto, including the areas used by the swimmers, shall not be closer than fifty (50) feet to any property line;
3. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the thoroughfare or adjacent properties. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition with a gate and lock.

SECTION 960: Drilling and Mineral Operations. (A, M-2)

Drilling and mineral operations shall require a conditional use permit subject to fees as established by Section 360 of this resolution. Such a permit will be issued only after the Zoning Inspector as been notified that the following conditions have been met.

1. There shall be filed with the Zoning Inspector a location map which clearly shows areas to be mined and the location of adjacent properties, roads, and natural features;
2. Such uses shall not be conducted closer than five hundred (500) feet from any residential district, nor closer than two hundred (200) feet from any structure used for human habitation in any other district;
3. Information shall be submitted on the anticipated depth of excavations and on depth and probable effect on the existing water table and coordinated with the Ohio Division of Water;
4. All work conducted in connection with such operations shall be done during hours set at the discretion of the Board of Zoning Appeals.
5. All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the County Engineer;
6. There shall be filed with the Board a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five feet, the type and number per acre of trees or shrubs or grass to be planted, and the location of future roads, drives, drainage courses, or other improvements contemplated;
7. All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or backfilled with non-noxious, non-flammable and non-combustible solids, to secure:
 - a. that the excavated area shall not collect and retain stagnant water, or,
 - b. that the surface of the excavated area which is not permanently submerged is graded or backfilled so as to reduce the peaks and depressions thereof -in order to produce a gently running surface that will minimize erosion due to rainfall and which will be in conformity to the adjoining land area. The banks of all

excavations not backfilled shall be sloped; they shall be sloped at a ratio of **three (3) feet** horizontal to **one (1) foot** vertical and said bank shall be seeded;

8. There shall be filed with the Board of Township Trustees a bond, payable to the Township and conditioned on the faithful performance of all requirements contained in the approval restoration plan. The rate of the required bond shall be fixed by resolution of the Board of Township Trustees. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.

SECTION 961: Public Service Facility. (R-1, GB, M-1, M-2, OS)

1. All permanent buildings shall be constructed and designed so as to conform with the setback and building design of the existing uses in the district;
2. Screening and plantings to buffer any structures other than buildings from adjacent residential uses are required;

SECTION 962: Church. (R-1, R-2, RMF-3, A)

1. The lot area shall be adequate to accommodate the required off-street parking requirements of the church;
2. The church building shall be setback from any adjacent residential property line a minimum of fifty (50) feet;
3. Parking shall not be permitted within ten (10) feet of any side or rear property line;
4. A cemetery shall not be a permitted use in conjunction with the church.

SECTION 963: Cemetery. (R-1, GB, A)

1. The site shall have direct access to a major thoroughfare which the Board of Zoning Appeals determines is adequate to serve the size of the facility proposed;
2. Any new cemetery shall be located on a site containing not fewer than twenty-five (25) acres;
3. No building, including but not limited to mausoleums and maintenance buildings, shall be located within fifty (50) feet of any property line;
4. All graves or burial lots shall be set back not less than fifteen (15) feet from any property line.

SECTION 964: Professional Activities. (RMF-3, GB)

1. 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;

2. The design, location, and surface of the parking area shall be subject to approval of the Board of Zoning Appeals so as to reduce the impact on the residential character of the neighborhood;
3. One sign, not exceeding four (4) square feet in area and mounted flush against the building, shall be permitted.

SECTION 965: Animal Clinics. (GB)

1. Outdoor pens and exercise runs shall be kept in a clean and sanitary condition and shall be screened from public view;
2. Sanitation practices shall be adequate to assure that objectionable odors shall not be noticeable on or off the lot, considering various wind conditions;
3. 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;
4. No dead animals shall be buried on the premises and incineration of dead animals shall not create odors or smoke.

SECTION 966: Funeral Home. (R-2, RMF-3, GB)

1. The buildings shall be designed so as to conform with the architectural character of the residential neighborhood;
2. 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.

SECTION 967: Accessory Structures to Conditional Uses Within Floodway.

Structures (temporary or permanent) accessory to conditional uses listed are permitted in the floodway as follows, provided

1. They have a low flood damage potential;
2. They are constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters;
3. Whenever possible, structures will be constructed with the longitudinal axis parallel to the direction of flood flow;
4. Service facilities such as electrical and heating equipment are placed at or above the regulatory flood protection elevation for the particular area or adequately flood proofed. Refer to: Corps of Engineers, U.S. Army Flood Plain Information Maumee and Auglaize Rivers, Defiance, Ohio, Detroit District, 1970, report for regulatory flood protection elevations.

SECTION 968: Waste Treatment and Waste Disposal Within the Floodway Fringe.

Waste Treatment and Waste Disposal uses are permitted within the floodway fringe as conditional uses to the extent they are not prohibited by any other Sections of this Resolution and they meet the following applicable standards:

1. No new construction, addition, or modification to existing waste treatment facilities will be permitted within floodway fringe areas unless emergency plans and procedures for action to be taken in the event of flooding are prepared, filed with, and approved by the Ohio Environmental Protection Agency. The emergency plans and procedures must provide for measures to prevent introduction of any pollutant or toxic material into the flood waters.
2. There shall be no disposal of garbage or solid waste materials within floodway fringe areas except upon issuance of a Conditional Use Permit at sites approved by the Ohio Environmental Protection Agency.

SECTION 969: Bed and Breakfast. (R-2)

1. 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;
2. Fire escapes shall be provided as approved by the Board of Zoning Appeals;
3. Fire exit instructions shall be posted in each sleeping room;
4. All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate official shall accompany the application;
5. The facility shall contain not more than **five (5)** sleeping rooms for guests.

SECTION 970: Ponds.

All Ponds will be a Zoning use permit. The permit will be issued by the Zoning Inspector with the following criteria to be met.

1. Ponds must be setback at least twenty-five (25) feet from side property lines;
2. Ponds must be setback at least twenty-five (25) feet from the road right-of-way;
3. The pond shall not alter the natural drainage of the land;
4. The soil excavated from the pond shall be contoured and landscaped to be in harmony with the existing terrain;
5. The creation of the pond shall not obstruct the line of sight from adjacent properties;
6. A man-made pond shall have a minimum depth at least eight (8) feet.
7. All ponds shall be approved by the Defiance Soil & Water District Office, before a Zoning Permit is issued.

SECTION 972: Temporary Manufactured Homes (Including Mobile Homes).

The use of a temporary manufactured home (including mobile homes) if planning to construct a permanent dwelling or to repair a dwelling damaged by disaster (emergency hardship): A Zoning Permit may be issued by the zoning inspector. All setbacks will be

met as well as site approval by Defiance County Soil & Water.

- (a) The following criteria must be met for the issuance of a Zoning Permit for temporary mobile homes.
 - (i) Minimum floor area of one thousand (1000) square feet;
 - (ii) All setback requirements as standard in the zoning district are met;
 - (iii) All sanitary and sewer standards as required by the Health Department and the EPA are met;
 - (iv) Properly tied down and completed with mobile home skirting;
 - (v) The structure shall be so oriented on the site that its long axis is parallel with the street, and it shall have an entranceway facing the street, except where diagonal placement and the addition of a garage, carport, or other accessory structure may be permitted by subdivision regulation and yard requirement;
 - (vi) The siting of the structure shall comply with all yard and setback requirements in effect for the district for which it is proposed;
 - (vii) The siting of the structure shall comply with all parking requirements in effect for the district for which it is proposed;
 - (viii) The site shall be served by utilities in such manner as required by this Resolution.
 - (ix) In the case of emergency hardship (repairing a damaged dwelling), the Zoning Inspector may issue a temporary use permit expiring in six (6) months with an approved extension of six months under extenuating circumstances that is approvable by the zoning inspector.
 - (x) See Section 1036: Foundation Requirements for Permanent Mobile Homes for related requirements.
 - (xi) See Section 1450: Requirements Concerning Permanent Mobile Homes for related requirements.

SECTION 973: Condominiums and Townhouses.

- 1. Must have separate utilities and chimney;
- 2. Must have at least six (6) hour common firewall;
- 3. Common wall must be perpendicular with the floor line.

SECTION 995: Supplementary Conditions and Safeguards.

In granting any conditional use not addressed within this Article, the Board may prescribe appropriate conditions and safeguards in conformity with this Resolution.

ARTICLE TEN
SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 1000: General.

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

SECTION 1001: Supplementary Regulations for Residential Districts.

Sections 1002-1003, inclusive, contain the supplementary district regulations for residential districts.

SECTION 1002: Conversion of Dwellings to More Units.

A residence may not be converted to accommodate an increased number of dwelling units unless:

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

SECTION 1003: Parking and Storage of Certain Vehicles.

Junk motor vehicles shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. However, one boat and one travel trailer may be stored in the rear yard if they have current licenses.

SECTION 1004: Supplemental District Regulations Applying to All Districts.

Supplemental district regulations enforced in all districts may be found in Sections 1005-10 , inclusive.

SECTION 1005: Temporary Buildings.

Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work only may be permitted in any district during the time construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a zoning permit authorized by the Zoning Inspector.

SECTION 1006: Principal Building Per Lot.

No more than one principal building or structure may be constructed upon any one lot for the purposes of this Resolution.

SECTION 1007: 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.

SECTION 1008: Junk.

The accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or any other discarded 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.

SECTION 1009: Supplemental Yard and Height Regulations.

In addition to all yard regulations specified in the Official Schedule of District Regulations and in other sections of this Resolution, the provisions of Sections 1010-1016, inclusive, shall be used for interpretation and clarification.

SECTION 1010: Setback Requirements for Corner Buildings.

On a corner lot the principal building and its accessory structures plus any man-made ponds 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 such structures are located.

SECTION 1011: Visibility at Intersections.

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a fashion as to materially impede vision between a height of **two and a half (2.5) 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 lots and a line joining points along said street lines **fifty (50) feet** from the point of intersection.

SECTION 1012: Fence and Wall Restrictions in Front Yards.

In any required front yard, no fence or wall shall be permitted which materially impedes vision across the yard above the height of **two and a half (2.5) feet**, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the height of **two and a half (2.5) feet and ten (10) feet**.

SECTION 1013: Permanent Fences.

Permanent fences shall be placed no less than six (6) inches from the property line unless by written mutual consent.

SECTION 1014: 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.

SECTION 1015: Side and Rear Yard Requirements 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 (50) percent** of the normal requirement if acceptable landscaping or screening as approved by the Zoning Inspector is provided. Such screening shall be a masonry or solid fence between **four (4) and eight (8) feet** in height. It is to be 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. Either type of screening shall not obscure traffic visibility within **fifty (50) feet** of an intersection.

SECTION 1016: Architectural Projections.

Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections such as decks shall be considered parts of the building to which they are attached or adjacent to; and they shall not project into the required minimum front, side or rear yard.

SECTION 1017: Exceptions to Height Regulations.

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed on 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.

SECTION 1018: Setbacks for Temporary Accessory Buildings.

Accessory structures including accessory buildings not permanently affixed to the ground shall be set back from the lot line an adequate distance to allow access for maintenance such as mowing and painting. Accessory structures are permitted in front of a primary structure if the accessory structure does not obstruct the line of sight of adjoining principal structures and or sits back off the road a considerable distance so as not to offend any neighboring property owner.

SECTION 1019: Special Provisions for Commercial and Industrial Uses.

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions that could adversely affect the surrounding areas or adjoining premises except that any use permitted by this Resolution may be undertaken and maintained if acceptable measures and safeguards are taken/established to reduce dangerous and objectionable conditions to acceptable limits as established by the requirements in **Sections 1020-1030**, inclusive.

SECTION 1020: Fire Hazards.

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are

normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

SECTION 1021: Radioactivity or Electrical Disturbance.

No activity shall emit dangerous radioactivity, or electrical disturbance adversely affecting the operation of any equipment on adjacent lots.

SECTION 1022: Noise.

Objectionable noise as determined by the Zoning Inspector which is due to volume or frequency shall be referred to the local law enforcement agency. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

SECTION 1023: Vibration.

No vibration shall be permitted which is physically discernible on any adjoining lot or property.

SECTION 1024: Air Pollution.

Air pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.

SECTION 1025: Glare.

No direct or reflected glare shall be permitted that is visible from any property outside a manufacturing district or from any street.

SECTION 1026: Smell.

No obnoxious odor that is detectable from adjacent lots shall be permitted.

SECTION 1027: Erosion.

No erosion, by either wind or water, shall be permitted that will carry objectionable substances onto neighboring properties.

SECTION 1028: Water Pollution.

Water pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.

SECTION 1029: Enforcement Provisions.

The Zoning Inspector, prior to the issuance of a zoning permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerance.

SECTION 1030: Measurement Procedures.

Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York; the Manufacturing Chemists'

Association, Inc., Washington D.C.; the United States Bureau of Mines, and the Ohio Environmental Protection Agency.

SECTION 1031: Unlicensed Motor Vehicles.

No property, other than a licensed junk yard, may be used for the storage or parking of, or may contain, currently unlicensed Motor Vehicles except as follows.

1. Two or fewer unlicensed Motor vehicles may be stored in an area screened from the view of the public or adjacent properties by a privacy fence, other approved screening or in a completely enclosed building; and
2. Any number of unlicensed Motor Vehicles may be stored in a completely enclosed building or buildings;

SECTION 1032: Junk Motor Vehicles. (See p. 13-14)

No property, other than a licensed junk yard may be used for the storage or parking of, or may contain, Junk Motor Vehicles for a period of 72 hours or more except as follows:

1. Two or fewer Junk Motor Vehicles may be stored in an area screened from public view by a privacy fence, other approved screening or in a completely enclosed building; and
2. Any number of Junk Motor Vehicles may be stored in a completely enclosed building or buildings.

SECTION 1033: Vacant Lots.

Vacant lots shall be maintained in such a manner that objectionable weeds may not grow to a height exceeding **eight (8) inches**.

SECTION 1034: Weed Control.

Lawns shall be maintained in such a manner that objectionable weeds may not be allowed to grow to a height greater than **eight (8) inches**.

SECTION 1035: Noxious Weeds.

The growing of noxious or secondary noxious weeds in any district is not permitted. **(See p. 21)** Section 5579.05 of the Ohio Revised Code provides that within five (5) days after the receipt of notification of violation, the person notified shall cut or destroy the weeds or show the Board why there is no need for doing so. If the owner, lessee, agent or tenant having charge of the above described land fails to comply, the Board of trustees shall cause the weeds to be cut or destroyed and may employ the necessary labor, materials and equipment for doing so.

Per Section 5579.07 of the Ohio Revised Code, the Trustees shall make a written report to the County Auditor the amount paid for labor, materials, and equipment, which, when allowed, shall be entered upon the tax duplicate and shall be a lien upon the land to be collected as other taxes.

SECTION 1036: Foundations for Permanent Mobile Homes.

Minimum requirements for foundations of any permanent Mobile home, including mobile homes converted to permanent dwellings: All Mobile home foundations to be set per manufacturers recommendations. If none are available the Zoning Inspector is to use current manufacturers recommendations. All mobile homes will have tie downs and placed as per manufacture recommendations.

1. Footer - Shall be a structure of masonry placed beneath the frost line.
2. Foundation - Extends from the footer to the floor of dwelling, including mobile homes converted to a permanent dwelling, made of concrete wall or cement blocks.

SECTION 1039: Supplementary Regulations Concerning Agricultural Dwellings in Any District.

Sections 1040-1045 contain those supplementary district regulations which apply to agricultural dwellings in any district.

SECTION 1040: Limitations Concerning Farm Related Dwellings on Agricultural Lots Greater Than Five (5) Acres.

If a dwelling is being directly and immediately used for agriculture, meaning that it is either "usually or naturally and inseparably" dependent upon agricultural use, no zoning certificate is needed. Thus, if the structure is primarily used to house persons directly employed in farming the adjacent land, the use is incidental to agriculture. **On lots greater than five acres an agricultural use does not need a zoning certificate.**

SECTION 1041: The Power to Regulate Agriculture on Lots of Less than Five (5) Acres.

Pursuant to Section 519.19 of the Ohio Revised Code the following regulations apply to agricultural uses on lots fewer than five acres.

SECTION 1042: Height and Setback Regulations.

Agricultural uses on lots of fewer than five acres are subject to the same height and setback regulations for that district in which the structure is located as found in the Official Schedule of District Regulations.

SECTION 1042: Offstreet Parking and Loading Spaces.

Agricultural uses on lots of fewer than five acres are subject to the same offstreet parking and loading space regulations for that district in which the structure is located as found in the Official Schedule of District Regulations.

SECTION 1043: Minimum Yard Sizes.

Agricultural uses on lots of fewer than five acres are subject to the same minimum yard size regulations for that district in which the structure is located as found in the Official Schedule of District Regulations.

SECTION 1044: Maximum Height of Buildings.

Agricultural uses on lots of fewer than five acres are subject to the same maximum building height regulations for that district in which the structure is located as found in the Official Schedule of District Regulations.

SECTION 1045: Minimum Floor Area for Dwelling.

Agricultural uses on lots of fewer than five acres are subject to the same minimum floor area regulations for that district in which the structure is located as found in the Official Schedule of District Regulations.

SECTION 1046: Permitted Minimum Lot Size.

Agricultural uses on lots of fewer than five acres are subject to the same permitted minimum lot size regulations for that district in which the structure is located as found in the Official Schedule of District Regulations.

SECTION 1050: Supplemental Regulations Applying to All Commercial, Industrial and Residential Districts.

Section 1051 contains those supplementary district regulations which apply to all Commercial, Industrial and Multi-Family Districts.

SECTION 1051: Required Trash Areas.

All commercial, industrial, and multi-family residential uses that provide trash and/or garbage areas shall, if not within an enclosed building or structure, be enclosed on all sides by a solid wall or solid fence of at least six (6) feet in height and maintained in a good condition for the purpose of securing trash within the storage area until disposal. One side may consist of a gate if properly latched to prevent entry by children. Provisions for adequate vehicular access to and from the trash area (s) for collection of trash/garbage shall be maintained. 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.

ARTICLE ELEVEN

OFF-STREET PARKING AND LOADING FACILITIES

SECTION 1100: General Requirements.

1. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this Resolution;
2. The provisions of this Article, except where there is a change of use, shall not apply to any existing building or structure, Where the new use involves no additions or enlargements, there shall be provided as many such spaces as may be required by this Resolution;
3. Whenever a building or structure constructed 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 in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this Resolution is enlarged to the extent of **fifty (50) percent** or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

SECTION 1105: Parking Space Dimensions.

A parking space shall have minimum rectangular dimensions of not less than **nine (9) feet** in width and **nineteen (19) feet** in length for ninety (90) degree parking, **nine (9) feet** in width and **twenty-three (23) feet** in length for parallel parking, **ten (10) feet** in width and **nineteen (19) feet** in length for sixty (60) degree parking and twelve (12) feet in width and nineteen (19) feet in length for forty-five (45) degree parking. All widths shall be increased by **two feet** for handicapped parking spaces. All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The number of required off-street parking spaces is established in **Section 1130** of this Resolution.

SECTION 1110: Loading Space Requirements and Dimensions.

A loading space shall have minimum dimensions of not less than **twelve (12) feet** in width, **fifty (50) feet** in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than **fifteen (15) feet**. One off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a modified gross floor area of up to **five thousand (5,000) square feet**. One loading space shall be provided for each additional **ten thousand (10,000) feet** or fraction thereof.

SECTION 1111: Paving.

The required number of parking and loading spaces as set forth in **Sections 1110 and 1130**, together with driveways, aisles, and other circulation areas, shall be improved with such material to provide a durable and dust-free surface.

SECTION 1112: Drainage.

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways. If such developments alter the

natural drainage of the land, it shall be necessary to install such measures as necessary to re-establish the natural drainage.

SECTION 1113: Maintenance.

The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris.

SECTION 1114: Lighting.

Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from adjoining property.

SECTION 1115: Location of Parking Spaces.

The following regulations shall govern the location of off-street parking spaces and area:

1. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve;
2. Parking spaces for commercial, industrial, or institutional uses shall be located not more than **seven hundred (700) feet** from the principal use;
3. Parking spaces for apartments, dormitories, or similar residential uses shall be located not more than **three hundred (300) feet** from the principal use.

SECTION 1116: Screening and/or Landscaping.

Whenever a parking area is located in or adjacent to a residential district, it shall be effectively screened on all sides which adjoin or face any property used for residential purposes, by an acceptably designed wall, fence, or planting screen. Such fence, wall, or planting screen shall be not less than **four (4) feet** nor more than **six (6) feet** in height and shall be maintained in good condition.

The space between such fence, wall, or planting screen, and the lot line of the adjoining premises in any residential district shall be maintained in good condition. In the event that the terrain or other natural features are such that the erection of such fence, wall, or planting screen will not serve the intended purpose, then no such fence, wall, or planting screen and landscaping shall be required.

SECTION 1117: Abandoned Junk Vehicles.

The parking of an abandoned junk vehicle, as defined in this resolution, within a residential or commercial district for more than seventy-two (72) hours shall be prohibited. Such a vehicle shall be referred to the local law enforcement.

SECTION 1118: Junk Vehicles.

The parking of a junk vehicle, as defined in this Resolution, within a residential or commercial district for a period of more than **seventy-two (72) hours** shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building. Such a vehicle shall be referred to the local law enforcement.

SECTION 1119: Minimum Distance and Setbacks.

No part of any parking area for more than **ten (10)** vehicles shall be closer than **twenty (20) feet** to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen. If on the same lot with a single family dwelling, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than **four (4) feet** to any established street or alley.

SECTION 1120: Joint Use.

Two or more nonresidential users may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Zoning Inspector shall be filed with application for a zoning permit.

SECTION 1121: Wheel Blocks.

Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

SECTION 1122: Width of Driveway Aisle.

Driveways serving individual parking spaces shall not be less than **twenty-five (25) feet** wide for ninety (90) degree parking, **twelve (12) feet** wide for parallel parking, **seventeen and one-half (17.5) feet** for (60) degree parking, and **thirteen (13) feet** for forty-five (45) degree parking.

SECTION 1123: Access.

Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to pedestrian or motorist approaching the access or driveway from a public or private street.

SECTION 1124: Width of Access Driveway.

The entrances and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access roads shall maintain the following minimum standards: For one way traffic the minimum width of **fourteen (14) feet** except for forty-five (45) degree parking in which case the minimum width of the access road shall be **seventeen (17) feet**. Access roads for two way traffic shall have a minimum width of **twenty-four (24) feet**. Parking areas having more than one aisle or driveway shall have directional signs or markings in each aisle or driveway.

SECTION 1125: Striping.

All parking areas with a capacity over **twelve (12)** vehicles shall be striped with **six (6) inch** lines on both sides of center between stalls to facilitate the movement into and out of the parking stalls.

SECTION 1126: 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 Handicapped Spaces</u>
Up to 100	One space per 25
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

SECTION 1130: Parking Space Requirements.

For the purpose of this Resolution the following parking space requirements shall apply:

<u>SECTION</u>	<u>TYPE OF USE</u>	<u>PARKING SPACES REQUIRED</u>
<u>SECTION 1131:</u>	Residential.	
	1. Single family or two family dwelling	Two for each unit
	2. Apartment, townhouse, or multi-family dwelling	Two for each unit
	3. Mobile homes	Two for each unit
<u>SECTION 1132:</u>	Commercial.	
	1. Repair garages and service garages	One for every two gasoline pumps and two for every service bay
	2. Hotels, motels	One for every sleeping room plus one for every two employees
	3. Funeral parlors, mortuaries and similar uses	One for every 50 sq. ft. of floor area in slumber rooms, parlors, or service rooms
	4. Boarding houses, rooming houses, dormitories, and fraternity houses with sleeping rooms	One for each sleeping room or one for each permanent occupant
<u>SECTION 1133:</u>	Recreational or Entertainment.	
	1. Dining rooms, restaurants, taverns, night clubs, etc.	One for every three persons of capacity
	2. Bowling alleys	Four for each alley or lane, one space for every three persons of capacity and one for every three employees
	3. Dance floors, skating rinks	One for every 100 sq. ft. of floor area used for the activity and one for every three employees
	4. Outdoor swimming pools, public or community club	One for every 10 persons capacity plus one for every four seats and one for every three persons of capacity in the snack bar, lounge, restaurant or similar activity One for every four seats
	5. Auditoriums, sport arenas, theaters, and similar uses	

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| 6. | Retail stores | One for every 150 sq. ft. of floor area |
| 7. | Banks, financial institutions and similar | One for every 250 sq. ft. of floor area plus one for each employee |
| 8. | Offices, public or professional administration, or service buildings | One for every 400 sq. ft. of floor area |
| 9. | All other types of business or commercial uses permitted in any business district | One for every 300 sq. ft. of floor area |

SECTION 1134: Institutional.

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| 1. | Churches and other places of religious assembly | One for every four seats |
| 2. | Hospitals | One for every two beds |
| 3. | Sanitariums, elderly households, nursing homes, children homes, asylums, and similar uses | One for every two beds |
| 4. | Medical and dental clinics | One for every 100 sq. ft. floor area of examination, treating room, office and waiting room |
| 5. | Libraries, museums and art galleries | Ten plus one for every 300 sq. ft. of floor area over 2000 sq. ft. |

SECTION 1135: Schools (Public, Parochial, or Private)

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| 1. | Elementary and junior high schools | Four for every classroom and one for every four seats in auditoriums or assembly halls |
| 2. | High schools | One for every ten students and one for every teacher and employee One for every two students |
| 3. | Business, technical, and trade schools | One for every four students |
| 4. | Colleges and universities | Two for every classroom but not fewer than six for the building |
| 5. | Kindergartens, child care centers, nursery schools, and similar uses | |

SECTION 1136: Manufacturing.

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|----|---|--|
| 1. | 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) plus one for every motor vehicle used in the business One for every two employees (on the largest shift for which the building is designed) and one for each motor vehicle maintained on the premises |
| 2. | Cartage, express, parcel delivery and freight terminals | |

SECTION 1140: General Interpretations.

In the interpretation of this Article, the following rules shall govern:

1. Parking spaces for other permitted or conditional uses not listed in this Article shall be determined by the Board upon an appeal from a decision of the Zoning Inspector;
2. Fractional numbers shall be increased to the next whole number;
3. Where there is an adequate public transit system or where for any other reason parking demand is unusually low, then the parking space provisions cited above may be reduced proportionately by the Board upon an appeal from a decision by the Zoning Inspector.

ARTICLE TWELVE

SIGNS

SECTION 1200: Intent.

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 advertising 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.

SECTION 1201: 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.

SECTION 1202: 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 diode of constant intensity, and no sign shall be illuminated by or contain 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 therefrom 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;
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 electric 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 marflirmipding those projecting from the face of any
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;
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 (20) percent of the window surface;
9. No sign erected 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 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 sign 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 secured in such a manner as to prevent significant movement due to wind;
14. No advertising shall be attached to or supported by a tree, utility pole, trash receptacle, bench, vending machine, or public shelter;
15. No sign shall contain words, images, or graphic illustrations of an obscene or indecent nature;
16. No sign shall be attached in such a manner that it may interfere with any required ventilation openings;
17. No sign shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease, or for such purpose as the notification of present danger or the prohibition of trespassing;
18. No sign shall be located nearer than eight (8) feet vertically or four (4) feet horizontally from any overhead electrical wires, conductors, or guide wires;
19. 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.

SECTION 1203: Measurement of Sign Area.

The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

SECTION 1205: 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;
3. The repainting, changing of parts and preventive maintenance of signs shall not be deemed alterations requiring a sign permit.

SECTION 1210: Signs Permitted in All Districts Not Requiring A Permit.

1. Signs advertising the sale, lease, or rental of the premises upon which the sign is located shall not exceed **twelve (12) square feet** in area, except in all residential districts where the area of the sign shall not be more than **six (6) square feet**;
2. Professional name plates may not exceed **four (4) square feet** in area;
3. Signs denoting the name and address of the occupants of the premises, may not exceed **two (2) square feet** in area.

SECTION 1211: Signs Permitted in Any District Requiring Permit.

1. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies shall not exceed **fifteen (15) square feet** in area and shall be located on the premises of such institution;
2. Any sign advertising a commercial enterprise, including real estate developers or subdividers, 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.

SECTION 1212: Signs Permitted in Commercial and Manufacturing Districts Requiring a Permit.

The regulations set forth in this section shall apply to signs in all commercial and manufacturing districts and such signs shall require a permit.

1. In a commercial or manufacturing district, each business shall be permitted one flat or wall on-premises sign. Projection of wall signs shall not exceed two feet measured from the face of the main building. The area of all permanent on-premises signs for any single business enterprise may have an area equivalent to **one and one half (1.5) square feet** of sign area for each lineal foot of building width, or part of a building, occupied by such enterprise but shall not exceed a maximum area of **one hundred (100) square feet**.
2. In a commercial or manufacturing district, two off-premises signs with a total area not exceeding **six (600) square feet** may be permitted at a single location. No single off-

premises sign shall exceed **one thousand two hundred (1200) square feet**, nor shall off-premises signs visible to approaching traffic have a minimum spacing of less than **two hundred (200) feet**. Off-premises signs shall conform to all applicable yard and height regulations for the appropriate zoning district, except that such signs intended to be viewed from an elevated highway shall be not more than **twenty (20) feet** above the level of the roadway at its nearest point. Off-premises wall signs shall have all structural and supporting members concealed from view.

SECTION 1220: Temporary Signs.

Temporary signs not exceeding **fifty (50) square** feet in area, announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected for a period of **sixty (60) days** plus the construction period. Such temporary signs shall conform to the general requirements listed in **Section 1202**, the setback requirements listed in **Sections 1240-1243**, and other such standards deemed necessary to accomplish the intent of this Article as stated in **Section 1200**.

SECTION 1221: Free Standing Signs.

Free-standing on-premises signs not over **thirty (30) feet** in height, having a maximum total area of **one hundred (100) square** feet per display area and located not closer than **ten (10) feet** to any street right-of-way line and not closer than **thirty (30) feet** to any adjoining lot line may be erected to serve a group of business establishments. There shall be only one free-standing sign for each building, regardless of the number of businesses conducted in said building.

SECTION 1222: Wall Signs Pertaining to Non-conforming Uses.

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

SECTION 1230: Political Signs.

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political signs shall be posted in a public right-of-way; nor shall any such sign be posted on utility pole. No political sign shall be posted more than **sixty (60) days** before an election. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two weeks following the election day.

SECTION 1240: Sign Setback Requirements.

Except as modified in **Sections 1241-1244**, 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.

SECTION 1241: Increased Setback.

For every square foot by which any on-premises sign exceeds **fifty (50) square feet**, the setback shall be increased by **six (6) inches** but not to exceed **one hundred (100) feet**.

SECTION 1242: Setbacks for Off-Premises Signs.

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

SECTION 1243: 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.

SECTION 1244: 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.

SECTION 1250: Limitation.

For the purposes of this Resolution, outdoor advertising off-premises signs shall be classified as a business use and be permitted in all districts zoned for manufacturing or business or lands used for agricultural purposes. 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.

SECTION 1260: 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 in case of 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 **(90) consecutive days**; or if it is structurally damaged to an extent greater than one-half of its estimated replacement value. Similarly, any legal non-conforming advertising structure so damaged must be brought into compliance or be removed. Such maintenance as specified under **Section 1205** will not result in the loss of legal non-conforming status.

SECTION 1262: 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 **Section 350** of this Resolution. Political signs posted in violation of **Section 1230** of this Resolution are subject to removal by the Zoning Inspector **five (5) days** after written notice of violation of **Section 1230** has been given.

ARTICLE THIRTEEN
PLANNED UNIT DEVELOPMENT

SECTION 1300: Objectives for Planned Unit Developments.

It shall be the policy of the Township of Defiance to promote progressive development of land and construction thereon by encouraging planned unit development to achieve:

1. A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements;
2. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services;
3. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns;
4. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets;
5. A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the comprehensive plan.

The Township is also prepared to accept a greater population density in undeveloped areas than that reflected by present zoning provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

SECTION 1301: Provisions Governing Planned Unit Development.

Because of the special characteristics of planned unit developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this Article and those of the other articles of this Resolution, the provisions of this Article shall prevail. Subjects not covered by this Article shall be governed by the respective provisions found elsewhere in this Resolution.

SECTION 1302: Application and Procedure.

Upon approval by the Zoning Commission and the Board of Township Trustees, a planned unit development district may be applied to any existing residential district. Upon approval of a final development plan, the Official Zoning Map shall be annotated for the land area involved so that the district name includes the notation "PUD". Planned unit development districts shall be approved by the Zoning Commission and the Board of Township Trustees in the manner provided in **Section 1350-1364** of this Article.

SECTION 1310: Uses Permitted.

Compatible residential, commercial, industrial, public, and quasipublic uses may be combined in PUD districts provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare of such

property. Lot area and other yard requirements of the residential districts established in **Article Eight** shall apply except as modified in **Sections 1325 and 1327**.

The amount of land devoted to commercial and/or industrial uses in a residential-commercial-industrial or residential-commercial development shall be determined by the Zoning Commission and approved by the Board of Township Trustees.

SECTION 1320: Minimum Project Area.

The gross area of a tract of land to be developed in a planned unit development district shall be a minimum of **twenty (20) acres**, provided, however, that smaller parcels may be considered on the basis of their potential to satisfy the objectives of this Article as stated in **Section 1300**.

When the planned unit development proposes a mixture of residential uses with commercial and/or industrial uses, the Zoning Commission may limit the development of not more than **eight (8) percent** of the tract to commercial uses and not more than **twelve (12) percent** of the tract to industrial uses.

SECTION 1321: Project Ownership.

The project land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation.

SECTION 1322: Common Open Space.

A minimum of **twenty (20) percent** of the developed land in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be disposed of as required in **Section 1323** of this Resolution.

SECTION 1323: Disposition of Open Space.

The required amount of common open space land reserved under a planned unit development project shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the Township and retained as common open space for parks, recreation, and related uses. All land dedicated to the Township must meet the Zoning Commission's requirements as to size, shape, and location. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication to the Township unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Zoning Commission.

The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

SECTION 1324: Utility Requirements.

Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened are exempt from this requirement if the Zoning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

SECTION 1325: Minimum Lot Sizes.

1. Lot area per dwelling unit may be reduced by not more than **forty (40) percent** of the minimum lot area required in the **Official Schedule of District Regulations**. A planned unit development need not conform to the density requirements of **Article Eight**. A diversification of lot sizes is encouraged.
2. Lot widths may be varied to allow for a variety of structural designs. It is also recommended that setbacks be varied.

SECTION 1326: Lots to Abut Upon Open Space.

Every property developed under the planned unit development approach should be designed to abut upon common open space or similar areas. A clustering of dwellings is encouraged. In areas where townhouses are used, there shall be no more than **eight (8)** townhouses in any contiguous group.

SECTION 1327: Height Requirements.

For each **foot** of building height over the maximum height regulations specified in the Official Schedule of District Regulations, the distance between such buildings and the side and rear property lines of the planned unit development project area shall be increased by a **one (1) foot** addition to the side and rear yard required in the districts.

SECTION 1328: Parking.

Off-street parking, loading, and service areas shall be provided in accordance with **Article XI** of this Resolution. However, off-street parking and loading areas shall not be permitted within **fifteen (15) feet** of any residential use.

SECTION 1329: Perimeter Yards.

Notwithstanding the provisions of this Article, every lot abutting the perimeter of the planned unit development district shall maintain all yard requirements specified in the Official Schedule of District Regulations for the applicable conventional zoning district.

SECTION 1340: Arrangement of Commercial Uses.

When planned unit development districts include commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential area.

The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding non-commercial areas.

All other areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Zoning Commission.

SECTION 1341: **Arrangement of Industrial Uses.**

Planned unit development districts may include industrial uses if it can be shown that the development results in a more efficient and desirable use of land.

Industrial uses and parcels of land shall be developed in park-like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas or docks, and/or outdoor storage of raw materials or products. In order to economize in the provision of such utility services as are required, a planned industrial area shall be constructed in such a manner as to provide for the harmony and compact grouping of buildings. Thoroughfares shall be kept to a minimum throughout a planned industrial area in order to reduce through traffic.

Project side yards of **forty (40) feet** and a rear yard of **fifty (50) feet** shall be required if the project is located adjacent to any residential uses. All intervening spaces between the right-of-way line and project building line and intervening spaces between buildings, drives, parking areas, and improved areas shall be landscaped with trees and plantings and properly maintained at all times.

SECTION 1345: **Procedure for Approval of PUD District.**

Planned unit development districts shall be approved in accordance with the procedure in Sections 1350-1364.

SECTION 1350: **Pre-Application Meeting.**

The developer shall meet with the Zoning Inspector and the Zoning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Resolution and the criteria and standards contained herein, and to familiarize the developer with the comprehensive development plan, and the Major Thoroughfare Plan, the parks and public open space plan, the subdivision regulations, and the drainage, sewer, and water systems of the Township.

SECTION 1351: **Public Notice of Pre-Application Meeting.**

The Pre-application meeting shall have public notice placed at least ten days before the date of the meeting. The notice shall set forth the time and place of the meeting, and the nature of the proposed development.

SECTION 1352: **Contents of Application for Approval of Preliminary Development Plan.**

An application for preliminary planned unit development shall be filed with the Chairman of the Zoning Commission by at least one owner or lessee of property for which the planned unit development is proposed. At a minimum, the application shall contain the following:

1. Name, address, and phone number of the applicant;
2. Name, address, and phone number of registered surveyor, registered engineer and/or urban planner assisting in the preparation of the preliminary development plan;
3. Legal description of property;
4. Description of existing use;

5. Description of proposed use;
6. Zoning district (s);
7. Location and design of access drives; statement from County Engineer concerning type and size of drainage pipes;
8. A vicinity map at a scale approved by the Zoning Commission, showing property lines, streets, existing and proposed zoning, and other such items as the Zoning Commission may require to show the relationship of the planned unit development to the comprehensive plan and to existing schools and other community facilities and services;
9. A preliminary development plan at a scale approved by the Zoning Commission showing topography at two (2) foot intervals; location and type of residential, commercial, and industrial land uses; layout, dimensions, and names of existing and proposed streets, right-of-ways, utility easements, parks, and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone, and natural gas; and other such characteristics as the Zoning Commission deems necessary;
10. Proposed schedule for the development of the site;
11. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within five (5) years;
12. A list containing the names and mailing addresses of all owners of property within five-hundred (500) feet of the property in question;
13. Verification by at least one owner of property that all information in the application is true and correct to the best of his knowledge;
14. A fee (if any) as established by Resolution.

The application for preliminary planned unit development shall be accompanied by a written statement by the developer setting forth the reasons why, in his opinion, the planned unit development would be in the public interest and would be consistent with the Township's statement for planned unit developments in Section 1300 of this Resolution.

SECTION 1353: Public Hearing by Zoning Commission.

Within **thirty (30) days** after the receipt of the preliminary development plan, the Zoning Commission shall hold a public hearing.

SECTION 1354: Notice of Public Hearing by Zoning Commission in Newspaper.

Before holding the public hearing required in **Section 1353**, written notice of such hearing shall be sent by the Chairman of the Zoning Commission by first class mail at least **fifteen (15) days** before the date of said hearing. The notice shall set forth the time and place of the public hearing, a general description of the planned unit development, and a statement that, after the public hearing and submission of a final development plan, the matter will be referred to the Township Trustees.

SECTION 1355: Notice to Property Owners By Zoning Commission.

Before holding the public hearing required in **Section 1353**, written notice of such hearing shall be sent by the Chairman of the Zoning Commission by first class mail at least **twenty (20) days** before the date of said hearing to all owners of property within **five-hundred (500) feet** of the area proposed to be included within the planned unit development district. The notice shall contain the same information as required of notices published in the newspaper according to **Section 1354**.

SECTION 1356: Approval in Principle by the Zoning Commission.

Within **sixty (60) days** after the public hearing required by **Section 1353**, the Zoning Commission shall review the preliminary development plan to determine if it is consistent with the intent and purpose of this Resolution, whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations. The Commission's approval in principle of the preliminary development plan shall be necessary before an applicant may submit a final development plan. Approval in principle shall not be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility.

SECTION 1357: Submission of Final Development Plan.

After approval in principle of the preliminary development plan, the developer shall submit a final development plan to the Zoning Commission. The final development plan shall be in general conformance with the preliminary development plan approved in principle. **Five (5)** copies of the final development plan shall be submitted and may be endorsed by a qualified professional team which should include an urban planner, licensed architect, registered land surveyor, registered civil engineer, and registered landscape architect.

SECTION 1358: Contents of Application for Approval of Final Development Plan.

An application for approval of the final development plan shall be filed with the Chairman of the Zoning Commission by at least one (1) owner or lessee of property for which the planned unit development is proposed. Each applicant shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within the **two (2) years** from the date of issuance of the approval. At a minimum, the application shall contain the following information:

1. A survey of the proposed development site, showing the dimensions and bearings of the property lines; area in acres; topography; and existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses;
2. All the information required on the preliminary development plan; the location and sizes of lots; location and proposed density of dwelling units; non-residential building intensity; and land uses considered suitable for adjacent properties;
3. A schedule for the development of units to be constructed in progression, and a description of the design principles for buildings and streetscapes; a tabulation of the

number of acres in the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated non-residential population by type of housing; estimated non-residential population; anticipated construction timing for each unit; and standards for height, open space, building density, parking areas, population density, and public improvements, whenever the applicant proposes any exception from standard zoning districts requirements or other Resolutions governing development;

4. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements; and the nature and extent of earth work required for the site preparation and development;
5. Site plan, showing building (s), various functional use area, circulation, and their relationship;
6. Preliminary building plans;
7. Landscaping plans;
8. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained;
9. A fee (if any) as established by Resolution.

SECTION 1359: Public Hearing by Zoning Commission.

Within **thirty (30) days** after submission of the final development plan, the Zoning Commission shall hold a public hearing.

SECTION 1360: Recommendation by Zoning Commission.

Within **sixty (60) days** after receipt of the final development plan, the Zoning Commission shall recommend to the Board of Township trustees that the final development plan be approved as presented, approved with supplementary conditions, or disapproved. The Zoning Commission shall then transmit all papers constituting the record and the recommendations to the Board of Township Trustees.

SECTION 1361: Criteria for Recommendations by Zoning Commission.

Before making its recommendation as required in **Section 1359**, the Zoning Commission shall find that the facts submitted with the application and presented at the public hearing establish that:

1. The proposed development can be initiated within **two (2) years** of the date of approval;
2. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under standard district regulations;

3. The streets proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development;
4. Any proposed commercial development can be justified at the locations proposed;
5. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accord with the planned unit development and the adopted policy of the Zoning Commission and the Board of Township Trustees.
6. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
7. The planned unit development is in general conformance with the comprehensive plan of the Township;
8. The existing and proposed utility services are adequate for the population densities and non-residential uses proposed.

The Zoning Commission may seek assistance in making its recommendation from the regional Planning Commission or any other appropriate source.

SECTION 1362: Public Hearing by Township Trustees.

After receiving the recommendation from the Zoning Commission, the Board of Township Trustees shall hold a public hearing on the PUD final development plan within a reasonable time.

SECTION 1363: Notice of Public Hearing by Township Trustees.

Before holding its public hearing, notice of such hearing shall be given by at least one publication in one or more newspapers of general circulation at least **thirty (30) days** before the hearing. The notice shall set forth the time and place of the public hearing, the nature and a general description of the planned unit development, and a statement that all papers relating to the planned unit development are on file with the Clerk and open for public inspection.

SECTION 1364: Public Access to Proposed PUD Documents.

For a period of at least **twenty (20) days** prior to the public hearing by the Commission, all papers relating to the planned unit development shall be available for public inspection in the office of the Zoning Inspector.

SECTION 1365: Action by Board of Township Trustees.

After the public hearing, the Board of Township trustees shall by Resolution either approve, approve with supplementary conditions, or disapprove the application as presented. If the application is either approved or approved with supplementary conditions, the Board of Township Trustees shall direct the Zoning Inspector to issue zoning permits only in accordance with the approved final development plan and the attached supplementary conditions thereto.

SECTION 1366: Supplementary Conditions and Safeguards.

In approving any planned unit development district, the Board of Township trustees may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions or safeguards, when made a part of the terms under which the final development plan is approved, shall be deemed a violation of this Resolution and punishable under **Section 350** of this Resolution.

SECTION 1367: Expiration and Extension of Approval Period.

The approval of a final development plan for a planned unit development district shall be for a period not to exceed **five (5) years** to allow for preparation and recording of the required subdivision plan and the development of the project. If no construction has begun within **two (2) years** after approval is first granted, the approved final development plan shall be void and the land shall revert to the district regulations in which it is located. An extension of the time limit or modification of the approved final development plan may be approved if the Zoning Commission finds that such extension or modification is not in conflict with the public interest.

No zoning amendment passed during the time period granted for the approved final development plan shall in any way affect the terms under which approval of the planned unit development was granted.

ARTICLE FOURTEEN
MANUFACTURED HOME PARKS AND MOBILE HOMES

SECTION 1400: Intent.

It is the intent of this Article to regulate the location of, and to encourage, stabilize, and to protect the development of well-planned mobile homes located in or outside of manufactured home parks.

SECTION 1410: Approval Procedures.

Manufactured home parks shall be located only as a conditional use in an R-3 district and shall be developed according to the general standards and regulations stated in this Article.

SECTION 1420: General Standards for Manufactured Home Parks.

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

1. 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 nature of the same area;
2. Will not be hazardous or detrimental to existing or future neighboring uses;
3. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, and schools; or that the persons or agencies responsible for the establishment of the proposed park shall be able to provide adequately any such services;
4. Will be consistent with the intent and purpose of this Resolution and the comprehensive plan;
5. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads;
6. Will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance.

SECTION 1430: Manufactured Home Park Requirements.

Manufactured home parks shall meet the requirements of **Chapter HE-27** of the Ohio Sanitary Code adopted by the Public Health Council under the authority of Ohio Revised Code Section 3733.02.

SECTION 1440: Minimum Floor Area.

Individual mobile homes located within the manufactured home park shall have a minimum floor area of **six hundred (600) square feet**. Individual mobile homes located outside of such a park shall have a minimum floor area of **eleven hundred (1100) square feet**.

SECTION 1450: Regulations Concerning Permanent Mobile Homes.

The following requirements apply to permanent mobile homes:

1. The structure shall be installed upon and properly attached to a foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line;
2. All hitches, axles, wheels, and conveyance mechanisms shall be removed from the structure; the title shall then be surrendered to the County Auditor, said mobile home will then be considered a permanent fixture as part of the real estate;
3. The structure shall be so oriented on the site that its long axis is parallel with the street, and it shall have an entranceway facing the street, except where diagonal placement and the addition of a garage, carport, or other accessory structure may be permitted by subdivision regulation and yard requirement;
4. The site shall be suitably landscaped, with adequate screening devices as elsewhere required;
5. The sitting of the structure shall comply with all yard and setback requirements in effect for the district for which it is proposed;
6. The sitting of the structure shall comply with all parking requirements in effect for the district for which it is proposed;
7. The site shall be served by utilities in such manner as required by this Resolution.
8. See section 1036.

SECTION 1451: Temporary Mobile Homes.

(See Section 972)

APPENDIX A
SAMPLE FORMS AND APPLICATIONS

General Intent:

It is the intent of this Appendix to provide a sample body of forms and applications for use by township officials. Nothing in this appendix is intended to contradict or circumvent the contents of this Zoning Resolution. Where the contents of this Appendix and the other Articles of this Resolution conflict, the other Articles shall take precedence.

APPLICATION FOR ZONING PERMIT

Defiance Township – Defiance, Ohio

Application Number: _____

The undersigned applies for a zoning permit for the following use, said permit to be issued only on the basis of the information contained within this application. The applicant hereby certifies that all information and attachments to this application are true and correct. If there is not sufficient room to fully supply the following information, please attach additional pieces of paper.

1. Name of Owner: _____ Home Phone: _____
Business Phone: _____
Mailing Address: _____

2. Locational Description: Subdivision Name: _____
Section: _____ Township: _____ Range: _____
Block: _____ Lot Number: _____
(If not located in platted subdivision, attach a legal description)

3. Existing Use: _____

4. Proposed Use:
New Construction: _____ Business: _____
Remodeling: _____ Industry: _____
Accessory Building: _____ Sign: _____
Size (sq. feet): _____ Residence: _____
No. of Units: _____ Other (Explain): _____
(If proposed use is business or industry, enclose a detailed description of the nature of the
business or industry)

5. Current Zoning District: _____

6. Plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot, exact sizes and locations of existing buildings on the lot, and the location and dimensions of the proposed buildings or alterations, and the identification of the principal and accessory buildings.

7. Building Heights (in stories and feet):
Principal: _____ Accessory: _____

8. Number of off-street parking spaces or loading berths: _____

9. Locational map specifying location and design of access drives:
Size and type of drainage pipe: _____

10. Number of dwelling units: _____ Size (sq. feet): _____
Living Unit: _____ Garage: _____
Accessory Building (s): _____ Basement: _____

11. Attach application for sign, conditional, special, or temporary use permit (if applicable): _____

12: Such other documentation as may be deemed necessary by the Zoning Inspector to determine conformance with, and to provide for the enforcement of, this Resolution.

NOTE: This permit shall be void if work has not begun within one year or substantially completed within two and one-half years.

SIGNATURE: _____ **DATE:** _____

(For official use only)

Date Received: _____ **Fee Paid:** _____

Date of Action on Application: _____ **Approved:** _____

Denied: _____ **If denied, reason for denial:** _____

Zoning Inspector: _____

REVOCATION OF ZONING PERMIT

TO: _____

DATE: _____

You are hereby advised that for the reason that: _____

Zoning Permit Number _____ issued on _____ ,
20_____, is hereby revoked and declared to be null and void.

Further alteration or change in the use of any land or building must cease until a valid zoning permit has been obtained. Further alteration or change is punishable under **Section 350** of this Resolution. **Section 350** states: "Any person 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** or imprisoned for not more than **thirty days**, or both, 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".

Please contact this office so we may discuss this matter.

_____, Ohio

Zoning Administrator

APPLICATION FOR CERTIFICATE OF COMPLIANCE

Defiance Township, Defiance, Ohio

Before any building may be occupied or land utilized, it is necessary for the zoning inspector to certify that the construction is in accordance with the zoning Resolution and the previously approved Application for Zoning Permit. Before the completion of the foundation, mail this form to the zoning inspector. If the construction was completed in accordance with the approved zoning permit, he/she will approve the Certificate of Compliance and return it to you. A **Temporary Certificate of Compliance** may be issued for a period not to exceed **six (6) months**.

TO: _____
Zoning Inspector
_____. Ohio

The undersigned requests issuance of a **Certificate of Compliance** for the premises as described in **Zoning Permit Application Number** _____, issued on _____, 20____. To the best of our knowledge all construction has been in conformance with the approved zoning permit.

DATE: _____ **APPLICANT:** _____

(For Official Use Only)

Upon the basis of Zoning Permit Application Number _____ issued on _____, 20____ and made a part hereof by reference, the proposed change (is, is not) found to be in conformance with the Zoning Resolution and this Certificate is hereby (approved, denied) for the _____ District.

Date Application Received: _____ **Date of Action on Application:** _____

Date of Expiration if temporary Certificate: _____, 20 _____

If Denied, reason For Denial:

Zoning Inspector

NOTE: This form to be filed in triplicate.

STATEMENT OF ZONING VIOLATION

This Statement is voluntarily given to the Defiance Township Zoning Inspector this _____ day of _____, 20_____, with the understanding that he/she may initiate legal proceedings in a court of competent jurisdiction charging _____ with violating the Zoning Resolution.

In the event such legal proceedings are initiated, I will appear to testify in court to the facts stated in the following statement.

DATE: _____ **SIGNATURE:** _____

ADDRESS: _____

Prior to _____, 20_____ the property located at _____
_____ was being used for _____

On _____, 20_____, I noticed that the above described property was being used for _____

_____, and, in my opinion, this use is in violation of Section (s)

of the _____ Zoning Resolution.

Describe below the uses being made of the property; give exact date and time where possible.

NOTICE OF ZONING VIOLATION

TO: _____

DATE: _____

You are hereby advised that you are in violation of the Defiance Township Zoning Resolution.

The nature of this violation is as follows:

You are further informed that unless this violation is corrected or otherwise made to comply by

_____, 20_____, you will be subject to the penalty as provided by **Section 350** of the

Defiance Township Zoning Resolution.

Section 350 provides, in part, that: "Any person not 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** 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"

Please contact this office so that we may discuss this violation.

_____, Ohio

Zoning Inspector

APPLICATION FOR APPEALS

BOARD OF ZONING APPEALS

Defiance Township, Defiance, Ohio

Application Number: _____

Name of Applicant: _____

Mailing Address: _____

Phone Number: Home: _____

Business:

The undersigned request review of the decision made by the Zoning Inspector of **Application for Zoning Permit Number** _____, denied on _____, 20_____. It is the applicant's contention that the following error was made in the determination of the Zoning Inspector:

Applicant

Date

(For Official Use Only)

Date Filed: _____

Date of Notice to Parties in Interest: _____

Date of Notice in Paper: _____

Date of Public Hearing: _____

Fee Paid: \$ _____

Decision of Board of Zoning Appeals: Approved: _____ **Denied:** _____

If **Approved**, the following conditions and safeguards were prescribed:

- 1. _____
- 2. _____
- 3. _____
- 4. _____

If **Denied**, reason for denial:

DATE: _____

Board of Zoning Appeal Chairman

NOTE: One copy to be filed with the Zoning Inspector and two with the Board of Zoning Appeals.

APPLICATION FOR VARIANCE

BOARD OF ZONING APPEALS

Defiance Township, Defiance, Ohio

Application Number: _____

1. Name of Applicant: _____

Mailing Address: _____

Phone Number: Home: _____ Business: _____

2. Locational Description: Subdivision Name: _____

Section: _____ Township: _____ Range: _____

Other Designation: _____ Block: _____ Lot No.: _____

(If not in a platted subdivision, attach a legal description)

3. Nature of Variance: _____

In addition, plans in triplicate and drawn to scale must accompany this application showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural or topographic peculiarities of the lot in question.

4. Justification of Variance: In order for a variance to be granted, the applicant must prove to the Board of Zoning Appeals that the following items are true: (Please attach this information on separate sheets)

- a. special conditions exist peculiar to the land or building in question;
- b. that a literal interpretation of the Resolution would deprive the applicant of rights enjoyed by other property owners in same district;
- c. that the special conditions do not result from previous actions of the applicant; and

d. that the requested variance is the minimum variance that will allow a reasonable use of the land or buildings. I certify that the information contained in this application and its supplements is true and correct.

DATE: _____

APPLICANT

Application Number _____

APPLICATION FOR CONDITIONAL USE PERMIT
Board of Zoning Appeals
Defiance Township, Defiance, Ohio

The undersigned requests a conditional use permit for the use specified below. Should this application be approved, it is understood that it shall only authorize that particular use described in this application and any conditions or safeguards required by the Board. If this use is discontinued for a period of more than **two (2) years**, this permit shall automatically expire.

1. **Name of Applicant:** _____
Mailing Address: _____
Phone Number: Home: _____ Business: _____
2. **Locational Description:** Subdivision Name: _____
Section: _____ Township: _____ Range: _____
Block: _____ Lot Number: _____
(If not in a platted subdivision, attach a legal description)
3. **Existing Use:** _____
4. **Zoning District:** _____
5. **Description of Conditional Use:** _____

-
6. **Supporting Information:** Attach plan for the proposed use (in triplicate) showing the location of building, parking and loading areas, traffic access and circulation drives, open space, landscaping, utilities, signs, yards, and refuse and service areas. Also attach a narrative statement relative to the above requirements explaining the economic, noise, glare, and odor effects on adjoining property and the general compatibility with adjacent and other properties in the district.
 7. Such other information as may be required in Article 9 of this Zoning Resolution.
 8. **DATE:** _____ **Applicant** _____

For Official Use Only

- Date Filed:** _____
- Date of Notice to Parties in Interest:** _____
- Date of Notice to Newspapers:** _____
- Date of Public Hearing:** _____

APPLICATION FOR TEMPORARY USE PERMIT
Defiance Township, Defiance, Ohio

Application Number: _____

The undersigned applies for a temporary use permit for the use and the time period specified, such permit to be issued on the basis of the information contained within this application. The applicant hereby certifies that all information herein and attachments hereto are true and correct.

1. **Name of Owner:** _____

2. **Mailing Address:** _____

3. **Phone Number:** Home: _____ Business: _____

4. **Locational Description:** Attach a graphic description of the property on which the temporary use is proposed to occur, to include a site plan depicting the yard(s), setback(s), parking facilities, and sanitary facilities, and the location of the temporary use proposed.

5. **Existing Use:** _____

6. **Zoning District:** _____

7. **Description of Proposed Temporary Use:** _____

8. **Date(s) of Proposed Temporary Use:** _____

9. **Name of Applicant/Organization:** _____

Mailing Address: _____

Phone Number: Home: _____ Business: _____

Vendor's License Number: _____ (attach photocopy)

Signature: _____

Date: _____

For Official Use Only

Date Received: _____ **Fee Paid:** _____

Date of Action on Application: _____ **Approved:** _____ **Denied:** _____

If denied, reason for denial: _____

Zoning Inspector: _____

APPLICATION FOR ZONING AMENDMENT
Defiance Township, Defiance, Ohio

Application Number: _____

The undersigned, owner(s) of the following legal property hereby request the consideration of change in zoning district classification as specified below:

1. **Name of Applicant:** _____

Mailing Address: _____

Phone Number: Home: _____ Business: _____

2. **Locational Description:** Subdivision Name: _____

Section: _____ Township: _____ Range: _____

Block: _____ Lot Number: _____

(If not in a platted subdivision, attach a legal description)

3. **Existing Use:** _____

4. **Zoning District:** _____

5. **Proposed Use:** _____

6. **Proposed Zoning District:** _____

7. **Supporting Information:** Attach the following items to the application:

- a. A vicinity map showing property lines, streets, and existing and proposed zoning.
- b. A list of all property owners and their mailing addresses within, contiguous to, and directly across the street from the proposed rezoning.
- c. The proposed amendment to the zoning map or text in resolution form, approved as to form by the Legal Advisor to the Township.

Date: _____

Applicant

For Official Use Only

Date Filed: _____

Date of Notice in Newspaper: _____

Date of Notice to Adjacent Property Owner: _____

Fee Paid \$: _____

Decision of Board of Zoning Appeals: _____

If approved, the following conditions and safeguards were prescribed:

1. _____
2. _____
3. _____
4. _____
6. _____
5. _____

If denied, reason for denial: _____

Date: _____ **Zoning Board of Appeals, Chairman**

Note: One (1) one copy to be filed with the Zoning Inspector and (2) with the Board of Zoning Appeals

NOTICE OF PUBLIC HEARING TO NEWSPAPER

Defiance Township, Defiance, Ohio

The _____ will hold a public hearing on an application for a proposed _____
(Name of Body)

_____ on the _____ day of _____, 20 _____ at _____

A.M. (P.M.) at _____. The application, submitted by _____

_____ requests that _____
(applicant's name)

be granted for the property located at _____.

(The _____ Zoning Commission will, within 30 days after the hearing, refer to the
Board of Township Trustees a recommendation on the proposed amendment.)

(Name of Body)

(Chairman)

For Newspaper Only

Publish the above Notice on the following Dates:

and charge to _____

Date of Public Hearing: _____

Fee Paid \$: _____

Recommendation of Zoning Commission: Approved: _____ Denied: _____

Reason for Recommendation: _____

Zoning Commission

Date: _____

Chairman: _____

For Official Use Only
(Board of Township Trustees)

Date of Recommendation Received: _____

Date of Notice in Newspaper:

Date of Public Hearing: _____

Action of Board of Township Trustees: Approved: _____ Denied: _____

If denied, reason for denial:

Date: _____

Chairman

Note: Three copies of this form and supporting information must be filed with the Zoning Commission.

NOTICE OF HEARING TO PROPERTY OWNER

(Name of Body)

_____, **Ohio**

TO: _____

Date: _____

Dear _____ :

This is to inform you that the _____ will hold a public hearing on an
(name of body)

application for a(n) _____ on the _____ day
(type of application)

_____, 20__ at _____ A.M. (P.M.) at _____
(location)

This application, submitted by _____, requests that

be granted at the property located at _____

(Name of Body)

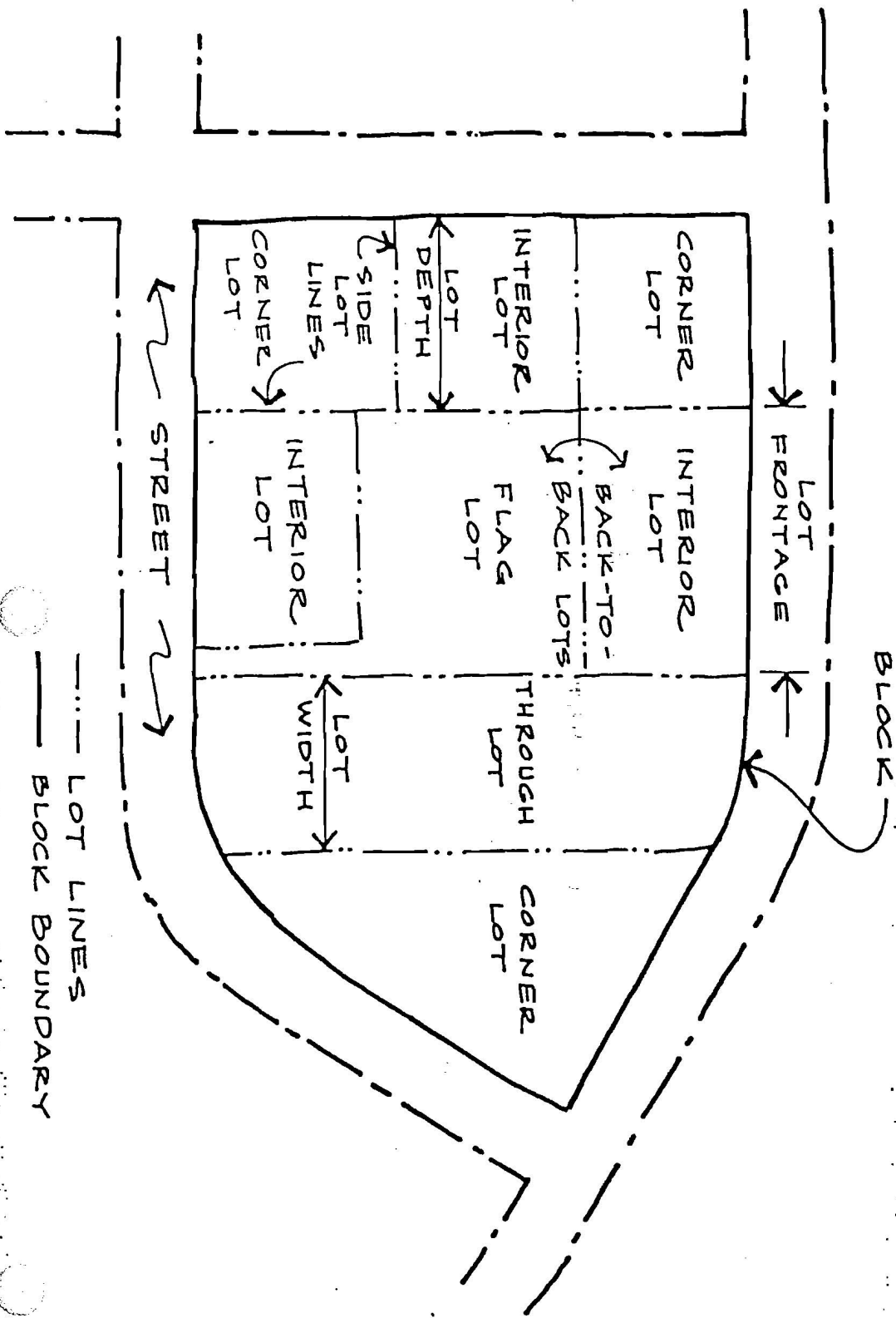
Chairman

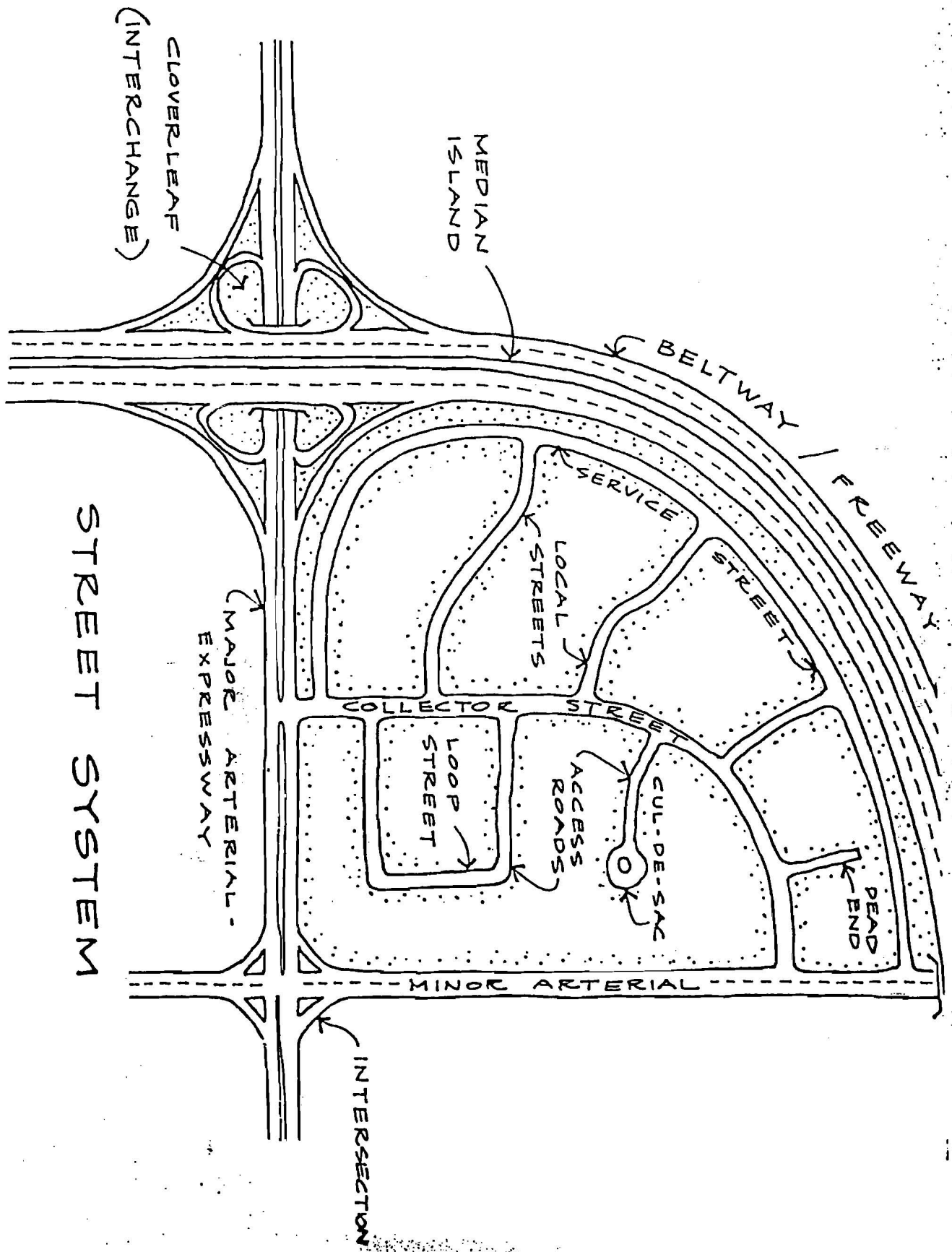
In the case of public hearings held by the _____ Zoning Commission on proposed amendments the Zoning Commission will refer to the Board of Township trustees a recommendation within 30 days of the hearing.

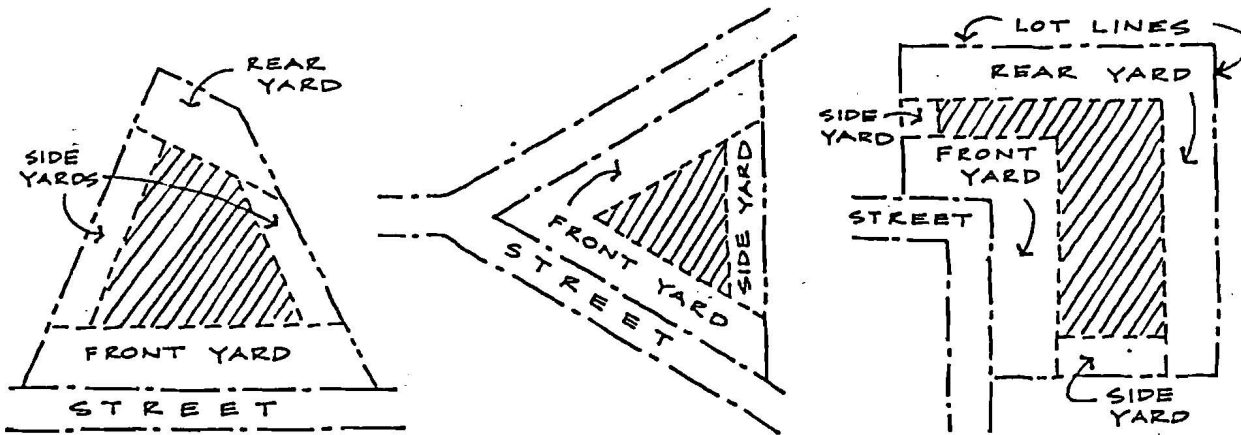
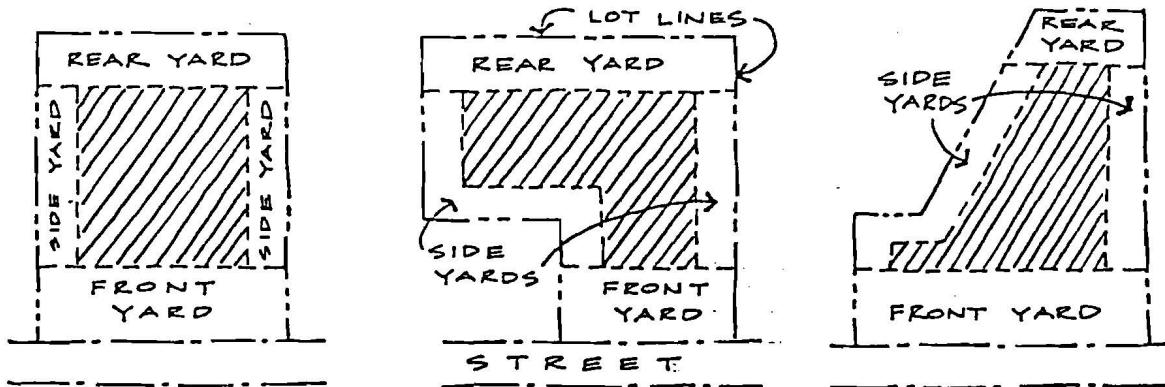
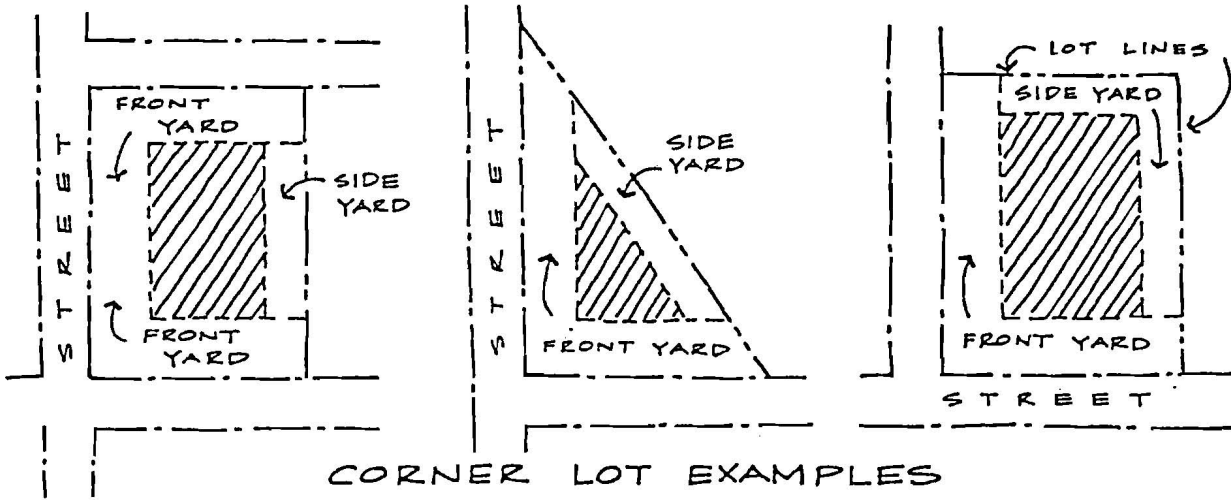
APPENDIX A
SAMPLE ILLUSTRATIONS

General Intent:

It is the intent of this Appendix to provide a sample body of illustrations to provide for increased clarity in the interpretation and enforcement of this Zoning Resolution. Nothing in this appendix is intended to contradict or circumvent the contents of this Zoning Resolution. Where the contents of this Appendix and the other Articles of this Resolution conflict, the other Articles shall take precedence.

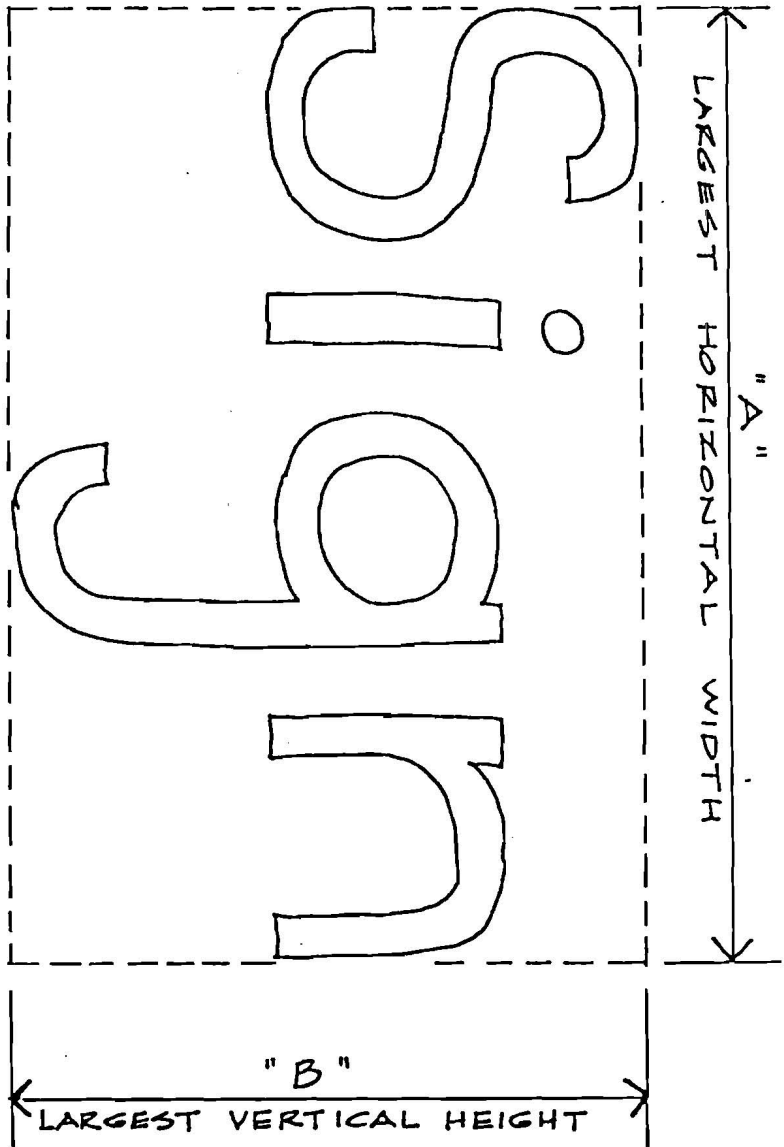






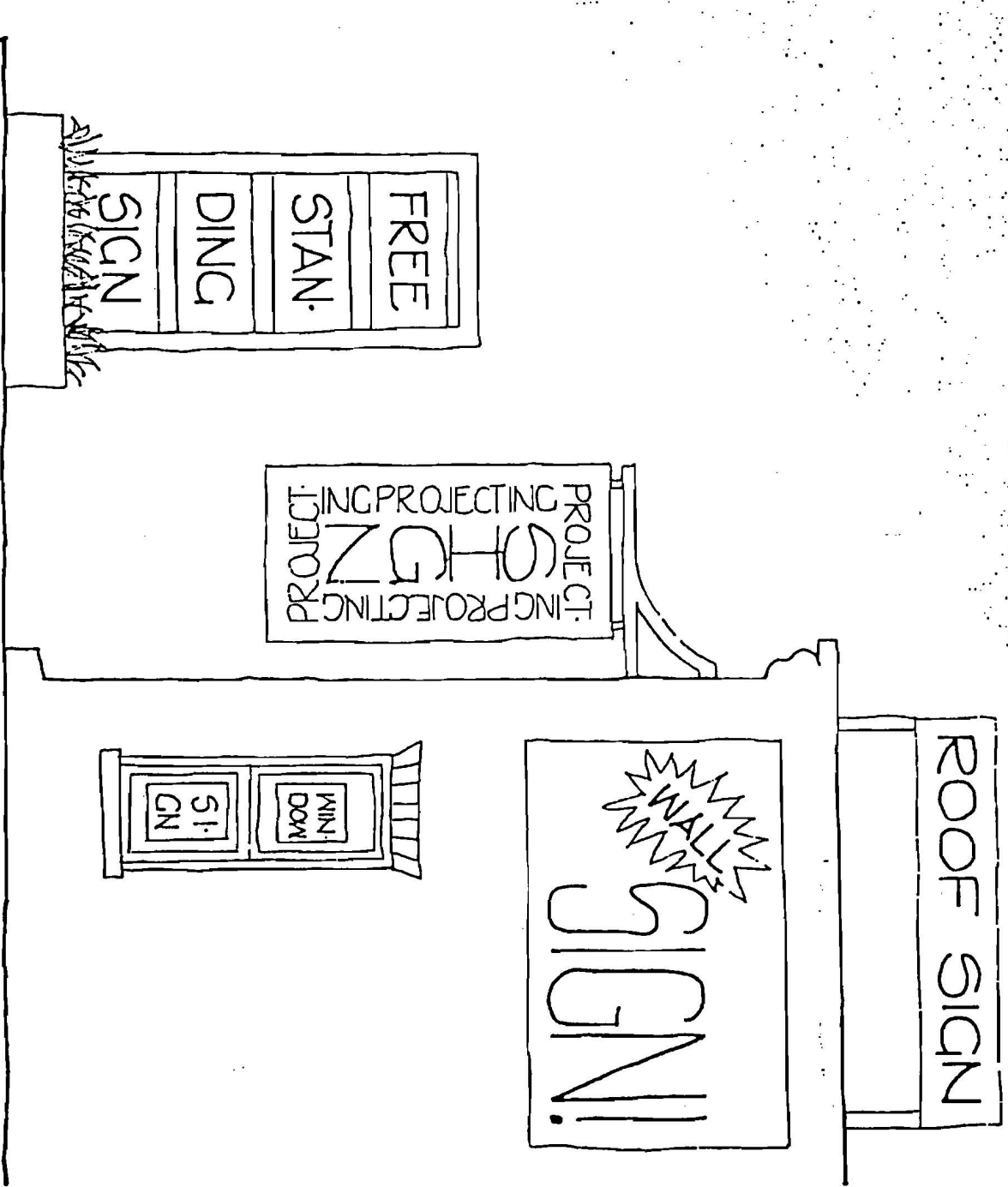
REQUIRED YARDS

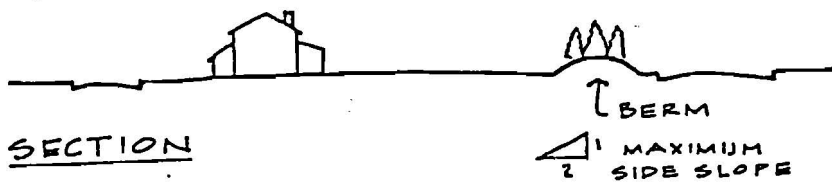
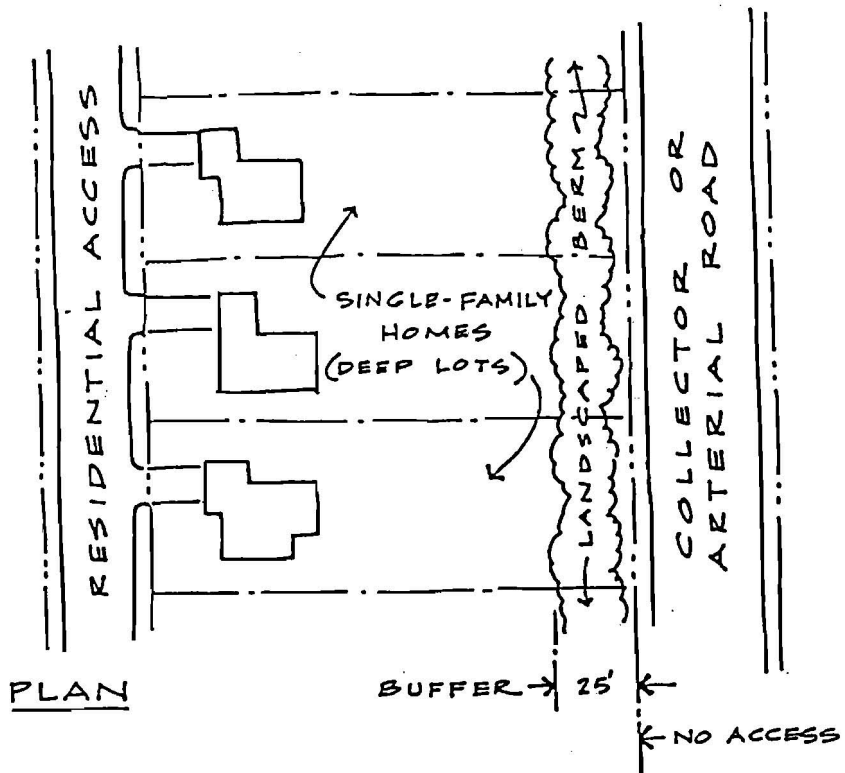
 BUILDING (ZONING) ENVELOPE
(TWO DIMENSIONAL)



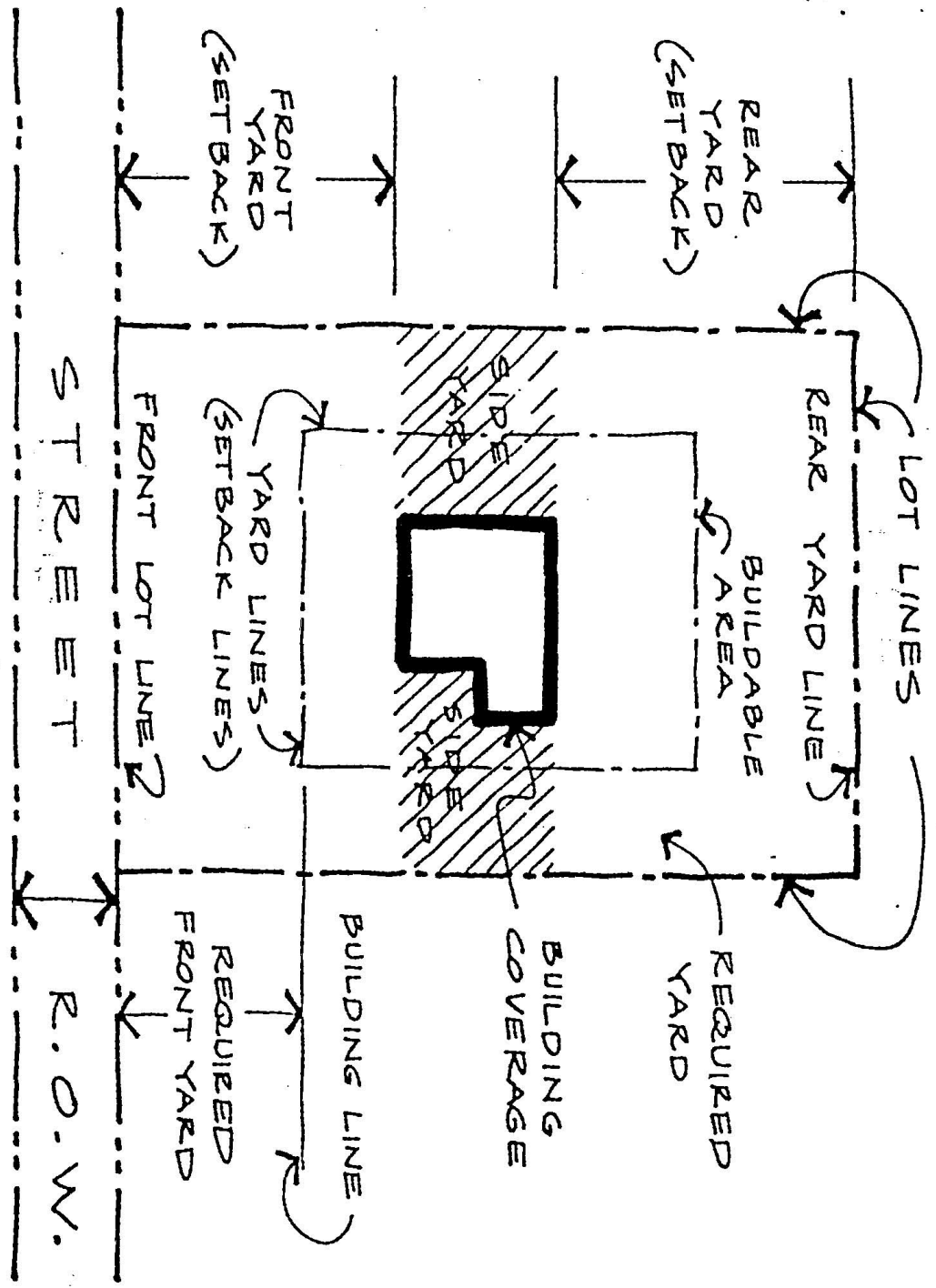
MEASUREMENT OF WALL SIGN AREA WHERE
THERE IS NO DEFINED SIGN BACKGROUND

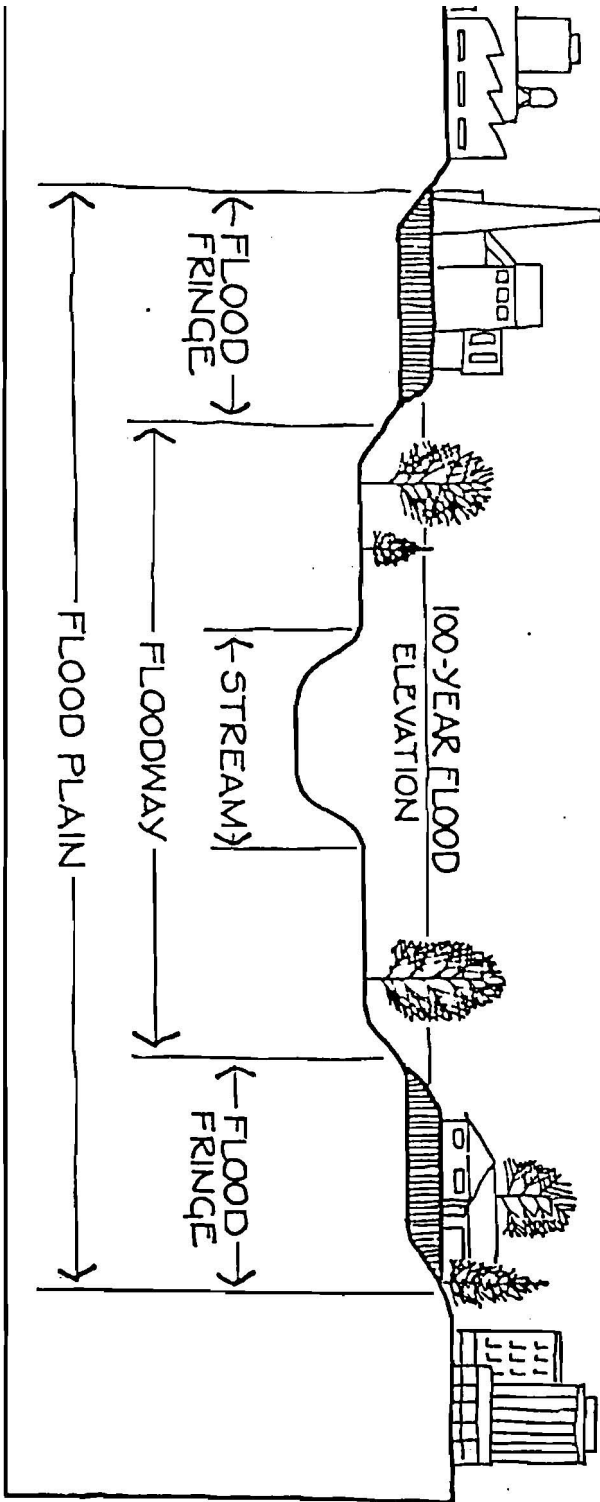
"A" x "B" = SIGN AREA

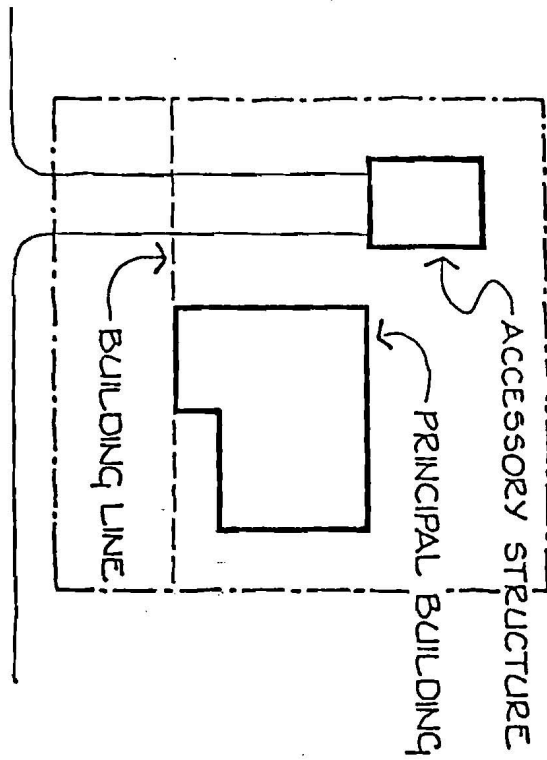


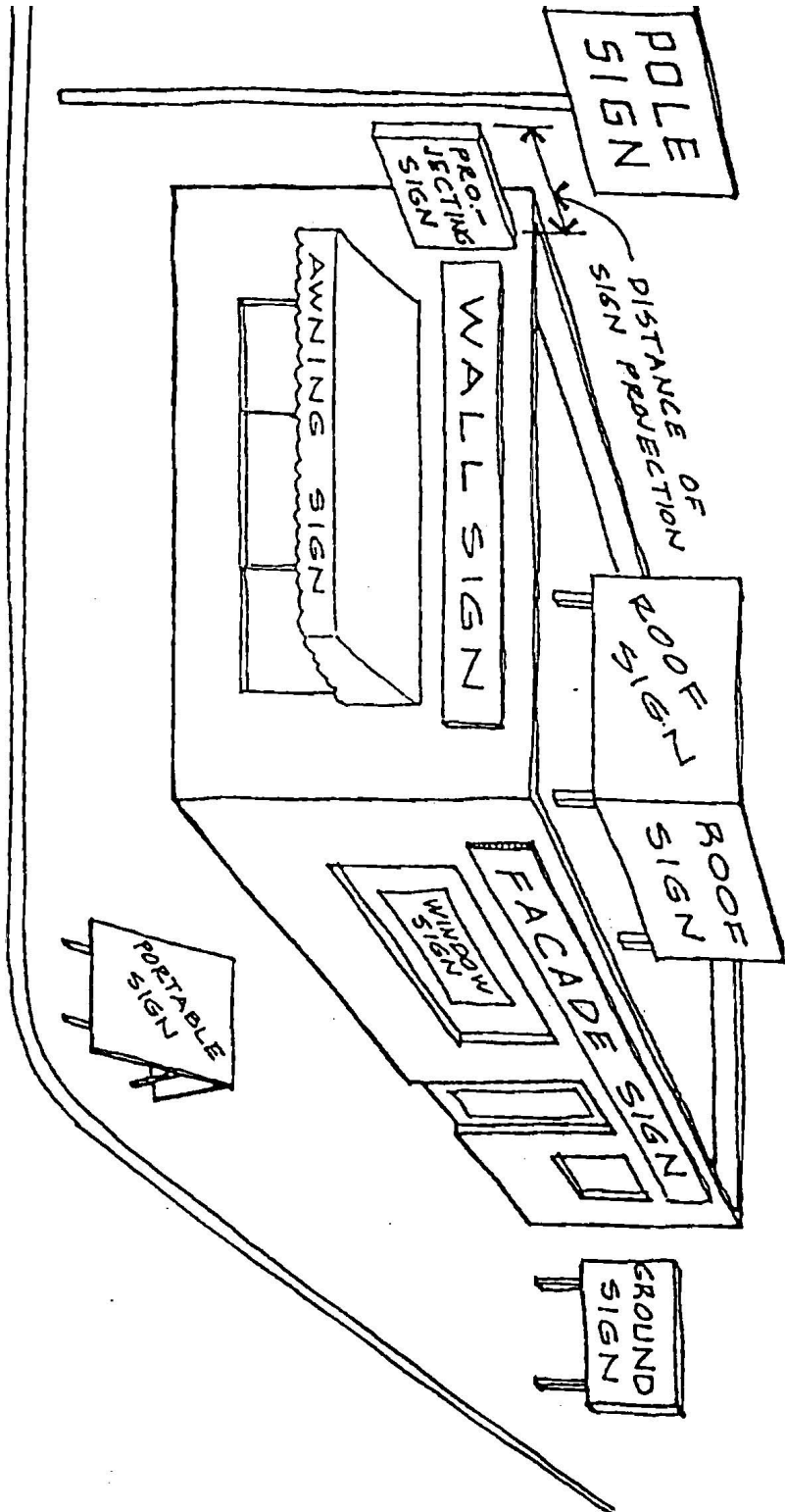


REVERSE FRONTAGE LOTS

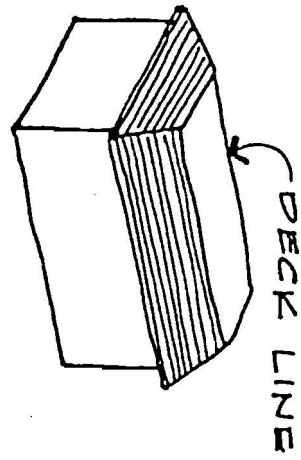




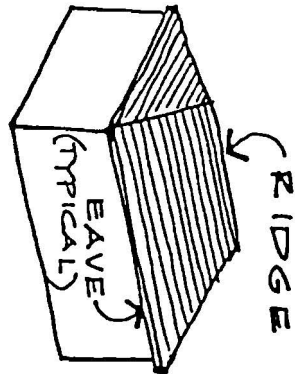




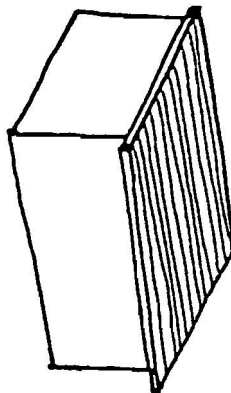
SIGN TYPES



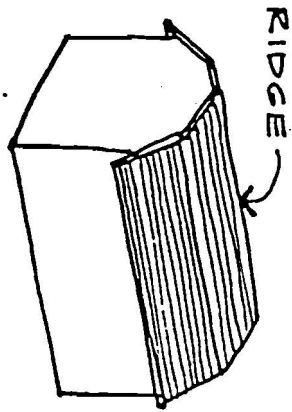
MANSARD



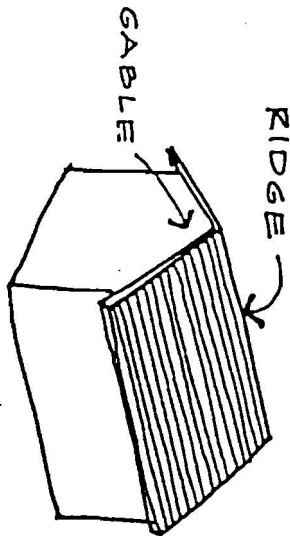
HIP



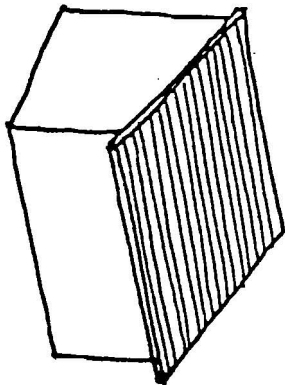
FLAT



GAMBREL



GABLE



SHED

ROOF TYPES

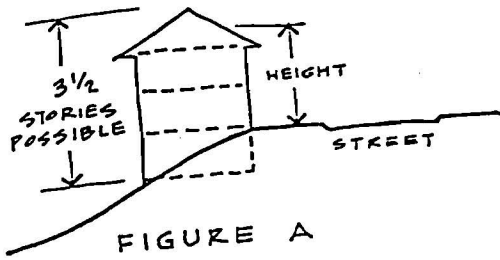


FIGURE A

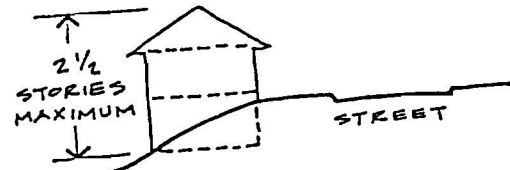
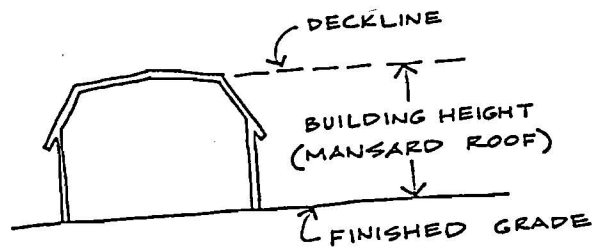
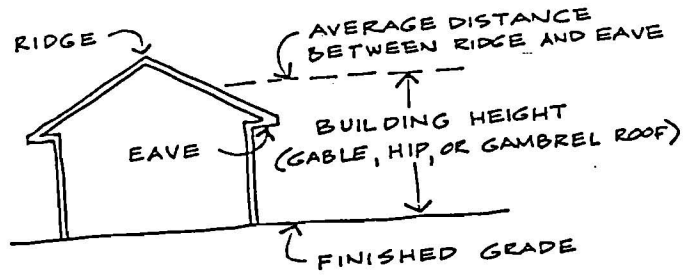
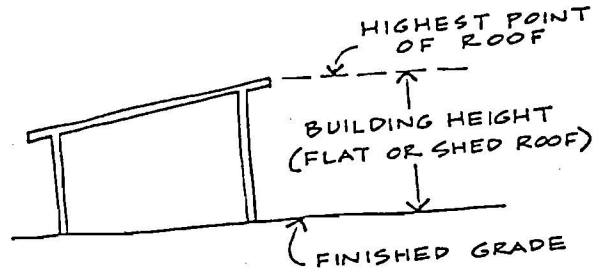


FIGURE B



BUILDING HEIGHT

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**Addendum to Township Zoning Resolution
First adopted in 1996 & again in 2005**

The following provisions amend or supplement the like numbered sections in the text of the township zoning resolution prepared by The Center for Governmental Research and Public Service at Bowling Green State University. Should any provision of this addendum conflict with a provision in such text, the addendum shall control.

-----**ARTICLE ONE, GENERAL PROVISIONS**

SECTION 120: Interpretation.

On page 3 the following shall be added at the end of the section:

Should any provision of this resolution conflict with any statute in the Ohio Revised Code as it may be amended from time to time, the statute shall control. Whenever the term "zoning ordinance" is used herein, it shall have the same meaning and effect as a township "zoning resolution" as defined in Chapter 519 of the Ohio Revised Code.

ARTICLE TWO, DEFINITIONS

Lot Measurements *on page 15 shall be supplemented with the following sentence:*

For the purpose of determining setback lines and yard dimensions, the lot line shall be measured from the edge of the right-of-way for any public or private roadway.

Recreation Camp *on page 17 shall be replaced with the following:*

Recreation Camp: An area of land on which two or more travel trailers, campers, tents or similar temporary recreational equipment or vehicles are regularly accommodated with or without charge, including any facility, fixture or equipment used by the owner to provide such accommodations. As used in this definition, "temporary recreational equipment or vehicle" means an item not permanently affixed so as to be readily removable from the campsite, and that shall not be used for habitation for more than seven (7) consecutive months. No permanent structure shall be constructed at an individual campsite without first obtaining a conditional use permit. In addition to the standard conditions for conditional uses, any such structure must also be consistent with the intent that the camp be for recreational

purposes, and shall not allow the campsite to be used for permanent habitation.

ARTICLE THREE, ENFORCEMENT

SECTION 301: Zoning Permits Required.

On page 23 the following shall be added to the end of the first section:

No formal zoning permit shall be needed for decks or fences, provided a plan or map showing that the proposed item meets the requirements of this resolution shall be given to the zoning inspector before construction commences.

ARTICLE FIVE, ADMINISTRATION

SECTION 521: Proceedings of the Zoning Commission (Board).

SECTION 531: Proceedings of the Board of Zoning Appeals.

On pages 36 and 37 the following shall be added to the end of the sections:

Notice of all public meetings shall be given in conformity with the rule adopted for giving notice of meetings. When a particular form or method of notice for a public hearing or meeting is required by this zoning resolution (such as in sections 567 and 635) or by statute, notice of the hearing or meeting shall be given in the form and manner prescribed in this zoning resolution or by statute, in addition to notice otherwise required under the rule adopted for giving notice.

SECTION 550: Board of Township Trustees.

On page 38 the following shall be substituted for subsection 4:

4. Override a written recommendation of the Zoning Commission on a text or map amendment, provided that in the event the board denies or modifies the recommendation of the township Zoning Commission the unanimous vote of the board shall be required.

SECTION 563: Variances.

On page 39 the following shall be added at the end of the section:

However, when a variance is sought solely for yard size or setback requirements, the standard to be applied for granting such an area variance shall be whether the strict application of such zoning provisions would result in practical difficulties.

ARTICLE SIX, AMENDMENT

SECTION 620: Submission to the County or Regional Planning Commission

The section shall be amended by substituting "County Planning Commission" for all references to "Regional Planning Commission."

On page 76 the following shall be added after

*section 660: **SECTION 661: Filing of amendments.***

Within five working days after an amendment's effective date, the board of township trustees shall file the text and maps of the amendment in the office of the county recorder and with the county planning commission.

ARTICLE EIGHT, ESTABLISHMENT AND PURPOSE OF

DISTRICTS SECTION 840: Agricultural District (A).

The following shall be added to the list of

Conditional Uses: Single Family Dwelling.

ARTICLE TEN, SUPPLEMENTAL DISTRICT

REGULATIONS SECTION 1003: Parking and storage of

certain vehicles.

The section shall be supplemented with the following:

Notwithstanding the provisions in Article Eleven that address vehicle parking in relation to the principle use of the premises, no person shall establish, operate or maintain on any premises as an accessory use a parking facility where any vehicles, to include tractors, trailers, boats, campers, recreational vehicles, buses, trucks, or automobiles, are to be parked for a continuous period exceeding six (6) days without obtaining a conditional use permit for such accessory use. In addition to

complying with all other provisions of this resolution, the applicant for the conditional use permit shall give evidence that the premises proposed for such use complies with the following conditions.

1. That the proposed parking area is not in or within fifty (50) feet of a residential district boundary.
2. That the proposed parking area will not prevent access to adjacent properties by fire safety equipment.
3. That the proposed parking area will be screened in such a manner that the vehicles thereon parked will not be visible from the ground level of any adjacent residential properties.
4. That fencing and lighting of the facility will be sufficient to provide for its reasonable security.
5. That no service work, maintenance work, repair work, painting work, or other vehicular work shall take place on the premises.

No vehicle, including trailers and recreational vehicles, shall be used for temporary or permanent habitation while parked or stored as an accessory use in any district, provided a conditional use permit may be issued for temporary use as habitation during an emergency.

SECTION 1018: Setbacks for Accessory Structures and Temporary

Buildings *On page 73 the following shall be substituted for section*

1018:

Accessory structures including accessory buildings not permanently affixed to the ground shall be set back from the lot line an adequate distance to allow access for maintenance such as mowing and painting. Accessory structures other than fences shall have a front yard setback line equal to that of the primary structure.

On page 76 the following shall be added following section 1040:

**SECTION 1040a: Supplemental Criteria for Single Family Dwellings as
Conditional Use in Agricultural Districts.**

Single family dwellings in agricultural districts that are not primarily and directly used for agriculture on the lot in question and, thus, subject to this zoning resolution, shall be permitted on condition such use: 1. is consistent with the goal of substantially preserving the agricultural character of those areas that consist mainly of large tracts of land used primarily for agricultural purposes; 2. will not

create excessive congestion considering the nature of the adjacent roads; and 3. will be adequately served by public utilities and services, taking into consideration the number of other non-agricultural uses in the immediate vicinity and provisions for sanitary waste disposal.

Once a conditional use permit has been issued for a single family dwelling in an agricultural district, the zoning inspector may issue zoning permits for modifications or additions to the structures or for accessory uses. Parcels zoned residential under the zoning resolution and map in effect at the time of the adoption of this section but which are now in an agricultural district shall be deemed to have a conditional use permit for such residential use.

SECTION 1041: The Power to Regulate Agriculture on Lots of Less than Five (5) Acres

On page 76 the following shall be substituted for section 1041:

Sections 1041-1046 apply to agricultural uses on lots that are not greater than five acres if said lot is located in a platted subdivision approved under section 711.05, 711.09 or 711.10 of the Revised Code, or in any area consisting of fifteen or more lots approved under section 711.313 of the Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road.

On page 76 the following shall be added after section 1041:

SECTION 1041a: Regulations for Dairying and Animal and Poultry Husbandry.

A Conditional Use Permit shall be required for dairying and animal and poultry husbandry in any district on lots greater than one acre but not greater than five acres when at least thirty-five per cent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under section 4503.06 of the Revised Code. After thirty-five per cent of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures under Article Four.

ARTICLE FOURTEEN, MANUFACTURED HOME PARKS AND MOBILE

HOMES SECTION 1440: Minimum Floor Area.

On page 103 the last sentence of the section shall be replaced with the following:

Individual manufactured housing units that retain wheels, axles, hitches or other conveyance mechanisms, and for which a zoning permit has been obtained for use outside a manufactured home park, shall have a minimum floor area of nine hundred and eighty (980) square feet. Any manufactured housing, including a mobile home or trailer, that contains no wheels, axles, hitches or other conveyance mechanisms, and which is permanently affixed to the land and classified as real estate for tax purposes, shall comply with all zoning requirements for site-built structures, including minimum square footage and yard dimensions.

SECTION 1450: Regulations Concerning Permanent Mobile Homes.

On page 104 the following shall be added at the beginning of the section:

A "Permanent Manufactured or Mobile Home" means a manufactured housing unit that has been permanently attached to the land, that contains no wheels, axles, hitches or other conveyance mechanisms, and that is not classified as manufactured housing for tax purposes but is carried on the tax roles by the Auditor as real estate.

Manufactured housing, including a mobile home or trailer, that retains wheels, axles, hitches or other conveyance mechanisms shall be permitted only in approved manufactured or mobile home parks, unless otherwise authorized in this resolution. Permanent manufactured housing that contains no such wheels, axles, hitches or other conveyance mechanisms, and which is permanently affixed to the real estate, shall comply with all zoning requirements for site-built structures, including minimum square footage and yard dimensions. A Permanent Manufactured or Mobile Home that is not located in a manufactured home park shall not be used for an accessory building.

ARTICLE ELEVEN, OFF-STREET PARKING AND LOADING

FACILITIES SECTION 1118: Junk Vehicles

The above section shall be replaced with the following:

In addition to the prohibition for residential districts in Section 1003, no junk motor vehicle shall be left uncovered in the open for more than seventy-two hours on private or public property within any zoning district, except that up to two (2) junk motor vehicles may be stored in the open so long as each is concealed by means of buildings, fences, vegetation, terrain, or other suitable screening so as to not be visible when viewed from a height of six feet when standing on any public road or highway or any adjoining property.