

**ZONING RESOLUTION**  
**WASHINGTON TOWNSHIP**  
**LUCAS COUNTY, OHIO**

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**SECTION 1**

**GENERAL PROVISIONS**

**100 ENACTMENT; TITLE**

The Board of Township Trustees in accordance with the enabling legislation for Township zoning as provided in Chapter 519 of the Ohio Revised Code hereby provides as follows: This Resolution shall be known as and may be cited to as the "Zoning Resolution of Washington Township, as amended, and is referred to herein as "Resolution".

**101 PURPOSE**

The purpose of this Resolution is to promote the public health, safety, and general welfare of the residents of Washington Township. This Resolution shall serve the general good of the community as a whole and protect property value. This Resolution is adopted for the purpose of protecting and promoting public health, safety, morals, comfort, and general welfare; conserving and protecting property and facilitating adequate but economical provision of public improvements; and amending the Zoning Resolution of the Board of Trustees of Washington Township, Lucas County, Ohio, effective November 2, 1948, as amended to the date of the adoption of this amending Resolution, in each and every part thereof that is inconsistent with this amending Resolution.

**102 INTERPRETATION AND RELATIONSHIP TO OTHER REGULATIONS**

The interpretation and application of any provisions of this Resolution shall be held to be the minimum requirements, adopted for the promotion of the public health, safety, and general welfare. When the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulation, or resolutions, the most restrictive requirements imposing the higher standards, shall apply.

**103 SEVERABILITY**

Should this Resolution, or any section of this Resolution, be declared by a court to be unconstitutional or invalid, such a decision shall not affect the validity of this Resolution as a whole, or any other parts thereof, other than the part declared unconstitutional or invalid; in the event of such a declaration, then the applicable provision of the prior Zoning Resolution (Zoning Resolution, November 2, 1948, as amended) is hereby re-instated.

**104 REPEAL OF CONFLICTING RESOLUTIONS**

All resolutions in conflict with this Resolution, or inconsistent with the provisions of the Resolution, are hereby repealed to the extent necessary to give this Resolution full force and effect.

**105 EFFECTIVE DATE**

This Resolution shall become effective from and after the date of its approval and adoption by the Board of Township Trustees, as provided in ORC 519.12.

**106 AREA OF JURISDICTION**

The provisions of this Resolution apply to all unincorporated areas of Washington Township, Lucas County, Ohio.

## SECTION 2

### APPLICABILITY

#### **200 GENERAL APPLICABILITY OF ZONING RESOLUTION**

No structure, or part thereof shall be placed upon or moved onto land, constructed, reconstructed, enlarged, or structurally altered, nor shall any building or land be used or occupied in a manner which does not comply with the district regulations established by this Resolution for the district in which the building, structure, and/or land is located.

**A. Lot Size Requirements and the Subdivision of Land**

No lot or lot of land held under one ownership, with or without a building, at the time this Resolution became effective, shall be reduced or subdivided in any manner below the minimum lot width and lot area required by this Resolution.

**B. Reductions in Yard Requirements**

No building may be enlarged which would result in decreasing a yard below the minimum requirements of the applicable zoning district.

**C. Location of Uses on a Single Lot**

Unless otherwise specifically allowed in Section 1305 – Supplemental Regulations, every principal building whether presently existing or hereafter constructed, relocated or structurally altered shall be located on a single lot.

**D. Unsafe Buildings**

Nothing in this Resolution shall prevent the strengthening, or restoring to a safe condition, any structure, or part thereof declared unsafe by a proper authority.

**E. Conversion of Dwellings**

The conversion of any structure into a dwelling or the conversion of any dwelling to accommodate an increased number of dwelling units or families, is permitted only in accordance with all requirements of this Resolution.

**F. Parking Requirements**

No land use may change from one use to another use, without first meeting the parking requirements for the new use.

#### **201 PUBLIC UTILITIES**

Pursuant to ORC 519.21, this Resolution does not regulate the location, construction, reconstruction, removal, use or enlargement of any buildings or structure or any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business. This Resolution does require that site plans including building setbacks, parking and landscaping be reviewed in accordance with Section 16 – Site Plan Review.

**202 EXCEPTIONS**

Exceptions to these regulations in specific cases may be authorized by the Board of Zoning Appeals where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this Resolution providing such exception is in harmony with the general purpose and intent of the Resolution and in accordance with the procedures and provisions specified therein. Hardship shall be based on physical limitations of the land or structures and does not encompass financial considerations.

## SECTION 3

### PROVISIONS FOR OFFICIAL ZONING MAP

#### 300 OFFICIAL ZONING MAP

The location and boundaries of zoning districts are shown on the map titles "The Official Washington Township Zoning Map" herein. A certified copy of this map is on file at the Washington Township Hall and is hereby declared to be a part of this Resolution.

#### 301 INTERPRETATION OF DISTRICT BOUNDARIES

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

##### A. Parallel District Boundaries

Where district boundaries appear to be approximately parallel to the center lines or street lines of the streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as parallel thereto and at such distance therefrom as indicated on the official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.

##### B. Lot Lines, Railroad Lines, and Waterways

Where district boundaries approximately follow lot lines such lot lines shall be construed as a boundary of a zoning district. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line. Where the boundary of a district follows (or is parallel to) a waterway, such boundary shall be deemed to be located in the middle of the waterway.

##### C. Interpretation by Zoning Board of Appeals

Any questions of interpretation of the Official Zoning Map, which cannot otherwise be resolved, shall be referred to the Zoning Board of Appeals for determination, in accordance with Section 23 – Zoning Board of Appeals.

#### 302 ESTABLISHMENT OF DISTRICTS

For the purpose of regulating and restricting the location of buildings, structures and land use, Washington Township is divided into zoning districts as shown on the Official Zoning Map. These districts include the following, and may be illustrated on the Official Zoning Map:

**302 ESTABLISHMENT OF DISTRICTS (cont'd)**

**ZONING DISTRICTS**

<b>P/O</b>	Public/Open Space District
<b>R-1A</b>	Residential District
<b>R-2</b>	Residential District
<b>R-3</b>	Multi-family Residential District
<b>R-4</b>	Multi-family Residential District
<b>MPH</b>	Manufactured Home Park District
<b>C-2</b>	General Commercial District
<b>M-1</b>	Industrial District
<b>PUD</b>	Planned Unit Development

**SECTION 4**

**P/O PUBLIC/OPEN SPACE DISTRICT**

**400 PURPOSE**

The purpose of the Public/Open Space (P/O) District is to preserve and protect significant natural areas, drainage ways and flood plains, and to provide for the public land use of Washington Township.

**401 PERMITTED USES**

The following uses are permitted in the Public/Open Space (P/O) District:

Accessory uses and structures

Cemetery (public/private)

Community Pool (See Supplemental Regulations – Section 1311.02)

Conservation areas

Public uses

Public parks

Public playgrounds

**402 SPECIAL USES**

The following use may be approved in accordance with Section 19 – Procedures & Requirements for Special Uses:

Golf course

Telecommunication tower (See Supplemental Regulations – Section 1312)

**403 DEVELOPMENT STANDARDS**

All buildings, structures, lots, and land uses within the Public/Open Space (P/O) District must meet the requirements of Section 13 – Supplemental Regulations, and the following standards:

**A. Height Limits**

No structure shall be constructed or enlarged to exceed thirty-five (35') feet in height.

**B. Area Requirements**

All lots shall meet the following area, coverage, and yard requirements:

**Lot Area:** There is no minimum lot area.

**Front Yard:** Thirty-five (35') feet (See Supplemental Regulations - Section 1310)

**Side Yard:** Ten percent (10%) of the lot width or ten (10') feet, whichever is less.

**Rear Yard:** Thirty-five (35') feet

**SECTION 5**

**R-1A RESIDENTIAL DISTRICT**

**500 PURPOSE**

The purpose of the Residential (R-1A) District is to provide areas for single family dwellings on lots 7800 square feet in size or larger.

**501 PERMITTED USES**

The following uses are permitted in the Residential (R-1A) District:

Accessory uses and accessory structures	Home Occupation
Church or place of worship	Permanently Sited Manufactured Home
Dwelling, single-family	

**502 SPECIAL USES**

The following uses may be approved pursuant to Section 19 – Procedures & Requirements for Special Uses:

Telecommunication tower (See Supplemental Regulations – Section 1312)

**503 DEVELOPMENT STANDARDS**

All buildings, structures, lots, and land uses within the Residential (R-1A) District must meet the requirements of Section 13 – Supplemental Regulations, and the following development standards:

**A. Height Limits**

No structure, shall be erected or enlarged to exceed thirty-five (**35'**) feet in height.

**B. Area Requirements**

All lots shall have the following minimum requirements:

**Lot Area:** 7800 square feet

**Lot Width:** Sixty-five (65') feet

**Front Yard:** Thirty (30') feet (See Supplemental Regulations – Section 1310)

**Side Yard:** Six (6') feet

**Rear Yard:** Thirty-five (35') feet

**C. Minimum floor Area for all Dwellings:**

1200 sq. ft. for a single-story dwelling

1500 sq. ft. for a multi-level dwelling

**SECTION 6**

**R-2 RESIDENTIAL DISTRICT**

**600 PURPOSE**

The purpose of the Residential (R-2) District is to provide areas for single family dwellings on lots 7200 square feet in size or larger.

**601 PERMITTED USES**

The following uses are permitted in the Residential (R-2) District:

Accessory uses and accessory structures	Home Occupation
Church or place of worship	Permanently Sited Manufactured Home
Dwelling, single-family	

**602 SPECIAL USES**

The following uses may be approved pursuant to Section 19 – Procedures & Requirements for Special Uses:

Telecommunication tower (See Supplemental Regulations – Section 1312)

**603 DEVELOPMENT STANDARDS**

All buildings, structures, lots, and land uses within the Residential (R-2) District must meet the requirements of Section 13 – Supplemental Regulations, and the following development standards:

**A. Height Limits**

No structure, shall be erected or enlarged to exceed thirty-five (35') feet in height.

**B. Area Requirements**

All lots shall have the following minimum requirements:

**Lot Area:** 7200 square feet

**Lot Width:** Sixty (60') feet

**Front Yard:** Thirty (30') feet (See Supplemental Regulations – Section 1310)

**Side Yard:** Six (6') feet

**Rear Yard:** Thirty-five (35') feet

**C. Minimum floor Area for all Dwellings:**

800 sq. ft. for a single-story dwelling

1100 sq. ft. for a multi-level dwelling

**SECTION 7**

**R-3 MULTI-FAMILY RESIDENTIAL DISTRICT**

**700 PURPOSE**

The purpose of the Multi-family Residential (R-3) District is to provide areas for two-family dwellings, multiple family dwellings, and other residential uses.

**701 PERMITTED USES**

The following uses are permitted in the R-3 Zoning District:

Accessory uses and accessory structures	Dwelling, two-family
Church or place of worship	Home Occupation
Dwelling, multiple-family	

**702 SPECIAL USES**

The following uses may be approved pursuant to Section 19 – Procedures & Requirements for Special Uses:

Day care facility	Rooming house
Nursing Home/Assisted Living Facility	Telecommunications tower (See Supplemental Regulations – Section 1312)

**703 DEVELOPMENT STANDARDS**

All buildings, structures, lots, and land uses within the Multi-family Residential (R-3) District must meet the requirements of Section 13 – Supplemental Regulations, and the following development standards:

**A. Height Limits**

No structure, shall be constructed or enlarged to exceed thirty-five (35') feet in height.

**B. Area Requirements**

All lots shall meet the following requirements:

**Lot Area:** The minimum lot area per dwelling unit shall be 5,000 square feet

**Lot Width:** Seventy (70') feet

**Front Yard:** Thirty (30') feet (See Supplemental Regulations – Section 1310)

**Side Yard:** Six (6') feet

**Rear Yard:** Thirty-five (35') feet

## SECTION 8

### R-4 MULTI-FAMILY RESIDENTIAL DISTRICT

#### 800 PURPOSE

The purpose of the Multi-family Residential (R-4) District is to provide areas for multiple family dwellings.

#### 801 PERMITTED USES

The following uses are permitted in the R-4 Zoning District:

Accessory uses and accessory structures	Dwelling, two-family
Assisted living facility	Home Occupation
Church or place of worship	Nursing Home/Assisted living facility
Dwelling, multiple-family	

#### 802 SPECIAL USES

The following uses may be approved pursuant to Section 19 – Procedures & Requirements for Special Uses:

Day care facility	Rooming house
Nursing Home/Assisted Living Facility	Telecommunications tower (See Supplemental Regulations – Section 1312)

#### 803 DEVELOPMENT STANDARDS

All buildings, structures, lots, and land uses within the Multi-family Residential (R-4) District must meet the requirements of Section 13 – Supplemental Regulations, and the following development standards:

##### A. Height Limits

No structure, shall be constructed or enlarged to exceed thirty-five (35') feet in height.

##### B. Area Requirements

All lots shall meet the following requirements:

**Lot Area:** The minimum lot area per dwelling unit shall be 4,000 square feet

**Lot Width:** Seventy (70') feet

**Front Yard:** Thirty (30') feet (See Supplemental Regulations – Section 1310)

**Side Yard:** Six (6') feet

**Rear Yard:** Thirty-five (35') feet

## SECTION 9

### MHP – MANUFACTURED HOME PARK DISTRICT

#### 900 PURPOSE

The purpose of the MHP Manufactured Home Park District is to establish areas suitable for the placement of manufactured housing and mobile homes as defined in this Resolution. No mobile home, manufactured home, trailer or similar portable residence shall be permitted to locate in the Township except in a Manufactured Home Park District.

#### 901 PERMITTED USES

The following uses are permitted in the MHP district:

Accessory uses and accessory structures  
Manufactured home (see Section 24 – Definitions)  
Mobile home  
Recreational facility, outdoor

#### 902 SPECIAL USES

Telecommunication tower (See Supplemental Regulations – Section 1312)

#### 903 APPROVAL PROCEDURE

Manufactured homes and manufactured home parks shall be located only in the MHP district and shall be developed according to the standards and regulations stated in this Section. The procedure to amend the Official Zoning Map to establish an MHP District is set forth in Section 20 – Zoning Changes and Text Amendments. Manufactured home parks are subject to the requirements of Section 16 – Site Plan Review, and shall conform to the following standards:

- A. The proposed site shall be a minimum of ten (10) acres;
- B. Public water and sanitary sewer shall be utilized by the development;
- C. The maximum density shall not exceed eight (8) manufactured home units per acre;
- D. An adjacent yard not less than 1,000 square feet shall be provided for each manufactured home unit and shown on the site plan;
- E. Two (2), 9x20 foot off-street parking spaces of concrete or asphalt shall be required for each manufactured home unit in addition to outdoor living area set forth in provision 4.
- F. A minimum of 45 feet of clearance shall be provided between the individual manufactured and mobile homes.

## SECTION 10

### C-2 GENERAL COMMERCIAL DISTRICT

#### 1000 PURPOSE

The purpose of the General Commercial (C-2) District is to provide areas for general commercial uses serving a local and regional area.

#### 1001 PERMITTED USES

The following uses are permitted in the General Commercial (C-2) District:

Accessory uses and accessory structures	Marine sales and service
Amusement arcade	Medical/dental office
Apartment unit, (second story)	Meeting or reception hall
Automobile, boat and truck sales	Movie theater
Automobile and boat service center	Nursing home/assisted living facility
Bank and financial center	Personal service
Bar/lounge/tavern	Photo, dance, art, music studio
Business school	Professional office
Car wash	Recreation facility
Caterer	Recreation vehicle sales
Church or place of worship	Restaurant (with or without drive-thru or delivery)
Club	Retail Sales
Day care facility	Self-service Storage (See Supplemental Regulations Section 1318)
Funeral home	Sexually Orientated Business (See Supplemental Regulations – Section 1319)
Gasoline sales	Veterinary hospital
Hospital	
Hotel/Motel	
Laundromat	

#### 1002 DEVELOPMENT STANDARDS

All buildings, structures, lots, and land uses within the General Commercial (C-2) District must meet the requirements of Section 13 – Supplemental Regulations, and the following development standards:

##### A. Height Limits

No structure, shall be constructed or enlarged to exceed thirty-five (35') feet in height.

##### B. Trip Generation

All uses generating 100 or more peak hour trips (consistent with the Institute of Transportation Engineers (ITE) General Manual) shall submit a Traffic Impact Study.

**1002 DEVELOPMENT STANDARDS (cont'd)**

**C. Coverage & Setback Requirements**

All lots shall meet the following requirements:

**Lot Area:** No minimum Lot Area

**Lot Width:** Fifty (50') feet

**Lot Coverage:** Seventy-five (75%) percent maximum

**Side Yard:** Ten (10') feet (See Supplemental Regulations – Section 1310)

**Rear Yard:** Twenty (20') feet (See Supplemental Regulations –  
Section 1310)

**Front Yard:** Forty (40') feet (See Supplemental Regulations – Section 1310)

## SECTION 11

### M-1 INDUSTRIAL DISTRICT

#### 1100 PURPOSE

The purpose of the Industrial (M-1) District is to provide areas for industrial uses.

#### 1101 PERMITTED USES

The following uses are permitted in the Industrial (M-1) Zoning District:

Accessory uses and structures

Assembly of electrical components, instruments, and devices, including electroplating

Building material sales yard (excluding concrete and asphalt production)

Catering establishment

Contractor yard/storage

Distribution center

Equipment sales & rental

Gasoline sales

Laundry/dry cleaning plant

Lumber yard (provided saws, planers, processing machines are within a completely enclosed building)

Machine shop (excluding punch presses over twenty (20) tons rated capacity)

Manufactured home sales

Manufacturing

Plumbing, sheet metal, and woodworking shops

Professional office

Self-service storage facility (See Supplemental Regulations – Section 1318)

Transport and trucking terminal truck repair garage

Warehousing

Wholesaling, including the storage, handling, or sale of merchandise primarily to retailers

#### 1102 SPECIAL USES

The following uses may be approved pursuant to Section 19 – Procedures & Requirements for Special Uses:

Asphalt/concrete production

Day care center

Landfill

Logging/wood storage

Mineral extraction (See Supplemental Regulations Section 1304)

Motor vehicle salvage yards (See Supplemental Regulations Section 1315)

Recycle center

Solid waste disposal

Storage lot including automobiles, boats, trucks, and recreational vehicles

**1103 DEVELOPMENT STANDARDS**

All buildings, structures, lots, and land uses within the Industrial (M-1) District must meet the requirements of Section 13 – Supplemental Regulations, and the following development standards:

**A. Height Limits**

No structure shall be constructed or enlarged to exceed three stories or thirty-five (35') feet in height.

**B. Trip Generation**

All uses generating 100 or more peak hour trips (consistent with the Institute of Transportation Engineers (ITE) Generation Manual) shall submit a Traffic Impact Study.

**C. Coverage & Setback Requirements**

All lots shall meet the following requirements:

**Lot Area:** One (1) acre

**Lot Width:** One hundred twenty-five (125') feet

**Lot Coverage:** Seventy-five (75%) Percent maximum

**Front Yard:** Fifty (50') feet (See Supplemental Regulations – Section 1310)

**Side Yard:** Thirty (30') feet (See Supplemental Regulations – Section 1310)

**Rear Yard:** Forty (40') feet (See Supplemental Regulations – Section 1310)

## SECTION 12

### PLANNED UNIT DEVELOPMENT

#### 1200 PURPOSE

The Planned Unit Development (PUD) is a voluntary procedure that provides an overlay zoning district that is intended to encourage innovative design, conservation of significant natural features and consolidation of open space which provides for a combination of uses with an integrated design. The Planned Unit Development allows greater design flexibility so that natural features and open space may be preserved and enhanced, and development concentrated in a coordinated and efficient manner.

#### 1201 DESCRIPTION

The Planned Unit Development may be a residential, commercial, or industrial development or may be a combination of uses with no minimum site area required. Where a combination of uses are proposed, a maximum of twenty-five (25%) percent of the total acreage may be developed with uses not permitted in the underlying zoning district. The Board of Township Trustees shall review and may find that the combination of uses meet the standards set forth in Section 1204. Signs for uses developed pursuant to the 25% provision, shall conform to the District in which the use is permitted and subject to Section 15 – Signs and Outdoor Advertising of this Resolution.

#### 1202 PROCEDURE

The Planned Unit Development shall be submitted and processed pursuant to Section 20 – Zoning Changes and Text Amendments. The applicant shall submit a "Request for Zoning Change" application with twenty (20) copies of the development plan along with the required application fee. The application shall include the following:

##### A. General Information

1. Name, address and phone number of the applicant;
2. Name and address of registered surveyor, engineer and/or landscape architect who prepared the plan;
3. Legal description of the property;
4. Present use of the property;
5. Conceptual overview of the development;
6. Proposed provision of utilities;
7. Proposed ownership and maintenance of common open space;
8. Anticipated timing and phasing of the development.

**1202 PROCEDURE (cont'd)**

**B. Development Plan Information**

1. A vicinity/project location map;
2. Location, type and density of development types;
3. Conceptual drainage plan;
4. Location and amount of open space(s);
5. Gross lot acreage, net lot acreage, maximum allowable density, proposed density with calculations indicated;
6. Maximum site coverage (not required for detached single-family PUD's)
7. Topography at two foot contour intervals;
8. Existing features of the development site, including major wooded areas, streets, easements, utility lines, and land uses;
9. Street layout and names;
10. Existing buildings to remain or to be removed, and if the existing buildings remain, indicate proposed use;
11. All proposed signs excluding street signs;
12. Proposed method of street lighting;
13. Landscape material to be used and proposed locations;
14. Location, area, and dimensions of all lots, setbacks, and building envelopes;
15. Required number of parking spaces and number of spaces proposed.

**1203 ADDITIONAL INFORMATION**

The Board of Township Trustees, Zoning Commission, and/or Zoning Inspector may require additional information such as professionally prepared maps, studies or reports including environmental assessments and/or traffic impact studies for the development. The expense for this information is the responsibility of the applicant.

**1204 STANDARDS**

**A. General**

1. The development shall be in conformance with the Zoning Resolution and applicable Subdivision Regulations (and as amended);
2. The uses are compatible with the proposed and existing surrounding land uses;

**1204 STANDARDS (cont'd)**

3. The arrangement of land uses and buildings on the site integrate the topography, natural features, views, traffic access and the arrangement of usable common open space.

**B. Specific – Residential**

1. The maximum number of dwelling units (DU's) permitted for the site is listed in the districts below. Consolidated open space may include recreation areas, ponds/lakes, and natural areas.

<u><b>R-1A District</b></u>	<u><b>R-2 District</b></u>	<u><b>R-3 District</b></u>	<u><b>R-4 District</b></u>
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4.5 DU's per acre	4.9 DU's per acre	7 DU's per acre	8.8 DU's per acre
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2. No more than forty (40%) percent of gross site acreage shall be devoted to coverage by buildings, structures, street pavement, driveway pavement, and parking area pavement;
3. No less than twenty (20%) percent of the gross site acreage, (5% of which may be a pond that may not exceed one (1) acre in size), none of which is part of any yard or perimeter open space, shall be allocated to usable, accessible and consolidated, common open space and may be allocated on a plat by plat basis;
4. An open space area void of buildings, structures, parking areas, or other above-ground improvements shall be maintained along all perimeter property lines of the Planned Unit Development as follows:
  - a. When abutting an "R" or "P/O" District, the open space perimeter area shall be provided that has a minimum depth equal to the required rear yard setback of the PUD's underlying zoning district;
  - b. When a residential area of a Planned Unit Development abuts a "C" or "M" District, an open space perimeter area shall be provided that has a minimum depth of fifty (50') feet;
5. Building height shall be in accordance with the underlying zoning.
6. There may be no minimum lot size, lot-width, building or structure setback requirements except as provided in Section 1204.02D.
7. Telephone, electrical, cable, and other utility appurtenances shall be sufficiently screened.

**1204 STANDARDS (cont'd)**

**C. Specific – Commercial**

1. Commercial developments shall be planned with common parking areas and common points of ingress and egress. Parking requirements shall be provided pursuant to Section 18 – Parking Requirements, and the number of spaces required shall be determined by each specific use within the Planned Unit Development;
2. An open space area void of buildings, structures, parking areas, or other above-ground improvements except fencing shall be maintained on all perimeter property lines of the Planned Unit Development:
  - a. A minimum open space depth of 30 feet shall be provided unless a greater setback is required as listed in the underlying zoning district;
  - b. A minimum open space distance of fifty (50') feet shall be provided when abutting an "A" or "R" District;
3. No less than twenty (20%) percent of the gross lot acreage, (5% of which may be a pond that may not exceed one (1) acre in size), none of which shall be a part of any yard, shall be allocated to usable, accessible and consolidated, common open space;
4. No more than seventy (70%) percent of gross site acreage shall be devoted to coverage by buildings, structures, street, driveway and parking area pavement;
5. Landscaping or screening for parking shall be required pursuant to Section 17 – Landscaping Requirements;
6. There shall be no minimum lot size, lot-width, or building, or structure setback requirements except as provided in Section 1204.03B;
7. Telephone, electrical, cable, and other utility appurtenances shall be sufficiently screened.

**1205 CHANGES TO APPROVED PLAN**

Changes or alterations to the development plan as approved by the Board of Township Trustees may be administratively reviewed and approved by the Zoning Inspector, except in the following circumstances:

**1205 CHANGES TO APPROVED PLAN (cont'd)**

- A. Change in the overall acreage of the Planned Unit Development;
- B. Any change in use in the Planned Unit Development;
- C. Substantial alteration to open space areas and their location(s);
- D. A significant change in street pattern;
- E. A significant change in the landscape plan;
- F. An increase in the number of buildings;
- G. Changes in the building/buildings envelope location(s).

In those instances where changes to the approved plan are not administratively approved by the Zoning Inspector, the Board of Township Trustees shall hold a public hearing to consider such changes.

**1206 EXPIRATION AND EXTENSION OF APPROVAL PERIOD**

If construction of any phase of the approved Planned Unit Development begins within two (2) years after approval is granted, the approval shall be valid until the development is completed. If no construction has begun within two (2) years after the approval is granted, the Planned Unit Development shall be void and the land shall revert to the district regulations in which it is located. An extension of the time limit may be approved by the Board of Township Trustees.

## SECTION 13

### SUPPLEMENTAL REGULATIONS

#### 1300 GENERAL

In addition to the Zoning District requirements, the following Supplementary Regulations shall regulate the uses and structures in Washington Township.

#### 1301 ACCESSORY BUILDING OR STRUCTURE

An accessory building or structure shall be subject to the following requirements:

- A. It shall be located behind or adjacent to the principal building, but may not project in front of the principal building.
- B. The minimum distance of the accessory building or structure from the principal building shall be five (5') feet in all residential, commercial, and industrial districts.
- C. The minimum distance of the accessory building or structure from any lot line shall be six (6') and shall not be located within any required planting strip pursuant to Section 1701.02. Where the accessory building is located on a corner lot, the rear of which abuts upon the side lot line of another lot, the accessory building shall not project within the front yard line required on the lot in rear of such corner lot.
- D. An accessory building shall not exceed twenty feet (20') in height on lots less than 1/3 acre. An accessory building shall not exceed thirty-five feet (35') in height on lots greater than 1/3 acre.
- E. No accessory building or structure shall be constructed, reconstructed, or structurally altered nearer to the centerline of the roads listed in Section 1310.
- F. Recreational items such as skate board ramps and basketball goals shall be located outside the public right-of-way.
- G. A maximum of two (2) accessory buildings are permitted per principal building.
- H. No accessory building structure or use shall be occupied or utilized unless the principal structure is occupied or utilized. No accessory building, structure or use may be placed on a lot without a principal building, structure or use.
- I. Portable restrooms may be placed according to Section 1310 in public parks, playgrounds, and on construction sites. In all other areas they may be placed for a maximum period of four (4) days, two (2) times a calendar year.

**1301 ACCESSORY BUILDING OR STRUCTURE (cont'd)**

- J.** Portable structures such as moving and storage containers and dumpsters may be placed on a property in a R-1A and R-2 District for a period not to exceed one (1) month, two (2) times a calendar year.
- K.** A maximum of 40% of a required yard may be occupied by accessory structures, excluding decks and pools. The remaining 60% of the required yard shall be maintained as open space.
- L.** Any free-standing structure made from any material (plastic, wood, metal, etc.) shall meet all setback requirements. Any structure greater than fifty (50) square feet requires a zoning certificate.

**1302 ARCHITECTURAL PROJECTIONS**

- A.** Cornices, eaves, sills, canopies, window wells, or other similar architectural features (not including vertical projections) may extend or project into the required side yard not more than two feet (2') and may extend or project into a required front or rear yard not more than three (3') feet.
- B.** Chimneys may project into a required yard not more than two (2') feet.
- C.** Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required rear yard not more than four (4') feet.
- D.** Open, unenclosed patios, platforms, or decks not covered by a roof or canopy and not extending two (2') feet above grade may extend or project into a required rear yard not more than ten (10') feet.

**1303 FENCES**

- A.** Fences, plant material, bushes, earth mounds and similar landscape features within the front yard setback are permitted provided that:

  - 1. The height of such item does not exceed forty-two (42") inches as measured at the adjacent road grade.
  - 2. Fences shall not be located within the public right-of-way and shall comply with visibility regulations per Section 1310 for corner lots.
- B.** In residential districts, fences to the rear or to the side of a principal building shall not exceed six (6') feet in height measured from the adjacent grade to the highest point of the fence.

**1303 FENCES (cont'd)**

- C.** In commercial, public/open space, or industrial districts, fences in the rear and side yards shall not exceed eight (8') feet in height except for Motor Vehicle Salvage Yards and tennis courts, where they may have chain link fencing, not to exceed ten (10') feet in height.
- D.** A zoning certificate shall be obtained for new or complete replacement fence installations.
- E.** The most attractive/finished side of a fence shall face the public's view.
- F.** All fences shall be maintained in good condition.
- G.** A snow fence or a fence of similar type may be placed in any yard during the period from November 1<sup>st</sup> to April 1<sup>st</sup> for the sole purpose of preventing the drifting of snow on streets and driveways and shall meet all setback requirements. Such fence shall not otherwise be used at any time as a temporary or permanent fence.
- H.** Temporary or retractable fencing is permitted at the end of a driveway to ensure the safety of children at play. The fence does not require a zoning certificate.
- I.** Decorative and garden fencing used for landscaping that is not taller than twenty-four (24") inches does not require a zoning certificate.
- J.** Vegetation along fences shall not encroach on adjacent properties. Grass along fences must be kept trimmed and shall not exceed five (5") inches in height.
- K.** Fence gates controlling access to areas occupied by persons shall be so constructed that emergency personnel can have access quickly and easily at all times without requiring special devices.
- L.** The following types of fencing are prohibited in all districts:

  - 1. Barbed wire, razor ribbon and similar types.
  - 2. Any fence that impedes the view of vehicular traffic or creates any type of safety hazard.
  - 3. Archways over driveways.
  - 4. Fencing that is charged or connected with an electrical current, except when underground.

**1303 FENCES (cont'd)**

- M.** Front yard fence height is measured from the adjacent road grade. Side and rear yard fence height measurement is from adjacent ground grade.

**1304 MINERAL EXTRACTION, STORAGE, PROCESSING, & MANUFACTURE**

The following principles of acceptance, submission, and design requirements shall apply to mineral extraction and/or storage, processing and manufacturing activities. Mineral extraction may be permitted as Special Use in "M" Industrial District. In addition to the provisions of Section 19 – Procedures and Requirements for Special Uses, the following shall be considered in the review of a proposed Mineral Extraction, Storage, Processing, and Manufacturing Special Use request.

**A. Principles of Acceptance**

In reviewing the location and the development plan of a proposed mineral extraction operation, the following general principles of acceptance shall be considered with respect to the particular location and the present and future development of the area.

1. The mineral extraction operation shall not be detrimental to the adjacent land and surrounding area.
2. Potential flooding shall not be increased for surrounding properties as a result of excavating or elevating portions of the property under consideration.
3. The use and development of a proposed mineral extraction operation and its adjacent area shall be properly planned so as to prevent ground water contamination.
4. After completion, the excavated area shall be properly maintained so that it will not become a danger and nuisance to area residents.

**B. Submission Requirements**

The following items shall be submitted with the Special Use application:

1. A topographical survey and soils report analysis of the property, prepared by a professional engineer, surveyor, or geologist;
2. A site plan drawn to scale showing the location of the proposed excavated area, final grades, location of any existing or proposed buildings, septic tanks, leach fields, wells, easements, ditches, and utility lines within five-hundred (500') feet of the perimeter of the area;
3. General location map;

**1304 MINERAL EXTRACTION, STORAGE, PROCESSING, & MANUFACTURE (cont'd)**

4. Location of haul roads on the property and proposed truck routes to the property;
5. A drainage plan indicating the directional flow of water, constructed drainways, holding canals, natural waterways used for drainage, and the streams or tributaries receiving this discharge;
6. A reclamation plan of the area to be affected, including a specific reuse of the property upon completion of the excavation.

**C. General Conditions and Design Requirements**

The mineral extraction operation shall be conducted in accordance with the following conditions:

1. A minimum site area of twenty-five (25) acres;
2. The excavated area shall be a minimum of five (5) acres not to exceed twenty (20%) percent of the total site area;
3. The excavated area shall have a one hundred (100') feet minimum setback from any public road right-of-way;
4. Excavated areas shall be no closer than three-hundred (300') feet separated from septic tanks, water wells and leach fields in accordance with Health Department Standards
5. If the reclamation of the site includes a pond, the pond shall have a minimum depth of seventeen (17') feet. Within fifteen (15') feet of the shoreline, the average slope of the submerged areas of the pond shall be no steeper than 3 to 1. From the shoreline away from the water, the grade shall be no steeper than 4 to 1 within twenty (20') feet of the shoreline.
6. No materials shall be hauled to the property for use as fill, except for clean clay material which may be required for a lake or other material(s) approved by the Ohio Department of Natural Resources.
7. An appropriate amount of top soil must be left on the site in order to establish and maintain vegetation.

**1304 MINERAL EXTRACTION, STORAGE, PROCESSING, & MANUFACTURE (cont'd)**

8. In areas where sanitary sewers are not available, backfilling for any proposed housing pad site and leach field areas as shown on the reclamation plan shall be distributed in accordance with Health Department Standards. The topsoil on a proposed housing site shall be stripped and stored, then the area backfilled and compacted with the excavating material, the topsoil replaced over the backfilled area(s), and final grading completed.
9. All backfilling and excavating material distribution shall be certified in writing to the Township Zoning Inspector as conforming to the site grading plan and reclamation plan. The written certification shall be submitted by a professional engineer or surveyor and shall be submitted at the time of completion or in phases as required by the provisions of the Special Use approval.
10. Any areas not backfilled must be drained with ditches, which must include culverts under all driveways to eliminate any standing water.
11. All haul roads shall be properly maintained to control dust, and shall have a gate to control ingress and egress. All truck routes shall be cleaned and maintained daily.
12. The entire excavated area and equipment storage area shall be completely fenced in before any excavation begins and shall be maintained.
13. The hours of operation shall limited to:

Monday through Friday	7:00 a.m. – 7:00 p.m.
Saturday	9:00 a.m. – 3:00 p.m.
14. In addition to any bonds required under the State of Ohio Surface Mine Law (ORC Chapter 1514), a bond of two-thousand dollars (\$2,000) per site acre shall be filed with Washington Township or guarantee satisfactory development and completion of a lake or pit. The entire project shall be bonded at once, and not bonded one acre at a time. All bonds shall be obtained prior to the start of any earthwork. Bonds shall be released by the Board of Township Trustees following fulfillment of all conditions of the Special Use permit.

**1305 MORE THAN ONE PRINCIPAL BUILDING**

No more than one (1) principal building may be located on a single lot, except when the following uses are permitted in the zoning district:

- |                                                                |                               |
|----------------------------------------------------------------|-------------------------------|
| Assisted Living Facility                                       | Multiple-family dwellings     |
| Church or place of worship                                     | Nursing Home                  |
| Manufactured home/mobile home<br>(in a manufactured home park) | Public Use                    |
| School                                                         | Self-service Storage Facility |
|                                                                | Greenhouses                   |

**1306 NOISE**

No person shall operate or use any machine, equipment or mechanical device on a lot except for agricultural purposes so as to create any noise which would cause the noise level, measured at the lot line of the lot affected by the noise emission, to exceed the applicable fixed noise level set forth in this section. If the measurement location is on a boundary between two zoning districts, the lower noise level shall apply.

Noise limits shall not exceed the following:

<b>A. Zoning District</b>	<b>Time Period</b>	<b>Sound Level (dbA)</b>
R-1A, R-2, R-3, R-4	10:00 p.m. – 7:00 a.m.	55
	7:00 a.m. – 10:00 p.m.	60
C-2	10:00 p.m. – 7:00 a.m.	65
	7:00 a.m. – 10:00 p.m.	70
M-1	Any time	70

**B.** Provisions of Section 1306 shall not be applicable to any emergency signaling devices required by law; nor to any standby equipment operated only in emergency situations, provided that such standby equipment shall not emit noise at a level in excess of 75 dbA when measured at the lot line of the lot on which it is located. These provisions shall also not be applicable to noise emanating from construction and maintenance activities between the hours of 7 a.m. and 7 p.m.

**1307 PONDS**

**A. General Requirements**

1. Ponds shall not be permitted in any Zoning District on parcels less than three (3) acres.

## **1307 PONDS (cont'd)**

2. Prior to the issuance of a Zoning Certificate for a pond, and pursuant to Section 21 – Enforcement, of this Resolution, an approval must first be obtained from the Toledo-Lucas County Regional Health District for any lot with on-site sewage or water system. The Health District approval and a site plan showing the pond location and other required information shall be reviewed and approved by the Washington Township Zoning Commission.
3. Pond construction shall be completed within one (1) year from the date of the issuance of a Zoning Certificate.
4. Ponds shall conform to current Lucas County Soil and Water Conservation District specifications and guidelines.
5. Ponds are prohibited as a primary source of water for home use.
6. If a pond is determined to be a safety hazard by the Board of Trustees they may require the pond to be filled in or appropriately fenced to their specifications.

### **B. Area and Design Requirements**

1. Minimum pond surface area shall be one fourth (1/4) acre. Ponds may not exceed one half (1/2) acre except for parcels greater than five (5) acres in which ponds may not exceed one (1) acre maximum.
2. The side slope of a pond shall be horizontal to vertical at a ratio of 3:1 except where a beach is desired. This ratio shall be maintained to a minimum depth of seventeen (17') feet. Where a beach is desired, from the shoreline away from the water, the beach grade shall be no greater than 4:1, with an overall minimum average pond depth of not less than nine (9') feet.
3. To prevent adverse drainage effects on adjoining properties, a drainage system satisfactory to the Lucas County Engineer's Office shall be installed to accommodate overflows and surface drainage from pond development; this system shall be diverted to a suitable outlet or drainage ditch.
4. Ponds shall be graded not to exceed four (4') feet in height so it will not obstruct an adjoining property owner's view. Excess dirt shall be redistributed on the parcel.

**1307 PONDS (cont'd)**

5. If a pond is deemed to pose a safety hazard because of the density of the development in the vicinity of the parcel, or the use of the parcel, the Township may require a minimum forty-two (42") inch fence be installed around the pond or the entire yard.
6. All excavated material shall remain on the same parcel as the pond.

**C. Setback Requirements**

1. A pond shall be set back one hundred (100') feet minimum from any public road right-of-way.
2. Ponds shall have a side yard setback of not less than twenty-five (25') feet.
3. Ponds shall be located away from septic tanks, water wells and leach fields in accordance with Lucas County Health Department standards.

**1308 CAUSES OF BLIGHT OR BLIGHTING FACTORS**

It is hereby determined that the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. No person, firm or corporation of any kind shall maintain or permit to be maintained any of these causes of blight and blighting factors upon any premises in Washington Township owned, leased, or occupied by such persons, firm or corporation. In addition to other remedies provided by law, the Board of Trustees may institute an action for injunction, mandamus, or abatement, or any other appropriate action of proceeding to prohibit nuisances in violation of this section.

**A. Junk Motor Vehicle(s) Prohibited**

No motor vehicle that is a "junk motor vehicle" (ORC 4513.65) shall be permitted to exist on any lot.

**B. Junk Motor Vehicle; Collector's Vehicle**

1. No person shall store or keep any junk motor vehicle or collector's vehicle on private or public property within the unincorporated area of the Township. This section does not prevent the storage or the keeping of a collector's vehicle on private property by a person having such permission, provided such person shall conceal the vehicle by means of buildings, fences, vegetation, terrain or other suitable screening; such vehicle shall thereby be concealed:
  - a. Completely within a building, or on all sides by an opaque fence not less than six (6') feet in height.

**1308 CAUSES OF BLIGHT OR BLIGHTING FACTORS (cont'd)**

- b. By vegetation, terrain or other suitable screening that effectively shields the view of any such vehicle from any adjacent lot or street. Such screening shall be first approved by the Zoning Inspector.
  - 2. Regardless of whether it is licensed or unlicensed, a collector's vehicle is a "junk motor vehicle" for the purposes of this section if the collector's vehicle meets all of the criteria contained in paragraph 3 of this section. If a collector's vehicle meets all of the criteria contained in paragraph 3 of this section, the Board of Township Trustees, in accordance with paragraph A of this section, may regulate the storage of that motor vehicle on private or public property in the same manner that the Board may regulate the storage of any other junk motor vehicle and, in case of a violation of this section, may pursue any remedy provided by law.
  - 3. As used in this section, "junk motor vehicle" means a motor vehicle that meets all of the following criteria:
    - a. A vehicle that has been left on private property or left on a public street, public way, or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or street, for forty-eight (48) hours or longer;
    - b. Three model years old or older;
    - c. Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission; and
    - d. Apparently inoperable.
- C. The outdoor storage upon any premises of building materials unless a building permit has been issued by the Lucas County Department of Building Regulations or department having jurisdiction not more than one (1) year previously for construction upon said premises, and said materials are for use in connection with such construction. Building materials shall include, but shall not be limited to, lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts, or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in construction and structure. Provided, that outdoor storage of building materials which is not in violation of applicable zoning or safety regulations is permitted if said materials are kept out of view of the public and abutting premises. Provided further that all construction debris shall be removed from any premises within 30 days after occupancy thereof. On site construction debris shall be stored in an enclosed container so the debris cannot spread or harbor pests or rodents.

**1308 CAUSES OF BLIGHT OR BLIGHTING FACTORS (cont'd)**

- D.** The storage or accumulation of junk, trash, rubbish or refuse of any kind. The term “junk” shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of wood, metal or any other materials or other castoff materials of any kind whether or not same could be put to any reasonable use. Domestic refuse shall be stored in cans with lids and shall not be placed or located in the front yard.
- E.** The existence of any vacant dwelling, garage, or other out-building unless the same is kept securely locked, windows kept glassed or neatly boarded up, and otherwise protected to prevent entrance thereto by vandals.
- F.** In any area the existence of any structure or part of structure which because of fire, wind or other natural disaster, or physical deterioration is no longer habitable as a dwelling, nor useful for any other purpose for which it may have been intended.
- G.** In any area the existence of any partially completed structure, unless such structure is in the course of construction in accordance with a valid and subsisting zoning permit issued by the Township and a building permit issued by the Lucas County department of Building Regulations and unless exterior construction is completed within one (1) year after issuance thereof.
- H.** Areas which have grass, groundcover plantings, shrubs, trees that are not kept in a healthy, neatly trimmed condition or woodpiles, skids or other burnable materials that harbor rodents, or other animal or insect infestation. Grass height must not exceed five inches. Any planting cannot have the mature canopy overhang, or the root system encroach on the adjacent property. Grass or appropriate ground cover must be used in all normally landscaped areas of the property. Vegetation **shall** not encroach on adjacent properties.
- I.** Firewood and other solid heating fuels when not stacked or piled in a reasonably compact and orderly fashion in the rear yard. Woodpiles must be elevated six (6”) inches, located six (6’) feet off the lot lines and can not exceed six (6’) feet high. Woodpiles may not harbor rodents or be covered with tarps. Such storage shall be subject to all applicable fire regulations.
- J.** Building exteriors must be kept in good condition with no partially completed siding or painted walls. Peeling paint or deteriorating surfaces are prohibited.
- K.** The emission of noxious and odorous matter in such quantities as to be readily detectable at a point along any property line.
- L.** Nonliving or diseased trees and other similar vegetation.

**1308 CAUSES OF BLIGHT OR BLIGHTING FACTORS (cont'd)**

- M.** Standing water that promotes the breeding of insects or becomes stagnate.
- N.** Dilapidated and structurally unsound accessory buildings and the like shall be considered to be trash or waste material and must be removed.
- O.** Noxious or poisonous vegetation is prohibited on any property.
- P.** Following a disaster (natural or otherwise) of a property which results in a dangerous condition or the creation of an eyesore, all debris shall be removed within six (6) months. Ohio Demolition Expense Fund Recovery (ORC 3929.86) shall provide for the collection of costs of abating dangerous conditions pursuant to Ohio Revised Code 505.86.
- Q.** The purpose of Section 15 – Sign and Outdoor Advertising is to impose consistent designs, signage locations and illumination standards for all signs to be erected in Washington Township. It is the intent of the Board of Township Trustees to promote attractive, and maintain the high value of, residential districts, to promote and maintain efficient, attractive, and high value commercial and industrial districts, to control the location and design of signs so that their appearance will be aesthetically harmonious with their surroundings and an overall Township design for each district, to eliminate conflict between advertising and identification signs and traffic control signs, which conflict would be hazardous to the safety and welfare of the pedestrian and motoring public and to eliminate locations of signs and messages other than the advertisement of a product, service or business that are located on the lot where the sign is located.

The Board of Township Trustees hereby find that the numbers, locations, and design of signs, in Washington Township are excessive, are unduly distracting to pedestrians and motorists, create a safety hazard and a traffic hazard; and these factors reduce the effectiveness of signs needed to direct the public. Also, the appearance of the Township is marred by the excessive number, locations, oversize and poorly designed signs, and thereby both residential and business property values are adversely affected. The Board of Township Trustees hereby determine that the number and location of such distracting signs shall be reduced and any signs that are permitted shall comply with the standards of Section of the Zoning Resolution, all of the preceding in order to reduce the aforementioned effects on the public's health, safety and welfare.

**1308 CAUSES OF BLIGHT OR BLIGHTING FACTORS (cont'd)**

No lot owner shall permit any sign to exist on a lot that does not conform to the requirements of this Section and Section 15, any such sign is hereby declared to be a nuisance. All existing signs that are non-conforming to the requirements of this Section and Section 15 are declared to be a nuisance. All lot owners are hereby required to modify, remove pre-existing non-conforming signs and to comply with Section 15 within the five and one-half (5 ½) year period next preceding, and in any event, no later than August 1, 2010.

A variance from the strict application of the provisions of this Section may be granted by the Board of Zoning Appeals in regard to an existing non-conforming sign. The Board may find that requiring strict compliance with the provisions of this Section may impose an undue hardship. In granting of the variance from the provisions of this Section the Board must find that it will not depreciate or damage neighboring property, will not create a safety hazard, will not be contrary to the purposes of this Section and that the granting of such variance is consistent with the requirements as set forth in Section 15 of this Zoning Resolution.

- R.** No direct glare from processing, lighting or other activities shall extend in a manner which adversely affects neighboring areas or interferes with safety on any public street, road, or highway.

**1309 SATELLITE DISH ANTENNAS**

Any satellite dish antenna that is independently supported in an "R" district shall be located toward the rear of the lot, shall be at least ten (10') feet from any main building, shall have rear and side property line setbacks equal to or greater than the height of the proposed structure, and, in the case of a corner lot, shall not project beyond the front yard required or existing on the adjacent lot. Where a satellite dish antenna is proposed to be independently supported, it shall not exceed fifteen (15') feet in height. Where a satellite dish antenna is proposed to be mounted on the roof of a building, it shall not extend more than fifteen (15') feet above the highest point of the roof of the building which it serves. In accordance with the Telecommunications Act of 1996, satellite dish antennas with a diameter of one (1) meter (39.37 inches) or less when located in an "R" District are exempt from the provisions of the Resolution.

Satellite dish antennas with a diameter in excess of one (1) meter (39.37 inches) are permitted in an "R" District provided:

- A.** The satellite dish antenna shall be located toward the rear of the lot, at least ten (10') feet away from the main building, and setback from the rear and side property line a minimum of ten (10') feet.

**1309 SATELLITE DISH ANTENNAS (cont'd)**

- B.** Where a satellite dish antenna is proposed to be independently supported, it shall not exceed fifteen (15') feet above surrounding grade.
- C.** Where a satellite dish antenna is proposed to be attached to a roof of a building, the maximum height shall not exceed fifteen (15') feet above the highest point of the roof it is located on.

In accordance with the Telecommunications Act of 1996, satellite dish antennas with a diameter of two (2) meters (78.74 inches) or less when located in a "C" or "M" District are exempt from the provisions of this Resolution. Satellite dish antennas with a diameter in excess of two (2) meters (78.74 inches) are permitted in "C" and "M" Districts provided:

- A.** The satellite dish antenna shall be located toward the rear of the lot, at least ten (10') feet away from the main building, and setback from the rear and side property line, a minimum of ten (10') feet.
- B.** Where a satellite dish antenna is proposed to be independently supported, it shall not exceed fifteen (15') feet above surrounding grade.
- C.** Where a satellite dish antenna is proposed to be attached to a roof of a building, the maximum height shall not exceed fifteen (15') feet above the highest point of the roof it is located on.

**1310 SUPPLEMENTAL YARD REGULATIONS**

In addition to all yard regulations specified in each Zoning District, the following provisions shall be required as indicated:

- A. Setback requirements for Corner Lots**  
On a corner lot, the principal building and any accessory structures shall be the same setback distance from all right-of-way lines as is required for the front yard setback in the district in which the structures are located.
- B. Visibility at Intersections**  
On a corner lot in any Zoning District, nothing shall be located, planted or allowed to grow in such a manner as to impede, or restrict vision, between a height of two and one-half (2 ½') feet and ten (10') feet above the center-line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lot, and a straight line joining points along each street's right-of-way lines, which points are located fifty (50') feet from the point of intersection of the right-of-way lines at the corner.

## 1310 SUPPLEMENTAL YARD REGULATIONS (cont'd)

### C. Additional Yard Requirements For Buffering Purposes

To secure a desirable transition between land zoned for residential purposes and other zoning districts, larger yard setbacks shall be provided on the lot that is not zoned for residential purposes. The additional setback shall be along the lot line(s) that abut land zoned for residential purposes. When property that is zoned "C-2" or "M-1" abuts residentially zoned property, the yard requirements for that yard adjacent to the residentially zoned property, shall be increased two times the usual required setback, up to a maximum setback of seventy-five (75') feet. No off-street parking spaces, driveways, aisles, entrances, exits, circulation and maneuvering areas, or internal lanes shall be placed within this required yard.

### D. Major Roadway Setback Requirements

On lots abutting the following roads and streets, no building or structure shall hereafter be constructed, enlarged, or reconstructed to extend nearer to the centerline of the right-of-way than one hundred (100') feet:

Shoreland Avenue (east of Summit Street)  
Stickney Avenue  
Suder Avenue

On lots and lands abutting the following roads and streets no building or structure shall hereafter be constructed, enlarged, or reconstructed to extend nearer to the centerline of the right-of-way than 120 feet:

Summit Street

On lots and lands abutting Shoreland Avenue, west of Summit Street, no original building shall hereafter be erected, enlarged, or reconstructed to extend nearer to the centerline of the right-of-way than seventy-five (75') feet. Original building is defined as the initial building constructed on the lot or parcel. Notwithstanding the provisions under Section 14 – Nonconforming Uses, replacement of an existing single family dwelling is exempt from the provisions of this section.

## 1311 SWIMMING POOLS

Outdoor swimming pools are permitted as an accessory use and are regulated as follows:

### A. Residential Swimming Pool

Private swimming pools are permitted as an accessory use in any Zoning District provided the following conditions are met:

1. The pool shall not be located, including accessory structures adjacent thereto, closer than six (6') feet to any lot line of the property on which located, and shall be located beside or behind the principle building. A waiver may be obtained from the Board of Trustees.

### **1311 SWIMMING POOLS (cont'd)**

2. Pools greater than two (2') feet in depth shall be fenced and secured with a locked gate. The height of the fence shall be at least 42".
3. Garden ponds and fountains less than 30 sq. ft. and less than two (2') feet deep do not require a fence.
4. Water deliberately contained on residential property shall not become stagnate.
5. Pool houses are permitted as an accessory use provided the structure is not designed and intended for permanent occupancy.

#### **B. Community or Club Swimming Pool**

Community or Club swimming pools shall comply with the following conditions and requirements:

1. The pool shall be for the sole use of the members and guests of the association or club.
2. The pool and other accessory uses including decks and patios, shall setback not less than fifty (50') feet from any lot line.
3. The swimming pool area shall have a perimeter fence or wall of not less than four (4') feet in height, and the fence or wall shall be maintained.

### **1312 TELECOMMUNICATION TOWER**

In accordance with ORC 519.211, when a telecommunication tower is planned to be constructed for the provision of cellular telephone communication service, the procedures indicated herein shall be followed. All zoning districts where dwellings of any kind are permitted shall be construed to be an area zoned for residential use. All telecommunication towers are subject to Section 16 – Site Plan Review and shall meet the following standards when located within a residential district:

- A.** The applicant shall provide proof that the proposal to construct a tower or attach equipment to an existing structure has been approved by all other agencies and governmental entities with jurisdiction (i.e. Federal Communication Commission, Federal Aviation Administration, Ohio Department of Transportation);
- B.** The applicant shall demonstrate that no suitable site is available in a non-residential district and shall be located on its own lot which meets the area and setback requirement as approved by the Board of Township Trustees;
- C.** All accessory buildings shall be screened with fencing, masonry, shrubbery or other screening as approved by the Board of Township Trustees;

**1312 TELECOMMUNICATION TOWER (cont'd)**

- D. The applicant shall notify the Township Zoning Inspector within thirty (30) days of ceasing operations at the site. The removal of the structures and buildings is required within ninety (90) days of ceasing operations;
- E. No advertising or illumination other than that required by law may be located on the structure.
- F. Stealth technology is encouraged and should be utilized wherever possible.

**1313 TEMPORARY BUILDINGS AND USES**

- A. Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work may be permitted only on the lot on which construction is occurring and only during the period construction work is in progress. Such temporary facilities shall be removed upon completion of the construction work in all C and M Districts and shall be removed within one (1) year in all "R" Districts.
- B. Real estate sales offices, which shall contain no residence, shall be permitted within any district for any new subdivision for a period of one (1) year beginning on the date the Final Plat is approved. Extensions of such use may be granted by the Board of Zoning Appeals. Such offices shall be removed upon the completion of the sales of the subdivision lots, or upon the expiration or extension of the Zoning Certificate, whichever occurs first.
- C. A Zoning Certificate may be issued by the Zoning Inspector for outside or seasonal sales within any commercial district. All goods located outside must be within four (4') feet of the principal building and not create a traffic, fire or pedestrian hazard. Temporary structures used for seasonal or outside sales may be permitted for one (1) continuous thirty (30) day period each calendar year. The temporary structure shall not create a traffic, fire or pedestrian hazard and all goods shall be located within the temporary structure.

**1314 YARD/GARAGE SALE**

Any individual or family may conduct no more than three (3) yard or garage type sales within any consecutive twelve (12) month period not to exceed three (3) consecutive days each. Items displayed for sale shall not encroach into the right-of-way at any time.

**1315 MOTOR VEHICLE SALVAGE YARDS**

**A. Submission Requirements**

- 1. The applicant shall provide a complete and accurate legal description of the entire site.

**1315 MOTOR VEHICLE SALVAGE YARDS (cont'd)**

2. A site plan meeting all provisions of Section 1602.02 shall be submitted. The plan shall also indicate the storage areas, driveways, fencing, and landscape material.

**B. Storage**

1. Motor vehicle wrecking yards shall maintain a list of vehicles in stock and submit this list to the Township upon request.
2. All loading and unloading of vehicles/parts and/or temporary storage of these items shall occur within the salvage yard behind the required fencing and out of view from the public.

**C. Licensing**

All motor vehicle salvage yards shall be licensed as required by Chapter 4737 of the Ohio Revised Code.

**D. Hours of Operation**

Hours of operation shall be no earlier than 7:00 a.m. nor later than 6:00 p.m., Monday through Saturday.

**E. Fencing and Screening**

Any area used as a motor vehicle salvage yard or junk yard shall be effectively screened on all sides by means of walls, fences and plantings. Walls or fences shall be a minimum of eight (8') feet in height and a maximum of ten (10') feet in height with no advertising thereon. Storage of materials shall not exceed this height. A strip of land not less than fifteen (15') feet in width on the perimeter of the yard shall be planted and maintained with evergreen hedges or other plant material with year round foliage. The plant material shall be equal to or greater than the height of the fence or wall at the time of planting.

**F. Yard Requirements**

1. Front Yard: There shall be a front yard of not less than fifty (50') feet, but where such a yard is opposite an "R" District, it shall be a minimum of one hundred (100') feet and the first twenty-five (25') feet thereof shall be used only for landscaping purposes.
2. Side Yard: There shall be a side yard of not less than twenty-five (25') feet, but where abutting an "R" District, it shall be a minimum of fifty (50') feet. Storage of materials and parking of vehicles is prohibited in a side yard.

**1315 MOTOR VEHICLE SALVAGE YARDS (cont'd)**

- 3. Rear Yard: There shall be a rear yard of not less than fifty (50') feet, but where such a yard is abutting an "R" District, it shall be a minimum of one hundred (100') feet.

**G. Pavement**

All roadways internal to the site shall be paved or maintained to minimize dust.

**H. Existing Non-conforming Uses**

Special uses for those motor salvage yards that were lawfully established prior to the adoption of zoning may be granted. The purpose of the Special Use shall be to permit the motor salvage operator(s) to construct new or additional storage buildings. An expansion of an existing non-conforming motor vehicle salvage yard onto additional ground or area with a Special Use is strictly prohibited.

**1316 CONVERSION OF DWELLINGS**

In a R-3 or R-4 District a residence may be converted to accommodate an increased number of dwelling units provided:

- A. The yards shall not be reduced to less than the yard dimensions required by the zoning regulations for new structures in that district.
- B. The lot area per family is equal to the lot area requirements for new multi-family structures in that district.
- C. The number of square feet of living area per family unit is not less than that which is required for new construction in that district.

**1317 PRIVATE TENNIS COURTS**

A private tennis court shall be allowed in any "R" District as an accessory use, and provided the following conditions and requirements are complied with:

- A. Submit a site plan of the court location to the Zoning Inspector, together with approval of any public utility companies affected by any right-of-way or easement encroachments.
- B. The tennis court area shall not exceed 7,200 sq. ft. in area (60 ft by 120 ft.).
- C. The tennis court is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
- D. The tennis court may not be located, including any walks or paved areas, closer than 10 feet to any property line of the property on which it is located.

### **1317 PRIVATE TENNIS COURTS (cont'd)**

- E.** If a fence encloses said tennis court, the fence shall not exceed ten (10') feet in height and shall be maintained in good condition and free of all advertising or other signs. A fence behind the base line area shall be required if the edge of the pavement behind the base line is less than twenty (20') feet from any property line. If any part of a fence is less than twenty (20') feet from any property line, evergreen shrubs and/or trees a minimum of four (4') feet high shall be maintained as a screen between that part of the fence and the property line.
- F.** The lighting arrangement for a tennis court shall not project onto any adjacent property except that of the court area.
- G.** The site plan shall indicate surface drainage flow directions. Overland flow to abutting properties shall not be permitted.

### **1318 SELF STORAGE FACILITIES**

#### **A. General requirements:**

- 1. Self storage facilities shall be limited to rental of storage units, pickup and deposit of storage.
- 2. Radioactive material, explosives and flammable or hazardous chemicals shall be prohibited from storage. This prohibition shall be included in the lease agreement of storage units. A copy of the lease agreement shall be filed with the zoning administrator as a condition of the permit.

#### **B. Specific Requirements:**

- 1. Lot Area: Minimum lot area shall be two (2) acres.
- 2. Lot Coverage: Maximum lot coverage of units and storage areas shall be fifty (50%) percent of gross lot area.
- 3. Setback:
  - a. Front Yard – fifty (50') feet
  - b. Side or Rear Yard – twenty-five (25').
- 4. Height: Height of structures shall be in conformance with structures or equal the average height of structures on properties abutting or opposite to self storage facilities where no adjacent structures exist, the maximum height shall be fifteen (15') feet to highest point of building.
- 5. Lighting: Lighting shall be provided to illuminate facility entrances, driveways, parking areas and storage entrance areas and so arranged to reflect light away from adjoining residential property or any public way.

### **1318 SELF STORAGE FACILITIES (cont'd)**

6. Pavement: All roadways and parking areas shall be paved with concrete, asphalt or bituminous pavement.
7. No door openings for any storage unit shall be constructed facing any residentially zoned property.
8. Fencing, walls or landscaping/plant screening shall be required around the perimeter of the facility.
9. Special Requirements: When adjacent to a Residential District:
  - a. Fencing shall consist of decorative materials compatible with surrounding residential dwellings.
  - b. Hours of operation shall be no earlier than 7:00 a.m. nor later than 9:00 p.m. daily.
10. One (1) on-site dwelling unit to be used for a manager/security personnel is permitted.

### **1319 SEXUALLY ORIENTED BUSINESS**

Because research has shown that sexually oriented business activities can cause or contribute significantly to the deterioration of residential neighborhoods, can impair the character and quality of such neighborhoods and the housing located therein, and can inhibit the proper maintenance and growth of such neighborhoods, limiting or reducing the availability of quality, affordable housing for area residents, and reducing the value of property in such areas, sexually oriented businesses shall only be permitted as follows:

Sexually oriented businesses are permitted uses in the C-2 zoning district provided the proposed locations of such uses are more than five hundred (500') feet from the following uses:

1. Any residential or agricultural zoned district, church, synagogue, permanently established place of worship, school, library or public playground, or park.
2. Any other recreational facility, sports field or amusement park regularly attended by persons under 18 years of age.
3. Any other sexually oriented business or within a radius of one thousand (1,000') feet of any two sexually oriented businesses.
4. The measure of distance for purpose of this subsection shall be from the property line of the sexually oriented business use to the property line of the sensitive use along the shortest possible course, regardless of any customary or common route or path.

**1319 SEXUALLY ORIENTED BUSINESS (cont'd)**

**Approval of sexually oriented business**

The Zoning Inspector shall only consider the standard specified in the Zoning Resolution in determining whether to approve a sexually oriented business application for a zoning certificate. The determination shall be made without a public hearing being held and must be made within 10 days of the receipt of a complete application for a zoning certificate. No person, other than an applicant who has been denied a zoning certificate, may appeal the decision of the Township Inspector on an application for a zoning certificate for a sexually oriented business to the Board of Zoning Appeals. Any appeal to the Zoning Board of Appeals must be heard and determined within 30 days of the filing of the Notice of Appeal. Further appeal shall be to a court of competent jurisdiction as provided by law.

**1320 PARKING AND STORING OF BOATS, RECREATIONAL VEHICLES, UTILITY EQUIPMENT, TRAILERS AND MOBILE HOMES**

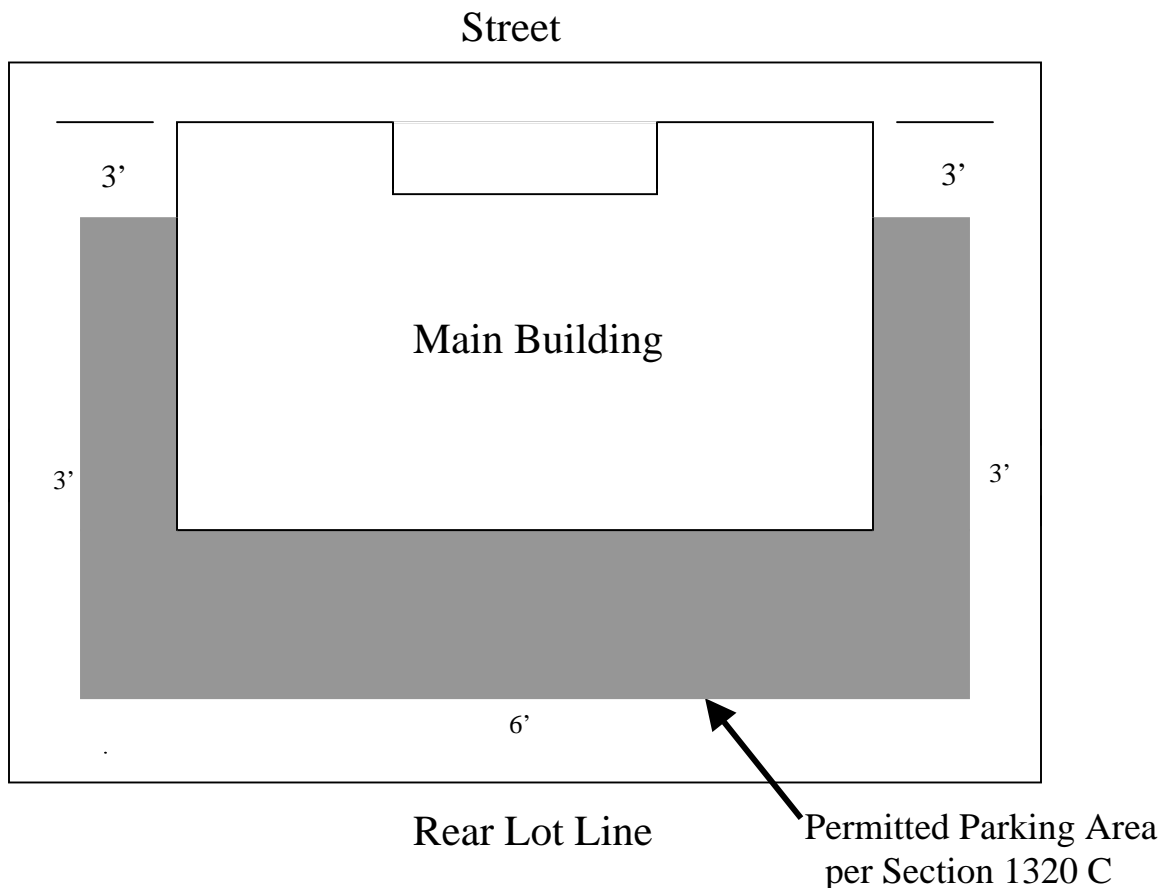
Any owner of watercraft, recreational vehicles and utility equipment may park or store such equipment in an "R" Residential District subject to the following conditions:

- A.** Watercraft, recreational vehicles and utility equipment, shall not have fixed connections to electricity, water, gas or sanitary sewer facilities, and at no time shall this equipment be used for living or housekeeping purposes, for more than one week without extenuating circumstances and approval by the Zoning Inspector. The Zoning Inspector shall notify the Board of Trustees immediately upon issuing any waiver.
- B.** No watercraft, recreational vehicles or utility equipment shall be parked or stored in a front yard.
- C.** Watercraft, recreational vehicles or utility equipment may be parked or stored in a side yard or rear yard but shall not be located nearer than three (3') feet from the front line of the main building, a minimum of three (3') feet from any side lot line and a minimum of six (6') feet from a rear lot line. This requirement shall apply to both frontages on a corner lot.
- D.** A total of two (2) motorized watercraft, recreational vehicles or utility equipment, or trailers single or in combination, per dwelling shall be parked or stored outdoors on a lot.
- E.** All watercraft, recreational vehicles and utility equipment shall be kept in good repair and operating order and have a current state license and registration.
- F.** Watercraft, recreational vehicles and utility equipment may be parked anywhere on the premises for loading or unloading purposes for a period of not more than 72 hours no more than four (4) times a year. The Zoning Inspector may grant an extension of time.
- G.** Parking of a mobile home, manufactured home (Not permanently sited), or a house trailer outside a Manufacture Home Park on any residential district for 72 hours or a longer period of time shall be prohibited.

**1320 PARKING AND STORING OF BOATS, RECREATIONAL VEHICLES, UTILITY EQUIPMENT, TRAILERS AND MOBILE HOMES (cont'd)**

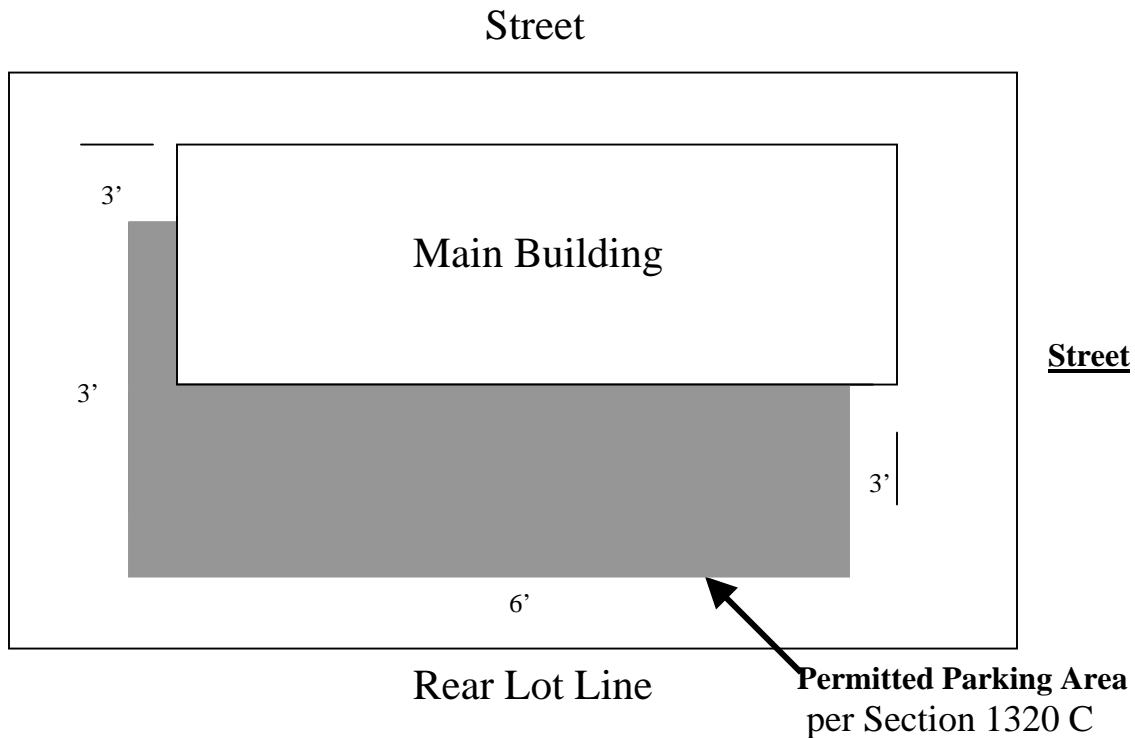
- H.** Watercraft, recreational vehicles, utility equipment, and mobile homes shall not be parked or stored on an undeveloped parcel except where permitted in a commercial district.
- I.** Anything stored over six (6') feet in height from ground level, shall be set back from the adjacent property line the additional footage equal to the measurement that is in excess of six (6') feet.
- J.** Parking of a mobile home, manufactured home (Not permanently sited) , or house trailer outside a Manufactured Home Park on any residential district for 72 hours or a longer period of time shall be prohibited. Such vehicles may be stored in an enclosed garage or other accessory building, provide that in all cases no living quarters shall be maintained or any business conducted in connection therewith while such vehicles is stored or parked. The parking of the aforementioned vehicles for less then 72 hours outside of an enclosed garage or other accessory building shall be permissible only after the Zoning Inspector has been notified of such intention.

**Interior Lot**



**1320 PARKING AND STORING OF BOATS, RECREATIONAL VEHICLES, UTILITY EQUIPMENT, TRAILERS AND MOBILE HOMES (cont'd)**

**Corner Lot**



**1321 ADDRESS NUMBERS**

- A. All residential, commercial and industrial main buildings shall display address numbers. The address shall be visible from the nearest adjacent roadway. Address numbers on the curb are not considered visible.
- B. Address numbers for dwellings shall not exceed two (2) square feet in area and address numbers for commercial or industrial buildings shall not exceed six (6) square feet in area unless the address number is an integral component of a sign for which a zoning certificate is required by this Resolution.

**1322 SMALL WIND TURBINE**

- A. **Purpose**  
The purpose of this section is to promote and accommodate small wind turbines in appropriate locations, while minimizing the adverse visual, safety and environmental impacts of the system. This section provides a review and permitting process for wind energy systems to ensure compliance with the provisions of the requirements and standards established herein.

## 1322 SMALL WIND TURBINE (cont'd)

### B. Definitions

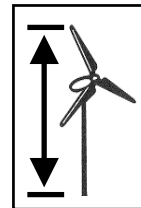
Decibel (dBA): The measurement of sound pressure relative to the logarithmic conversion of the sound pressure reference level often set at 0 dBA (A-weighted). In general, this means the quietest sound we can hear is near 0 dBA (A-weighted) and the loudest we can hear without pain is near 120 dBA (A-weighted). The average background noise in a house is about 50 dBA, while a car driving down a street would be measured at 60 dBA at a distance of 300 feet. A vacuum cleaner emanates sound at 70 dBA.

Meteorological Tower: Means a facility consisting of a tower and related wind-measuring devices, which is used solely to measure wind speed and directions preliminary to construction of a small wind turbine.

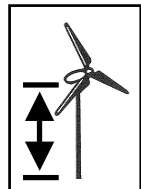
Rated Capacity: The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a "nameplate" on the equipment.

Small Wind Turbine: Means a free-standing wind energy electric generation system consisting of a tower, a turbine, and associated control or conversion electronics. This includes, but is not limited to, electrical collection and supply equipment, and transformers.

Total System Height: The vertical distance from ground level to the tip of the wind generator blade when it is at its highest point.



Tower Height: The height above grade of the fixed portion of the tower.



Turbine: The parts of a wind system including the blades, generator and tail.

### C. General Requirements

1. Small wind turbines are permitted as a Special Use in all zoning districts.

**1322 SMALL WIND TURBINE (cont'd)**

2. A small wind turbine shall service only one residence, any and all accessory use(s), a business operation, and any other use on the premises.

**D. Specific Requirements:**

1. Height: The total system height of the tower shall not exceed one hundred twenty (120') feet in the P/O, R-1A, R-2, R-3, R-4 and MHP Districts. The total height of the tower in all other districts shall not exceed one hundred fifty (150') feet. The minimum distance between the ground and any protruding blades shall be twenty (20') feet as measured at the lowest point of the arc of the blades.
2. Lighting: The only permitted lighting on the structure shall be as required and regulated by the Federal Aviation Administration. No lighting shall be used to illuminate or feature the structure.
3. Electrical generator: A small wind turbine in the P/O, R-1A, R-2, R-3, R-4 and MHP Districts that is powering an electric generator shall have a rated capacity of not more than 20 kW. There is no maximum rated capacity for a small wind turbine in all other districts.
4. Noise: Noise coming from a small wind turbine shall not exceed 55 dBA at the nearest property line abutting an A, R-1A, R-3, R-4 and MHP District or abutting a hospital, library or school. Noise coming from the small wind turbine shall not exceed 65 dBA at the nearest property line in all other districts except when abutting a hospital, library or school.
5. Fencing: The supporting tower shall be enclosed with a six (6') foot height fence unless the base of the tower is not climbable for a distance of twelve (12') feet.
6. Base: All tower support bases shall meet the requirements of the building regulations department having jurisdiction.
7. The applicant shall notify the Zoning Inspector if operations of the wind turbine cease or has stopped operation for a period of 6 months and the wind turbine shall be removed by the owner within 60 days of ceasing operations.
8. The small wind turbine transmission lines shall be underground.
9. Tower, hub and blade colors shall be the manufacturer's off-white or light gray with a non-reflective surface finish.

**1322 SMALL WIND TURBINE (cont'd)**

10. The manufacturer shall have its name/logo, system model number, system output, and contact information near the base of the tower. No other signage or advertising is permitted on the system.
11. No part of the Wind Turbine System or supports shall be located within the required setback for the zoning district in which it is located.
12. The Ohio Department of Natural Resources, the U.S. Fish and Wildlife Department, and the Toledo Area Metroparks shall be notified of any application to construct a small wind turbine. Only state and federal agencies with regulatory oversight may object to the application.

**1323 FLAGPOLES**

- A. Flagpoles in single-family residential districts shall not exceed twenty-five (25') feet in height and may be illuminated provided the source of the illumination is designed, located, and shielded to prevent glare onto adjacent properties, and shall be arranged to prevent adverse affects on motorist visibility on the adjacent right-of-way.
- B. Flagpoles in non single-family residential districts shall not exceed one-hundred (100') feet in height and may be illuminated provided the source of the illumination is designed, located, and shielded to prevent glare onto adjacent properties, and shall be arranged to prevent adverse affects on motorist visibility on the adjacent right-of-way.

**1324 OUTDOOR ART**

Murals, sculptures and other outdoor works of art shall be located out of the required setback areas and shall not exceed twenty (20') feet in height.

**1325 PARKING, STORAGE AND REPAIR OF VEHICLES IN RESIDENTIAL DISTRICTS**

- A. The carrying out of repair, restoration and maintenance procedures or vehicles in any residential zoning district, when such work is not conducted entirely within the interior of the vehicle, shall be subject to the following limitations:
  1. Work on a vehicle exceeding seven (7) days in duration or which requires the vehicle to be immobile or inoperable in excess of seven (7) days shall be carried out within an enclosed building.
  2. Inoperable vehicles, vehicle parts, equipment, tools, and supplies shall be carried out within an enclosed building.

## SECTION 14

### NON-CONFORMITY

#### **1400 PURPOSE**

Within the districts amended and established by this Resolution, or amendments hereafter adopted, certain lots, uses of land, structures, and their use in combination with the land which were existing and lawful prior to this amended Resolution or as may be amended would be prohibited, regulated, or restricted under the terms of this Resolution or future amendments. Non-conformities may be enlarged, expanded or extended, and may be used for adding or substituting other structures, buildings or uses that are prohibited in the same district.

#### **1401 NON-CONFORMING LOTS OF RECORD**

Any lot of record thirty (30') feet or more existing at the effective date of this Resolution in any R-1A or R-2 District may be used for a single-family dwelling even though its area and width are less than the minimum requirements set forth herein. Each side yard shall be a minimum of five (5') feet. Where two adjacent lots of record with less than the required area and width are held by one owner, the lots shall be combined and used for one (1) main building. In either case, the prevailing setback shall be met.

#### **1402 NON-CONFORMING USE OF LAND**

The lawful use of land which use would not be permitted by the provisions of this Resolution may be continued so long as such use remains otherwise lawful.

#### **1403 NON-CONFORMING BUILDINGS AND STRUCTURES** (Z21-C450...4/25/07)

Single-family dwellings with non-conforming yard setbacks and/or single-family dwellings located on lots that do not meet the current minimum lot size and/or lot width are permitted to remain. Additions to these non-conforming single-family dwellings are permitted provided the existing building lines are maintained.

In the event a non-conforming single-family dwelling is damaged or destroyed, it may be reconstructed within the setback areas that existed prior to the building being destroyed or damaged.

Multi-family dwellings, commercial buildings and industrial buildings that are damaged by more than 50% shall conform with all requirements of this Resolution if they are to be repaired or rebuilt.

#### **1404 PRIOR ZONING APPROVALS**

Any zoning or land use approval granted prior to the adoption of this amended Resolution shall remain in effect pursuant to the provisions of the prior Resolution and terms of such approval. Any changes to the approved zoning or site plan shall require re-submittal of the zoning or site plan request and shall meet all requirements of this amended Resolution.

**1405 REPAIRS AND MAINTENANCE**

On any non-conforming structure or portion thereof containing a non-conforming use, work may be done on ordinary maintenance repairs. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a Zoning Certificate for such activities shall be required.

## SECTION 15

### SIGNS AND OUTDOOR ADVERTISING

#### 1500 PURPOSE

This section provides standards for the placement, display and use of signs. These standards are designed to enhance the aesthetic environment of Washington Township, improve pedestrian and traffic safety, and minimize possible adverse effects of signs on nearby public and private property.

#### 1501 DEFINITIONS

**Abandoned Sign:** A sign or sign structure which no longer identifies or advertises a business, service, owner, product, or activity. Such sign and sign structure shall be removed within 30 days of notice to the property owner by the Zoning Inspector.

**Animated Sign:** A sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical, or other means of power.

**Area Identification Sign:** A sign which identifies a subdivision or complex, whether residential, commercial, or industrial

**Awning/Canopy Sign:** A sign attached to an awning covering a doorway, window, or face of the building.

**Banner:** A temporary display including a sign on a flag, strip of lightweight material, paper, cloth, or fabric which is attached to a building, another sign, or any other structure.

**Billboard:** (See Off-Premise Sign)

**Building Face Or Wall:** All window and wall area of a building in one plane or elevation.

**Changeable Copy Sign:** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the underlying face or the surface of the sign.

**Clearance Of Sign:** The smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, including its framework extending over that grade.

**Commercial Message:** Any wording, logo, or other visual representation that directly or indirectly identifies, advertises, or calls attention to a business, product, service, or other commercial activity.

**Construction Sign:** A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

**Copy:** The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic (logo), or alphabetic form.

**Directional Sign:** An on-premise sign not exceeding four (4) square feet per face and the lowest edge of which is no higher than three (3') feet above curb grade, that gives directions or instructions to facilitate traffic flow. Such signs shall not contain the business name or logo. Directional signs are not included in the sign area calculations; however, a sign permit is required.

**Double-Faced Sign:** A sign with two faces.

**"Embellishment":** The decorative or ornamental structure or frame that contains a sign. Embellishments are not included in the square footage of the sign's area calculation, shall not exceed twenty-five (25%) percent of the single face area and shall not exceed the maximum permitted height.

**Exempted Signs:** Exempted from Zoning Certificate requirements.

**Façade:** The entire building front including the parapet.

**Frontage, Building:** The length of the outside building wall along a right-of-way.

**Future Development Sign:** A temporary sign indicating the future construction or development of a building or area but not fitting under the definition of "construction sign".

**Height:** The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

**Low Profile Sign:** A sign placed directly on the ground with maximum height not to exceed five (5') feet measured from adjacent ground surface.

**Message:** The wording or copy on a sign.

**Non-conforming Sign:** A sign which was placed on the lot legally, but which does not comply with subsequently enacted sign regulations.

**Off-Premise Sign (also Billboard):** A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished on the lot on which said sign is located.

**Pennant:** Any lightweight plastic, fabric, or any other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**Pole Sign:** Any sign supported by upright structure(s) or support(s) that are anchored in the ground and that are independent from any building or other structure on the lot.

**Portable Sign:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported including, but not limited to: signs designed to be transported by wheels; “A” or “T” frame signs; menu and sandwich board signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used regularly in the usual and customary operations of the business and other than a structure on which to place a sign.

**Political Sign:** A temporary sign used in connection with a local, state, or national election.

**Projecting Sign:** A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

**Public Service Information Sign:** Any sign primarily to display items of general interest to the community such as time, temperature, and date. Public service information signs may be permitted in Commercial and Industrial Districts only, and are not included in the sign area allowed for the lot.

**Real Estate Sign:** A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

**Roof Sign:** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

**Sign:** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce, or identify a person, entity, product, service, establishment, activity or sale which communicate information of any kind.

**Sign Area:** The area of the largest single face of the sign where the copy is placed, but excluding the necessary supports and frame on which the sign may be placed.

**Sign Face:** The sign area of which copy is placed.

**Sign Structure:** Any structure which supports, has supported, or is capable of supporting a sign, including decorative cover.

**Temporary Sign:** Any portable sign, flag, pennant, banner, balloon, garage sale sign, search light, twirling light, sandwich board, inflatable figures, or public election and candidate sign that is used temporarily or is not permanently mounted.

**Wall Sign:** A sign attached to or placed against a wall of a building, with the sign face parallel to the building wall and extending away from the building wall not more than one (1) foot therefrom, which copy advertises the use carried on within such building.

**Window Sign:** Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window.

## 1502 GENERAL PROVISIONS

- A.** Unless otherwise provided by this Resolution, all new signs shall require a Zoning Certificate. Application for a Zoning Certificate shall be made to the Zoning Inspector. Payment of fees shall be in accordance with the fee schedule. No Zoning Certificate is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs, so long as the sign area or structure is not modified in any way for the existing business.
- B.** Each application for a sign permit shall include a drawing of the proposed sign showing the following information:

  - 1.** Name and address of the owner of the sign.
  - 2.** Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
  - 3.** The type of sign or sign structure as defined in this Resolution.
  - 4.** A site plan with dimensions showing the proposed location of the sign with measurements from grade and from all property lines along with the location of all existing signs and buildings on the same premises, and adjacent roadways.
  - 5.** A drawing of the proposed sign showing the following specifications: dimensions, height, design, copy, illumination, and construction details (materials, structural supports, and electrical components) of the proposed sign.
  - 6.** Computations showing total number and area of existing and proposed signs on the lot.
- C.** No sign shall project into any right-of-way or obstruct traffic visibility at street or highway intersections.
- D.** If a sign is installed, constructed, or maintained in violation of any of the terms of this Resolution, the Zoning Inspector shall notify the owner or lessee thereof to alter such sign so as to comply with this Resolution. Any owner, leasee, or sign contractor who installs a new sign without a Zoning Certificate shall be subject to three times the normal fee schedule.
- E.** All signs that do not presently conform to this Resolution shall be removed within five (5) years and six months from the effective date of this Resolution unless a variance was granted for the sign prior to the adoption of this amendment.

### **1503 PROHIBITED SIGNS**

The following types of signs are prohibited in all districts:

- A.** Abandoned signs.
- B.** Animated signs.  
No sign shall be permitted which is animated by means of flashing, blinking, or traveling lights or any other means not providing constant illumination. Public service information signs and changeable copy signs are not considered animated signs.
- C.** Temporary and Portable Signs.  
Flags, pennants, banners, search lights, twirling signs, sandwich board signs, balloons, or other inflatable figures, except for the opening of a new business or re-opening of a seasonal business in a commercial or industrial district for a total period not to exceed thirty (30) days, after first obtaining a Zoning Certificate.
- D.** Flags greater than 4' x 6' other than those of any nation, state, or political subdivision.
- E.** Any sign or other object attracting attention to a business which interferes with the safety of the traveling public.
- F.** Roof Signs.

### **1504 EXEMPTIONS**

The following signs do not require a Zoning Certificate:

- A.** Any public notice or warning required by a valid and applicable federal, state, or local law or regulation.
- B.** Any sign wholly inside a building.
- C.** Non-illuminated real estate signs not exceeding six (6) square feet in sign area for A or R zoned property and thirty-two (32) square feet in sign area for all other districts, which advertises the sale, rental, or lease of the premises upon which such sign is located.
- D.** Non-illuminated real estate signs not exceeding thirty-two (32) square feet per face in sign area which advertise the sale or lease of a subdivision or undeveloped acreage of 10 acres or greater.
- E.** Signs denoting the architect, engineer, developer, bank, title company or contractor when placed upon the lot under construction, and not exceeding thirty-two (32) square feet in sign area.
- F.** Memorial signs or tablets, name of buildings and dates of construction, provided that such signs do not exceed two (2) square feet in sign area.

**1504 EXEMPTIONS (cont'd)**

- G.** Garage/yard sale signs. These signs shall be removed no later than three (3) days after completion of the sale.
- H. Political Signs. Political signs shall conform to the following requirements:**
  - 1. In residential zoning districts, the maximum permitted area of a political sign shall be eight (8) square feet; and
  - 2. No political graphic shall be located closer than ten (10') feet to the right-of-way of any street.

**1505 OFF-PREMISE SIGN**

Off-premise signs are permitted in districts, and on lands used for agricultural purposes per ORC Section 519.20; all such signs shall be in conformance with the provisions of Section 1506A.

**1506 AGRICULTURAL, RESIDENTIAL, AND PUBLIC/OPEN SPACE DISTRICTS**

The following permitted signs shall be located a minimum distance of fifteen (15') feet from the nearest right-of-way line and not closer than ten (10') feet to any adjacent lot line:

- A.** One (1) low-profile or one (1) wall sign shall be allowed for each lot which contains a non-residential main building permitted in the district. Low-profile signs in an "R" Districts shall not exceed sixty (60") inches in height from the centerline of the adjacent street grade and thirty-two (32) square feet of sign face. Wall signs in an "R" District shall not exceed twenty-four (24) square feet of sign area.
- B.** Home occupation signs shall not exceed four (4) square feet in sign area and shall be a wall sign
- C.** At any entrance to a residential subdivision or multi-family development there may be not more than two area identification signs identifying such subdivision or development. The signs shall be setback from the nearest right-of-way a minimum distance of fifteen (15') feet. The sign area of such sign shall not exceed thirty-two (32) square feet, and the sign shall contain only the name of the subdivision or development. Any subdivision area/identification sign proposed to be located within the center of a boulevard entrance shall be located in a manner so as not to create a traffic hazard. Any sign located within a boulevard shall be reviewed and approved by the Lucas County Engineer.

**1507 SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS**

A. One (1) of each sign type listed below shall be permitted in Commercial and Industrial Districts:

ZONING DISTRICT	TYPE OF SIGN PERMITTED	MAX. SIGN AREA POLE SIGN (sq. ft.)	MAX. SIGN AREA WALL SIGN (1) (2) (4) (sq. ft.)	MAX. SIGN AREA LOW PROFILE SIGN (3) (sq. ft.)	MAX. SIGN AREA PROJECTING SIGN (sq. ft.)	
C-2	Wall, Low profile,	120 per face	1.5 feet per lineal foot of frontage	80 per face	30 per face	
M-1	Wall, Low profile		Not Permitted	1.5 feet per lineal foot of frontage	60 per face	N/A

- 1) Wall area facing the nearest right-of-way(s); multiple wall signs are permitted provided the combined sign area is less than the wall sign size limit indicated.
- 2) Awning and canopy signs are wall signs for the purposes of this table.
- 3) No low profile sign or projecting sign is permitted when a pole sign is located on the lot.
- 4) For multi-tenant buildings, the total square footage permitted shall be divided between tenants.

**B. Pole Signs and Low Profile Signs on Double Frontage Lots**

If a lot is bordered by two streets that do not intersect at the lot’s boundaries (double frontage lot), then the lot may (subject to total sign area limitations in Section 1507A) have a pole or low profile sign on each street.

**C. Location and Height of Pole Signs**

All pole signs shall be located at least fifteen (15’) feet from the nearest right-of-way line, not closer than ten (10’) feet to any adjacent lot line, and not exceed a height of thirty-five (35’) feet.

**D. Low-profile Signs** shall be setback from the nearest right-of-way a minimum distance of fifteen (15’) feet and not closer than ten (10’) feet to any adjacent lot line.

## SECTION 16

### SITE PLAN REVIEW

#### 1600 PURPOSE

Site plan review provides a procedure with specific standards for development proposals. Items to be considered include but are not limited to traffic and storm water management, preservation of existing natural features, adjacent land uses, general welfare and safety.

#### 1601 WHEN SITE PLAN REVIEW IS REQUIRED

##### A. Site plan review shall be required in the following situation:

1. All new main buildings.
2. All new accessory buildings and structures greater than twelve hundred (1,200) square feet in size.
3. An expansion to an existing building whereby the expansion is greater than five thousand (5,000) square feet.
4. An expansion to an existing building whereby the expansion is greater than twenty-five (25%) percent of the existing gross floor area.
5. When the number of parking spaces on a lot is increased by ten (10) or more.
6. All Telecommunication Towers.
7. Wherever expressly required by other sections of this Zoning Resolution.

\*Single family dwellings, two-family dwellings, and related accessory structures and buildings are exempt from the Site Plan Review procedure.

##### B. Accessory Structures

The following items (and similar items) do not require site plan review but shall be reviewed by the Zoning Inspector to determine its compliance with Section 16:

1. Accessory structures less than 1,200 square feet.
2. An expansion to an existing building whereby the expansion is less than 5,000 square feet.
3. An expansion to an existing building whereby the expansion is less than 25% of the existing gross floor area.

**1601 WHEN SITE PLAN REVIEW IS REQUIRED (cont'd)**

4. Change in parking area/drive aisles.
5. Co-locations of telecommunication equipment.

**1602 REQUIREMENTS**

An applicant shall file with the Zoning Inspector the following documents along with the application fee:

**A. Basic Requirements**

1. A letter of submittal from the property owner or an agent authorized in writing by the property owner shall accompany the site plan that contains the applicant's phone number, fax number, email address, and mailing address.
2. The site plan documents shall include a complete legal description of the property and a general location sketch showing nearby section lines and/or residential and major roadways.
3. All site plans shall have a title – "Site Plan Review". The site plan shall indicate the scale of the drawing and shall use an engineer's scale. The scale of the site plan shall not exceed one (1") inch to sixty (60') feet. The site plan shall have the north arrow pointing either toward the top of the drawing or to the right side of the drawing. The location map and site plan orientation shall be the same.
4. The following documents shall be filed: Twenty (20) blue-line or black-line prints including, but not limited to: the site plan, lighting plan, landscaping plan, grading plat, utility plan and building elevation on paper no larger than 24" x 36". In addition, electronic files of all submitted plans shall be submitted.

**B. Site Plan Requirements**

1. The zoning classification(s) and existing uses of the property and all abutting property; the approximate location of buildings and driveway locations opposite to, and adjacent to the property.
2. The dimensions including area of the property, the dimensions of the existing and proposed buildings to be constructed, and any buildings to be removed or other alterations to occur on the property.
3. The distance of existing and proposed structure(s) to all right-of-way lines and the distances of the structure(s) to all property lines.

## 1602 REQUIREMENTS (cont'd)

4. The name of all adjacent roadways and the width of the existing pavement and the right-of-way.
5. The location, height, and material of all existing and proposed fences and/or walls on the property.
6. The location, height, lighting and dimensions of existing or proposed signs on the property.
7. The width(s) and location(s) of existing or proposed sidewalks, if any, and drive approach aprons. The drive approach width(s) shall be indicated where the apron meets the roadway pavement and shall be dimensioned at the throat.
8. Any and all ditches, known wetlands and creeks, or other natural features that may affect the development of the property. Where appropriate, two-foot (2') contours and the 100-year floodplain elevation shall be shown on the site plan. Information on this requirement may be obtained from the Lucas County Engineer's Office.
9. The storm water management shall be based on the Lucas County Engineer's drainage criteria.
10. The location of the existing and proposed sanitary and storm sewers, water lines, and fire hydrants. In the event these improvements are not proposed, the site plan shall indicate the location of proposed or existing wells and sewage systems both on-site and on abutting parcels.
10. The location and dimensions of existing or proposed off-street parking spaces and drive aisles, and the number of spaces proposed and required, including handicap spaces. If the off-street parking area is located next to an existing parking area or on another parcel, the plan shall indicate the method of circulation-between the two areas.
11. A site plan with a proposed drive-thru window operation shall indicate where the vehicle will be lined-up and how many vehicles can be stored at one time while waiting to use the order board and drive-thru window.
13. Colored exterior building elevation(s) and proposed building materials.
14. The location, height, wattage, and photo metrics of all proposed site lighting.
15. Existing and proposed grades including grades of abutting properties.

## **1602 REQUIREMENTS (cont'd)**

16. Proposed or existing dumpster size, location, and screening material(s).
17. Detailed Landscape Plan (See Section 17).

### **C. Architectural Review Requirements**

All new non-residential buildings, additions, and/or alterations shall be reviewed as part of the site plan for architectural design elements. The architectural design of such buildings shall include the consideration of the following elements:

1. Scale and proportion;
2. Suitability of building materials;
3. Design in relation to surrounding buildings;
4. Design in relation to proposed landscaping; and
5. Aesthetics of the proposed building.

## **1603 APPROVAL PROCEDURE**

1. The property owner or an authorized representative, hereafter referred to as the applicant, submits the application consisting of the Site Plan Review Application, Letter of Submittal, Drawings Checklist, Plans, and other documents to the Washington Township Zoning Department.
2. If the applicant fulfills all of the requirements of Section 16 of this Resolution then the application will be deemed complete and forwarded to the appropriate governmental review agencies for their review and recommendations. If the applicant does not meet the requirements of Section 16 of this Resolution, the application will be deemed incomplete and returned to the applicant. The review process shall not commence until the application is deemed complete.
3. Comments from the Zoning Inspector and other review agencies will be sent to the applicant to make any required revisions. The applicant may ask to convene an administrative meeting with the Zoning Inspector to review the comments. The Zoning Inspector and/or applicant may require further review from the Zoning Commission and/or Township Board of Trustees.

**1603 APPROVAL PROCEDURE (cont'd)**

- D.** If the Zoning Inspector determines that a variance is required then an application to the Board of Zoning Appeals shall be submitted. Variances shall be reviewed and a decision rendered by the Board of Zoning Appeals prior to approval of the Site Plan Review application by the Zoning Inspector. A variance request usually adds an additional 30 to 45 days to the process depending on the schedule of the Board of Zoning Appeals and notice requirements.
- E.** The Site Plan Review drawings reflecting the revisions required by the review agencies shall be submitted to the Zoning Inspector for review and approval. If it is determined that the site plan conforms to all applicable requirements, a zoning certificate may be issued for the proposed project.
- F.** As part of the site plan review process, a bond, escrow, or other suitable guarantee to insure the implementation of site improvements shall be required by the Zoning Inspector before issuance of any permit.
- G.** Changes to the approved site plan shall require re-submittal for review pursuant to this section. The Zoning Inspector shall review the changes and determine if the changes are in conformance with this Resolution. Further review by other agencies may be required.

**1604 EXPIRATION AND EXTENSION OF SITE PLAN APPROVAL**

If construction of any phase of the development begins within two (2) years after approval is granted, the approval shall be valid until the development is completed. If no construction has begun within two (2) years after the approval is granted, the site plan shall be void. An extension of the time limit may be approved at the discretion of the Zoning Inspector.

## SECTION 17

### LANDSCAPING REQUIREMENTS

#### 1700 PURPOSE

The landscaping requirement is to establish standards to enhance appearance and to preserve any and all native vegetation. To the greatest extent practical, development should preserve natural features. The use of native vegetation is encouraged and may be approved as part of the landscape review process.

#### 1701 REQUIREMENTS

##### A. General

Landscaping for all uses except single and two-family dwellings, shall be provided in the following areas;

1. At the perimeter of sites to buffer, separate, and/or screen adjacent land uses;
2. At the perimeter of parking lots to shade, separate, and/or screen the view of parked cars from adjacent streets and land uses;
3. In the interior of parking lots to provide shade;
4. Around the perimeter of buildings to enhance the appearance of structures;
5. When barriers or fences are utilized, plant material shall be included;
6. Required landscape areas shall not include any portion of the right-of-way;
7. All loading areas shall be landscaped for screening purposes;
8. Trash receptacles shall be screened and shall not be placed within any required setback areas.

##### B. Specific

1. A planting strip at least five (5') feet in width shall be located along the perimeter of a parking area but not within any right-of-way. Within this area, there shall be one (1) two and a half (2.5") inch caliper deciduous shade trees per fifty (50) linear feet of perimeter parking area. There shall also be a four (4') feet tall solid hedge of shrubs (evergreen or deciduous) to provide screening. An alternative arrangement of perimeter landscaping material such as mounding, fencing, or walls may be considered as part of the site plan review process.

## 1701 REQUIREMENTS (cont'd)

2. Landscaping within parking areas is necessary not only to reduce the generation of heat and water runoff but to break up visually the expanse of paved areas. The use of shade trees in these landscape areas shall be required. Any open parking area (including loading areas) containing more than six thousand (6,000) square feet of area or fifteen (15) or more parking spaces shall provide the following interior landscaping in addition to the required perimeter screening:
  - a. An area equal to five percent (5%) of the total area devoted to parking spaces and aiseways shall be landscaped and permeable.
  - b. For parking areas over thirty thousand (30,000) square feet in size, the required landscaping shall be designed to break up the visual expanse with landscape features such as boulevards, larger landscape islands, or areas of preserved on-site native vegetation. This landscaping requirement may also include storm water retention areas or drainage courses, if designed so as to provide an attractive natural asset to the site.
  - c. All required landscape areas shall be protected by curbing or a suitable barrier to prevent vehicle encroachment.
  - d. The required plant materials for the interior of parking areas shall be one deciduous tree for every three thousand (3,000) square feet of area. Where site distance or maneuvering conflicts exist, trees shall have a clear trunk of at least five (5') feet above the ground, and the remaining required landscape areas shall be planted with shrubs or ground cover not to exceed two feet in height.
  - e. Foundation plantings are required for all exterior building walls, that are visible from a road. Foundation plantings shall be placed within five (5') feet of the building perimeter. Ten (10) shrubs shall be required for every one hundred (100') lineal feet of horizontal exterior building wall visible from the road, street, or highway. If foundation plantings are deemed not practical due to unique features of the site and/or building, an alternative plan may be considered as part of the site plan review process.

## 1701 REQUIREMENTS (cont'd)

- f. A landscape strip between the roadway building and/or parking area shall be provided along the full width of a lot. The width of this landscape strip shall be not less than fifteen (15') feet measured from the right-of-way line. The landscape strip shall be unoccupied except for landscape material, steps, walks, terraces and driveways. Innovative treatments are encouraged in this area, but the design must not interfere with adequate sight distance. Within the landscape strip, at least one (1"), two and one-half (2 ½") inch caliber deciduous or two (2'), six (6') foot high evergreen trees, or a combination, shall be installed for each one hundred (100') feet of property frontage along with other appropriate landscape materials.
- g. An irrigation system shall be installed in all required landscape areas unless drought resistant, native species are utilized.

## 1702 PLANT MATERIAL SPECIFICATIONS

The following sections include specifications for plant materials. Alternatives to these specified plant materials which demonstrate both the intent and requirements of this Resolution may be approved as part of a Site Plan:

### A. Deciduous Trees

A minimum caliper of at least two and one-half (2 ½") inches measured twelve (12") inches above ground level at time of planting.

### B. Evergreen Trees

A minimum of six (6') feet high and a minimum spread of three (3') feet at time of planting.

### C. Shrubs

Shrubs shall be at least thirty (30") inches average height and twenty-four (24") inches width at the time of planting.

### D. Ground cover and Grass

Ground cover shall be planted a minimum of eight inches on center and shall be planted in such a manner so as to present a finished appearance and seventy-five percent (75%) coverage after one complete growing season. If approved as part of a Site Plan, ground cover may also consist of rocks, pebbles, shredded bark, mulch, and other material. Grass shall be planted in species normally grown as permanent lawns.

## 1702 PLANT MATERIAL SPECIFICATIONS (cont'd)

### E. Prohibited Tree/Shrub Species

The following tree and shrub species shall not be used unless already existing in the proposed landscape area:

Box Elder (*Acer negundo*) Walnut  
Mulberry (*Morus alba*)  
Willow (*Salix babylonica*)  
Siberian Elm (*Ulmus pumila*)  
Hickory (*Carya sp.\**)  
European Alder-Buckthorn (*Rhamnus frangula*)  
Common Buckthorn (*Rhamnus cathartica*)  
Autumn Olive (*Elaeagnus Umbellata*)  
Multiflora Roase (*Rosa multiflora*)  
Purple Loosestrife (*Lythrum salicaria*)  
Tree of Heaven (*Ailanthus altissima*)  
Black (*Juglans nigra*)  
Silver Maple (*Acer Saccharinum*)  
Black Locust (*Robinia pseudo-acacia*)  
Catalpa (*sp.\**)  
Cotton wood (*Populus deltoides*) Existing larger trees may be permitted to remain on site.

Poplar This is a species of the genus *Populus* which includes Cottonwoods. This also includes Aspens which are native to the Oak Openings. Aspens should remain on-site if they are existing at the time of development.

\*Indicates numerous species.

## 1703 MAINTENANCE AND REPLACEMENT REQUIREMENTS

The lot owner shall be responsible for the maintenance of all landscaping. The following requirements shall apply:

- A. Landscape material shall not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a traffic hazard.
- B. Within two years of installation (or incorporation of existing vegetation), all trees, shrubs, ground covers and other plant materials shall be replaced if they fail to thrive.
- C. Replacement plants shall conform to the approved plan. Dead or unhealthy plants shall be replaced within the next planting season.

**1703 MAINTENANCE AND REPLACEMENT REQUIREMENTS (cont'd)**

- D.** As part of the Site Plan, a bond, escrow, or other suitable guarantee shall be filed with the Zoning Inspector to ensure the landscape material is installed and maintained for a two (2) year period. No Zoning Certificate shall be issued until the bond, escrow or other suitable guarantee is received.

## SECTION 18

### PARKING REQUIREMENTS

#### 1800 GENERAL PARKING REQUIREMENTS

Any building, structure or use of land that is constructed, enlarged, or used shall provide off-street parking spaces for automobiles in accordance with the following minimum provisions:

#### 1801 OFF-STREET PARKING DESIGN STANDARDS

All off-street parking including driveways, entrances, exits, circulation and maneuvering areas, aisles and interior lanes, and parking spaces shall be in accordance with the following minimum standards and specifications:

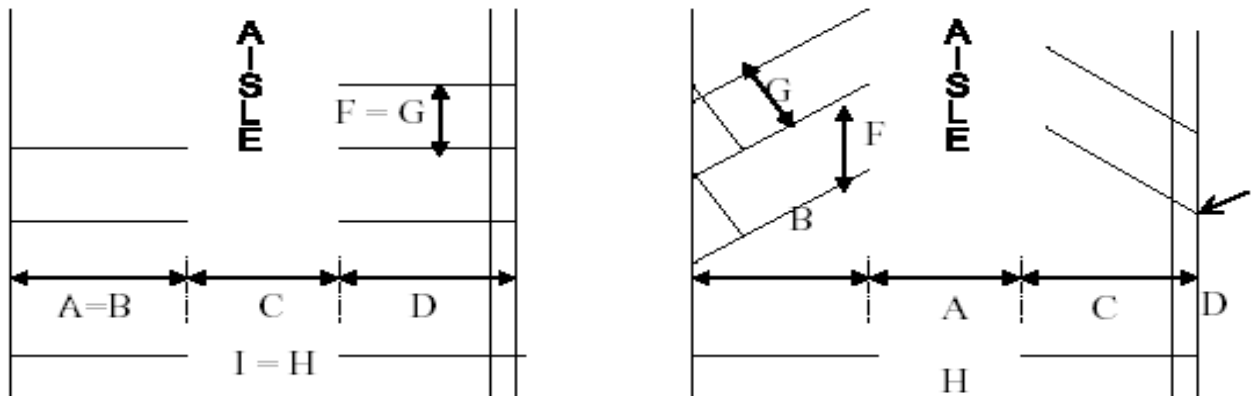
##### A. Parking Space Dimensions

All new or altered parking lots shall conform to the parking space stall width and length and aisle width, as set out in Table 1 and illustrated in Figure 1.

**TABLE 1**

<b><u>DIMENSION</u></b>	<b><u>ANGLE</u></b>			
	<b><u>45</u></b>	<b><u>60</u></b>	<b><u>75</u></b>	<b><u>90</u></b>
A. STALL DEPTH TO WALL	17	18.5	19	18
B. STALL DEPTH PARALLEL TO VEHICLE	18	18	18	18
C. VEHICLE AISLE WIDTH	12	18	22	25
D. STALL DEPTH TO INTERLOCK	15	17	18	18
E. STALL DEPTH REDUCTION DUE TO INTERLOCK	2	1.5	1	0
F. STALL WIDTH PARALLEL TO AISLE 1	12.7	10.4	9.3	9
G. STALL WIDTH PERPENDICULAR TO VEHICLE	9	9	9	9
H. MODULE WIDTH WALL TO WALL	45	54	60	61
I. MODULE WIDTH INTERLOCK TO INTERLOCK	42	51	52	51

**FIGURE 1**



## 1801 OFF-STREET PARKING DESIGN STANDARDS (cont'd)

### Exceptions to TABLE 1:

- For bumper overhang deduct one and one-half (1 ½') feet from stall depth to wall or three (3') feet from wall to wall for 45 degree and 60 degree parking. The equivalent dimensions for 75 degree and 90 degree parking are two (2') feet and four (4') feet respectively.
- Where natural and/or man-made obstacles, obstructions, or other features such as landscaping, support columns, or grade difference exist, the Zoning Commission may approve a reduction in required stall width, length, and/or aisle width as part of the Site Plan review process. In all instances where a reduction is requested, emergency vehicle access shall be considered and incorporated into the parking lot design.

#### **B. Access**

For single or two family residential dwellings, driveways shall be a minimum of nine (9') feet in width. For all other uses, driveways shall be a minimum width of twenty-two (22') feet.

#### **C. Setbacks**

1. No parking shall be permitted within the front yard of any residential property except on an asphalt, concrete or gravel within any platted subdivision.
2. Off-street parking areas in commercial districts shall not be located in the required landscape strips, or closer than five (5') feet from any side or rear property line. No part of any loading space shall be permitted closer than fifty (50') feet to any residential district nor closer than five (5') feet to any right-of-way.
3. Whenever any commercial, industrial, or public use/open space district adjoins a residential district, the off-street parking for the non-residential use may not be located within twenty (20') feet from the residential district boundary, and shall not be located within ten (10') feet of any right-of-way.

#### **D. Screening**

See Section 17 – Landscaping Requirements.

## 1801 OFF-STREET PARKING DESIGN STANDARDS (cont'd)

### **E. Surfacing**

All off-street parking spaces, driveways, aisles, entrances, exits, circulation and maneuvering areas, and interior lanes for all nonresidential uses, shall be surfaced prior to occupancy of the building. Surfacing shall be accomplished with asphalt, concrete or masonry-type material. Stone or gravel is not considered a masonry-type material, except in a public park with adequate dust treatment.

### **F. Drainage**

All parking spaces, driveways, entrances, exits, circulation and maneuvering areas and interior lanes, shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public roads. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.

### **G. Striping**

All parking areas shall be marked with paint lines, curbs, or some other manner approved by the Zoning Inspector, and shall be clearly identified.

### **H. Maintenance**

Parking areas shall be maintained in good condition and free of dust, trash, or other debris.

### **I. Signs**

Where necessary, entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked.

### **J. Shared Parking**

Two (2) or more non-residential uses may jointly provide and use parking spaces when the hours of operation do not normally overlap, provided that a written agreement is submitted and the request is first approved by the Board of Zoning Appeals in accordance with Section – Board of Zoning Appeals.

**K.** Trucks, tractors/cabs truck trailers, and/or any other type of commercial vehicle shall not be parked outdoors except when used in conjunction with agricultural activities in any residential district, except while making deliveries. The parking of any commercial vehicle in a non-residential district shall not interfere with traffic, ingress/egress, and/or customer parking. Commercial vehicles parked longer than 48 hours in a non-residential district shall be coated inside the building or to the rear of the building.

## **1801 OFF-STREET PARKING DESIGN STANDARDS (cont'd)**

### **L. Parking of Vehicles or Watercraft for Sale**

The parking of any vehicle or watercraft for sale shall be prohibited on any undeveloped parcel which does not have a use occurring on the site. Any vehicle or watercraft for sale shall not create a safety hazard. There may be only one (1) vehicle or watercraft for sale at any time on a parcel and the only one (1) vehicle or watercraft or vehicle may only be parked on the premises and advertised "for sale" for a seventy-two (72) hour period four (4) times per year.

## **1802 DETERMINATION OF REQUIRED SPACES**

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

- A.** Whenever there is more than one type of use on a parcel, the area allocated for each specific use must be identified.
- B.** Each separate or distinct use on the site shall meet its own specific parking space requirements. Any proposed use on a site which cannot satisfy the parking requirements shall be strictly prohibited.
- C.** The total number of parking spaces required on-site shall be the sum of the requirements for each use on the premises.
- D.** Whenever the total sum computed for required off-street parking or loading spaces includes a fraction, the next higher whole number shall be required.
- E.** For purposes of off-street parking and loading requirements, "gross floor area" shall include all of the area on each floor whether or not such area is enclosed by walls, exclusive of interior areas used for off-street parking or loading facility.
- F.** Where seating capacity is the standard for determining parking space requirements, the capacity means the number of seating units, or each eight (8) lineal inches of benches, or pews, unless occupancy standards set by the Fire Marshal, require a greater number of parking spaces, which shall then be the minimum number of parking spaces required.
- G.** The parking space requirements for a use not specifically identified in this Resolution shall be the parking requirements for the use that is most similar.

## 1803 PARKING SPACE REQUIREMENTS

### A. Residential Uses:

**Single-family or two-family dwelling:** Two per dwelling unit.

**Multi-family with three or more dwelling units:** One and one-half per dwelling unit.

**Multi-family with three or more dwelling units designated exclusively for occupancy by the elderly or physically disabled (including congregate housing):** One-half per dwelling unit; plus an area on the site reserved for future parking to accommodate one parking space per dwelling unit.

**Assisted living facilities/Nursing Homes:** One for every three beds.

**Rooming or boarding house:** One for each two sleeping rooms.

### B. Commercial Uses:

**Adult Entertainment:** One for each seventy-five (75) square feet of gross floor area.

**Amusement arcade:** One for each two hundred (200) square feet of gross floor area.

**Auditorium, stadium, theater, conference center, or large place of assembly:** One for each thirty (30) square feet of gross floor area of the auditorium or assembly space.

**Automobile car wash, automatic, self-service:** Two per site. A washing space is not a parking space.

**Automotive repair:** Two per bay. A service bay is not a parking space.

**Automobile sales:** One for each 5,000 square feet of developed lot area used for vehicle display and one for each 300 square feet of gross floor area.

**Bank or financial institution:** One for every 200 square feet of floor area.

**Barber and beauty shop:** One for every 200 square feet of gross floor area.

**Bowling Alley:** Five per alley or lane.

**Funeral Home:** One for every 150 square feet of gross floor area.

**General Office:** One for each 300 square feet of gross floor area.

## 1803 PARKING SPACE REQUIREMENTS (cont'd)

**Golf Course:** Six (6) for each hole.

**Hotel or motel:** One per guest room.

**Medical or Dental Office or Clinic:** One for each 200 square feet of gross floor area.

**Meeting or Reception Hall:** One for each 75 square feet of gross floor area.

**Outdoor recreation:** One for each 500 square feet of use area.

**Salvage Yard:** Five spaces per acre.

**Self-service storage facility:** Four plus one space per employee.

**Retail:** One for each 250 square feet of gross floor area.

**Restaurant or tavern:** One for each 75 square feet of gross floor area or one for each 125 square feet of gross floor area when located within a multi-tenant building.

**Any other type of commercial use:** One for each 250 square feet of gross floor area.

### C. Institutional Uses:

**Church or place of worship:** One for each forty square feet of gross seating area of the sanctuary, auditorium, or main place of worship, whichever has the greater area.

**Club or lodge:** One for each five members.

**Correctional Facilities:** One for every two beds.

**Day Care Facility:** One space per each 250 square feet of gross floor area.

**Elementary school (K-9):** Two per classroom and one for each sixty square feet of gross floor area in the auditorium or assembly hall.

**Hospital:** One space for every four beds.

**Library, museum, or art gallery:** Ten plus one for each 300 square feet of gross floor area in excess of 2000 square feet.

## **1803 PARKING SPACE REQUIREMENTS (cont'd)**

### **D. Industrial Uses**

**Manufacturing, Utility, Research, and Development Facilities:** One per one and one-half employees.

**Truck Terminal:** One space per loading dock.

## **1804 OFF-STREET AREAS WITH DRIVE-UP/DRIVE-THRU SERVICE**

Establishments shall provide off-street vehicle storage areas in accordance with the following requirements:

- A.** Photo pickups, restaurants, drive-thru beverage docks, and other similar commercial establishments that can normally serve customers in three (3) minutes or less shall provide no less than five (5) vehicle storage spaces per window, not including the space at the window. Drive-in restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of three (3) additional storage spaces for each stopping point.
- B.** Other commercial establishments such as banks, savings and loan offices, or other similar facilities with service or money windows shall provide no less than four (4) storage spaces per window.
- C.** Self-serve automobile washing facilities shall provide no less than four (4) stacking spaces per stall. All other automobiles washing facilities shall provide a minimum of ten (10) stacking spaces per entrance.
- D.** Motor vehicles service stations shall provide no less than two (2) stacking spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than fifteen (15) feet to any right-of-way line.

## **1805 PARKING OF DISABLED VEHICLES**

The parking of a disabled vehicle more than one (1) week on a lot shall be prohibited in all Residential and Commercial Districts, except such vehicle may be stored in an enclosed garage or other accessory building, provided that no business shall be conducted in connection therewith while such vehicle is parked or stored.

## **1806 PARKING SPACE REQUIREMENTS**

The number of off-street parking spaces required for various uses shall be no less than the minimum set forth.

## SECTION 19

### PROCEDURES AND REQUIREMENTS FOR SPECIAL USES

#### 1900 PURPOSE

In addition to those uses specifically permitted in each Zoning District, there are certain uses that are necessary for the good of the public, but due to the potential impact on the community, require additional review and consideration.

#### 1901 STANDARDS

The Zoning Commission and the Board of Township Trustees shall review each proposed Special Use and shall consider the following:

- A. Is the proposal harmonious with the existing or intended character of the general vicinity of the lot and will it change the essential character of the area;
- B. Will the proposal not be hazardous or disturbing to existing or future neighboring uses;
- C. Will the proposal be served adequately by essential public facilities and services;
- D. The proposal will involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, vibration or odors?

#### 1902 PROCEDURE

A Special Use may be requested by the lot owner. The procedure is set forth in Section 20 – Zoning Changes and Text Amendments.

#### 1903 CONDITIONS OF APPROVAL

In granting any Special Use, the Board of Township Trustees may require the following items to protect the general health, safety and welfare of the community:

- A. Increased landscaping requirements.
- B. Screening between any proposed Special Use and adjacent property and/or roadway.
- C. The location of parking areas.
- D. Regulating the hours and/or days of operation.
- E. Lighting locations, intensity and areas to be illuminated.
- F. Any other item deemed necessary to protect the general health, safety and welfare of the community.

**1904 EXPIRATION OR REVOCATION OF SPECIAL USE**

A Special Use shall automatically expire if the Special Use has not been instituted or utilized within one (1) year from the date on which the Special Use was granted by the Board of Township Trustees, or for any reason the use shall cease for more than a two (2) year continuous period. Violation of any condition(s) of approval shall be cause for the revocation of the Special Use by the Board of Township Trustees.

## SECTION 20

### ZONING CHANGES AND TEXT AMENDMENTS

#### **2000 AUTHORITY**

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Board of Township Trustees may, by resolution, after the Zoning Commission recommendations, and subject to the procedures provided by law, amend, supplement, change or repeal the regulation, restrictions and district boundaries or classification of property, now or hereafter established by this resolution or amendments hereof.

#### **2001 PROCEDURES**

Amendments or supplements to this Zoning Resolution may be initiated in one of the following ways. The Board of Township Trustees shall upon passage of such resolution, certify it to the Zoning Commission.

- A. By passage of a resolution by the Board of Township Trustees;
- B. By a motion of the Zoning Commission;
- C. By the filing of an application by at least one (1) owner, or a duly authorized agent of the owner of the property within the area proposed to be changed.

#### **2002 APPLICATION AND FEES**

The application for any change of district boundaries or classifications of property shall be made on forms obtainable at the office of the Zoning Inspector. The application shall be accompanied by information as may be prescribed by the Zoning Commission, and verified by the owner as to accuracy. A fee shall be paid upon the filing of the application and no action shall be taken on an application until all fees are paid in full.

#### **2003 TRANSMITTAL TO THE LUCAS COUNTY PLAN COMMISSION**

Within five (5) days after the adoption of such motion or the certification of such Resolution, or the filing of such application, the Commission shall transmit a copy thereof together with text and map to the Lucas County Planning Commission. The Lucas County Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment or supplement.

#### **2004 HEARING AND NOTICE BY ZONING COMMISSION**

Upon the adoption of such motion, or the certification of such resolution, or the filing of such application as covered by paragraph 2001 of this Section the Zoning Commission shall hold a public hearing thereon. The Zoning Commission shall set a date for the public hearing, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution or the date of the adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given as follows:

**2004 HEARING AND NOTICE BY ZONING COMMISSION (cont'd)**

- A.** The applicant must post and maintain one (1) or more on-site Notices as provided. The applicant shall remove the posted Notices within ten (10) days after the decision of the Board of Township Trustees. No one except the applicant, agent or Township shall remove or tamper with any such Notice during the time it is required to be posted and maintained.
  
- B.** A notice shall be published in one (1) or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing. The published and mailed notices shall include:

  - 1.** The name of the zoning commission that will be conducting the public hearing;
  - 2.** A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;
  - 3.** A list of the address of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the county auditor's current tax list;
  - 4.** The present zoning classification of property names in the proposed amendment and the proposed zoning classification of such property;
  - 5.** The time and place where the motion, resolution or application proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
  - 6.** The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
  - 7.** Any other information requested by the zoning commission;
  - 8.** A statement that, after the conclusion of such hearing, the matter will be submitted to the Board of Township Trustees for its action.
  
- C.** If the proposed amendment intends to rezone ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by Zoning Commission, by first class mail, at least (10) days before the date of the public hearing, to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted, to the addresses of such owners appearing on the Lucas County Auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment or supplement.

**2005 RECOMMENDATION BY ZONING COMMISSION**

The Zoning Commission shall study the proposed change in the terms of public necessity, convenience, general welfare, and good zoning practice. The Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof, and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the Lucas County Planning Commission thereon, to the Board of Township Trustees.

**2006 PUBLIC HEARING AND NOTICE BY THE BOARD OF TOWNSHIP TRUSTEES**

Within thirty (30) days from the receipt of the recommendation of the Zoning Commission, the Board of Township trustees shall hold a public hearing. Notice of the public hearing shall be given by the Board of Township Trustees with at least one (1) publication in a local newspaper of general circulation at least ten (10) days before the date of the public hearing. This notice shall set forth the time and place of the public hearing and the nature of the proposed request.

**2007 ACTION BY THE BOARD OF TOWNSHIP TRUSTEES**

Within twenty (20) days after such public hearing, the Board of Township Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees deny or modify the recommendation of the Zoning Commission, a majority vote of the Board of Township Trustees shall be required.

**2008 EFFECTIVE DATE AND REFERENDUM**

- A. Such amendment adopted by the Board of Township Trustees shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Township Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the Township or part thereof included in the zoning plan equal to not less than eight percent (8%) of the total vote cast for all candidates for governor in such area at the most recent general election at which a governor was elected, requesting the Board of Trustees to submit the amendment to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election.
- B. No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

## SECTION 21

### ENFORCEMENT

#### 2100 ZONING INSPECTOR

The Zoning Inspector shall be appointed by the Board of Township Trustees and shall have the following responsibilities:

- A. Review Applications for Zoning Certificates, Site Plan Review, Special Uses, and Zoning Change.
- B. Perform on-site inspections to insure zoning compliance. Final sign-off indicating the zoning requirements are in compliance shall be kept in the permit file.
- C. Investigation of violations and enforcement of this Resolution.
- D. Maintain records of zoning activity including non-conforming and Special Uses.

#### 2101 ZONING CERTIFICATE REQUIRED

No building or other structure, including temporary structures, fences and pools shall be constructed, moved, added to, altered, nor shall any building, structure, or land be established or changed in use without a Zoning Certificate issued by the Zoning Inspector. Zoning Certificates shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal or variance. Zoning Certificates may be issued for the following:

- A. **Construction**  
Before any structure, as defined in this Resolution is built, erected, enlarged, or placed on a property, a Zoning Certificate shall be required. The Zoning Inspector shall issue a Zoning Certificate when satisfied that according to the information submitted by the applicant, the proposed structure will conform to all requirements of this Resolution.
- B. **Change of Use**  
When the use of a property or a building or structure changes, a Zoning Certificate is required. The Zoning Inspector shall issue a Zoning Certificate when the requirements of this Resolution are met.
- C. **Signs**  
Before any sign, except those exempted in Section 15, may be placed, constructed, or structurally altered, on or attached to a building, or on a parcel of land, a Zoning Certificate is required.

**2102 APPROVAL OF ZONING CERTIFICATE**

Within twenty (20) days after the receipt of an application for a Zoning Certificate, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. All Zoning Certificates shall, however, be conditional upon the commencement of work within six (6) months. If the work described in any Zoning Certificate has not begun within six (6) months from the date of issuance thereof, said Zoning Certificate shall expire. All Zoning Certificates shall expire after a two (2) year period but may be renewed subject to the filing of an application with the Zoning Inspector.

**2103 ENFORCEMENT AND PENALTIES**

- A. This Resolution shall be enforced by the Board of Township Trustees or such enforcement officer as may be designated by the Board of Township Trustees, who shall in no case grant any Zoning Certificate if the building or use would be in violation of any of the provisions of this Resolution.
- B. Except as expressly provided in this Resolution, it shall be unlawful to locate, erect, construct, reconstruct, enlarge, structurally alter, or use any building or structure or use and land without obtaining a Zoning Certificate.
- C. Any Zoning Certificate issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Board of Township Trustees, the Zoning Certificate shall be revoked by notice in writing to be delivered to the holder of the void Zoning Certificate upon the premises concerned, or in case such holder be not found there, by posting the said notice of revocation in some conspicuous place upon the said premises. Any person who shall proceed, thereafter, with such work or use without having obtained a new Zoning Certificate, in accordance with this Resolution, shall be deemed guilty of violation thereof.
- D. In case any building is located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Resolution, the Board of Township Trustees, the County Prosecutor, the Township Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.
- E. Any person, firm, or corporation violating any provision of this Resolution shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00). Each and every day, during which illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues, may be deemed a separate offense.

**2103 ENFORCEMENT AND PENALTIES (cont'd)**

- F.** Failure to obtain a Zoning Certificate shall result in paying three (3) times the regular fee schedule.

**2104 SCHEDULE OF FEES, CHARGES, AND EXPENSES**

The Board of Township Trustees shall, by Resolution, establish a schedule of fees, charges, and expenses and a collection procedure for Zoning Certificates, amendments, appeals, variances, special use permits, site plan approvals, and other matters pertaining to the administration and enforcement of this Resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be available in the Office of the Zoning Inspector, and may be amended only by the Board of Township Trustees. No Zoning Certificate will be issued until the appropriate fee has been paid. No hearing or appeal will be conducted until the fee has been paid.

## **SECTION 22**

### **ZONING COMMISSION**

#### **2200 WASHINGTON TOWNSHIP ZONING COMMISSION**

The Washington Township Zoning Commission shall be composed of five (5) members who reside in the unincorporated area of Washington Township and who shall be appointed by the Board of Township Trustees. Vacancies shall be appointed by the Board of Township Trustees for any unexpired term. The Board of Township Trustees may appoint alternate members in accordance with the provisions of the ORC.

#### **2201 ORGANIZATION**

The Zoning Commission shall organize and keep a written record of its actions and determinations, adopt rules and procedures to effectively carry out duties and obligations, all of which shall be filed in the Office of the Township Fiscal Officer and shall be a public record.

#### **2202 MEETINGS**

At the first meeting of each year the Zoning Commission shall elect a Chairperson and Vice-Chairperson for a term of one (1) year. There shall be a fixed place of the meeting and all meetings shall be open to the public. The Zoning Commission shall keep a record of its proceedings showing the action of the Zoning Commission and showing the vote of each member on each request considered. All recommendations of the Zoning Commission shall be filed in the Office of the Township Fiscal Officer and shall be a public record. A quorum to conduct a meeting shall consist of at least three (3) members of the Zoning Commission.

When there are an equal number of members voting on an issue, and the vote results in a tie, the issue will be decided in favor of the vote cast from the person chairing the meeting.

#### **2203 DUTIES OF THE ZONING COMMISSION**

The Township Zoning Commission shall have the following authority and duties:

- A.** Initiate proposed amendments to this Resolution and zoning maps;
- B.** Consider, review, and recommend all proposed amendments to the Board of Township Trustees;
- C.** Consider, review, and approve or deny on all site plans;
- D.** Consider and review all proposed Special Uses and make recommendations to the Board of Township Trustees.

## SECTION 23

### BOARD OF ZONING APPEALS

#### **2300 WASHINGTON TOWNSHIP BOARD OF ZONING APPEALS**

The Washington Township Board of Zoning Appeals shall consist of five (5) members who shall be residents of the unincorporated area of Washington Township. The terms of all members shall be so arranged so that the term of one (1) member expires each year. The Board of Township Trustees shall fill by appointment any vacancies including unexpired terms. The Board of Township Trustees may appoint alternates in accordance with the provisions of the ORC.

#### **2301 MEETINGS**

At the first meeting of each year the Board of Zoning Appeals shall elect a Chairperson and Vice-Chairperson for a term of one (1) year. There shall be a fixed place of the meeting and all meetings shall be open to the public. The Board of Zoning Appeals shall keep a record of its proceedings showing the action of the Board of Zoning Appeals and showing the vote of each member on each request considered. All records of the Board of Zoning Appeals shall be filed in the Office of the Township Fiscal Officer and shall be a public record. A quorum to conduct a meeting shall consist of at least three (3) members of the Board of Zoning Appeals.

When there are an equal number of members voting on an issue, and the vote results in a tie, the issue will be decided in favor of the vote cast from the person chairing the meeting.

#### **2302 DUTIES OF THE BOARD OF ZONING APPEALS**

The Board of Zoning Appeals shall have the following authority:

- A.** To organize, adopt rules, hold meetings and keep records as required by law.
- B.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determinations made by the Zoning Inspector in the enforcement of this Resolution. This includes hearing and deciding matters of interpretation of the provisions of the text of this Resolution and the “Official Washington Township Zoning Map”.
- C.** To authorize, upon appeal, in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done. No variance shall be granted except in conformance with the provisions of Section 2304 of this Resolution.
- D.** To allow the construction of more than one (1) main building on a single parcel unless specifically permitted in Section 1305 – Supplemental Regulations.

**2303 APPEAL REQUIREMENTS**

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Board of Zoning Appeals, a notice of appeal specifying the grounds. The following information shall be included in any application brought before the Board of Zoning Appeals for consideration of an appeal or matter of interpretation:

- A. The request must include the action or order of the Zoning Inspector such as the citation of zoning violation and/or a Zoning Certificate being denied or revoked.
- B. The specific reference, including chapter(s) and sections(s), of the zoning text or portions of the “Official Washington Township Zoning Map” that may be appealed.
- C. The facts and information showing the basis of the appeal, including factors or characteristics unique to a parcel.
- D. The specific remedy proposed or proposed interpretation shall be described.

**2304 REQUIREMENTS FOR A VARIANCE REQUEST AND APPROVAL**

The Board of Zoning Appeals may authorize upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to specific conditions, a literal enforcement of the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done. The Board of Zoning Appeals shall consider the following:

- A. The general character of the neighborhood and examples of similar projects nearby.
- B. That due to exceptional narrowness, shallowness, or shape or exceptional topographic conditions or other extraordinary situation or condition of a lot, the strict application of the terms of this Resolution would result in peculiar and exceptional practical difficulties.
- C. That special circumstances or conditions applying to the building or land in question are peculiar to such lot or property and do not apply generally to other land or buildings in the vicinity.
- D. That a variance from the strict application is necessary to relieve such difficulties or hardship, and that such relief may be granted without substantial detriment to the public good and without substantially altering the intent of this Resolution.
- E. The granting of the application is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant.

**2304 REQUIREMENTS FOR A VARIANCE REQUEST AND APPROVAL (cont'd)**

- F.** The condition from which relief or a variance sought did not result from action by the applicant.
- G.** No variance may be applied for or granted which would allow a use that is not allowed in a zoning district.
- H.** The authorization of a variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or imperil the public safety or unreasonably diminish or impair the health, safety, convenience or general welfare of the inhabitants of the Township.

**2305 CONDITIONS OF APPROVAL**

In granting a variance, the Board of Zoning Appeals may stipulate the manner in which the variance shall be carried out, and may require other improvements and safeguards for the protection of public health, safety, and welfare. In such cases the Board of Zoning Appeals may attach conditions.

**2306 APPLICATIONS**

All applications shall be in writing, shall be signed by the owner of the property involved or his duly authorized agent or attorney, shall specify the request and grounds thereof, and shall be filed in the Office of the Zoning Inspector.

**2307 PUBLIC HEARING AND NOTICE**

- A.** Once the application has been received, an on-site notice shall be posted and maintained. No one except the applicant, agent or Township shall remove or tamper with any such Notice during the time it is required to be posted and maintained.
- B.** The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten (10) days notice in writing to the parties of interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing, and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by attorney.

## SECTION 24

### DEFINITIONS

#### DEFINITIONS

For the purpose of this Resolution certain terms and words are defined in Section – Signs and Outdoor Advertising and in this section. Words used in the present tense include the future, and the plural includes the singular, and the singular the plural. The word “shall” is mandatory; “occupied” or “used” shall be considered as though followed by the words or intended, arranged, or designed to be used or occupied. Except where specifically defined, all words used in this Resolution shall carry their customary meanings.

**Abandoned:** To cease or discontinue a use or activity without intent to resume, but excluding temporary or short term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

**Accessory Structure:** A subordinate structure including those without a permanent foundation, detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

**Accessory Use:** A use incidental to, and on the same lot as, a principal use. Accessory uses include any use of a subordinate nature to the principal use on the same lot.

**Adult Correctional Rehabilitation Facility:** A dwelling or place used as a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises.

**Agriculture:** The use of land for farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

**Alteration:** Any change, addition, or modification in construction or use of an existing structure.

**Amusement Arcade:** A building or part of a building in which five or more video games or other similar player-operated amusement devices are maintained.

**Assisted Living Facility:** A residential living facility licensed by the State of Ohio for four or more persons that provides assistance with daily needs which may include medical assistance, transportation, meal preparation, and laundry services. Such facility may also provide other services, such as transportation for routine social and medical appointments, and counseling.

**Automobile/Truck Repair Garage:** A place where services such as painting, body work, rebuilding and reconditioning are performed.

**Automobile Service Center:** A place that provides routine maintenance and replacement of parts such as tires, mufflers, and oil changes within a completely enclosed building with no service or storage outside.

**Automobile Wrecking Yard (see also Salvage Yard):** The place where the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two (2) or more motor vehicles, which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of an automobile wrecking yard.

**Bar or Lounge:** Any premises wherein alcoholic beverages are sold at retail for consumption on the premises.

**Building:** A structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, or property. When separated by party walls, each portion of such a building shall be considered a separate structure.

**Building Height:** the vertical distance between the average finished grade at the foundation wall to the highest point of the roof.

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

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

**Church or Place of Worship:** A place that people regularly attend for religious services, meetings, and other activities which may include day care services. The word "Church" shall not carry a secular connotation. Church shall include buildings in which religious services and related activities of any denomination are held.

**Clinic:** A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

**Club:** Buildings or facilities occupied for a social, educational, or recreational purposes, but not primarily for profit or for rendering a service that is customarily carried on as business and not open to the general public.

**Commercial activity:** Any activity involving the making of a product or providing a service for gain.

**Community or Club Swimming Pools:** A community or club swimming pool shall be any pool constructed by an association of lot owners, or by a private club for use and enjoyment by members of the association or club.

**Conservation Area:** Areas having significant natural vegetation, wildlife or physical features.

**Contractor Yard:** A place used for the storage of heavy equipment and materials used for construction or maintenance purposes.

**Day Care Facilities:** A building or part thereof other than a permanent residence which administers to the needs of children or adults providing social, recreational, or educational activities on a daily basis with no provisions for resident care.

**Density:** The number of dwelling units permitted per net acre of land (excluding right-of-way).

**Development:** All structures and other modifications of the natural landscape above and below ground or water, on a particular site.

**Distribution Center:** The storage, wholesale, and distribution of manufactured products, supplies, and equipment.

**Drive-in Facility:** An establishment that by design or by service or packaging procedures permits customers to receive a service or obtain a product while remaining in an automobile.

**Dwelling:** A building or portion thereof used exclusively for residential purposes, including one-family, two-family, and multiple family dwellings. The term “dwelling” shall include Ohio Basic Building Code (OBBC) certified units, and shall not include mobile homes, manufactured homes, recreational vehicles, hotels and boarding and lodging houses.

**Dwelling, Multi-Family:** A building or portion thereof used for occupancy by two or more families living independently of each other and containing three or more dwelling units.

**Dwelling Unit:** A place for residential occupancy by one family with separate toilets and facilities for cooking and sleeping.

**Family:** One (1) or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from persons occupying a boarding house, lodging house or hotel herein defined. This definition shall include the following:

- A. A group of persons with disabilities (meaning persons who are considered handicapped or disabled as those terms are defined either by the Fair Housing Act or the Americans with Disabilities Act) who need not be related by blood or marriage or adoption, living together as a single housekeeping unit.
- B. A foster home as defined by Ohio Revised Code Section 2151.

**Fence:** A fence is a structure without a roof, plant material, or similar screening device erected in such a manner and in such a location as to enclose, secure, partially enclose or secure, provide privacy for, decorate, define, or enhance all or any part of a lot.

**Frontage:** That side of a lot abutting on a public street or private place and ordinarily regarded as the front of the lot.

**Funeral Home:** A building or part thereof used for human funeral services. Such building may contain space and facilities for:

- A. Embalming and the performance of other services used in preparation of the dead for burial;
- B. Performance of autopsies and other surgical procedures;
- C. Storage of caskets, funeral urns, and other related funeral supplies
- D. Storage of funeral vehicles, but shall not include facilities for cremation; and
- E. A funeral chapel

**Highway, Major:** A street or road of considerable continuity and used primarily as a traffic artery.

**Home Occupation:** An occupation carried on by the occupant of a dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the external character of the dwelling, does not produce a sound that is audible beyond the dwelling.

**Hospital:** A care facility providing clinical and emergency services of a medical or surgical nature to human patients and licensed by the State of Ohio to provide such facilities and services.

**Industrialized Unit:** A building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not include a manufactured home or a mobile home as defined in this resolution. For this purpose of this resolution, an industrialized unit is a dwelling.

**Kennel:** An establishment to operate a facility housing more than three (3) dogs, cats, or other household pets, over four (4) months of age, where grooming, breeding, boarding, training, or selling of animals is conducted.

**Lake:** A body of water at least five (5) acres in surface area resulting from the commercial development of natural resources.

**Landfill:** A site for the disposal of solid wastes in a manner that minimizes environmental hazards by spreading, compacting, to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

**Landscape Strip:** An area of land located along the right-of-way.

**Laundry, Self-service:** A business that provides washing, drying, and/or ironing machines for hire to be used by customers on the premises.

**Lot:** A parcel of land.

**Lot, Corner:** A lot with frontage on and at the intersection of the rights-of-way of two or more streets.

**Lot, Interior:** An interior lot is a lot other than a corner lot.

**Lot Area:** Total area bounded by property lines excluding any roadway easements and right-of-way.

**Lot Coverage:** Determined by dividing the total surface of all buildings, including covered porches and accessory buildings, and any other impervious surfaces located on the lot by the total area of the lot.

**Lot Depth:** The average horizontal distance of the lot between the front and rear lot lines.

**Lot Line:** A line dividing one lot from another lot or from a street or alley.

**Lot of Record:** A lot that has been recorded or registered in a deed or on a plat.

**Lot Width:** The horizontal distance of the lot between side lot lines measured at the required front setback line.

**Manufactured Home:** A building unit or assembly of closed construction fabricated in an off-site facility and constructed in conformance with the Federal Construction and Safety Standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974" and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards. (ORC 3781.06C-4).

**Manufactured Home Park:** Any tract of land upon which three or more manufactured or mobile homes used for the habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used intended for a use as a part of the facilities of the park. Manufactured Home Park does not include any of the following:

- A. A tract of land used solely for the storage or display for sale of manufactured or mobile homes or solely as a temporary park-camp;
- B. A tract of land that is subdivided and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes used for habitation and the roadways are dedicated to the local government authority; and

## **Manufactured Home Park (cont'd)**

- C.** A tract of land within an area that is subject to local zoning authority and subdivision requirements and is subdivided, and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes for habitation.

**Massage Parlor:** An establishment or place primarily in the business of providing massage services operated by anyone not a duly licensed medical doctor, osteopath, chiropractor, nurse, physical therapist treating patients recommended by a licensed physician under a duly licensed physician's direction, state licensed massage therapist or person practicing the art of massage on the face or hands in a duly licensed beauty parlor or barber shop.

**Mineral Extraction, Storage, and Processing:** Any mining, quarrying or processing of limestone, sand, gravel, oil, natural gas, or other mineral resources.

**Mobile Home:** A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) body feet in length or, when erected on site, is three hundred twenty (320) or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home or as an industrialized unit as defined in this resolution. (ORC 4501.01O)

**Mobile Home Park:** Any lot, parcel or tract of land under single ownership which has been planned and improved for the placement of two (2) or more manufactured homes which contain a mobile component or mobile homes used for human habitation are parked, either free of charge or for revenue purposes and including any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such mobile home park; and falling within the definition of a "Manufactured Home Park" in this resolution.

**Modular Home:** Any dwelling that is designed in more than one unit and is designed to be made mobile on a temporary basis, and constructed or manufactured to provide a permanent residence; but does not include a mobile home or recreational vehicle.

**Motel, Hotel:** A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services such as restaurants, meeting rooms, and recreational facilities.

**Non-Conforming Building:** Any building that does not meet the requirements of this Resolution for building size and location on a lot, for the district in which the building is located.

**Non-Conforming Lot:** A lot which does not meet the requirements of this Resolution.

**Non-Conforming Use:** A use of land that does not comply with the use regulations for its zoning district.

**Nursing Home:** Any building used for the residence and care of more than three (3) persons who require assisted living, intermediate or skilled nursing care. The nursing home shall be licensed by the State of Ohio.

**Outdoor Storage:** Any goods, material, merchandise, or vehicles in the same exterior place for more than twenty-four (24) consecutive hours.

**Permanent Foundation:** A permanent masonry, concrete, or locally approved footing or foundation, to which a manufactured or mobile home may be affixed.

**Permanently Sited Manufactured Home;** A manufactured home that meets all of the following criteria:

- A. The structure is affixed to a permanent foundation and is connected to appropriate facilities;
- B. The structure, excluding any addition, has a width of at least twenty two (22') feet at one point, a length of at least twenty two (22') feet at one point, and a total living area of at least nine hundred (900) square feet, excluding garages, porches, or attachments;
- C. The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;
- D. The structure was manufactured after January 1, 1995;
- E. The structure is not located in a manufactured home park, as defined in this resolution.

**Personal Service:** A business that provides services such as hair care, shoe repair, laundry mat, dry cleaning, travel agency, beauty salon.

**Plant Nursery:** The cultivation of crops, fruit trees, nursery stock, and garden products or similar plant materials outside or within greenhouses.

**Pond:** A body of water covering at least an area of one quarter acre that meets the requirements of Lucas County Soil Conservation and the Toledo-Lucas County Health Department.

**Principal Use:** The main use of land or structures, as distinguished from a secondary or accessory use.

**Principal Building:** A building in which the primary use of the lot on which the building is located is conducted.

**Public Use:** Any land, use or activity owned and operated by a public agency such as a post office, government building/structure, school, police or fire station, open space or park.

**Recreational Facilities:**

- Outdoor:** Public or private facilities including golf courses, driving ranges, swimming pools, ice skating rinks, riding stables, race tracks, carnivals, campgrounds, tennis courts or basketball courts.

## Recreational Facilities (cont'd)

**Indoor:** Public or private facilities including bowling alley, racquetball courts, tennis courts, basketball courts, swimming pools, ice skating rinks, firing range, exercise facilities, arcade.

**Recycling Center:** An area where recoverable resources, such as newspapers, glassware, and metal cans are collected, but no processing of recyclables occur.

**Rooming House:** A building that is the primary residence of the owner and where lodging is provided by the owner, for compensation, to three or more unrelated adult persons not related.

**Salvage Yard: (See also Automobile Wrecking Yard)** An area where inoperable used materials are bought, sold, exchanged, stored, processed, or handled. The word "materials" shall include but are not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. An Automobile Wrecking Yard is also considered a Salvage Yard.

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

**School, Business:** A facility that provides a limited curriculum for a specific skill or trade.

**Screening:** The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other methods.

**Self-Service Storage Facility:** A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods excluding boats or recreational vehicles.

**Setback(s):** The required minimum distance between the building line and the nearest front, side, or rear property line.

**Sexually Oriented Business:** Means an adult bookstore, adult video store, adult movie house, adult amusement or entertainment, adult cabaret, or massage establishment.

- A. **Adult Book Store:** An establishment which has a substantial portion of its inventory in books, magazines or other periodicals, from which minors are excluded by virtue of age.
- B. **Adult Video Store:** An establishment which has a substantial portion of its stock in movies, for sale or for rent, from which minors are excluded by virtue of age.
- C. **Adult Movie Store:** An establishment displaying movies that are rated X, xx or XXX which is customarily not open to the general public by excluding minors by virtue of age.

## Sexually Oriented Business (cont'd)

- D. Adult Amusement or Entertainment:** An establishment customarily engaged in the presentation of nude and seminude exhibitions and performances for commercial or pecuniary gain which exclude minors by virtue of age. This definition does not apply to the exhibition, presentation, showing or performance of any play, ballet, drama, tableau or production in any theater, concert hall, museum of fine arts, school, institution of higher learning or similar establishment which is primarily devoted to such exhibitions, presentations, show information, art of drama as differentiated from commercial or business advertising, promotion, selling or servicing products or services or otherwise advancing the economic welfare of a commercial or business enterprise such as a hotel, motel, bar, nightclub, restaurant, tavern, or dance hall.
- E. Adult Cabaret:** Means a nightclub, bar, restaurant, or similar establishment in which persons appear in a state of nudity in the performance of their duties.
- F. Massage Establishment:** Means any place of business where a person offers massages either in exchange for something of value, or in connection with providing another legitimate service, and which is operated by anyone other than persons who are certified to practice under Ohio Revised Code Section 4731.15 and 4731.16 or who are engaged in the practice of providing therapeutic massage as a licensed physician, chiropractor, podiatrist, nurse or other health professional licensed, certified or registered to practice in Ohio.
- G. Nudity:** Means the showing of either of the following:
1. The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering;
  2. The female breast with less than a fully opaque covering on any part of the nipple.

**Story:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, the space between such floor and the ceiling above it.

**Structure:** A combination of materials constructed or placed for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

**Truck Terminal:** Land and buildings used as a relay station for the transfer of a load from one vehicle or building to another or one party to another. The terminal facility may include truck storage and repair.

**Yard:** Any open space located on the same lot with a building, unoccupied and unobstructed from the ground, except for accessory structures, parking, or such projections as are expressly permitted in these regulations. The minimum depth or width of a yard is the horizontal distance between the lot line and the nearest point of the foundation wall of the main building.

**Yard, Front:** A yard extending along the full width of the lot between side lot lines and from the front lot line to the front building line.

**Yard, Rear:** A yard extending across the full width of the lot between the side lot lines and lying between the rear lot line and the nearest wall of the main building. Rear yard depth shall be measured from the rear building wall to the nearest point of the rear lot line.

**Yard, Side:** A yard lying between the side lot line of the lot and the nearest building wall of the main building, between the front yard and the rear yard.