

ZONING RESOLUTION OF ADAMS TOWNSHIP SENECA COUNTY, OHIO

A RESOLUTION DIVIDING THE TOWNSHIP OF ADAMS, SENECA COUNTY, STATE OF OHIO, INTO DISTRICTS, ESTABLISHING LIMITATIONS OF HEIGHT, BULK AND LOCATION OF STRUCTURES AND USES OF LAND: FIXING SETBACK LINES AND DIMENSIONS OF YARDS AND OTHER SPACES, AND PRESCRIBING THE PERMISSIBLE USE FOR SUCH BUILDINGS, STRUCTURES AND/OR PREMISES IN EACH OF SUCH DISTRICTS.

BE IT RESOLVED by the Board of Trustees of Adams Township, Seneca County, to promote the public health, safety, morals, comfort, or general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements; all in conformance with a Comprehensive Plan, that:

CHAPTER 1. CITATION, TERMINOLOGY, AND AUTHORIZATION

1.1 Short Title. This resolution may be cited as the

Zoning Resolution of Adams Township, Seneca County, Ohio

1.2 Terminology. Terminology used in this resolution shall mean as defined in Chapter 11.

1.3 Authorization. This resolution is authorized by Chapter 519 of the Revised Code of the State of Ohio.

1.4 Interpretation and Application. In interpretation and application, the provisions of this resolution shall be held to be the minimum requirements adopted for the promotion of public health, safety, morals, comfort, and general welfare.

It is not intended by this resolution to repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of law, or any rules, resolutions or regulations previously adopted or issued pursuant to law relating to the construction and use of buildings or premises; provided however, where this resolution imposes a greater restriction upon the use of buildings or premises than are imposed or required by such existing provisions of law, resolutions, regulations covenants, or agreements, the provisions of this resolution shall control, but nothing herein shall interfere with, abrogate, or annul any easements, covenants, deed restrictions or agreements between parties which impose restrictions greater than those imposed by this resolution.

CHAPTER 2. DISTRICTS

2.1 Kinds of Districts. The township is hereby subdivided into the following districts:

- 2.1.1. Rural Residence Districts, designated **R-1**, are established for low-density single-family residence in rural areas not served by central water and/or suburban sewer systems.
- 2.1.2. Suburban Residence Districts, designated **R-2**, are established for medium density single family residences in existing built-up areas, or areas with a central sewer system.
- 2.1.3. Urban Residence Districts, designated **R-3**, are established for high density single, double, and multiple family residences, requiring community water and sewer facilities.
- 2.1.4. Business Districts, designated **B**, are established to include areas that are appropriate to providing businesses and services to the community.
- 2.1.5. Recreation Business Districts, designated **RB**, are intended for providing commercial recreation facilities to the entire community.
- 2.1.6. Manufacturing Districts, designated **M**, are established for manufacturing and other **uses** of similar performance standards, such as non-retail commercial uses, warehousing, assembly and fabricating.
- 2.1.7 Commercial district is established for general industrial warehousing, processing and other uses similar in nature.
- 2.1.8. Agricultural Districts, designated **A**, are established for rural areas of the township where population density is expected to generally remain very low, and where the best use, of the land is for agricultural and related purposes.

2.2 Boundaries. Boundaries established by Section 2.1 are as shown on the Zoning Map of Adams Township: 1974 as hereafter adopted or amended and are made a part hereof by reference, and shall be interpreted as follows';

- 2.2.1. Such boundaries as shown on the Zoning Map shall be changed only by amendment as provided in the Ohio Revised Code. After any such amendment has been made, the proper changes shall be made on the Zoning Map, such changes being certified to the Commission within 30 days after the taking effect of the said amendment.
- 2.2.2. When the exact boundaries are uncertain, they shall be determined by the Board of Zoning Appeals by use of the scale of the zoning map.
- 2.2.3. When a right-of-way is vacated, the districts adjoining each side of said right-of-way are respectively extended to the center of the right-of-way so vacated.
- 2.2.4. Boundaries within ten feet of and apparently following lines of lots of record shall be assumed to be corresponding to the lot line in question, unless otherwise specifically noted on the Zoning Map.
- 2.2.5. All notes, dimensions, and other graphics appearing on the Zoning Map are hereby declared to be part of this resolution.

2.3 Effect of Annexation. When land is annexed by a municipality, the land shall be governed by these regulations for 90 days, or until the legislative authority of said municipality officially adopts zoning regulations for said annexation; whichever occurs earliest.

CHAPTER 3. PERMITTED USES

3.1 Primary Uses: Primary uses are authorized in the districts established by Section 2.1., as shown by an "*" in the following table. Where the use is indicated by an "O", the use is permitted as a Conditional Use only as provided in Section 3.3. and other appropriate sections of this chapter. Uses shown below with a letter (a,b,c,d,etc.) beside the "*" indicate the use is permitted when it fulfills the requirements specified in 3.1.1.

USE	A	R1	R2	R3	B	RB	M	C
Crop Farms	*	*	*	*	*	*	*	*
Dairy, Livestock & Poultry	*	*	*	*	*	*	*	*
Wind Turbines	*	0	0	0	0	*	*	*
Fish Hatcheries	*					*	*	*
Poultry Hatchery, Fisheries							*	
Migrant Housing	*(f)							
Single Family Dwelling	*	*	*	*	*	*	*(e)	
Manufactured Homes	*	*	*	*	*	*		
Two Family Dwellings	*(c)	*(c)	*(c)	*(c)	*	*		
Rural Home Occupations	*(d)							
Service Stations					*	0	*	
Trade Services						*	*	0
Skating, Mini Golf, Driving Ranges					*	*	*	0
Go carts & Commercial Racetracks			0			0		0
Riding Stables			*			*	*	*
Trailer Camp & Travel Trailer Parks			0			0		0
Fruit Stands			0					
Animal Hospitals			*(e)					
Transmission Stations	*							
Petroleum products storage & Dist.								
Natural Resource Mining	0						*	*
Oil & Natural Gas Wells	0							
Auto wrecking, Junk Yards	(see 3.4)						0	
Incinerators, Landfill Sites	(Prohibited see 3.4)							
Public Utility Substations	*	*	*	*	*	*	*	*
Parks, Playgrounds	0	0	0	0	0	*	0	0
Golf Courses (Pubic & Private)	0	0	0	0		*	0	0
Stadium, Athletic Fields	0	0	0	0		*	0	0
Fairgrounds	0	0	0	0		*	0	0
Wildlife & Forest Preserves	0					0		0
Outdoor Concerts & Mass Gatherings	(Prohibited see 3.4)							
Amphitheatre, Auditoriums, Music Halls					*		*	
YMCA & similar recreations					*	*		
Schools (Private & Parochial)	*	0	0	0	*	*		
Libraries, Museums, Etc.	0	0	0	0	*			
Historic sites, monuments	*	0	0	0	*	*	*	*
Tennis, Swimming, Similar activities	*	*	*	*	*	*	*	*
Hunting & Fishing Clubs	*					*		*
Hospitals, Clinics	0	0	0	*	*			
Rest Homes, Sanitariums	0	0	0	*	*			
Orphanages, Children's Homes	0	0	0	*	*			
Correctional Institutions, Prisons							*	
Emergency & Charitable Serv					*	*	*	
Churches, Cemeteries	0	0	0	0	*	*	*	
Governmental Service Building	0	0	0	0	*	*	*	*
Rail, Bus & Air Terminals				*		*		
Airports, Heliports	0				0	0	0	0
Air Shows, Parachuting	0				0	0	0	0
Planned Unit Developments	(permitted as outlined in Chapter 6 all Dist.)							
Telecommunication Towers >100'	*	(Not Permitted)			*	*	*	*

3.1.1. Special Conditions. Uses permitted in the chart above with a "O" indicated opposite the use and also listed below may be permitted in the districts indicated when the following conditions are met. When such is the case, the zoning inspector shall issue a zoning permit. All permits shall be revocable if the regulations herein are violated in the future.

- a) Single-Family Dwellings in an "M" district. Only one single family dwelling shall be permitted on a lot existing at the time of adoption of this provision and said dwelling shall be for sole use of the owner of said panel. In every other respect, the use shall meet the requirements of a dwelling in an "R-2" district.
- b) Two-Family Dwellings in the "A", "R-1", and "R-2" districts. A two-family dwelling shall be permitted in these districts when twice the lot area requirements of Chapter 4 for single family units are met, and yard and other requirements for single family structures are met.
- c) Urban Home Occupations/Business shall be permitted in the "R-1", "R-2", and "R-3" districts under the following conditions only:
 - 1. The use shall be secondary in importance to the use of the dwelling purposes.
 - 2. The use shall be conducted solely by the occupants and/or one employee who does not reside on the premises.
 - 3. The use shall be carried on entirely within the dwelling or in an accessory building which shall not exceed six hundred square feet in area.
 - 4. The house occupation/business shall not occupy more than 30 percent of the floor area of the dwelling.
 - 5. The use shall not constitute primary or incidental storage facilities for a business, industrial or agricultural activity conducted elsewhere.
 - 6. No activity, materials, goods, or equipment indicative of the use shall be visible from any public way or adjacent property.
 - 7. For purposes of identification, there shall be no more than one non—illuminated sign not to exceed three square feet in area. (Note: Yard sign size is 18"x24")
 - 8. The use shall not generate noise, odor, dust, smoke, electromagnetic interference, or vehicular or pedestrian traffic in an amount which would tend to depreciate the residential character of the neighborhood in which the use is located.
- d) Rural Home Occupations/Business shall be permitted in the "A" district under the following conditions only Provisions 1, 2, 7 and 8 under c above shall be met.
 - 1. The use shall be conducted wholly within the dwelling or an accessory building not to exceed 2,000 square feet in area. Total lot coverage required in chapter 4 shall be met.
 - 2. Outside use may be permitted only for the storage of trucks and cars regularly in use and properly"
 - 3. licensed. Such outside use, however, must be located 100 feet from a public right-of-way and 50 feet from any adjoining property line. Such area shall, further, not exceed 1,200 square feet in area or ten percent of total lot area, whichever is less.
 - 4. The use shall not constitute primary or incidental storage facilities for a business or industrial use located elsewhere.
 - 5. A sign located on wall of a building may be permitted up to eight square feet in area, if the sign does not project from the building more than six inches.
 - 6. Buildings and structures used for home occupations, shall be located at least 75 feet from the street right-of-way and 30 feet from any property line.
- e) Veterinarian Offices and animal hospitals may be permitted in the agricultural district under the same conditions as a rural home occupation except for the following conditions:
 - 1. It shall not be required that a home be located on the property and that the owner also reside there.
 - 2. The use shall not be located on a lot in a plotted subdivision.
 - 3. The use shall be located on a lot with frontage along a state highway, or arterial highway.
- f) Migrant Housing shall be permitted only in the agricultural district under the following conditions:
 - 1. They are located on a parcel used for agricultural purposes.
 - 2. They are located no closer than 100 feet from any existing residence not belonging to the employer or owner of the parcel.
 - 3. They shall be set back from the highway as otherwise prescribed for residences and have sufficient parking area for autos.
- g) Transmission Towers:
 - 1. Towers and all supporting structures shall be enclosed by a wire woven chain link fence, minimum height of six (6) feet tall.
 - 2. Shall be located no closer than 500 feet from any existing residence not belonging to the landowner.
- h) Manufactured Homes:
 - 1. All manufactured homes must be set on a Solid concrete slab, with a minimum thickness of 5 ½ inches or basement/crawl space per standard practice, the full length and width of the home, minus any hitches or like devices used for towing. Homes must also be skirted with a manufactured skirting material within 45 days of occupancy.
 - 2. No mobile home older than 10 years may be installed. This does not affect existing mobile homes on a parcel.

3.2 Accessory Uses: Accessory uses such as the following are allowed in all districts: bird baths, bird houses, buildings, curbs, driveways, fences, hedges, lamp posts, mailboxes, name plates, parking spaces, public utility installations, retaining walls, trees, plants, shrubs, flowers, other landscaping, walks and the like. All accessory buildings shall be subject to the following requirements:

- 3.2.1. It shall be located in the rear or side yard. Side yard is the area within the boundary determined by a line perpendicular to the road originating at the front corner of the home. If the home is constructed of radii, ie: round, the line shall originate at the tangent point of the home perpendicular to the road.
- 3.2.2. In a Residence District it shall be no closer than five feet from the main building. When attached to the main building such structure shall be considered part of the principal building.
- 3.2.3. In all districts, accessory buildings shall be at least 10 feet from any alley or street right-of-way or 5 feet from the rear lot line, whichever is greater: In residential districts, accessory buildings shall be no closer than 5 feet from the side lot lines.
- 3.2.4. Such accessory building shall not project into the minimum rear yard of a double frontage lot. On lots where the rear yard abuts a side yard of another lot, the accessory buildings may not project beyond the front yard of said lot.
- 3.2.6. Accessory buildings may not occupy more than thirty percent of the required rear yard, in residential districts, conservation or agricultural districts.
- 3.2.7. An accessory building may not exceed 14 feet in height in a residential district, nor 35 feet in height in the agricultural district.
- 3.2.8. No property line fence shall be closer than two (2) feet from any adjacent property line with a maximum height of six (6) feet.
- 3.2.9. No property line planting shall encroach upon an adjacent property.

3.3 Conditional Uses - Procedures and Requirements: The Board of Zoning Appeals may grant conditional uses where Section 3.1. indicates a conditional use is permitted. Such permission may be granted only after the Requirements of this and following sections of this chapter have been met. In order to accomplish the dual objectives of meeting general health safety, convenience and welfare, and of allowing flexibility for a private enterprise, provision is made in the following subsections for more detailed consideration of each conditionally permitted use as it relates to location design, size, method of operation, and intensity of land use, which in turn, effects the volume of traffic generated and traffic movements, the concentration of population, and the kinds of public facilities and services it requires. Land and structures possessing these particularly unique characteristics are designated as Conditional Uses with conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

3.3.1. Procedure Conditional-uses. may be granted in the same manner that a variance is approved, and the procedures therefore shall be the same that prescribed in Section 8.2.1.

3.3.2 General Requirements. A conditional use shall be granted only after following criteria have been met:

- a. Such conditional use is deemed essential or desirable to the public convenience or welfare and is shown as a conditional use in Section 3.1.
- b. All district regulations and general regulations are met, except as otherwise permitted in Section 3.3.3.
- c. The performance of the conditional use are similar to the district in which it is located; except those necessary public facilities shall be considered a necessity to the public welfare and safety.
- d. Landscaping, buffering or improvements as necessary to protect the public interest are provided.
- e. A site plan, plat plan or development plan of the parcel to be used shall be prepared showing the location of streets, property lines, and existing and proposed structures and uses.
- f. Any permit issued for a conditional use may be revoked for violations of the conditions upon which such permit was issued.
- g. The use shall be in compliance with all local development regulations such as subdivision, building codes, and health regulations.

3.3.3 Conditional Uses – Specific Requirements

In addition to general requirements, the following requirements shall be met for the following conditional uses.

- A. Wind Farms of less than 5MW
 - 1) Maximum height of any turbine, measured to the maximum vertical height, shall be 125 ft.
 - 2) Setback shall be 1.1 times the height of the tower from all road right -of -ways and neighboring property lines. The unit may not be attached to any buildings.
 - 3) Shall be maintained in good working order. The owner shall, within 60 days of permanently ceasing operation notify the zoning inspector, in writing, that the tower has been abandoned. An unused tower may not stand longer than 12 months following abandonment.
 - 4) Decibel levels: all units shall operate not more than 5 decibels above the established ambient decibel levels a property lines.
 - 5) Wiring and electrical apparatuses: associated with the operation of the wind turbine shall be located underground and meet all applicable state and local codes. Warning Signs: shall be posted to address voltage levels.
 - 6) Applicant shall provide the zoning inspector with the following:
 - a. An engineering report including the following must be presented:

- Total size and height of the unit
- Total size and depth of the units concrete mounting pads
- A list of all safety measures that will be included in the unit.
Maximum decibel level of the particular unit.
- Ambient noise levels at property lines.
Hazardous materials containments and disposal plan.
- b. A site drawing showing the location of the unit in relation to existing structures, roads, public rights-of-way and neighboring properties.
- c. Evidence of the established setback of 1.1 times the height of the turbine.
- d. A maintenance schedule and dismantling plan that outlines how the unit will be dismantled.

B. Mobile Home Parks.

May be permitted in the R-3, B, and RB districts when the following conditions are met:

- 1) The density of mobile homes in the park shall not exceed the density allowed for other types of residential uses permitted in the district in which it is located.
- 2) Mobile homes located within the park shall meet all the height and bulk requirements of other residences in the district.
- 3) Occupancy of the park shall require a mobile home park license issued by the County Health Department or Ohio Department of Health.
- 4) The park shall be located only on a state highway or any other highway designated as an arterial highway by the Board of Trustees. Access to and from the park shall be from the state highway or designated arterial. No mobile homes shall have direct access to a public road.
- 5) Minimum size of the site shall be 5 acres.

C. Farm Equipment Sales and Services.

May be permitted in the agricultural district provided:

- 1) they are located along an arterial highway, or a state highway,
- 2) meet setback, yard, height and other requirements of the B district,
- 3) are not located closer than 100 feet from any residential district boundary or lot line of any adjoining parcel which contains a residence. The owner's residence is exempt from these distance requirements.

D. Service Stations.

Shall be permitted in the Recreation Business District provided the following conditions are met:

- 1) The use shall be for the purpose of servicing motor vehicles under one and one-half (1½) tons rated capacity including the dispensing of fuel and lubricants, cooling system and ignition service, sale and installation of batteries, lamps, fan belts, spark plugs, tires, and accessories, not requiring a change in the chassis, body or engine of the vehicle.
- 2) All activities, except those required to be performed at the fuel pumps, and car washing shall be carried on inside a building; if work is performed on a vehicle, such vehicle shall be entirely within a building.
- 3) No more than two (2) driveway approaches shall be permitted directly from any state highway, no more than one (1) driveway approach from any other highway, each of which shall not exceed thirty (30) feet in width at the property line.
- 4) If the property fronts on two or more streets, the driveways shall be located as far from the street intersection as practicable; and no less than 60 feet there from under any circumstances.
- 5) At least a six (6) inch pedestrian safety curb shall be installed along all street lines except driveway approaches.
- 6) A service station in the RB District shall be located along a state highway or any other highway designated as an arterial highway by official action of the Board of Trustees.

E. Marine Sales and Service.

May be permitted in the Conservation District when the following conditions are met:

- 1) The sales and service are directly associated with, and part of, the operation of a marina facility, and
- 2) All permanent buildings and structures, other than docks, are flood proofed and meet the requirements of county flood insurance regulations.

F. Go-Cart and Commercial Race Tracks

Shall be permitted in the A, RB and C Districts only when all of the following criteria are met:

- 1) The site shall be no less than 50 acres in size,
- 2) No parking, racing or other activities shall take place any closer than 500 feet from any adjoining property lines and no closer than 250 feet from any street right-of-way line,
- 3) The use shall be located abutting to and having access to a state highway of at least twenty feet wide in pavement width,
- 4) hours of operation shall be limited from 12:00 noon to 11:00 P.M.,
- 5) One traffic officer or guard shall be employed during, one hour before, and one hour after, for each 500 people attending the events,
- 6) the site shall not be permitted to exceed a gross capacity of 100 persons per acre and,
- 7) The owner or lessee shall be required to install a sound buffer twelve feet in height, such sound buffer to be a fence, tight hedge, tree planting, or other material suitable for keeping sound to less than 30 decibels at the property line. The township shall have the authority, at any time, to measure sound levels at the property and,

if excessive, to revoke the conditional use permit.

G. Drive-in Movies

May be permitted in the "A" or "M" Districts, only when located more than five (500) feet from any adjoining property line. It shall be located on an arterial highway.

H. Travel Trailer Camps and Parks and Campgrounds

May be permitted in the A, RB, and C districts under the following conditions:

- 1) The minimum site for such uses shall be forty (40) acres,
- 2) The use shall not be occupied until all state and local trailer park licenses have been issued,
- 3) The maximum occupancy period shall be ninety (90) days during any calendar year,
- 4) No site shall be occupied as a permanent residence, except that of the owner, operator, or caretaker,
- 5) No campsite shall be closer than two hundred (200) feet to any adjoining property,
- 6) A store located on the premise shall be permitted when it is located no closer than (200) feet from any adjacent property or street right-of-way and when no less than 50% of the merchandise sold is to campground users,
- 7) There shall be no more than three (3) campsites per gross acre, and (8)
- 8) The campground shall be within five (500) feet of a state highway and have direct access thereto.

I. Greenhouses

May be permitted as commercial operations in the A District provided they are located on a state highway and are no closer than (75) feet from any adjoining property or street right-of-way. Greenhouses used solely for agricultural purposes are exempt from this provision.

J. Grain Drying, Storage and Elevator Facilities

May be permitted in the agricultural district provided they meet the following requirements: (1) They are located not less than (100) feet from any adjacent property lines and not less than (75) feet from any street right-of-way line, (2) they are located on a state highway, or any other highway designated as an arterial highway by the Board of Trustees, and (3) They are not located in a subdivision plot recorded in the county deed records. All facilities associated solely with storage and drying of agricultural products raised on the premises are exempt from this provision.

K. Auto Wrecking and Junk Yards

May be permitted in the "M" District only when the following conditions are met:

- 1) It is not located closer than (300) feet from any property line or any street right-of-way line,
- 2) The property used for such purposes shall be fenced in sufficient height to block the view of any of the junk from any adjoining property and from the highway,
- 3) Plans shall be submitted showing areas to be used and the purposes therefore, and showing the future use and rehabilitation of the property,
- 4) Posting a bond sufficient to guarantee rehabilitation should the owner abandon the use and fail to restore it to its original condition. The amount of such bond shall be determined by the Board of Zoning Appeals.

L. Natural Resource Mining and Oil and Natural Gas Wells

May be permitted in the A district when the following conditions are met:

- 1) A fence eight (8) feet in height shall enclose the operation where there is a safety hazard.
- 2) Plans shall be submitted indicating the proposed stages of operation and the future uses or rehabilitation to be carried out on the site. A bond or bonds may be required to be posted guaranteeing that the above plans will be carried out.
- 3) All facilities and equipment such as derricks, pumps, tanks, etc., shall be enclosed or fenced off where their operation creates a potential safety hazard.
- 4) All areas shall be re-habilitated progressively as they are worked out and left in a condition entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form to appear reasonably natural. All slopes and banks shall be reasonably graded and treated to prevent erosion or other potential deterioration.
- 5) Routes for truck movement shall be established and followed such a way that traffic and other hazards and damage to other properties shall be minimized.
- 6) All permitted installations shall be maintained in a neat, order condition to prevent injury to any single property, individual, or to the community in general; a bond may be required to ensure that this provision will be met.

M. Parks, Playgrounds, Tot lots, Golf Courses, Stadiums, Fairgrounds, Athletic Fields, Wildlife and Forest Preserves, Schools, Libraries, Museums, Historic Sites and Monuments, Hospitals, Clinics, Rest Homes, Sanitariums, Orphanages, Churches, Cemeteries, Government Service Buildings.

The following requirements shall be met before granting conditional use:

- 1) Sanitariums, convalescent homes, Nursing homes, and homes for the aged shall have a net residential density which shall not exceed three (3) times the number of single family dwellings to meeting the district lot sizes on the same size parcel of land.
- 2) Loud speakers which cause a hazard or annoyance shall not be permitted.
- 3) No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway.
- 4) The use shall not require costly or uneconomic extensions of utility services at the expense to the community.
- 5) Site locations that offer natural or manmade buffers that lessen the effect of the intrusion of the use should be selected.

N. Airports,

Shall meet the following requirements: (See 5.5.1.)

- 1) There shall be a minimum site area of 80 acres.
- 2) There shall not, at the time of application for permit, be any structure higher than the plane formed by a line drawn from the end of the runways to a point fifteen feet above the grade of the end of the runway and 700 feet from the end of the runway, and projecting 15 degrees from the edges of the runway to the right and to the left.
- 3) Access to the airport shall be by a public road which intersects with a state highway within one mile of the airport. The one mile requirement may be waived if the public road is paved to a width of 16 feet or more from the airport site to the state highway.
- 4) An airport used for the sole purpose of crop dusting, or other related agricultural purposes may be permitted if it meets only (2) above.
- 5) Reconstruction of aircraft may be permitted only at an existing airport, and only if: (a) All such reconstruction is undertaken within an enclosed building, (b) Re-construction is not a primary use of the airport facilities, (c) no plane of larger passenger capacity of 32 persons or 5,000 pounds freight capacity, shall be re-constructed.
- 6) Aircraft museums shall be permitted under the following conditions: (a) It shall be located on a state highway or other public road designated as a major arterial in the Seneca County Comprehensive Plan, (b) It shall be located at or directly adjoining an existing airport, and (c) one parking space shall be provided for each 500 square feet of area devoted to museum purposes, such spaces to be located within 300 feet of the museum, and be in addition to those spaces required by Chapter 5.
- 7) Parachuting shows, parachuting schools and similar uses may be permitted as follows: (a) the activity must be conducted at an airport meeting the requirements of this section (b) the designated landing area must be on the airport site and at least 400 feet from any adjoining property line or public road, (c) the owner of the airport must post a bond or other acceptable security with the Board of Township Trustees in the amount of \$50,000.00 to cover damages due to parachutists landing on the property of others or causing personal injuries or death to others. The conditional use permit may be revoked at any time landings off the site of the airport are made.
- 8) Air shows or parachuting shows may be permitted under the following conditions:
 - (a) the airport is located on an arterial highway as designated by the Board of Trustees,
 - (b) the airport meets all the requirements of this section for airports includes (7b) above,
 - (c) no more than two air shows are conducted per calendar year,
 - (d) there shall be enough parking to accommodate all participants and spectators of the show on the premises,
 - (e) bond or other adequate security must be posted in the amount of \$300,000.00 with the Board of Township Trustees and evidence thereof submitted.
 - (f) Air shows shall be strictly interpreted so as not to include concerts and other outside activities not directly related to air show. Health facilities must be approved by the Health Dept.

O. Wireless Towers and Equipment

- 1) Towers are prohibited in residential zones.
- 2) Tower height is limited to that needed by the wireless carrier
- 3) If additional carriers are added to an existing tower the height may be increased.
- 4) Security Fencing surrounding the tower and ancillary buildings to be 6' high.
- 5) Tower property must be maintained, ie no overgrown vegetation, collection of unused equipment, etc.
- 6) Setback from adjacent property lines and road right of way – equal to one foot for every foot of height of the tower.
- 7) Require that the cell tower is being built for a licensed wireless carrier.
- 8) Neighbors to the property are to be notified of the proposed tower prior to permit application.
- 9) Permits must be obtained from the township zoning inspector, cost set by the trustee.

3.4. Uses Prohibited

The following uses shall be prohibited:

- A. Landfills or incinerators.
- B. Open parking of cars & trucks without valid vehicle license prohibited.
- C. Music festivals, mass gatherings.
- D. Any type of residence in "C" district.15
- E. Manufactured homes that are vacated and do not meet township Zoning requirements must be moved off the property within 60 days of vacancy.
- F. Use of: Coach, camper, or tent for permanent dwelling.
- G. Temporary use of camper during construction is exempt for 90 days, only one extension may be granted.

CHAPTER 4.

LOT, DENSITY, COVERAGE, YARD, BULK, HEIGHT REGULATIONS

4.1 Minimum Lot Area

- 4.1.1. A lot on which a structure is used for residential purposes, shall **hereafter** meet the following minimum lot area of 43,560 sq. feet for a single family and 87,120 for two families. All lots shall meet minimum lot requirements of the Seneca County Board of Health for sanitation purposes.

MINIMUM LOT AREA PER DWELLING UNIT IN THOUSANDS OF SQUARE FEET FOR PARCELS CREATED PRIOR TO 1985 (Also refer to Sec. 7.5.)

DISTRICTS							
Kind of dwelling/structure	A	R1	R2	R2	B	RB	MC
Single Family	30.0	30.0	11.0	11.0	11.0	11.0	11.0
Two Family	60.0	60.0	22.0	22.0	20.0	20.0	
Multiple Family					20.0*	20.0*	
<i>An additional 2,000 square feet shall be required for each unity above three units.</i>							

- 4.1.2. A multiple family use with single or two family structures shall meet the same requirements as multiple family structures.
- 4.1.3. A lot on which one of the following uses is located may not be less than the area prescribed as follows:

USE	MINIMUM LOT AREA
Airport	80 Acres
Heliport	1 Acre
Overnight Camp & Travel Trailer Parks	40 Acres
Public or Employee Parking Lot	1,500 Sq Ft
Riding Stable	120,000 Sq Ft plus 5,000 Sq Ft per horse

- 4.1.4. No lot shall be reduced below the above lot size requirements.

4.2 Minimum Width and Depth

- 4.2.1. Minimum widths for flag lots shall be 60 feet wide at the road right-of-way line in all districts.
- 4.2.2. All lots used or intended to be used for dwelling purposes shall have the following minimum lot widths; however, that no lot shall be less than 50 feet wide at the right-of-way line in "A" districts and 35 feet in R1, R2, and 80 feet for uses with 3 or more dwellings.

DISTRICTS								
Kind of dwelling/structure	A	R1	R2	R3	B	RB	M	C
Single Family	125	125	60	60	60	11.0	11.0	
Two Family	250	250	60	50	50	20.0		
Multiple Family				60.0*	40.0*	20.0*		
<i>*Additional 10 feet for dwelling units above three shall be required</i>								

- 4.2.3. No residential lot shall be less than 120 feet in depth

4.3 Lot Coverage

- 4.3.1. Residential buildings, including accessory buildings, on a lot may not exceed in coverage, the following percentage of total lot area:

LOT COVERAGE - RESIDENTIAL								
Districts	A	R1	R2	R3	B	RB	M	C
Percentage of Coverage	20	20	30	40	40	40	40	40

- 4.3.2. Non-residential buildings, including accessory buildings, on a lot may not exceed in coverage the following percentage of total lot area:

- 4.3.3. Lot coverage requirements for non-residential buildings and lots in residential districts shall be the same as prescribed in 4.4.1.

LOT COVERAGE – NON-RESIDENTIAL					
Districts	A	B	RB	M	C
Percentage of Coverage	20	60	60	75	10

4.4 Minimum Building Setback

4.4.1 The minimum depth of front yards shall be as follows:

MINIMUM SETBACK								
Districts	A	R1	R2	R3	B	RB	M	C
Residential	35	35	35	35	35	35	35	35
Business	50	35	35	35	35	35	35	35
Manufacturing	50	35	35	35	35	35	35	35

4.4.2 The minimum width of the side yards shall be as follows:

MINIMUM SIDE YARD WIDTHS								
Districts	A	R1	R2	R3	B	RB	M	C
Residential	20	20	10	10***	5	5	5	5
Business		20	20	25	0	0	0	0
Manufacturing		50	50	50	15	15	0	15

* Side yards shown for R1, R2, and R3 are for businesses in these districts or for businesses abutting these districts; otherwise no yard required.

** Side yards shown for R1, R2, R3, B, RB, and C districts are for industrial uses in these districts, or for industrial uses abutting these districts; otherwise, no yard is required between industrial uses.

*** Side yard shall be 10 feet for single family, 20 feet for two family, and 25 feet for 3 or more family uses.

4.4.3 In all districts, buildings shall either be connected or be at least 5 feet apart.

4.4.4 The minimum depth of rear yards shall be 50 feet in the agricultural and residential districts, 20 feet in business districts, and 20 feet in all industrial districts and the Conservation district.

4.4.5 At the intersection corner of each corner lot, the triangular space determined by the two lot lines at that corner and by a diagonal line connecting the two points on those lot lines that are 15 feet respectively from the corner shall be kept free of any obstruction to vision between the heights of two and one-half feet and 12 feet above the established grade of the street.

4.4.6 Accessory buildings shall meet the same setback requirements as main buildings, Except that in residential districts, accessory buildings may be no closer than five feet from the side lot line.

4.5 Dwelling Bulk

4.5.1 In the "R1" or "A" District, no dwelling shall have a total living area of less than 720 square feet.

4.5.2 In the "R2" District, no dwelling shall have a total living area of less than 720 square feet area per dwelling unit, nor a ground floor area of less than 720 square feet.

4.5.3 In all other Districts, no multiple family dwelling shall have a total living area of less than

4.5.4 WO 720 square feet of floor area per dwelling unit, nor a around floor area of less than 720 square feet, plus 100 square feet per unit.

4.5.5 Should the requirements of this section conflict with other provisions of this ordinance, this section shall take precedence.

4.6 Height Restrictions

4.6.1 No building shall be erected or changed to a height in the district in which it is located to exceed the following in feet; except as otherwise provided herein:

MAXIMUM PERMITTED HEIGHT IN FEET								
Districts	A	R1	R2	R3	B	RB	M	C
Percentage of Coverage	35	35	35	35	35	35	35	35

CHAPTER 5

PARKING, LOADING, BUFFER, SIGN REQUIREMENTS

5.1 General Requirements

Off-street parking facilities and loading areas for storage or parking of self-Propelled motor vehicles for use of occupants, employees, patrons, and movement of goods shall be required for all uses erected, altered, or extended after the effective date of this resolution, in accordance with the following provisions. An existing use which is non-conforming as to these requirements, shall be required to provide additional parking for any expansion, but shall not be required to compensate for prior nonconformity.

5.2 Location of Off-Street Parking and Loading Areas

- 5.2.1 A parking area or loading berth for any of the following uses may not be located closer to a residential district than the distance, in feet, listed opposite it in the following table; or in the case of being located within a residential district, no closer to the lot line than herein provided.

MINIMUM DISTANCE FORM RESIDENTIAL DISTRICT IN FEET		
USE	Parking Area	Loading Berths
Airport	25	100
Clinic	10	-
Commercial Greenhouse	-	50
Hospital	50	-
Golf Course or Country Club	10	-
Industrial Park	25	100
Natural Resource Development	-	300
Mobile Home Park, Camp or Trailer Park	25	-
Outdoor Commercial Recreation	25	50
Private Recreational Development	25	-
Sales Barn for Livestock Resale	50	100
Truck Freight Terminal	100	100
Wholesale Produce Terminal	100	100
Retail Sales	25	50

5.3 Off-Street Loading Berths

- 5.3.1 All non-residential uses as described herein shall have a minimum number of off-street loading berths of dust proof surface as prescribed below:

- a. All uses generally permitted in the B district, whether or not located in a B or M district shall have a berth for 3,000 to 15,000 square feet of total gross floor area, and an additional berth for each addition of 25,000 square feet, or fraction thereof, of total gross floor area.
- b. All uses generally permitted in the M districts, whether or not in those districts, shall require one loading berth for 15,000 square feet or less of total floor area, 2 berths for 15,000 to 40,000 square feet of total gross floor area, 3 berths for 40,000 to 100,000 square feet and one additional berth for each square foot of total gross floor area.

- 5.3.2 Each loading berth shall be at least 12 feet by 70 feet in size with a minimum of 14 feet height clearance.

- 5.3.3 "Loading Berth" herein means an off-street, off-alley area designed or used to load or unload goods.

5.4 Off Street Parking

To reduce traffic problems and hazards by eliminating on-street parking, every use of land hereafter started or changed must include on-premises parking sufficient for the needs normally generated by the use as provided herein. Parking spaces or bays contiguous to the street, required by subdivisions or other ordinances, or voluntarily supplied, are in addition to and not in place of the spaces herein required.

- 5.4.1 Each parking space shall be at least 9 feet wide and 22 feet long for parallel parking, or 20 feet only for right angle parking, or 18 feet long for 60-degree parking or 17 feet long for 45-degree parking; the length of non-parallel parking being measured at right angles to the edge of the usable parking area formed by the angles exclusive of passageways.
- 5.4.2 The parking spaces required herein shall be located on the premises, or within 300 feet of the premises, and shall not be a part of an alley, street, or other roadway; except that off-street Parking for residential uses must be located on the premises of the use.
- 5.4.3 Parking spaces may not be located in the required front yard except in business and industrial districts, except that parking is permitted in the driveway of a single or two-family residence.
- 5.4.4 Any parking space for a business use, if in the open, must be paved with a hard or dustproof surface.
- 5.4.5 A group of uses may provide a joint parking area if the number of spaces in the area at least equals the aggregate of the spaces required for the several uses, and other regulations are met.
- 5.4.6 A Church or Temple that requires parking area at times when nearby uses do not need their parking facilities may by agreement approved by the Commission, use those facilities instead of providing their own; except that such

other facilities must be off-street, dust-free, and meet the total requirements for Churches and Temples.

5.4.7 Parking Spaces shall be provided as follows:

USES	Required Parking Spaces
Airport or Heliport	1 per 2 employees plus one per permanently based aircraft. Plus one per daily transient aircraft.
Automobile, trailer, other vehicle sales area (open)	1/1000 sq ft of land used for retail areas.
Automobiles Sales & Repair (indoor)	1/400 sq ft of sales area plus 1 per service stall
Banks, Business & Professional offices similar business uses, postal stations, telephone, and similar uses	1 per 150 sq ft floor area
Medical, dental	5 spaces per physician or dentist, plus one per each non-medical employee
Beauty and Barber Shops	2 spaces per operator
Boarding, lodging, dormitories, etc.	1 per 3 occupants plus two for each permanent resident
Bowling alleys	4 per lane plus 1 per each 2 employees
Business use not otherwise listed	1 per 150 sq ft of floor area
Church or Temple	1 per 4 seats in largest area used at any one time
Clinic	1 per 2 employees plus 3 per doctor
Country Club or Golf Course	1 per 2 employees plus 1 per 5 members
Laundromats	1 space for every 2 washers
Department stores, retail showroom, apparel shop, flower shop, drug stores, hardware, stationary, record, news and grocery stores, photo studio, delicatessens, bakery, meat and supermarkets, locker service, roadside stands, appliance shops, shoe repair, clothing services, dry cleaning, billiard room, and similar uses, home occupations.	1 per 100 sq ft of floor area
Furniture stores, appliance, plumbers, electricians, shoe repair, print shops and other trades	1 per 800 sq ft of floor area
Lodges	1 per 3 guest rooms, plus one per 200 sq ft of area other than assembly, plus 1 per 4 seats in assembly area
Hospital	1 per 4 beds plus 1 per doctor, plus 1 per 3 employees on the largest work shift, plus 1 per hospital vehicle
Hotel, Motel	1 per sleeping room
Industrial uses not listed elsewhere	1 per employee, based on the largest shift
Kindergarten and day nursery	1 per 4 children
Mobile Home or travel trailer park	2 per trailer lot
Mortuary and funeral homes	1 per 6 seats in main room, minimum of 25
Filling Station	8 spaces
Nursing home, home for aged	1 per 7 patients and 1 per 2 employees
Outdoor commercial recreation use	1 per 600 sq ft of area used
Correctional institution	1 per 3 employees plus 1 per 500 sq ft of floor area
Private Club	1 per 6 active members
Overnight Camp	1 per campsite, trailer or cabin
Government Buildings	1 per 125 sq ft of floor area
Transportation terminals, bus, taxi, train	1 per 5 seats in waiting room
Restaurants	1 per 3 seats of seating capacity
Residential uses	2 spaces per dwelling unit
Riding Stable	1 per 5000 sq ft of floor area
Schools	10 student capacity, whichever is greater
Stadium, Coliseum, etc.	1 per employee plus 1 per 4 seats
Taverns, night clubs	1 per 2 seats of seating capacity
Indoor theatre	1 per 6 seats
Libraries, museums	1 per 500 sq ft floor area
Kennel	1 per 3 animal spaces (dens or cages)
Wholesale, distribution uses	1 per employee

5.5 Buffers, Screen Planting

- 5.5.1 The following uses shall be fenced by 6-foot-high woven wire fences: Heliport, Natural Resource Development, Transmission Towers
- 5.5.2 The following uses shall be fenced by 4-foot-high wire mesh fence (or solid fence): Kindergarten or day nursery, Private Swimming Pool, below ground. Wholesale, distribution terminals
- 5.5.3 The following uses shall have an 8-foot-high solid painted fence: Outdoor drive-in theatre Junk Yards
- 5.5.4 The following uses shall have a 4-foot-high solid masonry wall, or similar barrier 6 inches thick along front lot lines and adjacent Residential District boundaries: Public, customer or employee parking where parking spaces are closer than 10 feet from the lot line.
- 5.5.5 Tight screen planting, effective at all times to block the view from residential districts, shall be provided for the

following uses abutting residential districts or located within residential districts. Such planting shall be provided at the lot line or district boundaries on which such uses abut and shall have reached 6 feet in height and 3 feet in width within five years after the use is established:

- All Industrial Uses
- Natural Resource Development (if not fenced)
- Outdoor Commercial Recreation Enterprises
- Riding Stables
- Wholesale, freight or distribution terminal (when not fenced)
- Public utility substations, if such planting does not interfere with operation thereof

5.5.6 Mobile Home Parks shall have screen planting suitable to the Board of Appeals and approved as part of the Conditional use.

5.6 Signs

5.6.1 In any district, except as prescribed, the Provisions of this subsection shall be applied to affect the safety of motorist and pedestrians and to facilitate traffic movement:

- a. No sign shall be erected or maintained at any location, where, by reason of its position, working, illumination, size, shape, or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with any authorized traffic control signal, sign, or device.
- b. No sign shall contain or make use of any phrase, symbol, share, form, or character in such a manner as to interfere with, mislead, or confuse moving traffic.
- c. No part of any free-standing sign shall be erected to a height greater than that specified for accessory structures in the district in which the sign is located.
- d. The minimum setback of free-standing signs from the street right-of-way line shall not be less than those given below:

MINIMUM SETBACK IN FEET	
Area of Sign per Face	Minimum Setback
5 Square Feet of Less	2 Feet
5 to 14.9 Square Feet of Less	10 Feet
15 to 49.9 Square Feet of Less	20 Feet
50 to 99.9 Square Feet of Less	30 Feet
100 or more Square Feet	60 Feet

- e. The area of a sign shall be determined by the smallest circle, triangle or rectangle that can be used to enclose the sign, exclusive of supporting members that bear no message or symbol.
- f. No free-standing sign shall be erected or maintained within 10 feet of any side lot line

5.6.2 In any residence or agricultural district, the following regulations shall apply:

- a. A nameplate which shall not exceed two square foot in area is permitted for each dwelling unit of a single family", or row house structure; such nameplate shall indicate nothing other than the name and/or address of occupant, and/or the customary home occupation. No other sign shall be allowed. This section shall not be construed to prohibit a house numbering plate for identification.
- b. Multiple-family residences and residential projects of all types may display identification signs indicating nothing other than name and/or address of the premises, and schedule of services; such sign not to exceed 11 square feet in area.
- c. For uses other than those listed in paragraphs a. and b., bulletin boards or identification signs indicating nothing other than names/or address of the premises. and schedule of services or other information relevant to the operation of the Premises; such signs shall not exceed 12 square feet in area.
- d. For any use eligible to display a sign in paragraph b. and c. only one sign per street frontage shall be permitted; except that uses occupying extended frontage shall be permitted one such sign for each 500 feet of frontage.

5.6.3 In any residence or agricultural district the following regulations shall apply:

- a. Residential uses shall be subject to the provisions of Section 5.6.2.
- b. Each public recreation. community facility or clinic use shall be permitted one bulletin board or identification sign not to exceed 12 square feet in area, except that uses occupying extended frontage may have one such sign for each 500 feet of frontage.
- c. Each primary use other than those listed in paragraphs a. and b. shall be permitted signs as accessory uses according to the number and net area of signs set forth as follows:

5.6.2 SUB (C) TABLE		
District	Number of Signs	Net Sign Area (each)
B	2	40 Square Feet

- 5.6.4.** In any manufacturing district, each business or industrial use shall be permitted identification signs lot only as incidental uses, not to exceed 2 such signs or a net area of 300 square feet.
- 5.6.5.** The following signs shall be permitted in any district:
- a. Each permitted or required parking area that has a capacity of more than 5 cars shall be permitted one sign, not more than 2 square feet in area, designating each entrance or exit from such parking area. and one sign, not more than 9 square feet in area, identifying or designating the conditions or use of such parking area for each 25 spaces, or fraction thereof.
 - b. One "for sale" or "for rent" sign not more than 6 square feet in area for each dwelling, building, garage, or other quarters where appropriate.
 - c. Signs established by, or by order of, any governmental agency.
 - d. One sign not more than 12 square feet, in area, for construction and development, giving the name of the contractors, engineers, or architects, shall be permitted but only during the time that construction or development activity is underway.
 - e. For an event of public interest such as a county fair, or church event, one sign, not over 24 square feet in area and located on the site of the event shall be permitted. Such sign shall be erected not more than 30 days before the event in question and shall be removed immediately after the event. Also directional signs, not more than 3 square feet in area, showing only the directional arrow and the name of the event, shall be permitted, provided such sign shall not be erected more than 7 days before the event, and shall be removed immediately after such event.

CHAPTER 6

PLANNED UNIT DEVELOPMENTS

6.1 Intent and Purpose

The intent and purpose of this section shall be to accommodate and encourage development of large tracts of land for residential, Commercial, industrial public, or compatible mixed uses, in accordance with an overall plan for the area.

6.2 Procedure Unit

- 6.2.1. The applicant or applicants shall apply in writing to the Zoning Commission for a Planned Development Permit; said application to be accompanied by all necessary general and detailed plans for determinations.
- 6.2.2. The Commission shall treat such application as an amendment, certifying its recommendations to the Board of Trustees.
- 6.2.3. The Board of Trustees shall act in the same manner prescribed by law for amending this resolution.
- 6.2.4. If a Planned Unit Development is permitted, permits shall be issued according to such approval given by the Board of Trustees; and the approved development shall become a part of this resolution as would any other amendment.
- 6.2.5. If after 24 months, no construction has been started, and if within 5 years the development has not been completed, the area involved shall revert back to the original district.

6.3 Requirements

- 6.3.1 The Plan must be in conformity with a Comprehensive Plan as now or in the future adopted, or amended.
- 6.3.2 The minimum site area shall be 25 acres.
- 6.3.3 Layout and design must meet the general requirements of this resolution for the uses involved, particularly density, coverage and setback requirements.
- 6.3.4 The plan must be in the interests of the public, generally following the purposes and intentions of this resolution; and must be in complete conformance with all other applicable regulations.
- 6.3.5 The Commission and Board of Trustees may require such information and agreements as necessary to protect the intent of this Chapter.
- 6.3.6 Mixed density, open spaces, mixed uses and the location and arrangement thereof, shall be compatible with one another and with the surrounding **areas**; **and must** be in the **interest** of total community development.

CHAPTER 7

NONCONFORMING USES

7.1 Nonconforming Building

- 7.1.1 The lawful use of any building which does not conform to these regulations, whether by original adoption or by subsequent amendment, may be continued after such adoption or amendment, under the conditions herein specified.
- 7.1.2 The addition to enlargement or expansion of any such nonconforming building may be permitted provided such addition, enlargement or expansion complies with all height, area, parking setback, and other requirements of the district in which it is located, and that total aggregate floor area of such additions does not exceed twenty percent of the floor area in such building at the time it became nonconforming.
- 7.1.3 A nonconforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake, or other calamity, or the public enemy, may be restored and the same use and occupancy continued or resumed, provided that such restoration is started within a period of one year and is diligently prosecuted to completion. Any lot whose buildings are destroyed beyond ninety percent of their total value shall not be restored to its original use and the land used by such buildings shall thereafter be used in conformance with the district regulations.
- 7.1.4 The use of a nonconforming building may be changed to a use of the same or more restricted classification but shall not thereafter be changed back to a less restrictive use.
- 7.1.5 A nonconforming building, or portion thereof, which is or hereafter remains vacant and unoccupied for a period of two years or more, shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

7.2 Nonconforming Use of the Land

- 7.2.1 A nonconforming use of open land, where no primary building is involved, may be continued for a period of five years from the effective date of this resolution or any subsequent amendment; after which time, said use shall be discontinued.
- 7.2.2 A nonconforming use of land, referred to in 7.2.1. shall not be expanded or extended into any other of the lot or adjoining property; nor shall the use be changed except to a conforming use.
- 7.2.3 A nonconforming use of land, where principal buildings are involved shall not be expanded or extended into any other portion of the lot or any adjacent lot; and use of such land that exists at the time of adoption of this resolution and any subsequent amendment may be changed only as specified for changes in use of nonconforming buildings as specified in Section 7.1.; provided such change in use is due to a change in use of the principal building.

7.3 Nonconforming Special Uses

- 7.3.1 Any use herein shown as a conditional use in the district use regulations shall be considered nonconforming uses in the same manner as other uses specified in 7.1. and 7.2. and shall be legal uses, and may be expanded only after approval of said expansion as a conditional use under the terms of this resolution.

7.4 Nonconforming Standards of Conforming or Nonconforming Uses

- 7.4.1 Any uses, whether conforming as to use regulations or not, that do not conform to the regulations herein pertaining to yard requirements, lot requirements, off-street parking, height regulations and other regulations shall be permitted to continue under such nonconforming conditions; except that any enlargement, change of use or addition shall not cause the aggregate use to violate the provisions of this resolution beyond such existing nonconforming which exists at the time of adoption of the resolution or any subsequent amendment.

7.5 Nonconforming as to Lot Area, Width, and Depth

- 7.5.1 Any lot of record, existing at the time of adoption of this resolution, or any subsequent amendment, where the required lot area, width and depth do not meet the regulations herein, may be used for residential purposes; provided that yard, coverage and other requirements are met; and provided that any contiguous land in common ownership be required to be used to meet the district lot area, width and depth requirements and that no portion of such be transferred to other ownership, if such transfer reduces the lot below the minimum requirements set forth in this resolution.

7.6 Nonconforming Conditional Uses

- 7.6.1 Uses existing prior to the enactment of this resolution which are listed as conditional uses in the in which located shall be considered nonconforming uses until a conditional zoning certificate has been for and issued for said use.

CHAPTER 8

BOARD OF ZONING APPEALS

8.1. Organization and Procedure

8.1.1. The Board of Zoning Appeals is hereby established as provided by Chapter 519 of the Ohio Revised Code.

8.1.2. **Organization and Procedure:**

The Board shall organize and adopt rules for its own government in accordance with law.

- a. The Board shall consist of five (5) members. Each member shall be appointed for a period of five years and terms shall be so arranged that the term of one (1) member shall expire each year. Each member shall serve until his successor is appointed and qualified. The Board of Zoning Appeals shall elect a chairman from its membership, shall appoint a recording secretary, and shall prescribe rules for the conduct of its affairs. Members of the Board shall be removed for non-performance of duty, misconduct in office or other cause, after a public hearing has been held regarding such charges. A copy of the charges shall be served upon the members so charged at least ten (10) days prior to the hearing either personally or by registered mail by leaving same at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. In the event a vacancy occurs, such vacancy shall be filled by appointment for the balance of the un-expired term.
- b. Meetings of the Board shall be held at the call of the Chairman, and at such other times as the Board may determine. The Chairman, or in his absence the acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Board of Trustees, and shall be a public record.
- c. Quorum: Three (3) members of the Board shall constitute a quorum. The board shall act. By Resolution, and the concurring vote of three (3) members of the Board shall be necessary to reverse any order or determination of the Administrative Officer, or to decide in favor of an applicant in any matter of which the Board has original jurisdiction under this resolution or to grant vacancy from the requirements stipulated in this resolution.

8.2. Applications - Initiation of Action

8.2.1. All applications for appeal, variance or conditional use shall be made to the Administrative Officer who shall transmit same to the Board. A fee prescribed from time to time by the Board of Trustees shall accompany any such application.

8.2.2. **Appeals:**

An appeal of any decision of the Administrative Officer may be made to the board by any aggrieved person or by an officer of the Township affected by any decision within twenty (20) days after the decision, by filing with the administrative officer and with the Board, a notice of appeal specifying the grounds thereof. The administrative officer shall transfer the same to the Board of Appeals.

8.2.3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the administrative office shall certify to the Board of Zoning Appeals after the notice of appeal shall have been filed with it, that by reason of facts stated in the certificate, a stay would, in this opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a Court of equity, after notice to the officer from whom the appeal is taken and on due cause shown.

8.3. Conditional Use Permit:

Any property owner, lessee or tenant may apply to the Board for approval of Conditional Uses as specified in Chapter 3. The procedure for approving Conditional Uses shall be the same as for approving variances and appeals.

8.4. Hearings

8.4.1. In accordance with Chapter 519 of the Ohio Revised Code, the Board shall fix a reasonable time for the hearing of an appeal, variance, or conditional use, giving public notice thereof at least ten (10) days' notice to parties in interest, and decide upon the appeal within a reasonable time after it is submitted. At this hearing, any party may appear in person or by attorney.

8.4.2. Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information to cause such further notice as it seems proper to be served upon such other property owners as it decides may be substantially interested in said application or appeal. In the case of an adjourned hearing, persons previously notified, and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decides.

8.5. Decisions of the Board

8.5.1. The Board shall decide all appeals, variances, and conditional uses within thirty days after the final hearing thereon.

8.5.2. A certified copy of the Board's decision shall be transmitted to all parties in interest. Such decision shall be binding upon the Administrative Officer and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever, a permit is authorized by the Board.

8.6. Powers of the Board of Appeals

The Board shall have the following powers:

- 8.6.1. Appeals: To hear and decide appeals whereby it is alleged there is error in any interpretation, order, requirement, decision, or determination by the Administrative Officer in the administration and enforcement of the provisions of this Resolution.
- 8.6.2. Variances: To authorize upon appeal, whereby reason of exceptional narrowness, shallowness, shape, or exceptional topographic conditions, or other extraordinary situations or conditions of a lot, the strict application of the terms of this Zoning Ordinance would result in peculiar and exceptional difficulties or undue hardship upon the owner thereof, to authorize a variance from such strict application to relieve such difficulties or hardships provided said relief may be granted without substantial detriment to the public good and without substantially impairing the intent of the Ordinance, and providing further that no variance shall be granted unless the Board finds that all the following conditions exist.
 - a. The special circumstances or conditions applying to the building or land in question are Peculiar to such lot or property and do not generally apply to other land or buildings in the vicinity.
 - b. The granting of the application is necessary for preservation and enjoyment of the substantial property right and not merely to serve as a convenience to the applicant.
 - c. The authorizing of the variance does not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public street or increase the danger of fire or imperil the public safety or unreasonably diminish or impair the established property values within the surrounding areas, or in any way impair the health, safety, convenience, or general welfare to the inhabitants of the community.
- 8.6.3. The Board may approve conditional uses where Section 3.1. indicates that a conditional use may be granted, such conditional uses may be granted only after the requirements of Sections 3.3 and 3.4. have been met. The procedure for approval of conditional uses shall be the same as for variances as prescribed in this Chapter.
- 8.6.4. The Board of Trustees may adopt fees for applications for variances and appeals from time to time. If such fees are adopted, they shall be returned to the applicant when an appeal of an administrative action is successfully made. In other instances, the fee shall not be returned except on order of the Board of Trustees.

CHAPTER 9

ADMINISTRATION

9.1. Zoning Permit Required

- 9.1.1 No change in the use of land or in the use of buildings or structures, and no alteration, change, addition or expansion of a building or lot shall be made until, upon application to the Administrative Officer, a zoning permit is issued authorizing such change, alteration, addition, or expansion.
- 9.1.2 Application for Zoning Permit shall be made to the Administrative Officer in form approved by the Commission, said application to supply the following information
 - a. Size and location of the lot or lots, showing lot lines, dimensions, and location of all applicable streets, alleys, easements, and other Public ways.
 - b. Size and location of the buildings and structures existing and proposed on the lot.
 - c. Dimensions of all yards and open spaces.
 - d. The types of use for which the structures and land will be used, and such other information as may be necessary for the proper enforcement of these regulations.
 - e. Such other information as may be necessary to make a determination under these regulations.
- 9.1.3 Within 7 days of receipt of application for a zoning Permit, the Administrative Officer shall. Approve or disapprove issuance of said permit according to this resolution upon approval of the application. said permit shall be, immediately issued to the applicant.
- 9.1.4 Fees for zoning permits shall be set from time to time by resolution of the Board of Trustees. Such fee shall be paid at the time of application and shall be intended to cover the cost of administration.
- 9.1.5 Applications for Conditional Use Permits shall be made directly to the Board of Zoning Appeals, accompanied by a fee adopted by the Board of Trustees to cover the cost of publication posting of notices, and other processing costs. Upon approval of a Conditional Permit, the Administrative Officer shall issue Zoning Permits in accordance with said approval upon application by the owner, lessor, or other legal agents thereof.
- 9.1.6 No permit shall take effect until twenty days after the applicant posts said permit on the premises involved. Before said 20 days have transpired, any affected party may appeal the decision of the Administrative Officer to the Board. If such appeal is made, said Zoning Permit shall not be valid until action of the Board is final, and issuance of the permit is *upheld*.
- 9.1.7 Building(s) must be completed one year after permit issuance. A maximum of two 6-month extensions may be granted if progress is shown.

9.2. Enforcement and Penalties

- 9.2.1. This resolution shall be enforced by the Commission, Board, Board of Trustees or their authorized agents in accordance with applicable sections of the Ohio Revised Code pertaining thereto.
- 9.2.2. Any permit issued upon false statement of any part which is material to said issuance, shall be immediately null and void; and the administrative officer may post said premises with a notice of revocation of said permit or certificate.
- 9.2.3. In case of violation of this resolution, the administrative officer shall notify the responsible person in writing; and if such person cannot thereby be reached, cause notice of said violation to be conspicuously posted on the premises where the violation has occurred.
- 9.2.4. Any person aggrieved by violation of this resolution, the commission, the Board, the Board of Trustees, or their authorized agent or agents may institute appropriate legal remedy to abate such violation.
- 9.2.5. Any person violating any provision of this resolution may be deemed guilty of a misdemeanor and upon conviction thereof may be fined not more than one hundred dollars (\$100.00). Each day of violation may be considered a separate offense.

CHAPTER 10

AMENDMENTS

10.1. General

Whenever the public necessity, convenience, general welfare or good zoning practice requires, 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.

10.2. Procedure for. Amendments

10.2.1. Applications for any change of district boundaries or classification of property as shown on the Zoning Manager), or requests for any change in the text of this resolution, shall be submitted to the Commission at its public office: upon such forms, and shall be accompanied by such data and information, as may be prescribed for that purpose by the Commission, so as to assure the fullest practicable presentation of facts for the permanent record. *Each* such application shall be verified by at least one of the owners or leasers of property within the area proposed to be reclassified: attention to the truth and correctness of all facts and information presented with the application. Applications for amendments initiated by the Commission or the Board of Trustees shall be accompanied by its motion pertaining to such proposed amendment.

10.2.2. Upon receipt of such motion, or application, the Zoning Commission and Board of Trustees shall proceed to consider the amendment as provided by Chapter 519 of the Ohio Revised Code which is made a part hereof by reference.

10.3. Application Fees At the time that an application for a change of zoning is filed with the Planning Commission, as provided herein, there shall be deposited with the Clerk of said Commission, such fee as adopted by resolution of the Board of Trustees to cover investigation, legal notices, and other expenses incidental to the determination of such matter.

CHAPTER 11 DEFINITIONS

11.1. Definitions

As used in this resolution, the term(s):

- 11.1.1. "Used For" includes "designed for" and vice versa; used in the "present tense" includes the "future tense"; used in the "singular number" includes the "plural number" and vice versa; "building" includes "structure"; "dwelling" includes "residence"; "lot" includes "plot"; "shall" is mandatory; and "may" is permissive.
- 11.1.2. "ACCESSORY BUILDING" means a detached subordinate building that is located on the same lot as a principal building and not used or designed for human occupancy; and the use of which is clearly incidental to the use of the land or to the use of the principal building.
- 11.1.3. "ACCESSORY USE" means a use of land or buildings related to the primary use, which use is clearly subordinate to the principal use of the land or buildings, and which is not used for human occupancy.
- 11.1.4. "AGRICULTURE" means the use of land for agricultural purposes including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture; and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing of produce, provided that the operation of such accessory use shall be secondary to that of normal agriculture activities, and provided that the above uses shall not include the commercial feeding of garbage or offals to swine or other animals. A use shall be classified as agricultural only if it is the principle or main use of the land.
- 11.1.5. "AIRPORT" means any landing area and all necessary appurtenances designed, used, or intended to be used for the landing and taking off of aircraft.
- 11.1.6. "ALLEY" means a right-of-way, other than a street, road, crosswalk, or easement, that provides secondary access for the special accommodation of the abutting property.
- 11.1.7. "ALTERATION" means any change in the nature of the use of land and/or buildings; and includes any change in supporting members, beams, bearing walls, column or girders which would tend to prolong the life of the building or use, but not including normal maintenance and repair or, the movement or change in location on the land of buildings, or uses.
- 11.1.8. "ARTERIAL HIGHWAY" is a thoroughfare designated as such by the map enclosed, as Part of these regulations.
- 11.1.9. "AUTOMOBILE SERVICE STATION" means any Premises used for supplying gasoline or oil at retail direct to the motoring public; including minor accessories and services for automobiles conducted wholly within an enclosed building.
- 11.1.10. "AUTOMOBILE SALES LOT" means any premises used for the sale of new or used cars where any repair or service facilities are wholly within an enclosed building.
- 11.1.11. "AUTO GRAVEYARD" means "Junk Yard".
- 11.1.12. "AUTOMOBILE WRECKING" means the dismantling or disassembly of used motor vehicles and major components thereof, or the storage sale or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.
- 11.1.13. "BASEMENT" means a story partly or wholly underground, where no more than one-half the height of the story is above the average level of the adjoining ground.
- 11.1.14. "BOARD" means the Board of Zoning Appeals.
- 11.1.15. "BOARDING HOUSE" means a building, not available to transients, in which meals are regularly provided for compensation for at least three but not more than 30 persons other than members of the proprietor's family.
- 11.1.16. "BUILDING" means a roofed "structure" for the shelter, support, enclosure, or protection of persons, animals, or property; where each part of such a structure that is separated from the rest by unbroken party walls is a separate building for the Purposes of this resolution.
- 11.1.17. "BUILDING AREA" means the horizontally projected area of the buildings on a lot, excluding terraces, unenclosed porches, other open areas, and architectural appurtenances that project no more than two feet.
- 11.1.18. "BUILDING HEIGHT" means the vertical distance measured from the average level of the finished grade at the front of the building to the highest point of a flat roof; to the decking of a mansard roof or to the ridges of a gable, hip, or gambrel roof.
- 11.1.19. "BUILDING LINE" means the line that establishes the minimum permitted distance on a lot between the outside building wall and the lot line; also called "setback"; provided that a second story or roof overhang may not project a distance of more than two feet into the side yard.
- 11.1.20. "BUILDING, PRINCIPAL", means the building housing the principal activity or use on the lot.
- 11.1.21. "BUSINESS" means the use of lands or buildings for the purposes of purchase, sale, or exchange of goods and services; for the purpose of maintaining offices, recreational or amusement enterprises for profit.
- 11.1.22. "CAR PORT" means a covered automobile parking space not completely enclosed by walls or doors. For the purposes of this resolution, a car port shall be subject to all regulations prescribed in this resolution for a private garage.
- 11.1.23. "CENTRALIZED SEWER SYSTEM" or "public Sewer"; and "Centralized Water System" or "Public Water", shall mean that individual lots are connected to a common distribution or collection system, whether publicly or privately owned.
- 11.1.24. "CLINIC OR MEDICAL CENTER" means a place used for the diagnosis and treatment of sick, ailing, infirm and injured persons and those who are in need of medical or surgical attention but limited to out-patients only.
- 11.1.25. "CLUB" means an association of persons for some common non-profit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.
- 11.1.26. "CONVALESCENT, NURSING, OR REST HOME" means any dwelling with sleeping rooms where persons are housed or lodged and furnished meals and nursing care for hire.
- 11.1.27. "COMMISSION" means the Zoning Commission of Adams Township, Seneca County, Ohio.

- 11.1.28. "COURT" means an occupied space, other than a yard on the same lot with a building, which is bounded on two (2) or more sides by the walls of such building.
- 11.1.29. "CORNER LOT", means a lot at the junction of, and abutting, two intersecting or intercepting street.
- 11.1.30. "DETACHED BUTLDTNG" means a building that has no structural connection with another building.
- 11.1.31. "DRIVE-IN" means an establishment selling foods, frozen desserts or beverages to consumers, the establishment being designed, used or intended to be used for the consumption of such items on the premises outside of the building in which they were prepared.
- 11.1.32. "DWELLING" means a building or part of a building that is used primarily as a place of abode, but not including a hotel, motel, lodging house. boarding house or tourist home.
 - "Manufactured Homes" means any dwelling constructed or manufactured off premise.
- 11.1.33. "DWELLING UNIT" Means a dwelling, or part of a dwelling. used by one family, exclusively as a place of abode.
- 11.1.34. "EASEMENT" means a right to some profit, benefit, or use of, or over the land of another, created by grant or prescription. recorded as a matter of record.
- 11.1.35. "FAMILY" means one or more persons living as a single housekeeping unit, but not including an unrelated group of more than six persons or a group occupying a hotel, motel, club. nurses' home, dormitory, or fraternity or sorority house.
- 11.1.36. "FARM" means an area used for agricultural operations, including truck gardening, forestry, the operation of a tree or plant nursery, or the Production of livestock and poultry,
- 11.1.37. "FRONT LINT" with respect to a building, means the foundation line that is nearest the front lot line.
- 11.1.38. "FRONT LOT LINE" means the line marking the boundary between the lot and the abutting street, easement for street purposes, lake, or watercourse; except that for a corner lot, means the line marking the boundary between the lot and the shorter of the abutting streets, easements for street purposes, lake, or water course.
- 11.1.39. "FRONT YARD" means a yard that is bounded by the front line of the principle building. by the adjacent street right-of-way or easement line, and by the segments of the side lot lines that they intercept; except that on double frontage lots, one such front yard may be used as a "rear Yard " provided that, the minimum front building line in such case shall be complied with in placement of accessory buildings.
- 11.1.40. "GARAGE, PRIVATE" is a building or part thereof accessory to a main building and providing for the storage of automobiles and in which no occupation or business for profit is carried on other than that per- mitted as a home occupation.
- 11.1.41. "GARAGE, PUBLIC OR STORAGE" is a building or part thereof other than a private garage for the storage of motor vehicles and in which service station activities may be carried on.
- 11.1.42. "GASOLINE SERVICE STATION" is any area of land, including any structure or structures thereon, that is or are used or designed for the supply of gasoline or oil or other fuel for the propulsion of vehicles. For the purpose of this Resolution there shall also be deemed to be included within this term any area or structure used or designed to be used for polishing, greasing, washing, spraying, dry cleaning, or otherwise cleaning or servicing such motor vehicles.
- 11.1.43. "GRADE FINISHED" is the completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.
- 11.1.44. "GROUND FLOOR AREA" means the area of a building in square feet. as measured in a horizontal plane at the around floor level within its largest outside dimensions, exclusive of oven porches, breezeways terraces, garages, and exterior stairways.
- 11.1.45. "GROUP HOUSING DEVELOPMENT" are those types of residential structures customarily known as garden apartments, terrace apartments, row housing units and those types of housing structures similar in character and density to such group housing.
- 11.1.46. "HOME OCCUPATI ON" means the use of a home for a business or professional service which does not involve treating or attending a person or animal, which is established entirely within a dwelling unit, is conducted only by members of the family residing in the residence, and utilizing not more than twenty-five percent of the around floor area of all buildings on the lot.
- 11.1.47. "HOSPITAL OR SANITARIUM" is an establishment which provides accommodations, facilities and services over a continuous period of twenty-four (24) hours, or more, for observation, diagnosis and care, of two (2) or more individuals suffering from illness, injury deformity or abnormality. or from anY condition requiring obstetrical, medical, or surgical services.
- 11.1.48. "HOTEL" is a building in which lodging is provided and offered to the public for compensation and which is open to transient quests. as distinguished from a boarding house or Lodging house.
- 11.1.49. "INDUSTRIAL PARK" is a tract of land subdivided and developed according to a comprehensive plan for the use of a community of industries and containing at least one (1) street, designed solely to provide access to industrial establishments located upon it.
- 11.1.50. "JUNK YARD" means land or buildings where waste or discarded used property and materials is accumulated and is or may be salvaged for re-use or re-sale; including but not limited to automobiles, farm equipment, mobile homes, travel trailers, trucks, and/or parts thereof.
- 11.1.51. "KENNEL" means a Place primarily for keeping four or more dogs, or other small animals that are ordinarily kept as pets and are at least four months old.
- 11.1.52. "KITCHEN" is any room and/or other space used or intended or designed to be used for cooking or for preparation of food for one (1) family.
- 11.1.53. "LIVING SPACE" is that area within a structure intended, designed, erected. or used for human occupancy, but excluding any cellar or basement area, or accessory use areas.
- 11.1.54. "LOADING SPACE" is an off-street space or berth on the same lot with a building, or contiguous to a group of buildings. for the temporary parking of a commercial vehicle while loading or unloading merchandise or

- materials, and which abuts upon a street, alley or other appropriate means of access
- 11.1.55. "LODGING HOUSE" means a building, not available to transients, in which lodging is regularly provided for compensation for at least three but not more than thirty persons.
 - 11.1.56. "LOT" means an area or contiguous areas, exclusive of streets and alleys and other public places, used as a unit and fifty Percent of whose average lot width abuts a street.
 - 11.1.57. "LOT COVERAGE" or "FLOOR AREA RATIOS (FAR)" means the area covered by buildings divided by the total lot area, exclusive of streets, alleys, and walkways. but including utility and other similar easements.
 - 11.1.58. "LOT, DEPTH OF" is the main distance from the right-of-way line of the street at the front of the lot to its opposite rear line measured in the general direction of the side lines of the lot, where the right-of-way is not established. it shall be assumed to be sixty (60) feet.
 - 11.1.59. "LOT, INTERIOR" is a lot other than a corner lot.
 - 11.1.60. "LOT, CORNER" is a lot at the point of intersection of and abutting on two (2) or more intersecting streets, the angle of intersection being not more than one hundred thirty-five (135) degrees. It is the land occupied or to be occupied by the corner buildings.
 - 11.1.61. "LOT LINE" means the legal boundaries of the "lot", excluding streets, alleys, public watercourses. and other public spaces.
 - 11.1.62. "LOT, OF RECORD" is a lot which is part of a subdivision, the plot, or map of which has been recorded in the Office of the Recorder of Seneca County or a lot described by metes and bounds, the deed to which has been recorded in the Office of the Recorder of Seneca County.
 - 11.1.63. "LOT WIDTH" means the distance between the side lot lines measured at the building line.
 - 11.1.64. "MIGRANT HOUSING" means housing used for Living quarters by migrant workers or employees on seasonal basis (May 1 - Oct. 31) where such workers are employed as migrant labor at least part of the time.
 - 11.1.65. "MOBILE HOME" means a vehicle or other portable structure more than thirty feet in length that is designed, used or intended to be used for movement on the highway, and designed or used as a dwelling.
 - 11.1.66. "MOBILE HOME PARK" means area of land on which two or more mobile homes are regularly accommodated or intended for such use, with or without charge, including any building's, other structures, fixtures, or equipment that is used or intended to be used in providing that accommodation.
 - 11.1.67. "MOTEL" is any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed for temporary use by automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts: motels, motor lodges. and tourist cabins.
 - 11.1.68. "NONCONFORMING USE" means a use that exists at the time a provision of this ordinance is Passed but does not comply with it.
 - 11.1.69. "OPEN SPACE" is an area of land which is in its natural state, or is developed only for the raising of agricultural crops, or for public outdoor recreation.
 - 11.1.70. "OPEN USE" means the use of a lot without buildings, or a use for which a building with a floor area no larger than five Percent of the lot is only incidental.
 - 11.1.71. "PARKING" is the temporary holding of a vehicle for a period longer than required to load or unload persons or goods.⁴⁰
 - 11.1.72. "PERSON" means also a corporation, firm, Partnership, association, organization, unit of government, or any other group that acts as a unit.
 - 11.1.73. "PLACE" is an open occupied space other than a street or alley permanently reserved as a principal means of access to abutting property.
 - 11.1.74. "PORCH" is a roofed or un-roofed open structure projecting from the front, side, or rear wall of a building, and having no enclosed feature of glass, wood, or other material more than thirty-six (36) inches above the floor thereof, except wire screening and the necessary columns to support the roof.
 - 11.1.75. "PRINCIPAL BUILDING" means the building in which the principal use of the lot on which it is located is conducted including a building that is attached to such a building in a substantial way, such as by a roof and walls.
 - 11.1.76. "PRIVATE GARAGE" means a garage whose principal use is to house motor vehicles for the accommodation of related dwelling units or related business establishments, located on the same lot as the principal use.
 - 11.1.77. "PRIVATE SCHOOL" means a school other than a public school.
 - 11.1.78. "PROFESSIONAL OFFICE" means an office used by members and the necessary personnel of a recognized profession such as architects. dentists, engineers, lawyers, physicians. surgeons. realty agents, insurance agents, and brokers.
 - 11.1.79. "PUBLIC OVERNIGHT CAMP" means an area of land used or designed to be used to accommodate two or more tents, travel trailers or other camping outfits for no longer than seventy-two hours per camping party per two-week period; but not including mobile homes.
 - 11.1.80. "PUBLIC GARAGE" means a garage, other than a private garage, whose services are available to members of the public or to persons occupying a hotel, club, or similar facility.
 - 11.1.81. "PUBLIC UTILITY" is any person, firm, corporation, governmental agency, or board fully authorized to furnish and furnishing under municipal regulation, to the public, electricity, gas, steam, telephone, telegraph. transportation, or water, or any other similar public utilities.
 - 11.1.82. "REAR LOT LINE" means a line parallel to and farthest from the front lot line, being at least 10 feet long and lying wholly within the lot.
 - 11.1.83. "REAR YARD" means a Yard that extends across the full width of the lot and is bounded on the rear by the rear lot line. and the depth of which is the least distance from the rear lot line and the rear of the principal building.
 - 11.1.84. "RIDING STABLE" means the use of any premises for riding horses for hire.
 - 11.1.85. "RIGHT-OF-WAY" is a street, alley, or other thoroughfare or easement permanently established for passage

- of persons or vehicles.
- 11.1.86. "SIDE LOT LINE" means a lot boundary line other than a front or rear lot line.
- 11.1.87. "SIDE YARD" means a yard, between the principal building and the adjacent lot line, that extends from the yard, or street right-of-way where there is no front yard, to the rear Yard, and the width of which is the least distance between the side lot line and the adjacent side of the building.
- 11.1.88. "SIGN" means visual devices or structures used for advertising, display, direction, or publicity purposes.
- 11.1.89. "STABLE" is any building, structure, or portion thereof which is used for the shelter or care of horses, or, other similar animals, either permanently or transiently.
- 11.1.90. "STAND" is a structure for the display and sale of products with no space for customers within the structure itself.
- 11.1.91. "STORY, HALF" is a space under a sloping roof which has the line of intersection of a roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished for the use. A half-story containing independent apartment or living quarters as a full story.
- 11.1.92. "STORY, HEIGHT OF" the vertical distance from the top surface of one floor to the top surface of the next above. The height of the top most floor is the distance from the top surface of the floor to the top surface of the ceiling joists.
- 11.1.93. "STREET" means a right of way that is established by record to provide the principal means of access to abutting property.
- 11.1.94. "STREET, PUBLIC" is a public thoroughfare which has been dedicated or deeded to the public for public use and accepted by the County Commission or Township Trustees, and which affords principal means of access to abutting property.
- 11.1.95. "STREET, PRIVATE" is a thoroughfare which affords principal means of access to abutting property, but which has not been deeded to the public.
- 11.1.96. "STRUCTURE" means anything constructed or erected that requires location on or in the ground or Attachment something having a location on or in the ground.
- "Transmission Towers" means any above ground structure designed for the purpose of transmitting or receiving communications signals of any type.
- 11.1.97. "STRUCTURAL, CHANGE or ALTERATION" means a substantial change in a supporting member of a building, such as a bearing wall or partition, column, beam, or girder, or in an exterior wall or the roof.
- 11.1.98. "TANK, STORAGE" is in reference to petroleum or chemical products. a closed vessel for the storage of liquid hydrocarbon substances at atmospheric pressure.
- 11.1.99. "TOURIST CAMP" is any lot, piece or parcel of ground where two (2) or more camp cottages, tents, camping or travel trailers, house trailers or mobile homes used as living or sleeping Quarters are or may be located, said camp being operated for or without compensation.
- 11.1.100. "TOURIST HOME" is a Dwelling in which over-night accommodations are provided or offered for transient guests for compensation.
- 11.1.101. "THROUGH LOT" means a lot fronting on two parallel or approximately parallel streets and includes lots fronting on both a street and a watercourse or lake.
- 11.1.102. "TRAVEL TRAILER" means a vehicle or other portable structure twenty feet or less in length that is designed to move on the highway and designed or used as a temporary dwelling.
- 11.1.103. "TRAVEL TRAILER PARK" means an area of land on which two or more travel trailers are regularly accommodated with or without charge, including any buildings, structure, or fixtures or equipment that is used or intended to be used in connection with providing such accommodations.
- 11.1.104. "USE" means the employment or occupation of a building, structure, or land for a person's service, benefit, or employment.
- 11.1.105. "USE, SEASONAL" is the occupation of any building, or structure, or activity exceed more than six (6) months of any one calendar year.
- 11.1.106. "WIND TURBINE" is any device designed to be powered by the wind for the purpose of generating electricity.
- 11.1.107. "YARD" means a space on the same lot with a principal building that is open and unobstructed, except as otherwise specified by this ordinance.

CHAPTER 12

VALIDITY AND EFFECTIVE DATE

12.1 Validity

If an article, section, subsection, paragraph, sentence, or phrase of this resolution is for any reason held to be invalid by a Court of Competent jurisdiction, such decision shall not affect the validity of the remaining portions of this resolution.

12.2 Effective Date

This revised resolution shall take effect and be in force from June 20, 1981, and any amendments thereto shall take effect as prescribed by Chapter 519 of the Ohio Revised Code. (The original resolution was in force May 15, 1974.)

12.3 Effective Date

This revised resolution shall take effect and be in force from January 1, 2022, and any amendments thereto shall take effect as prescribed by Chapter 519 of the Ohio Revised Code. (The original resolution was in force May 15, 1974.)