

DELAWARE TOWNSHIP
HANCOCK COUNTY, OHIO

ZONING RESOLUTION

Prepared by:

Delaware township zoning commission

Effective date: November 21, 2001

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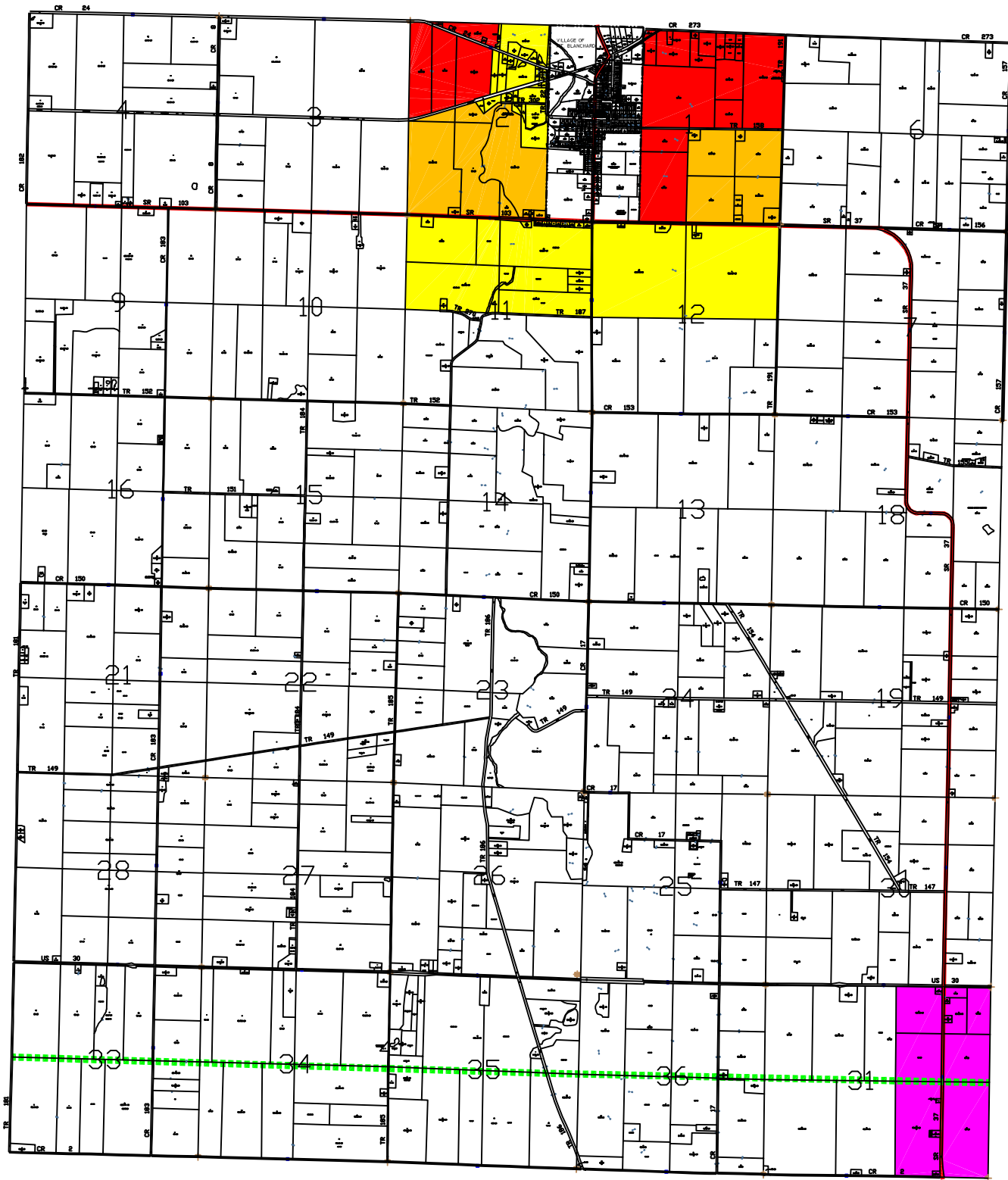
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






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EXISTING PROPOSED
 ———— - - - - - MAJOR THOROUGHFARE
 ———— - - - - - EXPRESSWAY

	A-1	AGRICULTURAL
	R-1	ONE FAMILY RESIDENTIAL
	RM-1	MULTIPLE-FAMILY RESIDENTIAL
	B-1	BUSINESS
	ES	EXPRESSWAY SERVICE
	I-1	LIGHT INDUSTRIAL
	I-2	GENERAL BUSINESS

ZONING DISTRICTS MAP DELAWARE TOWNSHIP

NOVEMBER 21, 2001

REV. AUGUST 22, 2007

DELAWARE TOWNSHIP ZONING RESOLUTION

HANCOCK COUNTY, OHIO

TITLE

A Resolution enacted under Section 519 of the Ohio Revised Code, governing the unincorporated portions of Delaware Township, Hancock County, Ohio, to regulate 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 limit the height and bulk of buildings and other structures; 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 Delaware 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, water, sewers, schools, recreation and other public requirements, and by other means, all in accordance with a Comprehensive Land Use Plan now therefore

ENACTING CLAUSE

Delaware Township Resolves:

ARTICLE I - SHORT TITLE

This Resolution shall be known and may be cited as the Delaware Township 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:

1. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
2. A "building" or "structure" includes any part thereof.
3. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
4. Terms not herein defined shall have the meaning customarily assigned to them.

Section 201. 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 zoning 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 to, 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. 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.
5. Storage of goods used in or produced by industrial uses or related activities, unless such a storage is excluded in the applicable

district regulations.

6. Accessory off-street parking spaces, open or enclosed.
7. Uses clearly incidental to a main use such as but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
8. Accessory off-street loading.
9. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

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.

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.

COMPREHENSIVE PLAN: The Comprehensive Plan of Delaware Township, 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.

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 Delaware 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 portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

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 municipal 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 therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

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 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, breeze ways and enclosed and unenclosed porches.

FLOOR AREA, USABLE (for the purposes of computing parking): That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area". Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

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 level of 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 (1), 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 (1) sign not exceeding four (4) square feet, non-illuminated.

JUNK YARD: An area where waste, used or secondhand materials are bought, 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: A lot shall satisfy this Resolution with respect to area, size, dimensions, and frontage as required in the district in which the lot is located. A lot, therefore, may not coincide with a lot of record as filed with the County Recorder, but may include one or more lots of record.

LOT, CORNER: A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) 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 (2) points where the lot lines meet the curve or the straight street line extended, for an interior angle of less than one hundred and thirty-five (135) degrees.

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

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

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 Comprehensive 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 (2) points where the building 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 THOROUGHFARE: 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 thoroughfare, parkway, freeway, expressway, or equivalent term on the Delaware Township Land Use Plan to identify those streets comprising the basic structure of the Plan.

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 (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located.

MOTOR HOME: A self-propelled recreational vehicle that has no fifth wheel and is constructed with permanently installed facilities for cold storage, cooking and consuming of food and for sleeping.

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.

PARKING SPACE: An area of definite length and width, fully accessible for the parking of permitted vehicles; said area shall be exclusive of drives, aisles or entrances giving access thereto.

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, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or

water.

RECREATIONAL VEHICLE: A vehicular portable structure that is designed for the sole purpose of recreational travel.

ROOM: For the purpose 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 eight (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, and 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, NON-ACCESSORY: A sign which is not related to the principal use of the premises; outdoor advertising such as billboards and the like.

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.

TRAVEL TRAILER: a non-self-propelled recreational vehicle that does not exceed an overall length of thirty-five feet, exclusive of bumper and tongue or coupling, and contains less than three hundred twenty square feet of space when erected on site and including a tent-type fold-out camping trailer.

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 special approval requested by an applicant to relax one or more zoning code regulations on a specific property. An approval of a variance authorizes the property owner to do something with the property that is not allowed by the zoning code. In granting a variance the following standards and requirements must be met:

1. There must be special circumstances applicable to the property that are not self created nor the fault of the applicant, due to the size, shape, topography or terrain of the property.
2. There must be a practical difficulty of substantial hardship that restricts or prevents development on a specific site, where the restriction is substantial and not inconsequential or for the convenience of the applicant.
3. No special development privilege is conferred on the property not gained by other properties in the vicinity and in the zone in which the property is located.
4. No adverse impacts and incompatibility are created by the granting of the variance that will unfavorably alter the basic character of the neighborhood and impair the ability to develop or enjoy use of adjoining properties.
5. The granting of a variance cannot be solely for the economic gain of the applicant, prevent economic loss, or mitigate personal or family difficulties.
6. The variance must be the minimum necessary to carry out development.
7. The variance must relate to an area regulation imposed on the property by the zoning code in the district in which the property is located. Area variances include: reduction of minimum lot area and width; reduction of setback or minimum zone yard depth for principal and accessory structures and fences; increase in maximum height of buildings, structures, and fences; building coverage on lot, or lot area per dwelling unit but not sufficient to increase dwelling density to create a change in zoning; reduction in distances between structures; and reduction in the amount of off-street parking and loading required.
8. Use variances that permit uses not allowed in a zoning district are prohibited.

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, 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 INSPECTOR: The Zoning Inspector of Delaware Township, Ohio or his authorized representative.

ARTICLE III. DISTRICTS AND MAP

Section 300. DISTRICTS ESTABLISHED:

For the purpose of this Resolution, Delaware 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
- ES Expressway Service
- I-1 Light Industrial District

I-2 General Industrial Districts

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 Districts 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 lot lines shall be construed as following such lot lines.
3. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 and 2 above shall be so construed. Distances not specifically indicated on the official Zoning Districts Map shall be determined by the scale of the map.
4. 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 3 above, the Zoning Commission shall interpret the district boundaries.
5. 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:

When any street, alley or other public way, within the unincorporated area of Delaware 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 usage. The intent is to provide for an environment of predominantly 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. Cemeteries which lawfully occupied land at the time of adoption of this Resolution.
8. Accessory buildings and uses customarily incident to any of the above permitted uses.
9. Non-accessory signs not exceeding thirty-two (32) square feet.

**Section 402. 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 Inspector:

1. Single-family dwellings, provided there is a minimum lot area of two (2) acres, with a minimum width of two hundred fifty (250) feet at the street right-of-way line.
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 areas, institutional or community recreation center; 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 or Zoning Compliance 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.

4. 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 public 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 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. Mobile homes may be placed on any lot that fits the requirements to permit the building of a single-family dwelling, subject to the following conditions:
 - a. The mobile home shall be at least 14 feet by 70 feet in size.
 - b. The mobile home shall not be more than three (3) years old.
 - c. The mobile home shall comply with requirements of Section 402, Subsection 1.
 - d. The mobile home must be secured on the site in compliance with manufacturer's specifications.
7. Accessory buildings and uses customarily incident to any of the above permitted uses.

Section 403. AREA AND BULK REQUIREMENTS

See ARTICLE XI - 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 building and uses, customarily incident to any of the above permitted uses.
7. Mobile homes may be placed on any lot that fits the requirements to permit the building of a single-family dwelling, subject to the following conditions:
 - a. The mobile home shall be at least 14 feet by 70 feet in size.
 - b. The mobile home shall not be more than three (3) years old.
 - c. The mobile home shall comply with requirements of Section 402, Subsection 1.

- d. The mobile home must be secured on the site in compliance with manufacturer's specifications.

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.

1. Churches and other facilities normally incidental thereto subject to the following conditions:
 - a. Buildings of greater than the maximum height allowed in ARTICLE XI -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.
 - 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 Planning 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 or Zoning Compliance 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 Planning 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.
2. 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 Planning 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.
3. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit, all subject to the following conditions:
 - a. No building shall be closer than thirty (30) feet to any property line.
 - b. Buildings of greater than the maximum height allowed in ARTICLE XI - SCHEDULE OF REGULATIONS may be permitted provided that 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.
 4. 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 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 seventy-five (75) 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 a 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.

5. 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.
6. Accessory buildings and uses customarily incident to any of the above permitted uses.

Section 503. AREA AND BULK REQUIREMENTS

See ARTICLE XI - 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 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 medium 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 and as regulated in the R-1 One-Family Residential District.
2. Two-family and multiple-family dwellings.
3. Accessory buildings and uses customarily incident to any of the

above permitted uses.

4. Mobile homes may be placed on any lot that fits the requirements to permit the building of a single-family dwelling, subject to the following conditions:
 - a. The mobile home shall be at least 14 feet by 70 feet in size.
 - b. The mobile home shall not be more than three (3) years old.
 - c. The mobile home shall comply with requirements of Section 402, Subsection 1.
 - d. The mobile home must be secured on the site in compliance with manufacturer's specifications.

Section 602. REQUIRED CONDITIONS:

In the case of the multiple dwelling developments, all Site Plans shall be submitted to the Zoning Commission for its review and approval prior to issuance of a Zoning Certificate.

Approval shall be subject to the following conditions:

1. The entire area of the site shall be treated to service the residents of the multiple dwelling units located thereon, and any accessory buildings, uses, or services shall be developed solely for the use of residents of the main buildings. Uses considered herein as accessory uses include: swimming pools, cabanas, parking, recreation areas, off-street parking areas and other similar uses.
2. The Site Plan shall be so planned as to recognize yard and general development relationships with adjacent land uses. The Planning Commission may require physical features be provided which will insure harmony in the relationships.
3. The Site Plan shall be so planned as to provide ingress and egress directly onto a major or secondary thoroughfare (a thoroughfare of at least eighty (80) feet of right-of-way, existing or proposed), except when the Planning Commission finds, upon review of the Site Plan, that ingress and egress directly onto an adjacent minor street will not be detrimental to the harmonious development of adjacent properties.
4. Access drives, parking areas and maneuvering lanes shall be so located to minimize their conflict with buildings and outdoor living areas so as to encourage pedestrian and vehicular safety and convenience.

Section 603. 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 604. AREA AND BULK REQUIREMENTS:

See ARTICLE XI - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, maximum density permitted and providing 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:

In a Business 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. 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, and 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, show room or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer or an establishment doing radio or home appliance repair, photographic reproduction, and 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-in.

- 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. Non-accessory signs.
 6. Other uses similar to the above uses.
 7. 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:

1. 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 steam cleaning or undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstering, auto glass work, 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 and having no facilities for repair or servicing of automobiles (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 of 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. Motel, subject to the following conditions:
 - a. Access shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.
 - b. Each unit shall contain not less than two hundred and fifty (250) square feet of floor area.
 - c. No guest shall establish permanent residence at a motel for more than thirty (30) days within any calendar year.
4. Business in the character of a drive-in or open front store, subject to the following conditions:
 - a. A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street must be maintained.
 - b. 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 XII - GENERAL PROVISIONS.

5. 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.
6. 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 affects on adjacent uses.
7. Farm implement dealerships subject to conditions the Zoning Commission deems necessary for the protection of the business character of the surrounding area.
8. 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 XI - 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 - EXPRESSWAY SERVICE

Section 800. INTENT

The ES Expressway Service Districts are intended to serve the needs of automobile highway traffic at the interchange areas of feeder roads and expressway facilities, smooth traffic flow at an interchange area, and to protect adjacent properties in other zones from adverse influences of traffic.

Section 801. PRINCIPAL USES PERMITTED

In ES Expressway Service Districts the use of land, the location and

erection of new buildings or structures, and the alteration, enlargement, and moving of existing buildings or structures from other locations or districts shall conform to the following specified uses, unless otherwise provided in this Resolution:

1. Automobile service stations and repair stations, parking garages, and bus passenger stations.
2. Retail establishments to serve the needs of the highway travelers, including such facilities as, but not limited to: drug stores, gift shops, and restaurants.
3. Motels, hotels, transient lodging facilities but not including tent sites.
4. Other uses similar to the above as determined after Zoning Commission approval. In determining that the uses are similar, the Zoning Commission shall find that the use will primarily serve the needs of automobile highway traffic.
5. Accessory structures and uses customarily incident to the above permitted uses.

1.

Section 802. REQUIRED CONDITIONS

1. Barriers: All developments shall be physically separated from the feeder road by a curb and planting strip. Such barrier shall effectively eliminate un-channeled vehicle ingress or egress except for authorized access ways.
2. Access ways: Each separate use, grouping of buildings, or grouping of uses as a part of a single planned development shall not have more than two (2) access ways from a feeder road. Each access way shall not be located closer than three hundred (300) feet to the point of intersection of an entrance or exit ramp baseline and the feeder road centerline. In cases where the ramp baseline and feeder road centerline do not intersect, no access way shall be located closer than three hundred (300) feet from the point of tangency of the ramp baseline and the feeder road pavement. In those instances where properties fronting on a feeder road are of such width or are in multiple ownerships and access ways to the property cannot be provided in accord with the minimum three hundred (300) feet distance from the intersection of the feeder road and entrance or exit ramps, a marginal access road shall be provided to serve such properties.

Section 803. AREA AND BULK REQUIREMENTS

See ARTICLE XI - 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 IX - I-1 LIGHT INDUSTRIAL DISTRICTS

Section 900. 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 affect 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 form, 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 purposes:

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 901. PRINCIPAL USES PERMITTED:

In an 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-1, RM-1, and B-1 Districts, and on any front yard abutting a public thoroughfare. In I-1 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 XII - 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 is 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, pharmaceutical, 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 stereos.

- 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 consumer 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-1 District, the extent of such fence or wall may be determined by the Planning 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. Municipal uses such as water treatment plants, and reservoirs, sewage treatment plants, and all other municipal 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 to the above uses.
 - 10. Accessory buildings and uses customarily incident to any of the above permitted uses.

Section 902. 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. Auto engine and body repair, and undercoating shops when completely enclosed.
2. 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-1 District.
3. Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
4. Commercial kennels.
5. Grain elevators.
6. Other uses of a similar character to the above uses.

Section 903. AREA AND BULK REQUIREMENTS:

See ARTICLE XI - 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 X - I-2 GENERAL INDUSTRIAL DISTRICTS

Section 1000. INTENT:

The I-2 General Industrial District 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 1001. 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-1 District.
2. Heating and electric power generating plants.

Section 1002. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

1. Any of the following production or manufacturing uses:
 - a. Junk yard, provided such are entirely enclosed within a building or within and eight (8) foot obscuring wall.
 - b. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.
 - c. Blast furnace, steel furnaces, blooming or rolling mill.
 - d. Manufacture of corrosive acid or alkali, cement, concrete, lime gypsum or plaster of paris.
 - e. Petroleum or other inflammable liquids, production, refining or storage.
 - f. Smelting of copper, iron, or zinc ore.
 - g. Limestone quarry operations.
 - a. Landfill and C D& D Facilities
2. 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.
3. Accessory buildings and uses customarily incident to any of the above permitted uses.

Section 1003. AREA AND BULK REQUIREMENTS

See ARTICLE XI - 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 XI SCHEDULE OF REGULATIONS

Section 1100. NOTES TO SCHEDULE OF REGULATIONS

- (a) See Section 1102 regarding exceptions to height limitations for farm buildings.
- (b) In those instances where public sanitary sewer and water systems are not provided, all lots per dwelling shall equal a minimum of two acres and shall be not less than 250 feet in width at the road right of way line.
- (c) 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 903., whichever is greater.
- (d) 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.
- (e) In an RM-1 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-1 Districts, for the purpose of computing the permitted number of dwelling units per acre the following room assignments shall control:

Efficiency =	1 room
One Bedroom =	2 rooms
Two Bedroom =	3 rooms
Three Bedrooms =	5 rooms
Four Bedrooms =	7 rooms

Plans presented showing 1, 2, 3, or 4 bedroom units as including a "den", "library" or other such room shall count such other room as a bedroom for the purpose of computing density.

In an RM-1 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.

- (f) In no instance shall the distance between buildings be less than thirty (30) feet.

- (g) 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 line as indicated on the Comprehensive Land Use Plan.
- (h) Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements.
- (i) No building shall be closer than fifty (50) feet to any adjacent Residential District or to any major thoroughfare.
- (j) Off-street parking shall be permitted in a required side yard setback.
- (k) 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.
- (l) Off-street parking for visitors, over and above the number of spaces required under Section 1204, 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.
- (m) Along interior side lot lines of the District, side yards shall be equal to at least the height of 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.
- (n) All storage shall be in the 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, office or business district or from a public street.

ARTICLE XI - SCHEDULE OF REGULATIONS

Section 1101: SCHEDULE LIMITING HEIGHT, BULK, DENSITY AND AREA BY ZONING DISTRICT:

Zoning District	Minimum Zoning Lot Size Per Dwelling Unit		Maximum Height of Structures	Minimum Yard Setback (per lot in feet)			Minimum Floor Area Per Unit (Sq. Ft.)	Maximum % of Lot Area Covered by All Buildings
	Area in Square Feet or Acres	Width in Feet	In Feet	Front	Each Side	Rear		
A-1 Agricultural	2 acres	250	35 (a)	40	20	40	1000	-
R-1 One-Family Residential	2500 (b)	100 (b)	25	30 (c,d)	12 c	35 c	1000	25%
RM-1 Multiple Family Residential	(e)	(e)	28	30 (f)	30 (f)	30 (f)	1 BR - 500 2 BR - 700 3 BR - 900 4 BR - 1100	25%
B-1 Business	-	-	30 (k)	40 (g)	10 (i,j)	(h,i)	-	-
ES Expressway								
I-1 Light Industrial	-	-	40 (k)	60 (m)	40 (j,m)	(i n)	-	-
I-2 General Industrial	-	-	40 (k)	60 (m)	40 (j,m)	(i n)	-	-

ARTICLE XII - GENERAL PROVISIONS

Section 1200. 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 1201. 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 buildings, structure or land, or part thereof, except in conformity with the provisions of this Resolution.

Section 1202. NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES AND NONCONFORMING USES OF STRUCTURES AND PREMISES:

1. 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.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure or land shall not be extended or enlarged after passage of this Resolution, except that extension or expansion of nonconformities may be permitted by the Zoning Commission subject To the following conditions:

- a. The extension or expansion shall not exceed 100% of the floor area or lot coverage existing at the effective date of this Resolution so long as said expansion re-

mains within the confines of the lot as it existed at the effective date of this Resolution.

- b. The extension or expansion cannot reasonably be expected to adversely affect adjacent conforming uses by reducing the market value of such adjacent property, by interfering with ingress and egress thereto, or obstructing its existing light and air.
- c. Setbacks appropriate to the nature of the nonconforming use are maintained.

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 dimensions 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 Use of Land

Where at the effective date of adoption or amendment of this Resolution, lawful use of land exists that is made not 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, except when done in conformance with subsection 1.above.
- b. No such nonconforming 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. Except as provided in section 1202, paragraph 1, no such structure may be enlarged or altered in a way which increases its nonconformity. Such structures 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 relocated.

5. Nonconforming Uses of Structures and Land

If a lawful use of a structure, or of 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, or when done in conformance with subsection 1. above.

- b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for 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 finding 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 thereafter be resumed.

- e. When a nonconforming use of a structure, or structure 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. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

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 assessed 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 resorting 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. Change of Tenancy or Ownership

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

Section 1203. 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 nor 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 side or rear lot line.

In no instance shall an accessory building be located within a dedicated easement or right-of-way.

5. No detached accessory building in R-1 or RM-1 Districts shall exceed fourteen (14) feet in height, nor exceed the height of the main building on the premises.

Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts, subject to Zoning Commission review and approval if the building exceeds 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 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.
7. When an accessory building in any Residence 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 placement of a residence or a mobile home park 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.
9. All trailer vehicles or recreational vehicles owned by residents of the Township and stored on their individual lots shall be stored only within the confines of the rear or non-required side yard 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 vehicles or recreational vehicles, parked or stored, shall not be connected to sanitary facilities and shall not be occupied.

Section 1204. OFF-STREET PARKING REQUIREMENTS:

There shall be provided in all districts, at the time of

enlargement of any main building or structure, automobile off-street parking spaces, 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 that is in excess of the minimum side yard setback unless otherwise provided in this Resolution. Off-street parking shall not be permitted within a required front or side yard setback unless otherwise provided in this Resolution.
2. 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 1203. ACCESSORY BUILDINGS of this Resolution.
3. Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
4. 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.
5. 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 separately.
6. 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.
7. The storage of merchandise, motor vehicles for sale or rent, trucks or the repair of vehicles is prohibited.
8. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use that the Zoning Commission considers is similar in type.
9. When units or measurements determining the number of required parking spaces result in the requirement of a fractional parking 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.

10. For the purpose of computing the number of parking spaces required, the definition of USABLE FLOOR AREA in ARTICLE II -DEFINITIONS, SECTION 201 shall govern.

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

a. **RESIDENTIAL**

(1) **Residential, One-Family, Two-Family or Multiple-Family:** Two (2) for each dwelling unit.

(2) **Housing for the Elderly:** One (1) for each two (2) units, and one (1) for each employee. Should units revert to general occupancy, then two (2) spaces per unit shall be provided.

(3) **Mobile Home Park:** Two (2) for each mobile home site and one (1) for each employee of the mobile home park.

b. **INSTITUTIONAL**

(1) **Churches:** One (1) for each three (3) seats of six (6) feet of pews in the main unit of worship.

(2) **Homes for the Aged and Convalescent Homes:** One (1) for four (4) beds.

(3) **Private Clubs or Lodge Halls:** One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, County, or State fire, building or Health codes.

(4) **Private Clubs, Swimming Pool Clubs, Tennis Clubs or Other Similar Uses:** One (1) for each two (2) member families or individuals plus spaces required for each accessory use, such as a restaurant or bar.

(5) **Golf Courses Open to the General Public,**

Except Miniature or "Par-3" Courses: Six (6) for each one (1) golf hole and one (1) for each one (1) employee, plus spaces required for each accessory use, such as a restaurant or bar.

- (6) **Nursery School, Day Nurseries or Child Care Centers:** One (1) for each three hundred and fifty (350) square feet of usable floor space.

c. **BUSINESS AND COMMERCIAL**

- (1) **Planned Commercial or Shopping Center:** One (1) for each two hundred (200) square feet of usable floor area.
- (2) **Auto wash (self-service or coin operated):** Two (2) for each washing stall in addition to the stall itself.
- (3) **Beauty Parlor or Barber Shop:** Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1-1/2) spaces for each additional chair.
- (4) **Establishment for Sale and Consumption on the Premises, of Beverages, Food or Refreshments:** One (1) for each seventy-five (75) square feet of usable floor space or one (1) for each two (2) persons allowed within the maximum occupancy load as established by local, County, or State fire, building or health codes.
- (5) **Furniture and Appliance, Household Equipment, Repair Shops, Showroom of a Plumber, Decorator, Electrician, or Similar Trade, Shoe Repair and Other Similar Uses:** One (1) for each eight hundred (800) square feet of usable floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein.)

- (6) **Gasoline Service Stations:** Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump.
- (7) **Laundromats and Coin Operated Dry Cleaners:** One (1) for each five (5) washing and/or dry cleaning machines.
- (8) **Miniature or "Par-3" Golf Courses:** Three (3) for each one (1) hole plus one (1) for each one (1) employee.
- (9) **Retail Stores Except as Otherwise Specified Herein:** One (1) for each two hundred (200) square feet of usable floor space.

d. **OFFICES**

- (1) **Banks:** One (1) for each one hundred (100) square feet of usable floor space.
- (2) **Business Offices or Professional Offices Except as Indicated in the Following item (3):** One (1) for each two hundred (200) square feet of usable floor space.
- (3) **Professional Offices of Doctors, Dentists or Similar Professions:** One (1) for each fifty (50) square feet of usable floor area in waiting rooms, and one (1) for each examining room, dental chair or similar use area.

e. **INDUSTRIAL**

- (1) **Industrial or Research Establishments, and Related Accessory Offices:** Five (5) plus one (1) for 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 Establishments and Related Accessory Offices:** Five (5) plus one (1) for every one (1) employee in the largest working shift.

Section 1205. OFF-STREET PARKING SPACE, LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE:

Whenever the off-street parking requirements in Section 1204 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 Certificate therefore is issued by the Zoning Inspector. Applications for a Certificate 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>Pattern</u>	<u>Maneuver- ing Lane Width</u>	<u>Parking Space Width</u>	<u>Parking Space Length</u>	<u>Total Width Of One Tier Of Spaces Plus Maneu- vering Lane</u>	<u>Total Width Of Two Tiers Of Spaces Plus Maneu- vering Lane</u>
0 °(parallel parking)	12'	8'	23'	20'	28'
30° to 53°	12'	8-1/2'	20'	32'	52'
54° to 74°	15'	8-1/2'	20'	32-1/2'	58'
75° to 90°	22'	9'	20'	42'	62'

3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street or alley shall be prohibited.
4. Adequate ingress and egress to the parking lot by means of clearly limited and 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 or fence not less than four feet six inches (4'-6") in height measured from the surface of the parking area. This screen shall be provided on all sides where the next zoning district is designated as a Residential District. Landscaping, in lieu of such wall or fence, may be substituted with approval of the Zoning Commission. Such landscaping shall consist of evergreen materials not less than four (4) feet in height.

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. The entire parking area, including parking spaces and maneuvering lanes, required under this Section shall be provided with a permanent, durable and dustless surfacing in accordance with specifications approved by the Zoning Inspector. The parking area shall be surfaced within one (1) year of the date the Occupancy Certificate is issued.

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

Section 1206. 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 XI - SCHEDULE OF REGULATIONS, under Minimum Rear Yards (footnote i.), except as hereinafter provided for Industrial Districts.
2. Within an I District, all spaces shall be laid out in the dimension of at least ten by fifty (10x50) 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 Districts shall be provided in the following ratio of spaces to floor area:

<u>Gross Floor Area (In Square Feet)</u>	<u>Loading and Unloading Space Required</u>
0 - 1,400	None
1,401- 20,000	One Space
20,001 - 100,000 square feet.	One (1) space for each 20,000 Feet in excess of 20,001 square

3. All loading and unloading in an Industrial 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 1207. 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 considerations since they service an area larger than the Township or require sizeable 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:

1. 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 as provided in the Ohio Revised Code.

2. 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-1 Multiple-Family Residential Districts, in the B-1 Business Districts, and in the I-1 Industrial Districts, subject to the following location requirements:

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

B-1 Business or I-1 Light Industrial Districts: Mobile home parks located in B-1 or I-1 Districts shall abut

B-1 or I-1 Districts on not more than three (3) sides and shall abut an RM-1 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.

Required Conditions

- a. **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.

- b. **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.

- c. **Lot Depth**: Each mobile home site shall have a minimum lot depth of eighty-five (85) feet measured along the longitudinal median.

- d. **Lot Coverage**: Not more than twenty-five (25) percent of the area of any mobile home space shall be occupied by mobile homes or attendant accessory structures.

- e. **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.

- f. **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.

- g. **Building Height Regulations**

The maximum height of any structures in a mobile

home shall be fourteen (14) feet.

h. **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.

i. **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 Thoroughfare.

j. **Screening**

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

3. Junk or Salvage Yards; and Incinerator Plants

Junk or salvage yards and incinerator plants for garbage or refuse shall be permitted in I-1 Districts provided such uses have direct access to a Major or Secondary Thoroughfare, either existing or proposed, and provided further that such uses are conducted within a building or within an eight (8) foot obscuring wall with a closeable gate with an opening not to exceed 30 feet in width.

4. INDOOR AND OUTDOOR FIRING RANGE

Outdoor Firing Ranges, shall be permitted in A-1 Districts and indoor ranges in B-3 General Business Districts to insure that such facility includes the following restrictions:

- a. Appropriate baffles to muffle and direct sound away from residential areas.
- b. Back stops and or side stops, either natural or man-made, of a thickness sufficient to totally absorb all rounds fired.

- c. Adequate exhaust and filtration of gun powder and lead particles generated in such a facility to render air quality to a standard acceptable to the Ohio EPA.

5. PRIVATE CAMPGROUNDS

Private Campgrounds may be permitted in the A-1 Agricultural Districts, provided that the property involved does not abut a Residential District, and provided the site has access onto a Major or Secondary Thoroughfare in a manner deemed acceptable by the Township Trustees. Campgrounds shall comply with all applicable state or county regulations and shall be subject to the following additional conditions.

- a. A setback of not less than forty (40) feet shall be maintained between the perimeter of the facility and any structure or campsite.
- b. A landscaped screen of a composition acceptable to the Township Trustees shall be provided along all side and rear property lines, except that no such screen shall be closer than forty (40) feet to any public street right-of-way line.
- c. All exterior lighting within the site shall be shielded so as to not spill light onto adjacent property or public roadways.

6. ADULT ENTERTAINMENT ESTABLISHMENTS/ADULT ENTERTAINMENT USES

Because Adult Entertainment Establishments and Adult Entertainment Uses possess unique characteristics, they require particular consideration as to their proper location in relation to proximately established or intended uses, or to the planned development of the community. Therefore, after verification by the Township Zoning Inspector that they have met the requirements listed herein, they may be permitted as conditional uses in I-1 Light Industrial Districts and I-2 General Industrial Districts upon a majority vote of the full Board of Township Trustees, after public hearing, and after recommendations have been received from the Township Zoning Commission pursuant to a site plan review in accordance with Section 1415 of the Delaware Township Zoning Resolution and from Hancock Regional Planning Commission.

Based upon various studies done on the effects of adult entertainment establishments on the quality of community life, the recognition of The United States Supreme Court and the courts of Ohio that a local government's regulation of the

location of adult entertainment establishments in order to preserve the quality of urban and rural life constitutes a substantial government interest, and based upon the successful enactment and enforcement of similar ordinances throughout this state and other states, the Delaware Township Board of Trustees, Hancock County, Ohio hereby find that the enactment of a zoning provision to regulate the location of adult entertainment establishments is a substantial government interest for Delaware Township in preserving the quality of urban and rural life and that it is in the interest of the health, safety, morals, and general welfare of the citizens of Delaware Township, Hancock County, Ohio that adult entertainment uses are regulated pursuant to the standards herein.

This section is intended to provide for the proper location of adult entertainment uses in order to protect the integrity of adjacent neighborhoods, educational uses, religious uses, parks and other commercial uses, and the quality of urban and rural life. Proper separation of adult entertainment uses prevents the creation of "skid row" areas in Delaware Township that results from the concentration of these uses and their patrons.

It is the intent of this section to limit the secondary effects of adult entertainment uses. The standards in this section are intended to ensure that residential and agricultural districts, religious uses, educational uses, parks and other commercial uses are located in areas free from the secondary effects of adult entertainment uses. The location of residential and agricultural districts, religious uses, educational uses, parks and other commercial uses within viable, un-blighted and desirable areas supports the preservation of property values and promotes the health, safety and welfare of the public.

Adult entertainment establishments, where otherwise permitted in a use district, are subject to the following location restrictions:

- a. No adult entertainment establishment shall be located within 1,500 feet of a residential district (including R-1, R-2, R-T, RM-1 or districts and all areas which are designated "residential", "residence", "family", or "multiple-family" by any local comprehensive plan or zoning ordinance or resolution). However, an adult entertainment establishment may be permitted to locate within 1,500 feet of a residentially zoned district or use upon presentation to the Board of Township Trustees of a validated petition requesting such waiver, signed by in excess of 50% of those persons owning residential land or business establishments within 1,500 feet of the proposed location. The Township Zoning Commission shall adopt rules and regulations

governing the procedure for securing the petition of consent provided for in this section as well as reasonable fees necessary for administratively processing the petition. The rules shall provide that the circulator of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with the rules of the Township Zoning Commission, that the circulator personally witnessed the signatures on the petition, and that the same were affixed to the petition by the person whose name appeared thereon. The Township Zoning Commission shall not consider the waiver of location requirements set forth in this section until the above described petition shall have been filed and verified.

b. No adult entertainment establishment shall be located within 2,000 feet of another existing adult entertainment establishment, unless the following findings are made by the Township Zoning Commission:

(1) That the proposed use/establishment will not be contrary to the public interest or injurious to nearby properties.

(2) That the proposed use/establishment will not enlarge or encourage the development of a blighting influence.

(3) That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal.

(4) That all applicable regulations of this section will be observed.

c. No adult entertainment establishment shall be located within 250 feet of an agricultural district or districts and all areas which are designated agricultural by any local comprehensive plan or zoning ordinance or resolution. However, an adult entertainment establishment may be permitted to locate within 250 feet of an agriculturally zoned district or use, subject to petition and approval as referenced in Paragraph a. above; except that said petition must also include those persons owning any real estate which is immediately adjacent to that land which is within 250 feet of the proposed adult entertainment establishment.

- d. No adult entertainment establishment shall be located within 1,000 feet of a church, place of worship, or public cemetery.
- e. No adult entertainment establishment shall be located within 1,000 feet of an educational institution.
- f. No adult entertainment use shall be established within 1,000 feet of a public park, playground or other use established specifically for the activities of minors.
- g. **Measure of Distance.** The distances set forth in this section shall be measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or bay housing the proposed adult entertainment establishment to the nearest point on the property line of the relevant church or place of worship, public cemetery, educational institution, agricultural or residential district, public park, playground or other use established specifically for the activities of minors. For the purpose of measuring the distance between adult entertainment uses, the distance shall be measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or bay of the proposed or existing adult entertainment establishment and the nearest point on the exterior wall or bay of another adult entertainment establishment. Measurement shall be made in a straight line, without regard to intervening structures or objects. No adult entertainment use may be physically altered or expanded when such alteration, addition, or subsequent structure would violate the location restrictions of this ordinance as measured above.
- h. **No Variance.** Notwithstanding the provisions of Article XVI, Section 1704, herein, as to adult entertainment uses, there shall be no variance to the location standards except as specifically provided in Paragraph b. of this Section.
- i. **Subsequent Development Within Location Standards.** The subsequent approval of a development order for a church or place of worship, educational institution, public park or residential district within the distances outlined in this section shall not change the status of the existing conforming adult entertainment establishment to that of a nonconforming use.
- j. **Nonconformity.**

(1) **Establishment of Nonconformity.** Any adult entertainment establishment/adult entertainment use shall be deemed a nonconforming use and the standards of this section shall not apply if the adult entertainment establishment / adult entertainment use, on the effective date of _____, was in operation as an adult entertainment establishment/adult entertainment use and held out in the neighborhood and community as an adult entertainment establishment/adult entertainment use. Any establishment seeking to establish nonconforming status as an adult entertainment establishment under the terms of this Code shall submit an application to be declared a nonconforming use to the Township Zoning Commission no later than _____. Failure to submit an application for nonconforming use shall result in the denial of nonconforming status.

(2) **Standards for Nonconformance.** A nonconforming adult establishment/adult entertainment use located within the distances set forth in this Section shall be subject to the following supplementary standard, in addition to Article XIV, Section 1402 (Nonconforming Lots, Nonconforming Uses of Land, Nonconforming Structures and Nonconforming Uses of Structures and Premises), and shall not increase the gross floor area or square footage of the structure by more than ten (10) percent over a fifteen (15) year period, beginning on the effective date of this resolution.

k. **Definitions.** As used in this Section:

(1) **"Adult Arcade"** means any place or establishment operated for commercial gain which invites or permits the public to view adult material. For purposes of this Code, Adult Arcade is included within the definition of Adult Theater.

(2) **"Adult Bookstore/Adult Video Store"** means an establishment which sells or offers adult material for sale, rent for commercial gain; unless the establishment demonstrates either:

(a) The adult material is accessible only by employees and the gross income from the sale or rental of adult material comprises less than forty (40) percent of the gross income from the sale or rental of goods or services at the establishment; or

- (b) The individual items of adult material offered for sale or rental comprise less than ten (10) percent of the individual items, as stock-in-trade, publicly displayed in the establishment and which is not accessible to minors at the establishment.
- (3) **"Adult Booth"** means a small enclosed or partitioned area inside an adult entertainment establishment which is:
- (a) Designed or used for the viewing of adult material by one (1) or more persons; and
- (b) Is accessible to any person, regardless of whether a fee is charged for access. The term "adult booth" includes but is not limited to a "peep show" booth, or other booth used to view adult material."
- (4) **"Adult Dancing Establishment"** means an establishment, where employees display or expose specified anatomical areas to other, regardless of whether the employees actually engage in dancing.
- (5) **"Adult Entertainment Establishment / Adult Entertainment Use"** means any adult arcade, adult theater, adult bookstore / video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical areas for viewing by patrons, including but not limited to: massage establishments, tanning salons, sexually oriented escort services, modeling studios, or lingerie studios, whether or not licensed pursuant to Chapters 503, 715, or 4713 of the Ohio Revised Code. Excluded from this definition are any educational institutions where the exposure of the specified anatomical area is associated with a curriculum or program.
- (6) **Adult Material"** means any one or more of the following, regardless of whether it is new or used:
- (a) Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, slides, or other visual representations; recordings, other audio matter; and novelties or devices which have as their primary or dominant theme subject matter depicting, exhibiting, illustrating, describing or relating to specified sexual activities

or specified anatomical areas; including but not limited to or

- (b) Instruments, novelties, devices or paraphernalia which are designed for use in connection with specified sexual activities.
- (7) **"Adult Motel"** means a hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions.
- (8) **"Adult Theater"** means an establishment operated for commercial gain which consists of an enclosed building, or a portion or part thereof, or an open-air area used for viewing of adult material. "Adult motels" , "adult arcade" , "adult booth" , and "adult motion picture theater" are included within the definition of "adult booths" is considered to be an theater."
- (9) **"Adult Video Store"** - see "Adult Bookstore".
- (10) **"Agricultural"** means all areas which are residential by nature or designated agricultural by any local comprehensive plan or zoning ordinance or resolution
- (11) **"Commercial Gain"** means operated for pecuniary gain. For the purpose of this Section, operation for commercial or pecuniary gain shall not depend on actual profit or loss.
- (12) **"Commercial Establishment"** means any business, location, or place which conducts or allows to be conducted on its premises any activity for commercial gain.
- (13) **"Educational Institution"** means a premises or site upon which there is an institution of learning, whether public or private, which conducts regular

classes and/or courses of study required for accreditation. The term "educational institution" includes a premises or site upon which there is a day care center, nursery school; kindergarten, elementary school, junior high school, senior high school; professional institution or an institution of higher education including a community college, junior college, or four year college or university; libraries, art galleries and museums open to the public; or any special institution of learning. However, the term "educational institution" does not include a premises or site upon which there is a vocational institution operated for commercial gain.

- (14) **"Establishment"** means the site or premises on which the Adult Entertainment Establishment is located, including the interior of the establishment, or portion thereof, upon which certain activities or operations are being conducted for commercial gain.
- (15) **"Operator"** means any person who engages or participates in any activity which is necessary to or which facilitates the operation of an adult entertainment establishment, including but not limited to the licensee, manager, owner, doorman, bouncer, bartender, dancer, disc jockey, sales clerk, ticket taker, movie projectionist, or supervisor.
- (16) **"Residential"** means all areas which are residential by nature or designated "residential", "residence", "family", or "multiple-family" by any local comprehensive plan or zoning ordinance or resolution.
- (17) **"Specified Anatomical Areas"** means:
 - (a) Less than complete and opaquely covered:
 - i. Human genitals or pubic region
 - ii. Buttock
 - iii. Female breast below a point immediately above the top of the areola
 - (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (18) **"Specified Sexual Activities"** means:

- (a) human genitals in a state of sexual stimulation, arousal or tumescence; or
- (b) acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sexual intercourse, or sodomy; or
- (c) fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast; or
- (d) excretory functions as part of or in connection with any of the activities set forth in subsection (a) and (b).

- l. **Operating Provisions.** No adult entertainment establishment shall be permitted to operate without first having obtained the approvals required herein.
- m. **Enforcement.** As provided in Ohio Revised Code §519.24, the Board of Township Trustees, as well as any other appropriate parties, shall have the right to seek injunction for the violation of, or the imminent threat of the violation of the provisions of this Zoning Code. This shall be in addition to any fines or criminal prosecutions pursuant to Article XXI of this Zoning Resolution, and applicable state statute. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
- n. **Appeals.** Any aggrieved party which, after complete application/request and exhaustion of all administrative remedies has been made hereunder, is denied permission to operate an adult entertainment establishment, may appeal said denial to the Hancock County Court of Common Pleas. An appeal to the Common Pleas Court must be filed within thirty (30) days of the mailing of the Township's written notice of denial to the address accompanying the application/request hereunder. All appeals shall follow the procedures outlined in this Zoning Resolution and the Ohio Revised Code.
- o. **Regulation of Obscenity Subject to State Law.** It is not the intent of this section to legislate with respect to matters of obscenity. These matters are regulated and preempted by state law.

- p. **Regulation of Massage Establishments Subject to State Law.**
It is not the intent of this section to legislate, limit or conflict with respect to matters of massage establishments which are regulated by state agency and by state law.

- q. **Severance Clause.** Pursuant to the provisions of Article XXII of this Delaware Township Zoning Resolution all sections and/or any amendments to this code are severable.

Section 1208. SIGNS

1. 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 Certificate 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 the 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, and I-1 Industrial 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 Certificate 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. Freestanding accessory signs may be located in the required front yard except for each dwelling unit, one (1) nameplate not exceeding two (2) square feet in area, indicating name of

occupant.

2. In addition to paragraph 1 above, the following requirements shall apply to signs in the various use districts as follows:

USE DISTRICTS

REQUIREMENTS

A-1, R-1, and RM-1
Districts

For each dwelling unit, one (1) nameplate not exceeding two (2) square feet in area, indicating name of occupant.

For structures other than dwelling units, one (1) identification sign not exceeding eighteen (18) square feet in area.

For rental and/or management offices, one (1) identification sign not exceeding six (6) square feet in area.

In RM-1 Districts, signs indicating the name of multiple housing projects shall be permitted provided that no such sign shall be located closer than one hundred (100) feet to any property line in any adjacent Single-Family District.

B-1 Districts

No sign shall project beyond or overhang 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 and I-1 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 two hundred (200) feet to any adjacent Residential District.

A-1, R-1, and
RM-1 District

Non-accessory signs shall be permitted but shall be spaced no closer than one thousand (1,000) feet between signs on the same side of the right-of-way.

Freestanding, non-accessory signs, are allowed but shall comply with all requirements of ARTICLE XI-SCHEDULE OF REGULATIONS of this Resolution, as well as all applicable state and federal regulations.

Section 1209. 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 arranged as to reflect lights 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 of 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 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 1210. 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.
 - a. Building additions or accessory buildings shall not require Zoning Commission review unless off-street parking in addition to that already provided on the site is required.
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.

Six (6) copies of 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. 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 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 County so as to provide for a marginal service drive equal in length to the frontage of the property involved. Occupancy Certificates shall not be issued until the improvement is physically provided, or monies have been deposited with the Township.

Section 1211. 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 1212. 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 damage 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 1213. ARTIFICIAL PONDS AND LAKES:

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

1. All artificial ponds or lakes shall comply with the following minimum standards.
 - a. Artificial ponds or lakes shall have a minimum front yard set back of 125 feet, minimum side set backs of 50 feet, and a minimum rear yard set back of 50 feet.
 - b. All plans for artificial ponds and lakes shall be reviewed and approved by the Hancock County Health Department and by

the Hancock Soil & Water Conservation District or a Certified Engineer.

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.

ARTICLE XIII - GENERAL EXCEPTIONS

Section 1300. AREA, HEIGHT AND USE EXCEPTION:

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

Section 1301. 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, right-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 1302. 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 Board of Zoning Appeals may specify a height limit for any such structure when such structure requires authorization as a Conditional Use.

Section 1303. 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 lot area 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 1304. 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 XIV - ADMINISTRATION AND ENFORCEMENT

Section 1400. 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 1401. 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 Certificates 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 provision of Section 1202.

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 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 1402. 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:

1. 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 1403. ZONING CERTIFICATES:

1. 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 change 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 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, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the Hancock County or State of Ohio Building Codes or this Resolution, except for the 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

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 1200. Certificates shall be required for dwellings accessory to farming operations.

Section 1404. 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 thereof 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 1405. 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 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 1406. 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 1407. 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 cause to be done, unless and until a Certificate of Occupancy shall have been issued for such building or structure.

3. Certificates for Existing Buildings

If requested by owner, Certificates of Occupancy shall be issued for existing 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 by the

Township Clerk, 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 1408. 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 XV - BOARD OF ZONING APPEALS

Section 1500. 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 Township 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 1. Each member shall serve until his successor is appointed and qualified.

The Board shall organize annually to elect a Chairman and a Vice-Chairman. It shall further adopt rules for its own government not in-

consistent with law or with any other resolutions of the Township to carry into effect the provisions of this Resolution.

Section 1501: 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 hearings 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 1502. 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 like 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 the appeal and give at least ten (10) days notice thereof to the parties in interest and shall render a decision of 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 1503. 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 re-

view, interpretation, exception or special approval Certificate and to authorize a variance as defined in this Section and SECTION 201.

DEFINITIONS. Said powers include:

1. **Administrative Review**

To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, 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 request, 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. **Special Approvals**

To hear and decide in accordance with the provisions of this Resolution, requests 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 on undeveloped sections of the Township and for periods not to exceed six (6) months in developed sections. The Board may also authorize the use of a mobile home as a temporary accessory building the construction of a principal building on a given premises.
- e. Permit placement of a mobile home adjacent to an existing dwelling and for the use of the immediate family (parents or children). Such mobile homes shall not be used as rental units, and shall be located on the site in accordance with yard requirements specified for residential uses in "A-1" Agricultural Districts. Mobile homes, when moved into place, shall be at least four hundred (400) square feet in floor area, and be placed on concrete supports and be properly anchored. When the mobile home is no longer occupied by an immediate family member, it shall be removed from the site within sixty (60) days.
- f. 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 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 in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.

- (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 Delaware 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 that 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 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 the inhabitants of Delaware 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 1504. 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 1505. 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 stated 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 started and proceeds to completion in accordance with the terms of such Certificate.

Section 1506. FEES:

The Township Trustees may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants to the Board of Zoning Appeals.

ARTICLE XVI - DISTRICT CHANGES AND AMENDMENTS

Section 1600. GENERAL:

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

Section 1601. FEES:

At the time an application for a zoning amendment is filed with the Zoning Inspector, such application shall be accompanied by a fee. The amount of the fee shall be established by the Township Trustees, and be sufficient to defray the Township's costs of processing the amendment.

ARTICLE XVII - 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 Certificates 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 Certificates, the provisions of this Resolution shall control.

ARTICLE XVIII - 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 of any permissible activities therein; and, they are hereby declared to be necessary to the preservation or protection of public health, safety and welfare.

ARTICLE XIX - ENFORCEMENT, PENALTIES AND OTHER REMEDIES

Section 1900. 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 1901. 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 1902. 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 1903. EACH DAY A SEPARATE OFFENSE:

A separate offense shall be deemed committed upon each day during or

when a violation occurs or continues.

Section 1904. RIGHTS AND REMEDIES ARE CUMULATIVE:

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

ARTICLE XX - 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 XXI - 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 Delaware Township, Hancock County, Ohio on this ____ day of _____, A.D., 2001.

- 1. Date of Adoption by Township Trustees: _____.
- 2. Date Resolution shall take effect: November 21, 2001

Tyler Oman, Chairman

Vernon E. Wentz, Vice-Chairman

David Phillips, Trustee

ATTEST:

Joanne Miller, Clerk
Delaware Township Board of Trustees

