

CASS TOWNSHIP ZONING RESOLUTION

HANCOCK COUNTY, OHIO

TITLE

A Resolution enacted under Section 519 of the Ohio Revised Code, governing the unincorporated portions of Cass Township, Hancock County, Ohio, to regulate and restrict the location and use of buildings, structures, and lands for trade, industry, agriculture, residence, and for public and semipublic or other specified uses; and to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; and for said purposes to divide the Township into districts and establishing the boundaries thereof; providing for changes in the regulations, restrictions and boundaries of such districts; defining certain terms used herein; providing for enforcement; establishing a Board of Zoning Appeals; and imposing penalties for the violation of this Resolution.

PREAMBLE

Pursuant to the authority conferred by Section 519 of the Ohio Revised Code, and for the purpose of promoting, and protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of Cass Township, by protecting and conserving the character and social and economic stability of the agricultural, residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding of the land and undue congestion of population; providing adequate light, air and reasonable access; and facilitating adequate and economical provision of transportation, utilities, schools, recreation and other public requirements, and by other means, all in accordance with a comprehensive plan now therefore:

ENACTING CLAUSE

Cass Township Resolves:

ARTICLE I - SHORT TITLE

This Resolution shall be known and may be cited as the Cass Township, Ohio, Zoning Resolution

ARTICLE II - CONSTRUCTION OF LANGUAGE AND DEFINITIONS

Section 200. CONSTRUCTION OF LANGUAGE

The following rules of construction apply to the text of this Resolution:

- I. The particular shall control the general.

2. In case of any difference of meaning or implication between the text of this Resolution and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; the words used the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either....or", the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events shall apply.
 - c. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply.
9. Terms not defined shall have the meaning customarily assigned to them.

Section 20I. DEFINITIONS:

ACCESSORY USE, OR ACCESSORY: A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same lot as, the principal use to which it is related.

When "accessory" is used in this text, it shall have the same meaning as accessory use.

An Accessory use includes, but is not limited, the following:

1. Residential accommodations for servants and/or caretakers.
2. Swimming pools for the use of the occupants of a residence, or their guests.
3. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
4. In the Agricultural District, any family owned activity dealing with products, materials, or services normally produced or used by agricultural families.
5. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.

6. Storage of goods used in or produced by industrial uses related activities, unless such storage is excluded in applicable district regulations.
7. Accessory off-street parking spaces, open or enclosed.
8. Uses clearly incidental to a main use such as but not limited to: offices an industrial or commercial complex located on the site of the commercial or industrial complex.
9. Accessory off-street loading.
10. Accessory signs, subject to the sign regulations for the district in which the lot is located.

ALTERATIONS: Any change, addition, or modification in construction or type of occupancy, or in the structural member of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered", or "reconstructed".

AUTOMOBILE REPAIR: The general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

AUTOMOBILE SERVICE STATION: A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

BASEMENT: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

BUILDING: Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind. For the purposes of this Resolution, a mobile home shall be considered a building.

BUILDING HEIGHT: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; to the average height between eaves and ridge for gable, hip and gambrel roofs; and two-thirds of the vertical distance between eaves and the ridge for A-frame roofs.

BUILDING LINE: A line formed by the face of the building, and for the purposes of this Resolution, a minimum building line is the same as a front setback line.

CONVALESCENT OR NURSING HOME: A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and medical care.

COUNTY: Hancock County, Ohio

DISTRICT: A portion of the unincorporated area of Cass Township within which certain regulations and requirements, or various combinations thereof apply under the provisions of this Resolution.

DWELLING UNIT: A building, or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

DWELLING, ONE-FAMILY: A building designed exclusively for and occupied exclusively by one (1) family.

DWELLING, TWO-FAMILY: A building designed exclusively for occupancy by two (2) families living independently of each other.

DWELLING, MULTIPLE-FAMILY: A building, or a portion thereof, designed exclusively for occupancy by (3) or more families living independently of each other.

ENTRANCE RAMP: A roadway connecting a feeder road with a limited access highway and used for access from such feeder road onto such limited access highway.

ERECTED: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities or public departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals and hydrants in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or departments for the general health, safety or welfare.

EXCEPTION: A use permitted only after review of an application by the Board of Zoning Appeals, Zoning Commission, or Township Trustees, or a modification in the standards of this Resolution specifically permitted after review by the Board of Zoning Appeals, Zoning Commission or Township Trustees; such review being necessary because the provisions of this Resolution covering conditions precedent or subsequent are not precise enough to all applications without interpretation, and such review and exception is provided for by this Resolution. An exception is not a variance.

FAMILY: One or two persons or parents, with their direct lineal descendants and adopted or foster children (and including the domestic employees thereof), together with not more than three (3) persons not so related, living together in the whole or part of a dwelling, and comprising a single housekeeping unit.

FARM: The carrying on of any agricultural activity, or the raising of livestock or small animals as a source of income.

FLOOR AREA, RESIDENTIAL: For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls, or from the center-line of walls separating two dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.

FUTURE LAND USE PLAN: The Future Land Use Plan of Cass Township, Ohio, including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the Township, and including any unit or part of such Plan, and any amendment to such Plan or parts thereof.

GRADE: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the grade level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

HOME BUSINESS: Any occupational activity carried on exclusively by a member of an immediate family residing on the premises and conducted entirely on the premises. No commodity shall be sold on the premises nor mechanical equipment used, the external effects of which may adversely affect adjacent property. Home businesses shall be clearly incidental and secondary to the use of the premises for dwelling purposes, and shall not change the structural character thereof. Home businesses are permitted one, non-illuminated sign not to exceed four(4) square feet.

HOME OCCUPATION: Any occupational activity carried on exclusively by a member of an immediate family residing in the dwelling and conducted entirely within the dwelling. No commodity shall be sold on the premises nor mechanical equipment used, the external effects of which may adversely affect adjacent property. Home occupations shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and shall not change the structural character thereof. Home occupations are permitted one sign not exceeding four (4) square feet, non-illuminated.

JUNK YARD: An area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A "Junk Yard" includes automobile wrecking yards and includes any open area of more than two hundred (200) square feet for storage, keeping or abandonment of junk.

LOADING SPACE: An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

LOT CORNER: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Resolution if the arc is of less radius than one hundred and fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees.

LOT, INTERIOR: Any lot other than a corner lot.

LOT, THROUGH: Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

LOT AREA: The total horizontal area within the lot lines of the lot.

LOT COVERAGE: The part of percent or the lot occupied by buildings including accessory buildings.

LOT DEPTH: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT LINES: The lines bounding a lot as defined herein:

1. **FRONT LOT LINE:** In the case of an interior lot is that line separating said lot from the street. In the

case of a through lot, is that line separating said lot from either street. For purposes of computing yard setbacks, the Front Lot Line shall be construed as the proposed right-of-way line as depicted in the Township Future Land Use Plan.

2. **REAR LOT LINE:** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
3. **SIDE LOT LINE:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

LOT OF RECORD: A parcel of land, the dimensions of which are shown on a document or map on file with the County Recorder or in common use by County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

LOT WIDTH: The horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines.

MAIN BUILDING: A building in which is conducted the principal use of the lot upon which it is situated.

MAJOR THOROFARE: An arterial street which is intended to serve as a large volume traffic way for both the immediate township area and the region beyond, and is designated as a major thorofare, expressway, or equivalent term on the Future Land Use Plan to identify those streets comprising the basic structure of the Cass Township thorofare network.

MOBILE HOME: A structure of vehicular, portable, design built on a chassis and designed to be moved from one site to another, and to be used with or without a permanent foundation.

MOBILE HOME PARK: Any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located.

NONCONFORMING BUILDING: A building or portion thereof, lawfully existing at the effective date of this Resolution, or amendments thereto, and that does not conform to the provisions of the Resolution in the district in which it is located.

PRINCIPAL USE: The main use to which the premises are devoted and the principal purpose for which the premises exist.

PROSECUTOR: The Hancock County Prosecutor.

PUBLIC UTILITY: A person, firm or corporation, township, county, or municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or local regulations to the public: gas, steam electricity, sewage disposal, communication, telegraph, transportation or water.

ROOM: For the purposes of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing 1, 2, or 3 bedroom units and including a "den", "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density.

SETBACK: The distance required to obtain minimum front, side or rear yard open space provisions of this Resolution.

SIGN: The use of any words, numerals, figures, devices, designs or trademarks by which anything is made known such as are used to show an individual, firm, profession, or business, and are visible to the general public.

SIGN, ACCESSORY: A sign which is related to the principal use of the premises.

SIGN, NONACCESSORY: A sign which is not related to the principal use of the premises; outdoor advertising such as billboards and the like.

STORY: That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.

STORY, HALF: An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7' 6"). For the purposes of this Resolution, the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling.

STREET: A public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

TEMPORARY USE OR BUILDING: A use or building permitted by the Board of Appeals to exist during a specified period of time.

USE: The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

VARIANCE: A modification of the literal provisions of the Zoning Resolution granted when strict enforcement of the Zoning Resolution would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are: (a) undue hardship, (b) unique circumstances, and (c) applying to property. A variance is not justified unless all three elements are present in the case. A variance is not an exception.

WALL, OBSCURING: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Resolution.

YARDS: The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Resolution, and as defined herein:

1. **FRONT YARD:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. Such yard shall be free from outdoor storage or display of commodities for sale on the premises.
2. **REAR YARD:** An open space extending the full width of the lot, the depth of which is the minimum

horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

3. **SIDE YARD:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

ZONING COMMISSION: The Zoning Commission of Cass Township, Hancock County, Ohio.

ZONING INSPECTOR: The Zoning Inspector of Cass Township, Hancock County, Ohio or his authorized representative.

ARTICLE III - ZONING DISTRICTS MAP

SECTION 300. DISTRICTS ESTABLISHED:

For the purpose of this Resolution, Cass Township is hereby divided into the following districts:

- A-1 Agricultural District
- R-1 One-Family Residential District
- RM-1 Multiple-Family Residential District
- B-1 Business District
- I-1 Light Industrial District
- I-2 General Industrial District

SECTION 301. DISTRICT BOUNDARIES:

The boundaries of these districts are hereby established as shown on the Zoning Districts Map which accompanies this Resolution, and which map with all notations, references, and other information shown thereon shall be as much a part of this Resolution as if fully described herein.

SECTION 302. DISTRICT BOUNDARIES INTERPRETED:

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

1. Boundaries indicated as approximately following the center lines of streets, highways or alleys, shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Township limits shall be construed as following Township limits.
4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the official Zoning Districts Map shall be determined by the scale of the map.
7. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Districts Map, or in other circumstances not covered by subsections 1 through 6 above, the Board of Zoning Appeals shall interpret the district boundaries.
8. Insofar as some or all of the various districts may be indicated on the Zoning Districts Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

SECTION 303. ZONING OF VACATED AREAS:

Whenever any street, alley or other public way, within the unincorporated area of Cass Township shall be vacated, such street, alley or other public way or portion thereof, shall automatically be classified in the same Zoning District as the property to which it attaches.

SECTION 304. DISTRICT REQUIREMENTS.

All buildings and uses in any District shall be subject to the provisions of ARTICLE XI - GENERAL PROVISIONS and ARTICLE XII - GENERAL EXCEPTIONS.

ARTICLE IV - A-1 AGRICULTURAL DISTRICTS

SECTION 400. INTENT:

The A-1 Agricultural Districts are intended to provide for agricultural use of those areas best suited to farming activity, and, recognizing that prime farm land is an unrenovable resource, to protect and preserve such land for agricultural activity, wherein residential development is clearly accessory and ancillary to a farming operation.

SECTION 401. PRINCIPAL USES PERMITTED:

In an A-1 Agricultural District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Resolution:

1. Farms and farming operations.
2. Publicly owned and operated libraries, parks, parkways and recreational facilities.
3. Public, parochial and other private elementary and secondary schools offering courses in general education, and not operated for profit.
4. Churches and other facilities normally incident thereto.
5. Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of such building within the district in order to serve the immediate vicinity.
6. Home occupations.
7. Nonaccessory signs not exceeding fifteen (15) square feet in area.
8. Accessory buildings and uses customarily incident to any of the above permitted uses.

SECTION 402. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITONS

The following uses shall be permitted subject to the conditions hereinafter imposed for each use, and subject further to the review and approval of the Zoning Commission.

- I. Single-family homes unrelated to agricultural operations may be located on lots of not less than two (2) acres in size, subject to the following:
 - a. That there are no existing dwellings already located within the one quarter (1/4) of the quarter (1/4) Section in which the home is to be located. One quarter (1/4) of one quarter (1/4) Sections are those areas outlined when one quarter (1/4) Sections are divided into four (4) square and equally sized parts, each containing forty (40) acres, more or less.
 - b. That the lot on which the home is to be located has frontage on a public road, such frontage being not less than two hundred fifty (250) feet in length.
2. Nursery schools, day nurseries and child care centers (not including dormitories), provided that for each child so cared for, there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play area. Such play space shall have a total minimum area of not less than five thousand (5,000) square feet and shall be fenced and screened from any adjoining lot in any residential district.
3. Private noncommercial recreational area, institutional or community recreation centers; nonprofit swimming pool clubs, all subject to the following conditions:
 - a. Front, side and rear yards shall be at least eighty (80) feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.
 - b. Off-street parking shall be provided so as to accommodate not less than one-half (1/2) of the member families and/or individual members. The Zoning Commission may modify the off-street parking requirements in those instances wherein it is specifically determined that the users will originate from the immediate adjacent areas, and will therefore, be pedestrian. Prior to the issuance of a zoning certificate, bylaws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirement shall be determined by the Zoning Commission on the basis of usage.
 - c. Whenever a swimming pool is constructed under this Section, said pool area shall be provided with a protective fence, six (6) feet in height, and entry shall be provided by means of a controlled gate.
4. Golf courses, which may be laid out to achieve a relationship between the public thorofare and any proposed service roads, entrances, driveways and parking areas which will encourage pedestrian and vehicular traffic safety.
 - a. The site plan shall be laid out to achieve a relationship between the public thorofare and any proposed service roads, entrances, driveways and parking areas which will encourage pedestrian and vehicular traffic safety.
 - b. Development features including the principal and accessory buildings and structures shall be so

located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall not be less than two hundred (200) feet from any property line abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Zoning Commission may modify this requirement.

- c. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6) feet in height, and entry shall be by means of a controlled gate.
5. Home Businesses shall be permitted subject to conditions the Zoning Commission deems necessary for the protection of the agricultural character of the surrounding area.
6. Accessory buildings and uses customarily incident to any of the above permitted uses.

SECTION 403. AREA AND BULK REQUIREMENTS:

See ARTICLE X - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lots by permitted land use, the maximum density permitted, and providing minimum yard setback requirements.

ARTICLE V - R-1 ONE-FAMILY RESIDENTIAL DISTRICTS

SECTION 500. INTENT:

The R-1 One-Family Residential Districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominately low-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the district.

SECTION 501. PRINCIPAL USES PERMITTED:

In a One-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Resolution:

1. One-family detached dwellings.
2. Farms and farming operations.
3. Publicly owned and operated libraries, parks, parkways and recreational facilities.
4. Cemeteries which lawfully occupied land at the time of adoption of this Resolution.
5. Public, parochial and other private elementary schools offering courses in general education, and not operated for profit.
6. Accessory buildings and uses customarily incident to any of the above permitted uses.

SECTION 502. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Zoning Commission.

- I. Churches and other facilities normally incidental thereto, subject to the following conditions:
 - a. Buildings of greater than maximum height allowed in ARTICLE X - SCHEDULE OF REGULATIONS may be allowed provided front, side and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.
 2. Public, parochial and private intermediate and/or secondary schools offering courses in general education, not operated for profit.
 3. Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
 4. Nursery schools, nurseries and child care centers (not including dormitories) provided that for each child so cared for, there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play area. Such play space shall have a total minimum area of not less than five thousand (5,000) square feet and shall be fenced and screened from any adjoining lot in any residential district.
 5. Private noncommercial recreational areas, institutional or community recreation centers; nonprofit swimming pool clubs, all subject to the following conditions:
 - a. Front, side and rear yards shall be at least eighty (80) feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.
 - b. Off-street parking shall be provided so as to accommodate not less than one-half (1/2) of the member families and/or individual members. The Zoning Commission may modify the off-street parking requirements in those instances wherein it is specifically determined that the users will originate from the immediate adjacent areas, and will therefore, be pedestrian. Prior to the issuance of a zoning certificate, bylaws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirement shall be determined by the Zoning Commission on the basis of usage.
 - c. Whenever a swimming pool is constructed under this Resolution, said pool area shall be provided with a protective fence, six (6) feet in height, and entry shall be provided by means of a controlled gate.
 6. Golf courses, which may or may not be operated for profit, subject to the following conditions:
 - a. The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways and parking areas which will encourage pedestrian and vehicular traffic safety.

- b. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Zoning Commission may modify this requirement.
- c. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6) feet in height, and entry shall be by means of a controlled gate.
- 8. Private pools shall be permitted as an accessory use within the rear yard only, provided they meet the following requirements:
 - a. Private pools shall not require Zoning Commission review and approval.
 - b. There shall be a minimum distance of not less than ten (10) feet, between the adjoining property line, or alley right-of-way and the outside of the pool wall. Side yard setbacks shall apply to side yards if greater than ten (10) feet.
 - c. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.
 - d. No swimming pool shall be located less than thirty-five (35) feet from any front lot line.
 - e. No swimming pool shall be located in an easement.
 - f. For the protection of the general public, all swimming pools shall be completely enclosed by fence not less than four (4) feet in height. The gates shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the Zoning Inspector upon inspection and approval.
- 9. Home occupations shall be permitted, subject to conditions the Zoning Commission deems necessary for the protection of the single-family residential character of the surrounding area.
- 10. Accessory buildings and uses customarily incident to any of the above permitted uses.

SECTION 503. AREA AND BULK REQUIREMENTS:

See ARTICLE X - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum density permitted, and providing minimum yard setback requirements.

ARTICLE VI - RM-1 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

SECTION 600. INTENT:

The RM-1 Multiple-Family Residential Districts are designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the nonresidential districts and lower density Single-Family Districts. The Multiple-Family District is further provided to serve the limited needs for the apartment type of unit in an otherwise low density, single-family community.

SECTION 601. PRINCIPAL USES PERMITTED:

In a Multiple-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Resolution:

1. All uses permitted as as regulated in the R-I One-Family Residential District.
2. Multiple-family dwellings.
3. Accessory buildings and uses customarily incident to any of the above permitted uses.

SECTION 602. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Zoning Commission.

1. Housing for the elderly when the following conditions are met:
 - a. All dwellings shall consist of at least three hundred and fifty (350) square feet per unit (not including kitchen and sanitary facilities).
 - b. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed twenty-five (25) percent of the total site exclusive of any dedicated public right-of-way.
2. Convalescent homes and orphanages when the following conditions are met:
 - a. There shall be provided on the site, not less than fifteen hundred (1,500) square feet of open space for each bed in the home. The fifteen hundred (1,500) square feet of land area shall provide for landscape setting, off-street parking, service drives, loading space, yard requirement and accessory uses, but shall not include the area covered by main or accessory buildings.
 - b. No building shall be closer than forty (40) feet to any property line.
3. Publicly owned buildings, telephone exchange buildings, and public utility offices, including transformer stations, substations, or gas regulator stations, all without storage yards.
4. Accessory buildings and uses customarily incident to any of the above permitted uses.

SECTION 603. AREA AND BULK REQUIREMENTS:

See ARTICLE X - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, maximum density permitted and provided minimum yard setback requirements.

ARTICLE VII - B-1 BUSINESS DISTRICTS

SECTION 700. INTENT:

The B-1 Business Districts are designed to provide sites for diversified business types that require large site areas and access to major thoroughfares. They are intended to accommodate a broad range of retail, office and personal service uses.

SECTION 701. PRINCIPAL USES PERMITTED:

- I. Office or service establishments such as but not limited to the following:
 - a. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales.
 - b. Medical office, including clinics.
 - c. Facilities for human care such as hospitals, sanitariums, rest and convalescent homes.
 - d. Banks, credit unions, savings and loan associations, similar uses.
 - e. Personal service establishments including barber shops, beauty shops and health salons.
2. All retail business, service establishments or processing uses as follows:
 - a. Any retail business whose principal activity is the sale of merchandise in an enclosed building.
 - b. Any service establishment of an office, showroom or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer or an establishment doing radio or home appliance repair, photographic reproduction, or similar service establishments that require a retail adjunct.
 - c. Private clubs, fraternal organizations and lodge halls.
 - d. Restaurants or other places serving food or beverage, except those having the character of a drive-through.
 - e. Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.
 - f. Business schools and colleges or private schools operated for profit.
3. Auto wash when completely enclosed in a building.

4. New and used car salesroom, showroom or office.
5. Other uses similar to the above uses.
6. Accessory structures and uses customarily incident to the above uses.

SECTION 702. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Zoning Commission:

- I. Automobile service station for the sale of gasoline, oil and minor accessories only, and where no repair work is done, other than incidental service, but not including tire recapping, auto dismantling, and such other activities whose external effects could adversely extend beyond the property line.
 - a. The curb cuts for access to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
 - b. The minimum lot area shall be fifteen thousand (15,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait. Automobile service stations which are intended solely for the sale of gasoline, oil and minor accessories (including lubricating facilities) may be permitted on lots of ten thousand (10,000) square feet, subject to all other provisions herein required. The minimum width of any service station site shall be one hundred (100) feet.
2. Outdoor sales space for exclusive sale of new or secondhand automobiles, mobile homes, camper trailers, or rental or trailers and/or automobiles, or similar property, all subject to the following:
 - a. The lot or area shall be provided with a permanent, durable and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area.
 - b. Access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.
 - c. No major repair or major refinishing shall be done on the lot.
 - d. All lighting shall be shielded from adjacent residential districts.
3. Business in the character of a drive-through or open front store, subject to the following conditions:
 - a. Access points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
 - c. All lighting shall be shielded from adjacent residential districts.
 - d. A six (6) foot high completely obscuring wall shall be provided when abutting or adjacent districts are zoned for R Districts. The height of the wall shall be measured from the surface of the ground. Said wall shall further meet the requirements of ARTICLE XI - GENERAL PROVISIONS.

4. Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed main building and provided further that all buildings are set back at least two hundred (200) feet from abutting residential districts on the same side of the street.
5. Plant materials nursery for the retail sale of plant materials not grown on the site, and sales of lawn furniture, playground equipment and garden supplies subject to the following conditions:
 - a. The storage or display of any materials or products shall meet all setback requirements of a structure.
 - b. All loading and parking shall be provided off-street.
 - c. The storage of any soil, fertilizer or other loose, unpackaged materials shall be contained so as to prevent any effects on adjacent uses.
6. Publicly owned buildings, telephone exchange buildings, and public utility offices, including transformer stations, substations, or gas regulator stations, all without storage yards.

SECTION 703. AREA AND BULK REQUIREMENTS:

See ARTICLE X - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

ARTICLE VIII - I-1 LIGHT INDUSTRIAL DISTRICT

SECTION 800. INTENT:

The I-1 Light Industrial Districts are designed so as to primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner effect in a detrimental way any of the surrounding districts. The I-1 District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, or treatment of finished or semi-finished products from previously prepared material. It is further intended that the processing of raw material for shipment in bulk from, to be used in an industrial operation at another location, not be permitted.

The general goals of this use district include, among others, the following specific process:

1. To provide sufficient space, in appropriate locations, to meet the needs of the Township's expected future economy for all types of manufacturing and related uses.
2. To protect abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.

3. To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences.
4. To protect the most desirable use of land in accordance with a well considered plan. To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the Township's tax revenue.

SECTION 801. PRINCIPAL USES PERMITTED:

In a Light Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Resolution:

1. Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building.
2. Any of the following uses when the manufacturing, compounding or processing is conducted wholly within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding or processing shall be totally obscured by a wall on those sides abutting R-I, RM-I and B-I Districts, and on any front yard abutting a public thoroughfare except as otherwise provided in Section III.3. In I-I Districts, the extent of such a wall may be determined by the Zoning Commission on the basis of usage. Such a wall shall not be less than four feet six inches (4' 6") in height and may, depending upon land usage, be required to be eight (8) feet in height, and shall be subject further to the requirements of ARTICLE XI - GENERAL PROVISIONS. A chain link fence, with intense evergreen shrub planting, shall be considered an obscuring wall. The height shall be determined in the same manner as the wall height as above set forth.
 - a. Warehousing and wholesale establishments and trucking facilities.
 - b. The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware, and cutlery, tool, die, gauge and machine shops.
 - c. The manufacture, compounding, assembling or treatment of articles or merchandise from previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semiprecious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns.
 - d. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
 - e. Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other molded rubber products.
 - f. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
 - g. Laboratories - experimental, film or testing.

- h. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
 - i. Central dry cleaning plants or laundries, provided that such plants shall not deal directly with consumers at retail.
 - j. All public utilities, including buildings, necessary structures, storage yards and other related uses.
3. Warehouse, storage and transfer, and electric and gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations. Water supply and sewage disposal plants, water and gas tank holders, railroad transfer and storage tracks, railroad rights-of-way, and freight terminals.
 4. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall or fence on those sides abutting all Residential or Business Districts, and on any yard abutting a public thoroughfare. In any I-I District, the extent of such fence or wall may be determined by the Zoning Commission on the basis of usage. Such fence or wall shall not be less than six (6) feet in height, and may depending on land usage, be required to be eight (8) feet in height. A chain link type fence, with heavy evergreen shrubbery inside of said fence, shall be considered to be an obscuring fence.
 5. Public uses such as water treatment plants, and reservoirs, sewage treatment plants, and all other public buildings and uses, including outdoor storage.
 6. Greenhouses.
 7. Trade or industrial schools.
 8. Freestanding non-accessory signs.
 9. Other uses of a similar and no more objectionable character than the above uses.
 10. Accessory buildings and uses customarily incident to any of the above uses.

SECTION 802. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Zoning Commission:

1. Lumber and planing mills when completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the I-I District.
2. Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
3. Commercial kennels.
4. Other uses of a similar character to the above uses.

SECTION 803. AREA AND BULK REQUIREMENTS:

See ARTICLE X - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum setback requirements.

ARTICLE IX - GENERAL INDUSTRIAL DISTRICTS

SECTION 900. INTENT:

The I-2 General Industrial Districts are designed primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts. The I-2 District is so structured as to permit the manufacturing, processing and compounding of semifinished or finished products from raw materials as well as from previously prepared material.

SECTION 901. PRINCIPAL USES PERMITTED:

In a General Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Resolution.

1. Any principal use first permitted in an I-I District.
2. Any of the following production or manufacturing uses:
 - a. Blast furnace, steel furnace, blooming or rolling mill.
 - b. Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of paris.
 - c. Petroleum or other inflammable liquids, production, refining or storage.
 - d. Smelting of copper, iron or zinc ore.
3. Any other use which shall be determined by the Township Trustees after recommendation from the Zoning Commission, to be of the same general character as the above permitted uses in SECTION 901. The Trustees may impose any required setback and/or performance standards so as to insure public health, safety and general welfare.
4. Accessory buildings and uses customarily incident to any of the above permitted uses.

SECTION 902. AREA AND BULK REQUIREMENTS:

See ARTICLE X - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

SECTION 1000. NOTES TO SCHEDULE OF REGULATIONS

- (a) See Section I203 regarding exceptions to height limitations for farm buildings.
- (b) See requirements of ARTICLE IV, Section 402, I.
- (c) See Section I00I. AVERAGED LOT SIZE and Section I002. SUBDIVISION OPEN SPACE PLAN.
- (d) For all uses permitted other than single-family residential, the setback shall equal the height of the main building or the setback required in Section 402 or I000, whichever is greater.
- (e) In the case of a rear yard abutting a side yard, the side yard setback abutting a street shall not be less than the minimum front yard setback of the district in which located and all regulations applicable to a front yard shall apply.
- (f) In an RM-I Multiple-family District, the total number of rooms of eighty (80) square feet or more (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by fifteen hundred (1,500). All units shall have at least one (1) living room and one (1) bedroom, except that not more than ten (10) percent of the units may be an efficiency apartment type.

In the RM-I Districts, for the purpose of computing the permitted number of dwelling units per acre, the following room assignments shall control:

Efficiency= 1 room	plans presented showing 1,2,3, or 4
One Bedroom= 2 rooms	bedroom units and including a
Two Bedroom= 3 rooms	“den”, “library” or other extra room
Three Bedroom= 5 rooms	shall count such extra room as a
Four Bedroom= 7 rooms	bedroom for the purpose of computing density.

In an RM-I District, the area used for computing density shall be the total site area exclusive of any dedicated public right-of-way of either interior or bounding roads.

- (g) In no instance shall the distance between buildings be less than thirty (30) feet.
- In the RM-I Districts, off-street parking is permitted in the required side or rear yards.
- (h) Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained a minimum unobstructed and landscaped setback of ten (10) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way lines as indicated on the Future Land Use Plan.
- (i) Loading space shall be provided in the rear yard in a ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements.
- (j) No building shall be closer than fifty (50) feet to any adjacent residential district.
- (k) Off-street parking shall be permitted in a required side-yard setback.
- (l) Planned developments involving acreage under one (1) ownership shall be subject to the approval of the Zoning Commission regarding modifications with respect to the height regulations. In approving an increase in structure height, the Zoning Commission shall require that all yards at least be equal in their depth to the height of the structure.

- (m) Off-street parking for visitors, over and above the number of spaces required under SECTION 1104, may be permitted within the required front yard provided that such off-street parking is not located within twenty (20) feet of the front lot line.
- (n) Along interior side lot lines of the District, side yards shall be equal to at least the average of the various heights of the industrial masses (excluding towers, chimneys, stacks and the like) immediately abutting upon and adjacent to such side yard.
- (o) All storage shall be in a rear yard and shall be completely screened with an obscuring wall or fence, not less than six (6) feet high, or with a chain link type fence and a greenbelt planting so as to obscure all view from any adjacent residential or business district, or from a public street.

SECTION 1001. AVERAGED LOT SIZE:

The intent of this Section is to permit the subdivider or developer to vary his lot sizes and lot widths so as to average the minimum size of lot per unit as required in ARTICLE X - SCHEDULE OF REGULATIONS for each One-Family Residential District. If this option is selected, the following conditions shall be met:

- 1. In meeting the average minimum lot size, the subdivision shall be so designed as not to create lots having an area or width greater than ten (10) percent below that area or width required in the SCHEDULE OF REGULATIONS and shall not create an attendant increase in the number of lots.
- 2. Each final plat submitted as part of a preliminary plat shall average the minimum required for the district in which it is located.
- 3. All computations showing lot area and the average resulting through this technique shall be indicated on the print of the preliminary plat.

SECTION 1002. SUBDIVISION OPEN SPACE PLAN:

- 1. The intent of the Subdivision Open Space Plan is to promote the following objectives:
 - a. Provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets.
 - b. Encourage developers to use a more creative approach in the development of residential areas.
 - c. Encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development costs and allowing the developer to bypass natural obstacles on the site.
 - d. Encourage the provision of open space within reasonable distance to all lot development of the subdivision and to further encourage the development of recreational facilities.
- 2. Modifications to the standards as outlined in ARTICLE X - SCHEDULE OF REGULATIONS may be made in the One-Family Residential Districts when the following conditions are met:
 - a. The lot area in all One-Family Residential Districts, which are served by a public sanitary sewer system, may be reduced up to twenty (20) percent. In the R-1 District this reduction may be accomplished in part by reducing lot widths up to ten (10) feet. These lot area reductions shall be

permitted, provided that the dwelling unit density shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas as required for each One-Family District under ARTICLE X - SCHEDULE OF REGULATIONS.

All calculations shall be predicated upon the One-Family Districts having the following gross densities (including roads):

R-1 = 1.0 dwelling units per acre

- b. Rear yards may be reduced to thirty (30) feet when such lots border on land dedicated for park, recreation and/or open space purposes, provided that the width of said dedicated land shall not be less than one hundred (100) feet measured at the point at which it abuts the rear yard of the adjacent lot.
- c. Under the provisions of item (a) above of this Section for each square foot of land gained within a residential subdivision through the reduction of lot size below the minimum requirements as outlined in ARTICLE X - SCHEDULE OF REGULATIONS, at least equal amounts of land shall be dedicated to the common use of the lot owners of the subdivision in the manner approved by the Township.
- d. The area to be dedicated for subdivision open space purposes shall in no instance be less than four (4) acres and shall be in a location and shape approved by the Zoning Commission.
- e. The land area necessary to meet the minimum requirements of this Section shall not include bodies of water, swamps or land with excessive grades making it unsuitable for recreation. All land dedicated shall be so graded and developed as to have natural drainage. The entire area may, however, be located in a flood plain.
- f. This plan, for reduced lot sizes, shall be permitted only if it is mutually agreeable to the Zoning Commission and the sub-divider or developer.
- g. This plan, for reduced lot sizes, shall be started within six (6) months after having received approval of the final plat, and must be completed in a reasonable time. Failure to start within this period shall void all previous approval.
- h. Under this Subdivision Open Space approach, the developer or sub-divider shall dedicate the total park area at the time of filing of the final plat on all or any portion of the plat.

ARTICLE XI - GENERAL PROVISIONS

SECTION 1100. CONFLICTING REGULATIONS:

Whenever any provision of this Resolution imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or resolution, then the provisions of this Resolution shall govern. Whenever the provisions of any other law or resolution impose more stringent requirements than are imposed or required by this Resolution, then the provisions of such resolution shall govern.

SECTION 1101. SCOPE:

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Resolution.

SECTION 1102. NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES AND NONCONFORMING USES OF STRUCTURES AND PREMISES:

I. Intent

It is the intent of this Resolution to permit legal nonconforming lots, structures, or uses to continue until they are removed.

It is recognized that there exists within the districts established by this Resolution and subsequent amendments, lots, structures and uses of land and structures which were lawful before this Resolution was passed or amended which would be prohibited, regulated, or restricted under the terms of this Resolution or future amendments.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Resolution.

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 diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that 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 work shall be diligently carried on until completion of the building involved.

2. Nonconforming Lots

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Resolution, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution. 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 dimension and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Board of Zoning Appeals.

3. Nonconforming Uses of Land

Where at the effective date of adoption or amendment of this Resolution lawful use of land exists that is made no longer permissible under the terms of this Resolution as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- a. No such nonconforming use 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.
- b. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Resolution.
- c. If such nonconforming use of land ceases for any reason for a period of more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.

4. **Nonconforming 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 or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No structure may be enlarged or altered in a way which increases its nonconformity. Such structure may be enlarged or altered in a way which does not increase its nonconformity.
- b. 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.

5. **Nonconforming Uses of Structures and Land**

If a lawful use of a structure, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Resolution, that would not be permitted 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:

- a. 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, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use and which existed at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building.
- c. If no structural alterations are made, any nonconforming use of a structure or structure and land in combination may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Zoning Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require conditions and safeguards in accord with the purpose and intent of this Resolution. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
- d. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is

located, and the nonconforming use may not therefore be resumed.

- e. When a conforming use of a structure, or structures and land in combination, is discontinued or ceases to exist for two (2) years, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
- f. When nonconforming use status applies to a structure and land in combination, and structures are destroyed, such structures may only be replaced with approval of the Board of Zoning Appeals.

6. **Repairs and Maintenance**

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the appraised value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Resolution shall not be increased.

Nothing in this Resolution shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

7. **Uses Under Exception Provisions Not Nonconforming Uses**

Any use for which a special exception is permitted as provided in this Resolution shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

8. **Change of Tenancy or Ownership**

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, or structure, or of structure and land in combination.

SECTION 1103. ACCESSORY BUILDINGS:

Accessory buildings, except as otherwise permitted in this Resolution, shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Resolution applicable to the main building.
2. Accessory buildings shall not be erected in any minimum side yard setback or in any front yard.
3. An accessory building shall not occupy more than twenty-five (25) percent of a required rear yard, provided that in a residential district the accessory building shall not exceed the ground floor area of the main building.
4. No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any rear lot line.
5. No detached accessory building in R-1 or RM-1 Districts shall exceed one (1) story or fourteen (14) feet in

height, nor exceed the height of the main building on the premises.

Accessory buildings in all other districts may be construed to equal the permitted maximum height of structures in said districts, subject to Zoning Commission review and approval if the building exceeds one (1) story or fourteen (14) feet in height.

6. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot to the rear of such corner lot. In no instance shall an accessory building be located nearer than ten (10) feet to a street right-of-way line.
7. When an accessory building in any Residential or Business District is intended for other than the storage of private motor vehicles, the accessory use shall be subject to the approval of the Board of Zoning Appeals.
8. The parking of a mobile home for periods exceeding twenty-four (24) hours on lands not approved for mobile home parks shall be expressly prohibited, except that the Zoning Inspector may extend temporary permits allowing the parking of a mobile home in a rear yard on private property, not to exceed a period of two (2) weeks. All trailer or recreational vehicles owned by residents of the Township and stored on their individual lots shall be stored only within the confines of non-required yards and shall further respect the requirements of this Section applicable to Accessory Buildings, insofar as distances from principal structures, lot lines and easements are concerned. All trailer or recreational vehicles parked or stored shall not be connected to sanitary facilities and shall not be occupied.

SECTION 1104. OFF-STREET PARKING REQUIREMENTS:

There shall be provided in all districts, at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided prior to the issuance of a certificate of occupancy, as hereinafter prescribed:

1. Off-street parking spaces may be located within a rear yard or within a side yard which is in excess of the minimum side yard setback unless otherwise provided in this Resolution. Off-street parking shall not be permitted within a front yard or a side yard setback unless otherwise provided in this Resolution.
2. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
3. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of SECTION 1103. ACCESSORY BUILDINGS of this Resolution.
4. Once any area designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
5. Off-street parking existing at the effective date of this Resolution, in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

6. Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed.
7. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Zoning Appeals may grant an exception.
8. The storage or merchandise, motor vehicles for sale or rent, trucks or the repair of vehicles is prohibited.
9. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Zoning Commission considers is similar in type.
10. When units or measurements determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

II. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

USE	<u>NUMBER OF MINIMUM PARKING SPACES PER UNIT OR MEASURE</u>	
a. RESIDENTIAL		
(1) Residential, One-Family and Two-Family	Two (2) for each dwelling unit.	
(2) Residential, Multiple-Family	Two (2) for each dwelling unit.	Family
(3) Housing for the elderly	One (1) for each (2) units, and Should units revert to general per unit shall be provided.	one (1) for each employee. occupancy, then two (2) spaces
(4) Mobile home park employee of	Two (2) for each mobile home site the mobile home park.	and one (1) for each

<u>USE</u>	<u>NUMBER OF MINIMUM PARKING SPACES PER UNIT OR MEASURE</u>	
b. INSTITUTIONAL		
(1) Churches feet of pews	One (1) for each three (3) in the main unit of worship.	seats or six (6)
(2) Hospitals	One (1) for each bed.	

b. INSTITUTIONAL

- (3) Homes for the aged and One (1) for each four (4) and convalescent beds.
- (4) Elementary and junior One (1) for each one (1) teacher, high schools employee, or administrator, in addition to the requirement of the auditorium.
- (5) Senior high schools One (1) for each one (1) teacher, employee, or administrator, and one (1) for each ten (10) students, in addition to the requirement of the auditorium.
- (6) Private clubs or One (1) for each three (3) persons lodge halls allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
- (7) Private golf clubs, One (1) for each two (2) member swimming pool clubs families or individuals, plus accessory use, such as a restaurant spaces required for each
- (8) Golf courses open to Five (5) for each one (1) golf the general public, hole and one (1) for each one except miniature or (1)employee, plus spaces "par-3" required for each accessory use, such as a restaurant or bar.
- (9) Theaters and auditoriums One (1) for each three (3) seats plus one (1) for each two (2)employees.
- (10) Nursery school, day One (1) for each four hundred nurseries or child fifty (450) square feet of care centers floor space.

c. BUSINESS AND COMMERCIAL

- (1) Planned commercial or One (1) for each two hundred shopping center (200) square feet of floor area.
- (2) Auto wash (automatic) One (1) for each one (1) employee. In addition, reservoir parking spaces equal in number to five (5)times the maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty (20).
- (3) Auto wash (self- Three (3) for each washing service or coin stall in addition to the operated) stall itself.
- (4) Beauty parlor or barber Two (2) spaces for each beauty shop or barber chair.
- (5) Bowling alleys Five (5) for each one (1) bowling lane plus accessory uses.

(6) Dance halls, pool or within the or skating rinks, established by local, county assembly halls without	One (1) for each two (2) maximum occupancy load as or state fire, building or	billiard parlors, roller exhibition halls, and fixed seats.	persons allowed Health codes.
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USE

NUMBER OF MINIMUM PARKING SPACES PER UNIT OR MEASURE

(7) Establishment for sale and (100)square feet of floor two (2) persons allowed within the maximum occupancy county or state fire,	One (1) for each one hundred beverages, food or space or one of(1) for each refreshments load as established by local, building or health codes.	consumption on the premises,
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(8) Furniture and appliance, square feet of floor shops, showroom of a plumber, electrician, in processing, one (1) other similar uses provided for each two (2) persons employed therein.)	One (1) for each one thousand household equipment, repair area (For that floor area used decorator, or similar trade, shoe repair additional space shall be and persons employed therein.)	(1,000)
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(9) Gasoline service stations and one	Two (2) for each lubrication (1) for each gasoline pump.	stall, rack, or pit;
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c. BUSINESS AND COMMERCIAL

(10) Laundromats and coin cleaning	One (1) for each two (2) machines.	operated dry cleaners washing /or dry-
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(11) Miniature or "par-3" employee.	Two (2) for each one (1) hole golf courses	plus one (1) for each one (1)
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(12) Mortuary establishments	One (1) for each one hundred space.	(100) square feet of floor
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(13) Motel, hotel, or other one (1) establishments	One (1) for each one (1) for each one (1)employee.	commercial lodging occupancy unit plus
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(14) Motor vehicular sales square feet of floor one (1) auto	One (1) for each three hundred space of sales room and one service stall in the service	and service establishments (300) (1) for each room.
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USE

NUMBER OF MINIMUM PARKING USESPACES PER UNIT OF MEASURE

(15) Retail stores except as specified	One (1) for each two hundred herein square feet of usable	(200) otherwise floor space.
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d. **OFFICES**

- (1) Banks One (1) for each one hundred and fifty (150) square feet of floor space.
- (2) Business offices or One (1) for each three hundred professional offices (300) square feet of floor except as indicated in space. the following item (3)
- (3) Professional offices of One (1) for each fifty (50) doctors, dentists or square feet of floor area in or similar professions waiting rooms, and one (1) for each examining room, dental chair or similar use area.

e. **INDUSTRIAL**

- (1) Industrial or research Five (5) plus one (1) for related accessory offices establishments, and every one and one-half (1 1/2) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
- (2) Warehouses and wholesale Five (5) plus one (1) for establishments and related every one (1) employee in the accessory offices largest working shift.

SECTION 1105. OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE

Whenever the off-street parking requirements in SECTION 1104 above require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations.

- 1. No parking lot shall be constructed unless and until a permit therefore is issued by the Zoning Inspector. Applications for a permit shall be submitted to the Zoning Commission in such form as may be determined by the Zoning Inspector and shall be accompanied with two (2) sets of site plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.
- 2. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

<u>Parking Pattern</u>	<u>Maneuver- ing Lane Width</u>	<u>Parking Space Width</u>	<u>Total Width Of One Tier Parking Space Length</u>	<u>Total Width Of 2-Tiers Of Spaces Plus Maneu- vering Lane</u>	<u>Of Spaces Plus Maneu- vering lane</u>
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0 (parallel

parking)	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
30 to 53	12 ft.	8 ft. 6 in.	20 ft.	32 ft.	52 ft.
54 to 74	15 ft.	8 ft. 6 in.	20 ft.	36 ft. 6 in.	58 ft.
75 to 90	22 ft.	9 ft.	20 ft.	42 ft.	62 ft.

3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.

4. Adequate ingress and egress to the parking lot by means of clearly defined drives shall be provided for all vehicles.

Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.

5. All maneuvering lane widths shall permit one-way traffic movement, except that the 90 pattern may permit two-way movement.

6. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any single-family residential district.

7. The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet six inches (4' 6") in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a residential district.

When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

8. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.

9. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.

10. The Zoning Commission, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this Section.

SECTION 1106. OFF-STREET LOADING AND UNLOADING:

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-

way. Such space shall be provided as follows:

1. All spaces shall be provided as required in ARTICLE X - SCHEDULE OF REGULATIONS, under Minimum Rear Yards (footnote i.), except as hereinafter provided for I Districts.
2. Within an I District, all spaces shall be laid out in the dimension of at least ten by fifty (10 X 50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or cement binder so as to provide a permanent, durable and dustless surface. All spaces in I-1 and I-2 Districts shall be provided in the following ratio of spaces to floor area:

Gross Floor Area (In Square Feet)	Loading and Unloading Space Required	
0 - 1,400	None	
1,401 - 20,000	One (1) space	
20,001 - 100,000 (20,000 square	One (1) space plus one (1) space square feet in excess of twenty feet.	for each twenty thousand thousand and one (20,001)
100,001 and over	Five (5) spaces	

3. All loading and unloading in an I District shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least forty (40) feet.

SECTION 1107. USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC USE DISTRICT:

Because the uses hereinafter referred to possess unique characteristics making it impractical to include them in a specific use district classification, they may be permitted by the Township Trustees under the conditions specified, and after public hearing, and after a recommendation has been received from the Zoning Commission. In every case, the uses hereinafter referred to shall be specifically prohibited from any Residential Districts, unless otherwise specified.

These uses require special consideration since they service an area larger than the Township or require sizable land areas, creating problems of control with reference to abutting use districts. Reference to those uses falling specifically within the intent of this Section is as follows:

I. Outdoor Theaters

Because outdoor theaters possess the unique characteristics of being used only after darkness, and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in I-1 and I-2 Districts only. Outdoor theaters shall further be subject to the following conditions:

- a. The proposed internal design shall receive approval from the Zoning Inspector and the County

Engineer as to adequacy of drainage, lighting and other technical aspects.

- b. Outdoor theaters shall abut a major thoroughfare and points of ingress and egress shall be available only from such major thoroughfare.
- c. All vehicles waiting or standing to enter the facility shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
- d. The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares. All lighting used to illuminate the area shall be so installed as to be confined within, and directed onto, the premises of the outdoor theater site.

2. **Commercial Television and Radio Towers and Public Utility Microwaves and Public Utility T.V. Transmitting Towers:**

Radio and television towers, public utility microwaves and public utility T.V. transmitting towers, and their attendant facilities shall be permitted in A-I, I-I and I-2 Districts provided said use shall be located centrally on a continuous parcel of not less than one and one-half (1 1/2) times the height of the tower measured from the base of said tower to all points on each property line.

3. Mobile Home Parks

Because mobile home parks possess site design and density characteristics similar to multiple-family development, they are permitted herein as transitional uses between multiple-family and business or light industrial areas. Mobile home parks shall be permitted in the RM-I Multiple-Family Residential Districts, in the B-I Business Districts, and in the I-I Light Industrial Districts, subject to the following locational requirements.

RM-I Multiple-Family Residential Districts

Mobile home parks located in RM-I Districts shall abut RM-I Districts on not more than three (3) sides and shall abut a B-I Business District or an I-I Light Industrial District on at least one (1) side. Mobile home parks shall not abut R-I Districts and shall have direct access to a Major or Secondary Thoroughfare, either existing or proposed.

B-I Business or I-I Light Industrial Districts

Mobile home parks located in B-I or I-I Districts shall abut B-I or I-I Districts on not more than three (3) sides and shall abut an RM-I Multiple-Family Residential District on at least one (1) side. Mobile home parks shall have direct access onto a Major or Secondary Thoroughfare, either existing or proposed.

a. **Required Conditions**

- (1) **Lot Area:** Each mobile home space shall consist of not less than five thousand (5,000) square feet, such space shall be clearly defined and marked. There shall be no more than one (1) mobile home stationed on any one (1) space.
- (2) **Lot Width:** Each mobile home site shall have a _____ minimum lot width of forty-five (45) feet measured _____ at right angles to a longitudinal median line of the lot at fifteen (15) feet from the front lot line.
- (3) **Lot Depth:** Each mobile home site shall have a minimum lot depth of eighty-five (85) feet measured along the longitudinal median.
- (4) **Lot Coverage:** Not more twenty-five (25) percent of the area of any mobile home space shall be occupied by mobile homes or attendant accessory structures.
- (5) **Distance Between Mobile Homes:** Mobile homes shall be so harbored on each space so that there shall be at least a twenty-five (25) foot clearance between mobile homes, provided, however, that with respect to mobile homes parked end-to-end, the end-to-end clearance may be less than twenty-five (25) feet but not less than twenty (20) feet.
- (6) **Setback Requirements:** No mobile home shall be located closer than forty (40) feet from any building within the mobile home community or from any property line bounding the mobile home community. Mobile homes shall be situated at least fifteen (15) feet from the front lot line of any mobile home space.

b. **Building Height Regulations**

The maximum height of any structure in a mobile home park shall be one (1) story or fourteen (14) feet.

c. **Recreational Area**

A common park and recreational area shall be provided, and shall consist of at least one hundred and fifty (150) square feet per mobile home space. The length of such area shall not exceed two (2) times its width.

d. **Parking and Access**

Parking shall be provided and maintained at a minimum ratio of two (2) spaces for each mobile home space and such parking spaces shall be situated off any public and private roadways. All private roadways shall have unobstructed access to a Major or Secondary Thorofare.

e. **Screening**

An intense greenbelt screen not less than twenty (20) feet in width shall be located along all property lines except street frontage lines.

4. **Junk or Salvage Yards, and Incinerator Plants**

Junk or salvage yards and incinerator plants for garbage or refuse shall be permitted in I-2 Districts provided such uses have direct access to a Major or Secondary Thorofare, either existing or proposed, and provided further that such uses are conducted within a building or within an eight (8) foot obscuring wall.

SECTION 1108. PLANT MATERIALS:

Whenever in this Resolution a greenbelt or planting is required, it shall be planted within six (6) months from the date of issuance of a Certificate of Occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided.

I. Plant Material Spacing

- a. Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
- b. Where plant materials are placed in two (2) or more rows, plantings shall be staggered in rows.
- c. Evergreen trees shall be planted not more than thirty (30) feet on centers, and shall not be less than five (5) feet in height.
- d. Narrow evergreens shall be planted not more than six (6) feet on centers and shall not be less than three (3) feet in height.
- e. Tree-like shrubs shall be planted not more than ten (10) feet on centers and shall be not less than four (4) feet in height
- f. Large deciduous shrubs shall be planted not more than four (4) feet on centers, and shall not be less than six (6) feet in height.
- g. Large deciduous trees shall be planted not more than thirty (30) feet on centers, and shall be not less than eight (8) feet in height.

SECTION 1109. SIGNS

- I. The following conditions shall apply to all signs erected or located in any use district:
 - a. All signs shall conform to all applicable codes and resolutions of the Township and, where required, shall be approved by the Zoning Inspector, and a permit issued.
 - b. No sign except those established and maintained by the Township, County, State or Federal governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.
 - c. No sign otherwise permitted shall project above or beyond the maximum height limitation of the use district in which located, except that for a planned commercial or shopping center development involving five (5) acres or more under one ownership, the Board of Zoning Appeals may modify the height limitation. The Board shall, however, respect all yards and setbacks in modifying height requirements.
 - d. All directional signs required for the purpose of orientation, when established by the Township, County, State or Federal government, shall be permitted in all use districts.

- e. Accessory signs shall be permitted in any use district.
 - f. Non-accessory signs shall be permitted only in A-1, B-1, I-1 and I-2 Districts; except that non-accessory signs pertaining to real estate development located within the Township and designed to promote the sale of lots or homes within a subdivision located within the Township may be permitted on a temporary basis in any use district, but shall not be located upon subdivided land unless such land is part of the subdivision being advertised for sale and shall be subject to the requirements and conditions of all applicable codes and resolutions of the Township, approved by the Zoning Inspector, and a temporary permit issued.
 - g. Signs used for advertising land or buildings for rent, lease and/or for sale shall be permitted when located on the land or building intended to be rented, leased and/or sold.
 - h. One (1) freestanding accessory sign may be located in the required front yard except as otherwise provided herein.
2. In addition to "I" above, the following requirements shall apply to signs in the various use districts as follows:

USE DISTRICTS REQUIREMENTS

A and R Districts (A-1 exceeding two occupant.	For each dwelling unit, one through (RM-I) (2) square feet in area,	(1) nameplate not indicating name of
For structures other than identification sign not feet in area.	For rental and/or management identification sign not area.	dwelling units, one (1) exceeding eighteen (18) square offices, one (1) exceeding six (6) square feet in
In RM-I Districts, signs multiple housing projects no such sign shall be to any property line	indicating the name of shall be permitted provided located closer than one hundred in any adjacent single-family	that (100) feet district.
B-1 Districts	No sign shall project beyond or overhand the wall, or any permanent architectural feature, by more than one (1) foot, and shall not project above or beyond the highest point of the roof or parapet.	
B-1, I-1 and I-2 Districts	Freestanding signs shall not exceed three hundred (300) square feet in area and shall not exceed forty (40) feet in height.	
	Freestanding accessory signs or advertising pylons shall not be placed closer than fifty (50) feet to any adjacent residential district.	
A-1, B-1, I-1 and	Nonaccessory signs shall be I-2 Districts	

permitted, but shall be spaced no closer than one thousand
(1,000) feet between signs on the same side of a road right- of-
way; shall not exceed three hundred (300) square feet of sign
area; and shall not exceed forty (40) feet in height.

SECTION 1110. EXTERIOR LIGHTING:

1. All outdoor lighting in all Use Districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect light away from all adjacent residential districts or adjacent residents.
2. All outdoor lighting in all Use Districts shall be directed toward and confined to the ground areas to lawns or parking lots.
3. All lighting in nonresidential districts used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.
4. Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.
5. All illumination of signs and any other outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

SECTION 1111. RESIDENTIAL ENTRANCEWAY:

In all Residential Districts, so called entranceway structures including but not limited to: walls, columns and gates marking entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided in SECTION 1312. CORNER CLEARANCE, provided that such entranceway structures shall comply to all codes of the Township and shall be approved by the Zoning Inspector and a permit issued.

SECTION 1112. CORNER CLEARANCE:

No fence, wall, shrubbery, sign or other obstruction to vision above a height of two (2) feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

SECTION 1113. WALLS:

1. For those Use Districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district, an obscuring wall as required below (except as otherwise required in subsection "4" of this SECTION 1113):

<u>USE</u>	<u>REQUIREMENTS</u>
(a) Off-street parking area	4' 6" high wall
(b) B-I Districts	4' 6" high wall
(c) I-1 and I-2 Districts - open storage areas, loading or unloading areas, service areas	4' 6" high wall or fence. Height shall provide the most complete obscuring possible.) (See SECTION 113, par. 4.)
(d) Auto wash, Drive-through restaurant	6' 0" high wall
(e) Hospital - ambulance and delivery areas	6' 0" high wall
(f) Utility buildings, stations and/or substations	6' 0" high wall

2. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Resolution requires conformance with front yard setback lines in abutting Residential Districts. Upon review of the site plan, the Zoning Commission may approve an alternate location for the wall, or may waive the wall requirement if in specific cases it would not serve the purposes of screening the parking area effectively.

3. Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Resolution and except such openings as may be approved by the Zoning Inspector. All walls herein required shall be constructed of materials approved by the Zoning Inspector to be durable, weather resistant, rust proof and easily maintained; and wood or wood products shall be specifically excluded.

Masonry walls may be constructed with openings which do not in any square section (height and width) exceed twenty (20) percent of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the Zoning Inspector.

Wall faces abutting residential districts shall be either face brick or comparable decorative material as may be approved by the Zoning Commission.

4. The requirement for an obscuring wall between off-street parking areas, outdoor storage areas, and any abutting residential district shall not be required when such areas are located more than two hundred (200) feet distant from such abutting residential district.

5. The Board of Zoning Appeals may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served, provided that in no instance shall a required wall be permitted to be less than four feet six inches (4' 6") in height. In consideration of a request to waive wall requirements between nonresidential and residential districts, the Board shall refer the request to the Zoning Commission for a determination as to whether or not the residential district is considered to be an area in transition and will become nonresidential in the future.

In such cases as the Zoning Commission determines the residential district to be a future nonresidential area, the Board may temporarily waive wall requirements for an initial period not to exceed twelve (12) months. Granting of subsequent waivers shall be permitted, provided that the Zoning Commission shall make a determination as hereinbefore described, for each subsequent waiver prior to the granting of such waiver by the Board.

SECTION 1114. FENCES (RESIDENTIAL):

Fences are permitted, or required subject to the following:

1. Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard, shall not exceed six (6) feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, or whichever is greater.
2. Recorded lots having a lot area in excess of two (2) acres and a frontage of at least two hundred (200) feet, and acreage or parcels not included within the boundaries of a recorded plat, in all residential districts, are excluded from these regulations.
3. Fences on lots of record shall not contain barbed wire, electric current or charge of electricity.
4. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five (25) percent of their total area.

SECTION 1115. SITE PLAN REVIEW (ALL DISTRICTS):

1. A site plan shall be submitted to the Zoning Commission for approval of any development, except agricultural, single-family and two-family residential.
2. Every site plan submitted to the Zoning Commission shall be in accordance with the requirements of this Resolution, and shall be in such form as the Zoning Commission shall prescribe in its rules.

Site plans shall be submitted to the Zoning Commission at least fourteen (14) days in advance of the next regularly scheduled Commission meeting. Unless the Applicant agrees to an extension of time in writing, the Zoning Commission shall take one of the following courses of action at such meeting:

- a. Approval, in which case the Zoning Inspector may issue a Zoning Certificate.
- b. Conditional Approval, setting forth, in writing, the conditions upon which approval is granted. In the

case of a Conditional Approval, the Applicant shall submit to the Zoning Inspector a revised site plan showing any and all requirements of the Commission. If the Zoning Inspector determines that all conditions have been satisfied on the amended site plan, a Zoning Certificate may be issued.

- c. Disapproval, in which case no Zoning Certificate may be issued, and a new site plan must be prepared for consideration by the Commission.
3. The following information shall be included on the site plan:
 - a. A scale of not less than 1" = 50' if the subject property is less than three (3) acres and 1" = 100' if three (3) acres or more.
 - b. Date, northpoint and scale.
 - c. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
 - d. The location of all existing and proposed structures on the subject property and all existing structures within one hundred (100) feet of the subject property.
 - e. The location of all existing and proposed drives and parking areas, including the proposed parking layout.
 - f. The location and right-of-way widths of all abutting streets.
 - g. The names and addresses of the architect, planner, designer, engineer or person responsible for the preparation of the site plan.
 - h. The existing and proposed drainage and watershed conditions.
 4. In the process of reviewing the site plan, the Zoning Commission shall consider:
 - a. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
 - b. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
 - (1) Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
 - (2) Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
 - c. The Zoning Commission may further require landscaping, fences and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
 - d. In those instances wherein the Zoning Commission finds that an excessive number of ingress and/or egress points may occur with relation to major or secondary thoroughfares, thereby diminishing the carrying capacity of the thoroughfare, the Zoning Commission may require marginal access drives. For a

narrow frontage, which will require a single outlet, the Zoning Commission may require that money in escrow be placed with the Township so as to provide for a marginal service drive equal in length to the frontage of the property involved. Occupancy permits shall not be issued until the improvement is physically provided, or monies have been deposited with the Township.

SECTION 1116. FRONTAGE ON A PUBLIC STREET:

No lot shall be used for any purpose permitted by this Resolution unless said lot abuts a public street, unless otherwise provided for in this Resolution.

SECTION 1117. DRAINAGE:

In any District and in connection with any use or structure, the owner, lessee, or user shall provide drainage as the Zoning Inspector shall prescribe. Insofar as possible, all surface waters and drainage shall be disposed of on the owner's, lessee's, or user's own property, and if not such waters shall be disposed of so as not to adversely effect the neighboring or adjacent property.

This provision shall not apply to the installation of agricultural field drainage tile.

If the property of others must be crossed in order to comply with this Section, the owner, lessee, or user shall be responsible for all damaged caused thereby and for securing any permission from the owners, and shall not connect to, or interfere with, existing drainage systems on the property of others, unless it is with their approval and the approval of the Zoning Inspector.

SECTION 1118. ARTIFICIAL PONDS AND LAKES:

Artificial ponds or lakes shall be permitted in all use districts only with Zoning Commission review and approval.

1. All artificial ponds or lakes shall comply with all requirements of this Resolution including, but not limited to, setback and yard requirements from main structures.
2. In determining compliance with setbacks and yard requirements, the measurements shall be made as follows:
 - a. For in-ground ponds or lakes or portions thereof, from the edge of the pond or lake bank nearest the road right-of-way or lot line to the road right-of-way or lot line.
 - b. For above-ground ponds or lakes or portions thereof, from the lowest point on the outside of any embankment nearest the road right-of-way or lot line to the road right-of-way or lot line.

ARTICLE XII - GENERAL EXCEPTIONS

SECTION 1200. AREA, HEIGHT AND USE EXCEPTION:

The regulations in this Resolution shall be subject to the following interpretations and exceptions.

SECTION 1201. ESSENTIAL SERVICES:

Essential services serving the Township shall be permitted as authorized and regulated by law and other Resolutions of the Township. Overhead or underground lines and necessary towers and poles to be erected to service primarily those areas beyond the Township shall receive the review and approval, after Public Hearing, of the Board of Zoning Appeals. Such review by the Board of Zoning Appeals shall consider abutting property and uses as they relate to easements, rights-of-way, overhead lines, poles and towers, and, further, shall consider injurious effects on adjacent property as well as the orderly appearance of the Township.

SECTION 1202. VOTING PLACE:

The provisions of this Resolution shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a public election.

SECTION 1203. HEIGHT LIMIT:

The height limitations of this Resolution shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments or wireless transmission towers; provided, however, that the Zoning Commission may specify a height limit for any such structure when such structure requires authorization as a Conditional Use.

SECTION 1204. LOT AREA:

Any lot existing and of record on the effective date of this Resolution may be used for any principal use permitted (other than Conditional Uses for which special requirements are specified in this Resolution) in the district in which such lot is located whether or not such lot complies with the lot area and width requirements of this Resolution. Such use may be established provided that all requirements other than lot area and width prescribed in this Resolution are complied with, and provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Resolution for required lot area for each dwelling unit.

SECTION 1205. ACCESS THROUGH YARDS:

For the purpose of this Resolution, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement servicing a like function and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this Resolution not be considered to be a structure, and shall be permitted in any required yard.

ARTICLE XIII - ADMINISTRATION AND ENFORCEMENT

SECTION 1300. ENFORCEMENT:

The provisions of this Resolution shall be administered and enforced by the Zoning Inspector or by such deputies of his department as the Zoning Inspector may delegate to enforce the provisions of this Resolution.

SECTION 1301. DUTIES OF ZONING INSPECTOR:

The Zoning Inspector shall have the power to grant Zoning Certificates and Occupancy Certificates, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Resolution. It shall be unlawful for the Zoning Inspector to approve any plans or issue any Zoning Certificates or Certificates of Occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Resolution.

The Zoning Inspector shall record all nonconforming uses existing at the effective date of this Resolution for the purpose of carrying out the provisions of Section 1102.

Under no circumstances is the Zoning Inspector permitted to make changes to this Resolution nor to vary the terms of this Resolution in carrying out his duties as Zoning Inspector.

The Zoning Inspector shall not refuse to issue a Zoning Certificate when conditions imposed by this Resolution are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said Certificate.

SECTION 1302. PLOT PLAN:

The Zoning Inspector shall require that all applications for Zoning Certificates shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:

- I. The actual shape, location and dimensions of the lot.
2. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.
3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Resolution are being observed.

SECTION 1303. ZONING CERTIFICATES:

The following shall apply in the issuance of any Zoning Certificate:

- I. **Zoning Certificates Not To Be Issued**

No Zoning Certificate shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Resolution.

2. **Certificates For New Use Of Land**

No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a Certificate of Occupancy is first obtained for the new or

different use.

3. Certificates For New Use Of Buildings

No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a Certificate of Occupancy is first obtained for the new or different use.

4. Zoning Certificates Required

No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a Zoning Certificate shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts; type, class or kind of occupancy; or other changes affecting or regulated by the Hancock County or State of Ohio Building Codes or this Resolution, except for minor repairs or changes not involving any of the aforesaid features.

5. Zoning Certificate Expiration

Zoning Certificates shall expire at the end of one (1) year from the date of issuance unless the construction or use has commenced within that period of time. Where construction is being diligently carried on, the Zoning Inspector may issue one (1) twelve (12) month extension of the expiration date.

6. Farm Buildings Excepted

Zoning Certificates shall not be required for barns, sheds, and outbuildings incidental to agricultural uses. Such buildings shall, however, conform to yard requirements established in Section 1000. Compliance Certificates shall be required for dwellings accessory to farming operations.

SECTION 1304. COMPLIANCE CERTIFICATE:

1. Although buildings, structures and uses for agricultural purposes, public utility purposes, and essential service purposes are permitted in all use districts, it shall be unlawful to hereafter erect, alter, move, change, convert, or enlarge such buildings or structures until such proposed work has been determined to comply with all requirements of this Resolution and a Compliance Certificate has been issued therefore.
2. No Compliance Certificate shall be issued for a building, structure, land, or part there of which is not in accordance with the provisions of this Resolution.
3. A record of all Compliance Certificates issued shall be kept on file in the office of the Zoning Inspector, and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the property involved.

SECTION 1305. FOOTER INSPECTION:

So that property owners may be protected from potential errors in the location of buildings, the Zoning Inspector or his representative shall inspect the excavation for structural footers before any concrete is installed. It shall be the responsibility of the property owner to notify the Zoning Inspector at least twenty-four (24) hours prior to pouring concrete, and to provide appropriate evidence of the location of lot lines. If an

inspection has not been made within twenty-four (24) hours of the Zoning Inspector's notice from the property owner, the inspection shall be considered approved, and pouring of concrete may commence.

SECTION 1306. FINAL INSPECTION:

The holder of every Zoning Certificate and Compliance Certificate for the construction, erection, alteration, repair or moving of any building, structure, land or part thereof, shall notify the Zoning Inspector immediately upon completion of the work authorized by such Certificate for final inspection.

SECTION 1307. CERTIFICATES OF OCCUPANCY:

No land, building, or part thereof, shall be occupied by or for any use unless and until a Certificate of Occupancy shall have been issued for such use. The following shall apply in the issuance of any Certificate:

1. Certificates Not To Be Issued

No Certificates of Occupancy shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Resolution.

2. Certificates Required

No building or structure (except farm buildings) or parts thereof, which is hereafter erected, or altered, shall be occupied or used or the same caused to be done, unless and until a Certificate of Occupancy shall have been issued for such building structure.

3. Certificates For Existing Buildings

Certificates of Occupancy shall be issued for buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Resolution.

4. Record Of Certificates

A record of all Certificates issued shall be kept on file in the office of the Zoning Inspector, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

5. Certificates For Dwelling Accessory Buildings

Buildings or structures accessory to dwellings shall not require separate Certificates of Occupancy but may be included in the Certificate of Occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.

6. Application for Certificates

Application for Certificates of Occupancy shall be made in writing to the Zoning Inspector on forms furnished by that Department, and such Certificates shall be issued within five (5) days after receipt of such Application, if it is found that the building or structure, or part thereof, or the use of land is in

accordance with the provisions of this Resolution.

If such Certificate is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.

SECTION 1308. FEES:

Fees for inspection and the issuance of Certificates or copies thereof required or issued under the provisions of this Resolution may be collected by the Zoning Inspector in advance of issuance. The amount of such fees shall be established by the Township Trustees and shall cover the cost of inspection and supervision resulting from enforcement of this Resolution.

ARTICLE XIV - BOARD OF ZONING APPEALS

SECTION 1400. CREATION AND MEMBERSHIP:

There is hereby established a Board of Zoning Appeals which shall consist of five (5) residents appointed by the Township Trustees. The Trustees, by a majority vote, shall choose a successor to fill any vacancy. The five (5) residents first appointed shall serve for terms of one (1), two (2), three (3), four (4) and five (5) years respectively; thereafter appointments shall be for five (5) year terms, beginning January 1st. Each member shall serve until his successor is appointed and qualified.

The Board shall organize annually to elect a Chairman and Vice-Chairman. It shall further adopt rules for its own government not inconsistent with law or with any other resolutions of the Township to carry into effect the provisions of this Resolution.

SECTION 1401. MEETINGS:

All meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such times as such Board may determine. All meetings conducted by said Board shall be open to the public. The Zoning Inspector, or his representatives, shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. Three (3) members of the Board shall constitute a quorum for the conduct of its business. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, paper, files and other evidence pertinent to the matters before it. The Board shall adopt rules and regulations as it may deem necessary to effectuate the provisions of this Resolution.

SECTION 1402. APPEAL:

An appeal may be taken to the Board of Zoning Appeals by any person, firm or corporation, or by an officer, Department, Board or Bureau affected by a decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days, by filing with the Zoning Inspector and with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Inspector certifies to the Board of Zoning Appeals after notice of appeal has been filed with him that by reason of facts stated in the Certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by a court of record.

The Board shall select a reasonable time and place for the hearing of appeal and give at least ten (10) days notice thereof to the parties in interest and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

SECTION 1403. FEES:

The Township Trustees may from time to time prescribe and amend by resolution a reasonable Schedule of Fees to be charged to applicants for appeals to the Board of Zoning Appeals.

SECTION 1404. JURISDICTION:

The Board of Zoning Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Resolution, but does have power to act on those matters where this Resolution provides for an administrative review, interpretation, exception or special approval permit and to authorize a variance as defined in this Section and Section 20I. DEFINITIONS. Said powers include:

I. Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, Zoning Certificate, decision or refusal made by the Zoning Inspector or any other administrative official in carrying out or enforcing any provisions of this Resolution.

2. Variance

To authorize, upon an appeal, a variance from the strict application of the provisions of this Resolution where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Resolution, or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Resolution. In granting a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Resolution. In granting a variance, the Board shall state the grounds upon which it justifies the granting of a variance.

3. Exceptions and Special Approvals

To hear and decide in accordance with the provisions of this Resolution, requests for exceptions, for interpretations of the Zoning Map, and for decisions on special approval situations on which this Resolution specifically authorizes the Board to pass. Any exception or special approval shall be subject to such conditions as the Board may require to preserve and promote the character of the zoning district in question and otherwise promote the purpose of this Resolution, including the following:

- a. Interpret the provisions of this Resolution in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying and made part of this Resolution, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.
- b. Permit the erection and use of a building or use of premises for public utility purposes, upon recommendation of the Zoning Commission.
- c. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.

- d. Permit temporary buildings and uses for periods not to exceed two (2) years in undeveloped sections of the Township and for periods not to exceed six (6) months in developed sections, with the granting of twelve (12) month extensions being permissible; provided such extension may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Resolution.
- e. Permit, upon proper application, the following character of temporary use, not otherwise permitted in any district, not to exceed twelve (12) months with the granting of twelve (12) month extensions being permissible: Uses which do not require the erection of any capital improvement of a structural nature.

The Board of Zoning Appeals, in granting Zoning Certificates for the above temporary uses, shall do so under the following conditions:

- (1) The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
 - (2) The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary Certificate.
 - (3) All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of Cass Township, shall be made at the discretion of the Board of Zoning Appeals.
 - (4) In classifying uses as not requiring capital improvement, the Board of Zoning Appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments, such as, but not limited to: golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.
 - (5) The use shall be in harmony with the general character of the district.
 - (6) No temporary use Certificate shall be granted without first giving notice to owners of adjacent property of the time and place a Public Hearing is to be held as further provided for in this Resolution. Further, the Board of Zoning Appeals shall seek the review and recommendation of the Zoning Commission prior to the taking of any action.
4. In consideration of all appeals and all proposed variations to this Resolution, the Board shall, before making any variations from the Resolution in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of inhabitants of Cass Township. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant any matter upon which it is authorized by this Resolution to render a decision.

SECTION 1405. ORDERS:

In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify the orders,

requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Inspector from whom the appeal is taken.

SECTION 1406. MISCELLANEOUS:

No order of the Board permitting the erection of a building shall be valid for a period longer than one (1) year, unless a Zoning Certificate for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such Certificate.

No order of the Board permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and effect if a Zoning Certificate for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such Certificate.

ARTICLE XV - CHANGES AND AMENDMENTS

SECTION 1500. GENERAL:

Wherever the public necessity, convenience, general welfare or good zoning practice require, the Township Trustees may by Resolution and subject to the procedure provided by law, amend, supplement or change the regulations, district boundaries or classifications of property, now or hereafter established by this Resolution or amendments thereof.

SECTION 1501. FEES:

At the time an application for a change in the Zoning Resolution or Map is filed with the Zoning Commission, such application shall be accompanied by a fee. The amount of such fee shall be established by the Township Trustees and shall be sufficient to defray the administrative costs involved in processing the amendment request.

ARTICLE XVI - INTERPRETATION

In the interpretation and application, the provisions of this Resolution shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Resolution to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or resolution other than the above described Zoning Resolution, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Resolution imposes a greater restriction than is required by existing resolution or by rules, regulations or permits, the provisions of this Resolution shall control.

ARTICLE XVII - VESTED RIGHT

Nothing in this Resolution should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be necessary to the preservation or protection of public health, safety, and welfare.

ARTICLE XVIII - ENFORCEMENT, PENALTIES AND OTHER REMEDIES

SECTION 1800. VIOLATIONS:

Any person, firm or corporation violating any of the provisions of this Resolution shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than one hundred dollars (\$100.00).

SECTION 1801. PUBLIC NUISANCE PER SE:

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Resolution and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

SECTION 1802. FINES:

The owner of any building, structure or premises or part thereof, where any condition in violation of this Resolution shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines herein provided.

SECTION 1803. EACH DAY A SEPARATE OFFENSE:

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

SECTION 1804. RIGHTS AND REMEDIES ARE CUMULATIVE:

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

ARTICLE XIX - SEVERANCE CLAUSE

Sections of this Resolution shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Resolution as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE XX - EFFECTIVE DATE

Public Hearing having been held hereon, the provisions of this Resolution are hereby given effect.

Made and passed by the Township Trustees of Cass Township, Hancock County, Ohio on this ___ day of _____, 1987.

1. Date of Public Hearing by Zoning Commission: June 16, 1987

2. Date of Public Hearings by Township Trustees: July 30, 1987

August 13, 1987

3. Date of Adoption by Township Trustees:

Signed,

Trustee

Trustee

Trustee

Attest:

Clerk