

**ZONING RESOLUTION
FOR
CHESTERFIELD TOWNSHIP**

Adopted By Chesterfield Township Trustees: December 6, 1999

Adopted by Area Voters: March 7, 2000

Effective Date: May 1, 2000

Amended: August, 15, 2016

Amended: April 15, 2024

PREAMBLE

In accordance with the authority and intent of the Revised Code of Ohio, Sections 519.01 through 519.99 inclusive, Chesterfield Township, by this action, expresses its desire to provide for the orderly, harmonious and aesthetic development of Chesterfield Township, which is essential to its well being without unduly restricting the forces of the free market with respect to the development of land for various urban purposes. The Township further desires to assure that adequate provision will be made for the development of agriculture, commerce, industry and various kinds of residential dwellings; to provide for the free movement of motor vehicles upon the streets and highways of the Township in harmony with abutting land uses; to protect residences, agriculture, commerce and industry against encroachment by opposite land uses, and to promote the proper use of land and natural resources for the economic and social well being of the Township as a whole; to assure the provision of adequate space for the parking of motor vehicles for various urban purposes and finally to assure that all uses of land and buildings within Chesterfield Township will be so related as to produce the greatest economies in terms of their demands upon local government. The purposes cited in the foregoing shall be instituted into law by this Zoning Resolution and shall clearly relate to the Fulton County Comprehensive Development Plan which provides for the promotion and protection of the public health, safety, comfort, convenience and general welfare of the residents, shoppers, and workers in Chesterfield Township.

NOW THEREFORE, BE IT RESOLVED by the Zoning Commission of Chesterfield Township, Fulton County, Ohio, this day of , in formal session convened;
“That the Zoning Commission approve and adopt this Zoning Plan, transmit the same to the Board of Township Trustees of Chesterfield Township, Fulton County, Ohio and recommend that the same be adopted by the Trustees and the voters of the area involved”.

WHEREAS, said Board of Trustees held a public hearing on said Zoning Plan on , after giving notice by publication on , in a local newspaper of general circulation in Chesterfield Township; and

WHEREAS, said Board of Trustees has fully and carefully considered the Zoning Plan, including both text and maps as recommended by the Chesterfield Township Zoning Commission and approves said Zoning Plan, including both text and maps;

NOW, THEREFORE, BE IT RESOLVED by the Board of Township Trustees of Chesterfield Township, Fulton County, Ohio this day of , in formal session convened.

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**ARTICLE 100-1
SHORT TITLE**

This law shall be known as the "Zoning Resolution", and consists of a text and map(s). The map(s), which accompanies this Resolution is hereby incorporated herein and which is made a part hereof, shall be referred to as the "Zoning Plan".

**ARTICLE 100-2
INTENT AND PURPOSE**

The purpose of this law is to promote in the interest of public health, safety, and convenience, comfort, prosperity, or general welfare. The Board of Township Trustees may in accordance with a Comprehensive Plan regulate by resolution and location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas which may be occupied, set back building lines, sizes of yards, courts, and other open spaces, the density of population, the uses of buildings and other structures including tents, cabins, and trailer coaches and the use of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of such township, and for such purposes may divide all or any part of the unincorporated territory of the Township into districts or zones of such number, shape, and areas as the Board determines. All such regulations shall be uniform for each class of kind of building or other structure or use through any district or zone, but the regulations in one district or zone may differ from those in other districts or zones. The Comprehensive Plan included herein means the Comprehensive Development plan for Fulton County, Ohio or subsequent refinement of said Plan, which may include greater detailing of land use categories, development goals and policies more relevant to the development of Fulton County.

**ARTICLE 100-3
CONSTRUCTION OF LANGUAGE**

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

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this Resolution and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or structure includes any part thereof.
6. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

8. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either...or", the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, or provisions, or events may apply singularly or in any combination.

9. Terms not herein defined shall have the meaning customarily assigned to them.

**ARTICLE 100-4
ZONING DISTRICTS AND MAPPING INTERPRETATION**

100-4.1 Districts Established

The unincorporated portions of Chesterfield Township are hereby divided into districts or zones as shown on the Zoning Plan, which accompanies this Resolution and is hereby declared to be a part hereof and they shall hereafter be known as follows:

AG/RE	Agricultural/Rural Estate
C-1	Commercial
M-1	Industrial

100-4.2 Zoning Plan

The boundaries of the zoning districts provided for in this Zoning Resolution are shown on the plan attached hereto which plan is considered an integral part of the Resolution and is designated as the Official Zoning Plan for Chesterfield Township. The Zoning Plan shall be maintained and kept on file with the Township and all notations, references, and other information shown thereon are a part of this Resolution and have the same force and effect as if the said Zoning Plan and all notations, references, and other information were fully set forth or described herein.

The Official Zoning Plan shall be identified by the signature of the Chesterfield Township Board of Township Trustees, attested by the Township Clerk, and shall show thereon the date of its enactment. If, in accordance with the provisions of this Resolution, changes are made in district boundaries or other matter portrayed on the Official Zoning Plan, such change shall be made on the Official Zoning Plan within fifteen (15) days of the enactment of such modifications, together with an entry on the Official Zoning Plan in an amendment schedule adequately keyed to the Plan.

100-4.3 District Boundaries Interpreted

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

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines of streets, construed as following such lot lines.
3. Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits.
4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore lines shall be construed as moving with the actual shore lines; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsection 1 through 5 above shall be so construed. Distances not specifically indicated on the official Zoning Plan shall be determined by the scale of the map.
7. Where physical or cultural features existing on the ground are in variance with those shown on the official Zoning Plan or in other circumstances not covered by subsections 1 through 6 above, the Board of Zoning Appeals shall interpret the district boundaries.

**ARTICLE 100-5
GENERAL PROVISIONS**

100-5.1 Conflicting Regulations

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

100-5.2 Scope

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

1. No sign, except those placed and maintained by the Township, County, or State shall be located in, overhang or encroach upon any public right-of-way.
2. No building shall be erected, converted, or enlarged, except in conformity with the area and placement regulations of the district in which the building is located.
3. No building shall be erected, converted, or enlarged to exceed the height limit hereinafter established for the district in which the building is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts, and television aerials and wireless masts, water tanks, or similar structures may be erected above the height limits herein prescribed. No such structure may be erected that exceeds by more than fifteen (15) feet the height limits of the district in which it is located, unless otherwise specified, nor shall such structure have a total area greater than ten (10) percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building.
4. No residential structure shall be erected upon any required yard of a lot or upon a lot with another dwelling. No residential structure shall be adjoined by a breezeway to another residential structure.
5. Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. Grade elevations shall be determined by using the elevation at the centerline of the road in front of the lot as the established grade or such grade determined by the County Engineer or Zoning Inspector.

When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to meet existing grades and not to permit run-off of surface water to flow onto the adjacent property unless property is part of a natural watercourse.

6. The construction, maintenance or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued, pursuant to this resolution, where such excavations are properly protected and warning signals posted in such a manner as may be approved by the Zoning Inspector; and provided further, that this section shall not apply to streams, natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water or other governmental agency.

7. A temporary building or mobile home for use incidental to construction work is permitted subject to the following conditions:
 - a. Such a structure shall be permitted to be located on a lot for a period not to exceed twelve (12) months. Upon appeal, one (1) extension of this constraint not to exceed six (6) months may be granted by the Board of Zoning Appeals.
 - b. One (1) only temporary building or mobile home shall be permitted per lot.
8. Nothing in this resolution shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the Zoning Inspector, or required to comply with his lawful order.
9. The provisions of the resolution shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a County, Township or other public election.
10. No proposed plat of a new or redesigned subdivision shall hereafter be approved by the Fulton County Regional Planning Commission unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various districts of this resolution, and unless such plat fully conforms with the statutes of the State of Ohio and the Subdivision Control Regulations of the County as may be adopted.
11. All land that lies within the 100-year flood plain is subject to the Fulton County Flood Plain Regulations as adopted by Fulton County.
12. This resolution does not confer any power on the Board of Township Trustees to prohibit the use of any land for agricultural purposes or the construction of accessory buildings. Such sections do not confer any power in respect to the location, erecting, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structures of any public utility or railroad, whether publicly or privately owned, or the use of any land by any public utility or railroad for the operation of its business.
13. Access to township, county and state highways will require a permit from the appropriate public authority, where applicable. All proposed development shall adhere to local access requirements on state, county and township roads, per Article VI of the Fulton County Subdivision Regulations.

100-5.3 Wind Turbines

Purpose

The purpose of this section is to establish general guidelines for the location of wind turbine generators and anemometer towers. This section is consistent with the stated purpose of the Chesterfield Township Zoning Resolution: “Protecting the public health, safety, comfort, and general welfare” of its residents. The Township recognizes in some specific instances, under carefully controlled circumstances, it may be in the public interest to permit the placement of wind turbine generators in certain areas of the Township. The Township also recognizes the need to protect the scenic beauty of the Township from unnecessary and unreasonable visual interference, noise radiation, and that wind turbine generators may have negative health, safety, welfare, and aesthetic impacts upon adjoining and neighboring uses. As such, this section seeks to:

1. Protect residential and agricultural areas from potential adverse impact of wind turbine generators;
2. Permit wind turbine generators in selected areas by on-site residential, commercial, or industrial users, subject to the terms, conditions, and provisions hereof;
3. Ensure the public health, welfare, and safety of the Township’s residents in connection with wind turbine generators; and
4. Avoid potential damage to real and personal property from the wind turbine generators or anemometer towers or the failure of such structures and related operations.

Permitted Use

Small wind energy systems shall be a permitted use in all zoning districts where structures of any type are allowed, subject to the following regulations:

Height and Acreage

The maximum height of any turbine shall be 120 feet, which includes the tower and the maximum vertical height of the turbine’s blades. Maximum height shall be calculated by measuring the length of a prop at a maximum vertical rotation to the base of the tower. A wind turbine shall be located on a minimum of 1 acre. A height limitation does not apply to parcels 5 acres and larger, unless height restrictions are imposed by the F.A.A.

Setbacks

Any wind turbine system erected on a parcel of land must establish a “clear fall zone” from all neighboring property lines and habitable structures. A wind turbine must be erected and placed in such a manner that if it fell, the entire system would be contained solely on the property where the turbine was installed, and would not strike the primary dwelling. No part of the wind energy system, including guy wire anchors, which would require a waiver by the BZA, shall extend closer than ten (10) feet to the property boundaries of the installation site.

Lighting

The maximum lighting used for or on the structure is a low intensity red light designed by the Federal Aviation Administration.

Decibel Levels

Decibel levels for the system shall not exceed 60 decibels (DBA) measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe windstorms.

Aesthetics

The wind energy system, including the prop blades, turbine, cowling, and tower shall be painted or coated either of white, gray or sky blue. Logos or other identification markers other than those of the manufacturer and model type shall not be permitted anywhere on the turbine.

Federal Aviation Administration

The FAA is required to receive notification of any construction or alteration of an object that is more than 200 feet in height above the ground level at the site or if the object is located within 10,000 feet of an airport per FAA, Title 14, Section 77.13.

Permits

A permit shall be required before construction of an individual wind turbine system. As part of the permit process, the applicant shall inquire with the Fulton County Regional Planning Commission as to whether or not additional height restrictions are applicable due to the turbine's location in relation to the Fulton County Airport or the Helicopter Overlay District.

The following items and or information shall be provided when applying for a permit:

1. Location of all public and private airports in relation to the location of the turbine, as well as any applicable FAA restrictions that may be applicable to the turbine.
2. An engineering report that shows:
 - a. The total size and height of the unit.
 - b. The total size and depth of the unit's concrete mounting pad.
 - c. An average decibel rating for that particular model.
 - d. A list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection.
 - e. Data specifying the kilowatt size and generating capacity of the particular unit.
3. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, and neighboring properties.
4. Evidence of a "clear fall zone" with the manufacturer recommendations must be attached to the engineering report.
5. Color of the unit as well as the location and size of the manufacturers identifying logos shall be included in the plan.
6. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.
7. The small wind turbine wire shall be placed underground to any structures.
8. The applicant shall notify the Zoning Inspector if operations of the wind turbine cease and shall be removed within 60 days of ceasing operations.
9. No grid-interconnected wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install a grid-connected customer-owned generator. Off-grid systems shall be exempt from this requirement.

100-5.4 Blighting Factors or Causes of Blight

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 the following causes of blight or blighting factors upon any premises owned, leased, rented or occupied by such person, firm or corporation:

1. The storage upon any premises of more than 2 inoperable or unlicensed vehicles for a period of more than 90 days whether consecutive or not, unless it is not visible from any public road right-of-way or visible from neighboring lands by a reasonable effort to cause concealment by means of buildings, fences, vegetation, terrain or other suitable screening material. Any motor vehicle not moved for 90 consecutive days shall be presumed inoperable.
2. The outdoor storage upon any premises of building materials unless a zoning permit has been issued not more than one (1) year previously for construction upon said premises, and said materials are intended 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 constructing any 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 by a reasonable effort of concealment. Provided further, all construction debris shall be removed from any premises within 90 days after the Certificate of Occupancy has been issued.
3. The storage or accumulation of trash, rubbish, rope, rags, construction and demolition debris or refuse of any kind, provided however, domestic refuse may be stored in such a manner so as not to create a nuisance for a period not to exceed 30 days and a reasonable effort must be made for concealment.
4. The storage of old or scrap copper, brass, paper, rubber, iron, steel, wood and other old or scrap ferrous or non-ferrous material, abandoned motor vehicles, machinery and appliances and any other materials or other castoff materials of any kind whether or not same could be put to any reasonable use is not to exceed 90 days and a reasonable effort must be made to keep salvage out of sight.
5. The existence of any vacant dwelling, garage, or other outbuilding unless the same is kept securely locked, windows kept glassed or neatly boarded up, and otherwise protected to prevent entrance thereto by unauthorized persons.
6. In any area, the existence of any structure or portion of a structure, which because of fire, wind or other natural disaster or physical deterioration is no longer usable for its intended purpose.
7. No manufactured, mobile or modular home shall be used as an accessory building in residentially zoned districts.

The Zoning Inspector and any agents of Chesterfield Township, designated by the Township Trustees, shall be entitled to enforce this Resolution. Prior to enforcement of this blighting factors or causes of blight regulation, the Chesterfield Township Trustees, one of its designated agents, its Fiscal Officer, or its Zoning Inspector shall mail to or personally deliver to the owner, lessee, renter, occupier or possessor

of the land a notice of the violation of this regulation. Failure of any such person to actually receive the notice of violation shall not be a defense to enforcement of this regulation.

Any building, structure, use of premises or land, which violates any of the above blight or blighting factors is hereby declared a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

100 5.5 Solar Panel On Site/Community Scale Solar Collection Systems

1. Solar panel collection systems shall be designed and installed to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.
 - a. “Solar Energy”: means radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy.
 - b. “Solar Energy Systems”: means a system and associated facilities that collect Solar Energy, which may include, but is not limited to, an Integrated Solar Energy System, Rooftop Solar Energy System, or Ground Mounted Solar Energy System.
2. Solar panel collection system utilized for power generation shall receive the appropriate approval for connection to the power grid from the utility company prior to placing the system into service. Any solar panel collection system shall also meet all local, state, federal and industry requirements for design, installation, maintenance, and operation.
3. Solar panel collection systems shall not cause any radio, television, microwave, or navigation interference. If a disturbance problem is identified, the owner of the solar panel collection system shall correct the problem within 30 days of being notified of the problem by a representative of the Township via registered mail.
4. Accessory rooftop solar panel collection systems shall also meet the following requirements:
 - a. Shall not extend beyond the perimeter (or edge of roof) of the structure on which it is located.
 - b. May be mounted to a principal or accessory structure.
 - c. Combined height of solar energy system and structure to which it is mounted may not exceed the maximum building height allowed in that zoning district for the type of structure to which it is attached.
5. Accessory ground-based solar panel collection systems shall also meet the following requirements at the home owner’s expense:
 - a. Are only allowed on properties of 1 acre or greater.
 - b. Shall not exceed 12’ maximum height as measure from the ground to the top of the highest panel for stationary panels. For pole-mounted solar tracker systems, the pole shall not exceed 12’ maximum height, and the overall height including the panel shall not exceed 25’.
 - c. Shall not be located within the required front yard setback.

- d. The surface area of a ground mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.
 - 1. The minimum setback distance from property lines for solar energy systems and related equipment shall be 3' from rear and side lot property lines.
- e. Shall meet the isolation distance of underground utilities such as septic systems (in-service or planned), sewers, etc. Any modifications to existing underground utilities will be the responsibility of the solar panel collection system owner after receiving appropriate approvals.
- f. A scaled site plan no smaller than 1"-100' shall be submitted at the time of application and shall include:
 - 1. Property lines and physical dimensions of the site.
 - 2. Location of system(s) and all related equipment, easements, underground utilities/sewage, and any structures on the property.
 - 3. Location of any required signage
 - 4. Elevation of proposed system(s) at its maximum tilt
 - 5. Design specifications of the proposed equipment in sufficient detail to demonstrate compliance with the requirements of this section, which shall be updated prior to the final issuance of the zoning permit.
 - 6. Manufacturer's specifications, including make, model, UL listing, and picture.
- g. Ground-based solar panel collection systems designed as commercial power generation for primary off-site consumption shall comply with Article 100 5.5
- h. Solar panel collection systems and all solar energy equipment shall be completely removed from the property within 12 months from the date they are not producing electricity, damaged, discontinued or abandoned. Any earth disturbance shall be graded and reseeded. The solar panel collection system shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of twelve (12) continuous months.

Conditionally Permitted Uses

General Provisions Community Scale Solar Regulation (5-49.9 megawatts)

- 1. Ground-based solar panel collection system designed as commercial power generation for primarily off-site consumption on properties within agricultural usage are subject to the requirements of Section 100 5.4
- 2. Community Scale Solar Collection Systems developed as a principal use shall be permitted, subject to the following:
 - a. Setbacks
 - 1. Community Scale Solar Collection Systems shall meet the minimum zoning setbacks for the zoning district in which they are located

2. Fifty (50) feet for rear and each side yard requirements.
 3. One hundred fifty feet (150) from the center line of a state highway
 4. One hundred twenty feet (120) from the center line of a county road
- b. Height
1. Twenty-five (25) feet maximum
- c. Visibility
1. Community Scale Solar Collection Systems with panels located at least one hundred twenty (120) feet from an adjacent public street right-of-way, residentially zoned property, or residential use shall not require screening.
 2. Community Scale Solar Collection Systems with panels located less than one hundred twenty (120) feet from an adjacent public street right-of-way, may be reduced to 80' as the zoning code allows, if acceptable street buffering, approved by the Zoning Inspector, is provided. Buffers shall comply with the following minimum criteria
 - a. Visual Buffer: A Community Scale Solar Collection System shall have a visual buffer of natural vegetation, plantings, and/or fencing designed to and that does all the following:
 1. Enhances the view from any existing residential dwelling and from any public right-of-way
 2. Is in harmony with existing vegetation and viewshed in the area
 3. Provides reasonable visual screening to minimize view of and noise from the Community scale Solar Collection Systems to adjacent lots and from any public right-of-way.
- d. Application Requirements
1. A site plan denoting the dimensions of the parcel, proposed solar farm location (arrangement of panels), distance from the proposed area to all property lines and location of the driveway(s). No portion of the system area may encroach into the required setbacks and any buffer area(s).
 2. The site plan should also show any street buffer(s) and any project boundary buffer(s).
 3. Horizontal and vertical (elevation) to-scale drawings with dimensions. The drawings must show the location of the system on the property.
 4. State and Local storm water permits may be required based upon ground cover.
- e. Installation and Design
1. Approved Solar Components-Electric solar energy system components must have UL listing and must be designed with anti-reflective coating(s).
 2. Compliance with Building and Electrical Code-All Community Scale Solar Collection Systems shall meet all requirements of the International Building Code with Ohio Amendments.
 3. Abandonment-It is the responsibility of the parcel owner to remove all obsolete or unused systems within 12 months of cession of operation. Reusable components are to be recycled whenever feasible.
 4. A security fence shall surround the perimeter of the Community Scale Solar Collection Systems

5. Reasonable accessibility for emergency services vehicles shall be required.
6. No signage is allowed on the Community Scale Collection System fencing except for a sign not to exceed 32 square feet displaying the facility name, address, and emergency contact information.
7. Community Scale Solar Collection Systems would be responsible for responding to complaints within 10 business days.

100 5.6 Cell Towers

1. The purpose of this section is to establish general information guidelines for cell towers
 - a. A site plan denoting the dimensions of the parcel, proposed cell tower location (arrangement of panels), distance from the proposed area to all property lines and location of the driveway(s). No portion of the system area may encroach into the required 80' setbacks and any buffer area(s).
 - b. The site plan should also show any street buffer(s) and any project boundary buffer(s).
 - c. Horizontal and vertical (elevation) to-scale drawings with dimensions. The drawings must show the location of the system on the property.
 - d. State and Local storm water permits may be required based upon ground cover and the required 80' from the road right away setback.
2. Approved components for Installation and Design
 - a. Approved Cell Tower Components-Cell tower system components must have UL listing and must be designed with anti-reflective coating(s).
 - b. Compliant with Building and Electrical Code for all cell tower systems shall meet all requirements of the International Building Code with Ohio Amendments.

**ARTICLE 100-6
AGRICULTURAL AND RURAL ESTATE DISTRICT (AG/RE)**

100-6.1 Statement of Purpose

The Agricultural Rural Estate (AG/RE) District is intended to preserve the agricultural and rural atmosphere of the township. This district does not have public sewage or water available, thus limiting the type of land uses in the district.

100-6.2 Principal Permitted Uses

The following uses are permitted in the Agricultural Rural Estate District:

- | | |
|------------------------------|---|
| 1. Farms | 8. Private & Public Stables |
| 2. Single-Family Residential | 9. Agricultural Sales & Services |
| 3. Churches | 10. Agricultural Research & Development |
| 4. Cemeteries | 11. Agricultural Storage |
| 5. Public Utilities | 12. Public Telecommunication Towers |
| 6. Home Occupations | 13. Contractors |

7. Golf Courses

14. Rural Subdivisions, per Fulton County
Subdivision Regulations

100-6.3 (a) Home Occupations

Any use is permitted which is customarily conducted entirely within the home or accessory building and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Provided further that no article or service is sold or offered for sale on the premises except as such as is produced by such occupation; that such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customary in residential areas. Clinics, hospitals, barber shops, beauty parlors, tea rooms, tourist homes, animal hospitals, millinery shops, among others, shall not be deemed to be home occupations. This does not include single operator/owner barber and beauty shops, farm related occupations, craft businesses, and home computer operations.

100-6.3 (b) Contractors

A contractor’s business is permitted under the following conditions:

- The contractor’s office and shop shall be located within an enclosed space or building.
- All building and construction material, and equipment including trucks, vehicles, backhoes, etc. should be stored inside a building when not in use.
- An exterior storage area shall be permitted in a side or rear yard. A privacy fence will be permitted around the storage area.
- One (1) sign, advertising the business, is permitted on the property.

100-6.4 Conditional Permitted Uses

The following uses require a conditional use and site plan approval:

- | | |
|---|--|
| 1. Schools | 6. Gun Clubs |
| 2. Nursery Schools | 7. Soil, Sand, Clay, Gravel or Similar Removal Operations & Quarry Excavations |
| 3. Group Homes with 6 or more Residents | 8. Private & Public Recreational Uses |
| 4. Private Telecommunication Towers | 9. Conversion of Single-Family to Duplex |
| 5. Temporary Residence (Hardship Case) | |

The following conditional uses are permitted if public water and sewer are available:

- | | |
|--------------------------|------------------------------|
| 1. Two-Family Residences | 5. Nursing Homes |
| 2. Multi-Family | 6. Manufactured Home Parks |
| 3. Apartments | 7. Zero Lot Lines |
| 4. Elderly Housing | 8. Planned Unit Developments |

100-6.5 (a) Temporary Residence

Temporary residences are permitted provided that they are located on a farm (five (5) acres or more), are at least fifty (50) feet from the main building, and observe the area, height, bulk and placement regulations of the Agricultural and Rural Estate District. No more than one (1) dwelling shall be placed on a farm. No other dwelling shall be placed on a farm without an occupied single-family dwelling.

100-6.5 (b) Removal Operations

1. Soil, sand, clay, gravel, or similar removal operations, quarry excavation and filling of land subject to all applicable Township, County, and State regulations. Requirements for mining and lake construction, prior to excavation, are as follows:
 - a. Location of street ingress and egress shall be a minimum of 100 feet from a residential property line for projects over two acres in size. A paved commercial drive, installed to O.D.O.T. specifications, shall be no less than 150 feet long with an additional 150 feet of compact stone. The drive shall be kept free of mud, sand, and other debris from hauling activity. Sweeping equipment must be used and kept on site.
 - b. A copy of the mining permit must be on file with the Township and County.
 - c. The applicant must comply with setback distances and maintain a 50 ft. buffer from public waterways. If a ditch is to be altered, a permit is required from the Fulton County Commissioners.
 - d. Erosion control measures must be provided for during the excavation.
 - e. A discharge permit must first be obtained from E.P.A. and a copy kept on file with the Township and County, if any fluids (water, oil, etc.) leave the property via surface flow.
 - f. Should the applicant pump water into a public waterway, or allow any solid material to collect in such waterway, the applicant shall be held liable for removal, cleaning, etc...
 - g. In addition to bonds required under the State of Ohio Surface Mine Law (ORC 1514), a bond of two thousand dollars (\$2,000) per total site acre shall be required with the County to guarantee satisfactory development and completion of the lake. Bond shall be released by the Board of Appeals following fulfillment of all conditions of the Conditional Use Permit.
 - h. All areas not being excavated shall be planted with a farm crop, cover crop, or suitable non-noxious vegetation and shall be maintained.
 - i. This Conditional Use Permit is revocable if applicant is determined to be in non-compliance.

**ARTICLE 100-7
COMMERCIAL DISTRICT (C-1)**

100-7.1 Statement of Purpose

The Commercial District (C-1) is intended to serve the commercial needs of the residents of the township where permitted uses do not need public water and public sewer.

100-7.2 Principal Permitted Uses

The following uses are permitted in a Commercial District:

1. Carry-out/gas stations
3. Farm Implement Sales

- 2. Personal Services
- 4. Restaurants

100-7.3 Conditional Permitted Uses

The following uses require a conditional use and site plan approval:

- 1. Self-Serve Storage Facilities
- 2. Adult Business Establishment
- 3. Open Air Business
- 4. Professional Offices
- 5. Auto Sales and Repair

**ARTICLE 100-8
INDUSTRIAL DISTRICT (M-1)**

100-8.1 Statement of Purpose

The Industrial District (M-1) is intended to serve the industrial needs of the area.

100-8.2 Principal Permitted Uses

Due to the lack of public water and public sewer, the following industrial uses are permitted:

- 1. Warehousing
- 2. Public Utilities
- 3. Agri-Industrial

100-8.3 Conditional Permitted Uses

The following uses require a conditional use and site plan approval:

- 1. Salvage Yards
- 2. Recycling Centers

The following uses may be permitted by the County of Board of Zoning Appeals pursuant to Article 100-5.7 and subject to the following provisions:

- 1. Salvage yards and recycling centers subject to the following conditions:
 - a. The area of use shall be completely enclosed by a six (6) foot, non-transparent fence.
 - b. The area of use shall be surrounded by landscaping adequate enough to provide a buffer between the junkyard and abutting uses or public right-of-way.
 - c. No open burning shall be done without specific permission of the review authority.
 - d. No junk material or vehicles shall be stacked higher than ten (10) feet within three hundred (300) feet of a property line abutting a public right-of-way or a more restrictive district.
 - e. The off street parking area should be provided as follows:
 - 1. One (1) space for each employee; and
 - 2. If there is a sale of parts or service in combination with the junkyard there shall be one (1) space for each ten (10) acres in excess of thirty (30); or at the

discretion of the Board of Zoning Appeals, one (1) space for each three hundred (300) square feet of floor area.

- f. All off street parking should be behind the right-of-way, contiguous and easily accessible.
- g. Reasonable provision of surface and sub-surface drainage, as shown by appropriate studies and plans, so as to maintain access to the storage yard during periods of heavy rainfall or snow melt. The proposed drainage shall not impede the drainage of the surrounding lands.
- h. The area of use shall not be permitted to contain noxious weeds that are about to spread or mature seeds.

100-8.4 Industrial Performance Standards

- 1. Refuse
No garbage, rubbish, waste matter, or empty containers shall be permitted outside any building unless contained in a refuse container.
- 2. Liquid Waste Material
Liquid waste shall not be discharged into an open reservoir, stream or other open body of water or sewer, unless treated so that solids, alkalines, or other chemicals do not exceed the amount as permitted by the Ohio Environmental Protection Agency.
- 3. Emission of Pollutants
Emission of any atmospheric pollutant shall not exceed the level permitted by Federal or State of Ohio regulations.
- 4. Glare
No direct or reflected glare which is visible from any property outside the district or from any public street, road, or highway is not permitted.
- 5. Erosion
No erosion, by either wind, or water, which carries objectionable substances onto neighboring properties shall be permitted.
- 6. Noise
Objectionable noise due to volume, frequency or beat shall be muffled or otherwise controlled.
- 7. Storage
The storage of production materials and equipment shall be screened or placed in a building

**ARTICLE 100-9
SCHEDULE OF REGULATIONS**

Symbol	District	Foot- notes	Minimum Lot Size		Maximum Height in Ft.	Minimum Yard Setbacks				Maximum Lot Coverage All Bldgs.
			Area Sq. Ft.	Width in Ft.		Front	Side One	Side Two	Rear	
AG/RE	Agricultural Rural Estate	a, b c, d, f	1 acre	150	* 30	80	12	12	40	30%
C1	Commercial	e	-	-	* 30	80	10	10	20	-
M1	Industrial	a, e	-	-	* 50	80	20	20	20	-

* Measured from the height of the eaves.

Note: Front yard setbacks are measured from the right-of-way.

100-9.1 Footnotes to Schedule of Regulations

- a. In all residential and industrial districts, the required front yard setback shall not be used for off street parking and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials or vehicle access drives. All yards abutting upon a public street shall be considered as front yards for setback purposes. In all residential districts, a corner lot which abuts upon a street on the same side of which other residential lots front in the same block, any building shall have a minimum side setback of the district in which it is located.

- b. Minimum land area required for each multiple dwelling unit shall be as follows:

	<u>Multiple Dwelling Unit</u>	<u>Row or Terrace Dwelling</u>
Efficiency or one bedroom unit	2,800 Square Feet	3,800 Square Feet
Two bedroom unit	3,500 Square Feet	4,900 Square Feet
Three bedroom unit	5,000 Square Feet	6,300 Square Feet
Four or more bedroom unit	6,300 Square Feet	7,000 Square Feet

- c. The minimum required floor space per dwelling unit in each multiple dwelling structure shall be as follows:

Efficiency apartment	450 Square Feet
One bedroom apartment	800 Square Feet
Two bedroom apartment	900 Square Feet
Three bedroom apartment	1,000 Square Feet

Plus an additional eighty (80) square feet for each bedroom in excess of three (3) bedrooms in any unit.

- d. Where two (2) or more multiple, row, or terrace dwelling structures are erected on the same lot or parcel, a minimum distance between any two (2) structures shall be thirty (30) feet.
- e. Loading space shall be provided in the side or rear yard, except that this regulation shall not be applicable to loading space provided totally within a building or structure which has door enclosures facing other than the front property line.
- f. The minimum required residential floor area per single-family dwelling is one thousand (1,000) square feet. The residential floor area shall be measured from the exterior face of the exterior wall.
(See Definition: Floor Area - Residential)

ARTICLE 100-10
ACCESSORY BUILDINGS

100-10.1 Accessory Buildings

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

1. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this resolution applicable to main buildings.
2. Accessory buildings shall not be erected to any required yard except in a rear or side yard. Detached garages shall be permitted in a side yard. Accessory buildings, on a corner lot of record, that conflict with required yards shall be submitted to the Board of Zoning Appeals for a variance. Their decision as to extent and location shall be compatible with the intent of this resolution.
3. An accessory building not exceeding thirty (30) feet in height may occupy not more than thirty (30) percent of a required rear yard.
4. No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any side or rear lot line.

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

5. When an accessory building is located on a corner lot, said building shall not project beyond the front yard line of the required front yards.
6. Property lines shall be identified before the issuing of a zoning permit.

ARTICLE 100-11
OFF-STREET PARKING AND LOADING REQUIREMENTS

100-11.1 Parking Requirements

In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this resolution, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this resolution.

1. Area for Parking Space. For the purpose of this section, three hundred (300) square feet of lot area shall be deemed a parking space for one (1) vehicle, including access aisle, except that egress from a street may also be deemed a parking space.
2. Fractional Requirements. When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to, and including one-half ($\frac{1}{2}$) be disregarded and fractions over one-half ($\frac{1}{2}$) require one (1) parking space.
3. Location of Parking Space for One and Two Family Dwellings. The off street parking facilities required for one and two family dwellings shall be located on the same lot or parcel as the building they are intended to serve, and shall consist of a parking strip, parking apron, and/or garage.
4. Location of Parking Space for Other Land Uses. The off-street parking facilities required for all other uses shall be located on the lot or within five hundred (500) feet of the permitted uses requiring such off street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served. In the Multiple Family uses and Industrial Districts, the front setback area shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives except as otherwise provided.
5. Seating Capacity of Seats. As used in this Article for parking requirements, seats shall mean that each twenty-four (24) inches of seating facilities shall be counted as one (1) seat, except that where specifications and plans filed with the Zoning Inspector specify a certain seating capacity for a particular building, such specified seating capacity shall be used as the basis for required parking space.
6. Similar Uses and Requirements. In the case of a use not specifically mentioned, the requirements of off street parking facilities for a use which is so mentioned, and which said use is similar, shall apply.
7. Existing Off-Street Parking at Effective Date of Resolution. Off street parking existing at the effective date of this resolution which serves an existing building or use, shall not be reduced in size less than that required under the terms of this resolution.
8. Collective Provisions. Nothing in this Article shall be construed to prevent collective provisions of off street parking facilities for two or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses.

9. General Use Conditions. Except when land is used for storage space in connection with the business of a repair or service garage, a twenty-four (24) hour time limit for parking in off-street parking areas shall prevail, it being the purpose and the intention of the foregoing that the requirements of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the streets, but such requirement is not designed to, or intended to provide the storage of parking on such open land of wrecked or junked cars, or for creating junk yard or a nuisance in such area.

100-11.2 Table of Off-Street Parking Requirements

The amount of required off street parking space for new uses of buildings, additions thereto, and additions to existing buildings as specified above shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocable reserved for such use and/or shall comply with the initial part of this Article.

Use	Number of Minimum Parking Spaces Per Unit of Measure
A. RESIDENTIAL	
1. Residential, one-family & two-family.....	Two (2) for each dwelling unit.
2. Residential, multiple family	Two (2) for each dwelling unit.
3. Housing for the elderly.....	One (1) for each two (2) units, and one (1) for each employee. Should units revert to general occupancy, then two (2) spaces per unit shall be provided.
4. Manufactured Home Park	Two (2) for each trailer or mobile home site and One (1) for each employee of the trailer or mobile home court.
5. Boarding house.....	One (1) for each sleeping room.

Use	Number of Minimum Parking Spaces Per Unit of Measure
B. INSTITUTIONAL	
1. Churches or temples	One (1) for each six (6) seats.
2. Nursing homes.....	One (1) for each two (2) beds.
3. Golf Courses open to the general public	Six (6) for each one (1) golf hole and one (1) (except miniature Par 3 courses) for each one (1) employee.

Use	Number of Minimum Parking Spaces Per Unit of Measure
C. BUSINESS AND COMMERCIAL	
1. Beauty parlor or barber shop.....	Three (3) spaces for each of the first two (2) beauty or barber chairs and one and one-half (1 ½) spaces for each additional chair.
2. Establishments for sale and consumption on the premises of beverages, food, or refreshments	One (1) for each sixty (60) sq. ft. of usable floor space.
3. Automobile service stations	Two (2) for each lubrication stall, rack or pit; and one (1) for each gasoline pump.
4. Miniature or “Par 3” golf courses	Three (3) for each one (1) hole plus one (1) for each one (1) employee.
5. Motor vehicles sales and service..... establishments	One (1) for each two hundred (200) sq. ft. of usable floor space or salesroom and one (1) auto service stall in the service room.
6. Retail stores, (except as otherwise specified herein)	One (1) for each one hundred fifty (150) sq. ft. of usable floor space.

Use	Number of Minimum Parking Spaces Per Unit of Measure
D. OFFICES	
1. Business offices or professional offices..... (except as indicated in the following item)	One (1) for each three hundred (300) sq. ft. of usable floor space.
2. Professional offices of doctors, dentists,..... or similar professions	One (1) for each one hundred (100) sq. ft. of usable floor area in waiting rooms and one (1) for each examining room, dental chair, or similar use area.

Use	Number of Minimum Parking Spaces Per Unit of Measure
E. INDUSTRIAL	
1. Industrial or research establishments	Five (5) plus one (1) for every one and one-half (1 ½) employees in the largest working shift. One (1) site shall also be provided for all construction workers during periods of plant production.
2. Wholesale establishments	Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) sq. ft. of usable floor space, whichever is greater.

100-11.3 Off-Street Parking Space Layout, Standards, Construction and Maintenance

Whenever the off street parking requirements in Section 100-7.3 above require the building of an off street parking facility, such off street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations.

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

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0 (Parallel Parking)	12'	8'	23'	20'	28'
30 to 53	12'	8' 6"	20'	32'	52'
54 to 74	15'	8' 6"	20'	36' 6"	58'
75 to 90	25'	9' 6"	20'	45'	65'

100-11.4 Off-Street Parking Construction and Operation

1. The construction of any parking lot shall be in accordance with the requirements and provisions of this resolution and such construction shall be completed and approved by the Zoning Inspector and the County Engineer before actual use of the property as a parking lot. Plans for the development of any parking lot must be submitted to the Building Inspector, prepared at a scale of not less than fifty (50) feet equal one (1) inch and indicating existing and proposed grades, drainage, water mains and sewers, surfacing and base materials to be used and the layout of the proposed parking lot. The plans are to be prepared in a presentable form by a person or persons competent in such work.
2. All such parking lots shall be dust free, and shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain onto adjoining private property, except through public drain.
3. All illumination for or on such parking lots shall be deflected away from adjacent residential areas and shall be installed in such manner as to allow the reduction of the amount of light in other than normal parking hours each day.
4. Side yards shall be maintained for a space of not less than six (6) feet between the side lot lines of adjoining residential lots and the parking area. The depth of the front yard or setback line from the street as established for houses in any block in any given residential area shall be continued and made applicable to parking space in such residential area as it shall be unlawful to use the space between such setback line and the sidewalk for the parking of motor vehicles.
5. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles.
6. Wheel chocks shall be provided, so located as to prevent any vehicle from projecting over the lot line.

ARTICLE 100-12
NONCONFORMING LOTS, NONCONFORMING USES OF LAND,
NONCONFORMING STRUCTURES,
NONCONFORMING USES OF STRUCTURES AND PREMISES,
AND NONCONFORMING CHARACTERISTICS OF USE

100-12.1 Statement of Purpose

Within the districts established by this resolution there exist:

- a. lots,
- b. structures,
- c. uses of land and structures, and
- d. characteristics of use,

which were lawful prior to adoption of this resolution.

It is the intent of this resolution to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this resolution that nonconformities shall not be enlarged upon, expanded on or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by this resolution to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, the nature of which would be prohibited in the district involved.

100-12.2 Nonconforming Structures

Where a lawful structure exists at the effective date of adoption of this resolution that could not be built under the terms of this resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity unless otherwise specified by the Board of Zoning Appeals.
2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than sixty (60) percent of its replacement costs at time of destruction, it shall be reconstructed except in conformity with the provisions of this resolution. If any nonconforming structure ceases for any reason for two (2) consecutive years or more, the structure or structures and premises in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located.
3. Should such structure be moved for any reason whatever, it shall after conform to the regulations for the district in which it is located after it is moved.
4. Existing single sectional mobile/manufactured homes that do not meet minimum width and square footage requirements may be replaced. The replacement must be equal to the existing or more conforming to zoning regulations.

100-12.3 Nonconforming Uses of Land

Where at the time of passage of this resolution lawful use of land exists which would not be permitted by the regulations imposed by this resolution, and where such use involves no individual structure the use may be continued so long as it remains otherwise lawful provided:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this resolution.
2. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this resolution.
3. If any such nonconforming use of land ceases for any reason for a period of two (2) consecutive years or more, such land shall conform to the regulations specified by this resolution for the district in which such land is located.
4. No additional structure not conforming to the requirements of this resolution shall be erected in connection with such nonconforming use of land.

100-12.4 Nonconforming Uses of Structures

If lawful use involving individual structures with an assessed value of \$500 or more or of structure and premises in combination, exists at the effective date of adoption of this resolution, that would not be allowed in the district under the terms of this resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. An existing structure devoted to a use not permitted by this resolution in the district in which it is located shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building, which were manifestly arranged or designed for such use at the time of adoption or amendment of this resolution, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, can be changed to another nonconforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Whenever a nonconforming use has been changed to a conforming use, or to a use permitted in a district of greater restriction, it shall not thereafter be changed to a nonconforming use.
4. When a nonconforming use of a structure, or structure and premises in combination, is voluntarily discontinued for two (2) consecutive years or more, the structure, or structures and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
5. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of land. Destruction, for the purpose of this section, is defined as damaged to an extent of more than sixty (60) percent of the replacement costs at time of destruction.

100-12.5 Nonconforming Lots of Record

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this resolution a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this resolution. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable to the district; provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Board of Zoning Appeals.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this resolution, and if all or part of the lots do not meet the requirements for lot width and area as established by this resolution, the lands involved shall be considered to be an undivided parcel for the purposes of this resolution, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this resolution, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this resolution.

100-12.6 Repairs and Maintenance

On any nonconforming structure or portion of structure containing a nonconforming use, work may be done in a period of twelve (12) consecutive months on ordinary repairing, or on repairs or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding fifty (50) percent of the current assessed value of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic context existing when it becomes nonconforming shall not be increased.

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

100-12.7 Nonconforming Validation Certificate

1. At any time after the adoption of this resolution should the Township become aware of a nonconforming use, the owner of said nonconforming use shall be notified by the Zoning Inspector of the provisions of this section that his property constitutes a nonconforming use. Within thirty (30) days after receipt of said notice, the owner shall apply for and be issued a Validation Certificate for the nonconforming use. The application of such certificate shall designate the location, nature, and extent of the nonconforming use and such other details as may be necessary for the issuance of the Validation Certificate.
2. If the owner of a nonconforming use fails to apply for a Validation Certificate within thirty (30) days after receipt of the foregoing notice, the use ceases to be nonconforming and is hereby declared to be in violation of the resolution. The Zoning Inspector shall take appropriate action to enjoin such violation.
3. If the Zoning Inspector shall find, upon reviewing the application for a Validation Certificate, that the existing use is illegal or in violation of any other ordinance of law or if he finds that the

building for which the Certificate is requested has been constructed or altered for the existing use of any other use without full compliance with the Building Code or the Zoning Resolution in effect at the time of construction or alteration, he shall not issue the Validation Certificate but shall declare such use in violation of this resolution.

4. The Validation Certificate issued by the Zoning Inspector for nonconforming use shall state the use may be continued for a period of twelve (12) months. The Validation Certificate shall be renewed.

After the adoption of this resolution, or any amendments thereto, the Zoning Inspector shall prepare a record of all known nonconforming uses and occupants of land, buildings, and structures, including tents and mobile homes, existing at the time of such resolution or amendment. Such record shall contain the names and addresses of the owners of record of such nonconforming use and of any occupant, other than the owner, the legal description of the land, and the nature and extent of use. Such list shall be available at all times in the office of the Township Zoning Inspector.

**ARTICLE 100-13
ADMINISTRATION AND ENFORCEMENT**

100-13.1 Duties of the Zoning Inspector

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

The Zoning Inspector shall record all nonconforming uses existing at the effective date of this Resolution for the purpose of carrying out the provisions of Article 100-12.

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

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

100-13.2 Zoning Permits Required

No building or other structure shall be erected, moved, added to, nor shall any building, structure, or land be established or changed in use without a permit therefore issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this Resolution, unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or the Board of Township Trustees, approving a Planned Unit Development District, as provided by this Resolution.

100-13.3 Content of Application for Zoning Permit

The application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not been completed within one year. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant.
2. Legal description of property.
3. Existing use.
4. Proposed use.
5. Zoning district.
6. Plans drawn to scale, showing the dimensions and the shape of the lot to be built upon, the exact size and location of existing buildings on the lot, if any, and the location and dimensions of the proposed building(s) or alteration.
7. Building heights.

8. Number of off street parking spaces or loading berths.
9. Number of dwelling units.
10. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Resolution.

100-13.4 Approval of Zoning Permit

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. One (1) copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One (1) copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Resolution.

100-13.5 Submission to Director of Transportation

Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway from which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail, to the Director of Transportation that he shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not the public interest or upon the expiration of the one hundred twenty (120) day period of any extension thereof agreed upon the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the zoning permit.

100-13.6 Expiration of Zoning Permit

If the work described in any zoning permit has not been completed within one (1) year from the date of issuance thereof, said permit shall expire. It shall be revoked by the Zoning Inspector and written notice thereof shall be given to the persons affected.

100-13.7 Certificate of Occupancy

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefore by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Resolution.

100-13.8 Temporary Certificate of Occupancy

A temporary certificate of occupancy may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

100-13.9 Record of Zoning Permits and Certificates of Occupancy

The Zoning Inspector shall maintain a record of all zoning permits and certificates of occupancy and copies shall be furnished upon request of any person.

100-13.91 Failure to Obtain a Zoning Permit or Certificate of Occupancy

Failure to obtain a zoning permit or certificate of occupancy shall be a violation of this Resolution and punishable under Article 100-19.1 of this Resolution.

100-13.92 Construction and Use to be as Provided in Application, Plans, Permits, and Certificates

Zoning permits or certificates of occupancy issued on the basis and plans and applications approved by the Zoning Inspector authorize only the use, and arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to the authorized shall be deemed a violation of this Resolution and punishable as provided in Article 100-19.1 of this Resolution.

100-13.93 Complaints Regarding Violations

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and take action thereof as provided by this Resolution.

100-13.94 Schedule of Fees, Charges and Expenses

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

ARTICLE 100-14
BOARD OF ZONING APPEALS

100-14.1 Duties

After the adoption of the Zoning Resolution, the Board of Township Trustees shall appoint a Township Board of Zoning Appeals of five (5) members and two (2) alternates who shall be residents of the area covered by this Resolution.

100-14.2 Membership and Replacement

The term of all members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Township Board of Zoning Appeals shall be removable for the same causes and in the same manner as provided herein for members of the Township Zoning Commission. Vacancies shall be filled by the Trustees and shall be for the unexpired term.

100-14.3 Meetings

The Board of Zoning Appeals shall organize and adopt rules in accordance with the provisions of the Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such other times as the Board may determine. Each alternate Board member shall be notified of all meetings. The Chairman, or in his absence the acting Chairman, may administer oaths and the Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions all of which shall be immediately filed in the office of the Board of Township Trustees and shall be public record.

100-14.4 Authority

The Board of Zoning Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Resolution or of any resolution adopted pursuant thereto.
2. To authorize, upon appeal in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest when owing to special conditions, a literal enforcement of the provisions of the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done.
3. To grant conditional use permits as specified in Article 100-14.7 and under such additional safeguards as will uphold the intent of this Resolution.

In exercising the above mentioned powers, such Board may in conformity with the provisions of this Resolution, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made and to that end shall have all powers of the officer from whom the appeal is taken.

100-14.5 Standards

In consideration of all appeals for variances and conditional uses, the Board of Zoning Appeals shall review each case individually as to its applicability to each of the following standards so that the proposed variance or new land use:

1. Will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the Zoning District in which it is to be located.
2. Will be of a nature that will minimize the hazards resulting from vehicular and pedestrian traffic taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle contacts in residential districts.
3. Will be designed as to location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
4. Will be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
5. Will relate harmoniously with the physical and economic aspects or adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific area of the Township.
6. Is necessary for the public convenience at that location.
7. Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.
8. Will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.

100-14.6 Appeals

Appeals to the Board of Zoning Appeals may be brought forth by any person aggrieved or by any officer of the township affected by any decision of the Zoning Inspector. Such appeal shall be filed within twenty (20) days after the decision with the Zoning Inspector and notice of the appeal given to the Board of Appeals specifying the grounds thereof. The Zoning Inspector, from whom the appeal is taken, shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

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 in interest, give notice of such public hearing by one (1) publication in one (1) 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 party may appear in person or by attorney. Any person adversely affected by a decision of the Board of Zoning Appeals may appeal to the Court of Common Pleas of Fulton County on the grounds that such decision was unreasonable or unlawful. The Court may affirm, reverse, vacate or modify the decision complained of in the appeal.

100-14.7 Conditional Use Permits

1. Statement of Purpose

Certain uses herein before defined in the resolution are conditionally permitted and prior to the use of any land, building or structure or for the erection of any building or structure for said conditional uses a conditional zoning certificate must first be approved and authorized by the Board of Zoning Appeals. Conditional uses possess unique characteristics vis-a-vis those permitted by right in the affected zoning district. These characteristics have inherent in them a degree of incompatibility with the uses permitted by right and therefore determine the suitability of the use for the particular area.

The purpose of this subsection is to establish reasonable procedures to insure the proper disposition of conditional zoning certificate applications. Conditional zoning certificates shall be issued only for the specific uses as are specifically provided hereinafter in the zoning resolution.

2. Procedures for Approval

a. Application

Every application shall be filed with the Township Zoning Inspector and the Board of Zoning Appeals. Every application shall in addition be accompanied by the following information and data:

1. Site plan, plot plan, or development plan, drawn to a scale of not less than ¼ inch equal one (1) foot of the total property involved showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their uses.
2. Vehicular and pedestrian movement plan.
3. Landscaped plans including the provision of any screening or buffering of adjacent uses.
4. A legal description of the property and proof of ownership. The Zoning Inspector shall in turn convey the application and plans to the Board of Zoning Appeals.

b. Public Hearing

Upon receipt of the conditional use application, the Board of Zoning Appeals should set a date for a public hearing thereon, which date shall not be less than twenty (20) or more than forty (40) days from the date of the filing of such application. Notice of such hearing shall be given by the Board of Zoning Appeals by one (1) publication in one (1) or more newspapers of general circulation in each township affected by such proposed conditional use application at least fifteen (15) days before the date of such hearing.

Written notice of the hearing shall be mailed by the Board of Zoning Appeals by first class mail at least ten (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 for a conditional use application to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees. The published and mailed notices shall set forth the time and place of the public hearing and the nature of the proposed conditional use application. Upon the appointed date the Board of Zoning Appeals shall then hold a public hearing prior to any determination of the conditional use application.

c. Board of Zoning Appeals

The Board of Zoning Appeals shall be governed by the powers, rules and standards provided in Article 100-14, "Board of Zoning Appeals". In addition, thereto the minimum standards relative to each conditional use provided in the various articles of this resolution shall not be modified by the Board except under its variance provisions.

ARTICLE 100-15
AMENDMENTS, SUPPLEMENTS, PROCEDURE, REFERENDUM

100-15.1 Amendments or Supplements to Zoning Resolution, Procedure, Referendum

Amendments or supplements to the Zoning Resolution may be initiated by motion of the Township Rural Zoning Commission, by the passage of a Resolution therefore by the Board of Township Trustees or by the filing of an application therefore by one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Township Zoning Commission. The Board of Township Trustees shall upon the passage of such Resolution certify it to the Township Zoning Commission.

Upon the adoption of such motion, or the certification of such Resolution, or the filing of such application, the Township Zoning Commission shall set a date for a public hearing thereon, 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 adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given by the Township Zoning Commission by one (1) publication in one (1) or more newspapers of general circulation in each township affected by such proposed amendment or supplement at least ten (10) days before the date of such hearing.

If the proposed amendment or supplement intends to rezone or redistrict ten (10) or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first-class mail, at least twenty (20) 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 County Auditor's current tax list and to such other list or lists that may be specified by the Board of Township Trustees. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement and a statement that after the conclusion of such hearing the matter will be referred for further determination to the Fulton County Regional Planning Commission and to the Board of Township Trustees as the case may be.

Within five (5) days after the adoption of such motion or the certification of such Resolution or the filing of such application, the Township Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto to the Fulton County Regional Planning Commission.

The Fulton County Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modifications thereof and shall submit such recommendation to the Township Zoning Commission on such proposed amendment or supplement.

The Township Rural 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 to the Fulton County Regional Planning Commission thereon to the Board of Township Trustees.

The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such public hearing shall be given by the Board by one (1) publication 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 notice shall set forth the time and place of the public hearing and a summary of the proposed amendment or supplement.

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

Such amendment or supplement adopted by the Board shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the voters residing in the unincorporated area of the Township or part thereof included in the zoning plan equal to not less than eight (8) percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

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.

100-15.2 Ratification of Amendments to Township Zoning Plan

All amendments or supplements to a Township Zoning Plan adopted by the Board of Township Trustees prior to the effective date of this Resolution, except those amendments or supplements which a court of competent jurisdiction has declared unlawful or unreasonable or which are the subject of an action now pending in such a court are hereby ratified and shall be valid amendments or supplements to such zoning plan regardless of the procedure followed with respect to such amendments or supplements prior to their adoption by a Board of Township Trustees, except that no right of appeal on the issue of the unlawful or reasonable character of an amendment or supplement shall be lost by the provisions of this section.

ARTICLE 100-16
DEFINITIONS

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

- a. Three years old, or older;
- b. Extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission;
- c. Apparently inoperable; and
- d. Having a fair market value of two hundred dollars (\$200) or less.

Accessory Building: A building or portion of a building subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use. An accessory building must conform to all setback requirements of the primary use.

Accessory Use: A use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the premises.

Adult Business Establishments: Bookstores, bars, lounges, restaurants, theaters, or shops, which have more than 20% of their stock in trade, or fare, books, pictures, slides, films, media of electronic visual portrayal, or live entertainment, which are distinguished or characterized by their emphasis on matter or live conduct depicting, describing, exposing, or relating to sexual activities or anatomical areas.

Adult Congregate Living Facility (ACLF): A facility, which provides residential and rehabilitation services, including room and board and one (1) or more personal services to unrelated adults. An ACLF with ten (10) or fewer resident clients shall be deemed to be a Group Care Facility as defined in this Article.

Agricultural Sales and Service: An establishment primarily engaged in the sale or rental of farm tools and small implements, feed and grain, tack, animal care products, farm supplies, and the like, excluding large implements, and including accessory food sales and machinery repair services.

Agricultural Storage: Facilities for the warehousing of agricultural products. Typical uses include grain elevators.

Agricultural Use: The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce, provided that, the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

Alley: A public way, which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Alterations: Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as “altered” or “reconstructed”.

Architectural Features: Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

Automobile Repair: General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame, or fender straightening and repair, overall painting, and vehicle rust-proofing.

Automobile Sales Area, Trailer Sales Area: Premises used for the display or sale of new or used automobiles or trailers, and where no repair work is done, except minor incidental repair of automobiles or trailers, to be displayed and sold on the premises.

Automobile Service Station, Gas Station: A building or structure designed or used for the retail sale or supply of fuels (stored only in underground tanks), lubricants, air, water and other separating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for storage, minor repair or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust proofing, where the primary use of the premises is such, or high speed washing thereof.

Automobile Wash Establishment: A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

Basement or Cellar: A portion of a building having more than one-half (1/2) of its height below grade.

Bed and Breakfast Inn: A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

Billboard: Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public, but not including bulletin boards used to display official court or public office notices.

Block: The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, or between the intersecting street and railroad right-of-way, subdivided acreage, river or live stream, or between any of the foregoing and any other barrier to the continuity of development.

Board of Township Trustees: The words "Board of Township Trustees" and "Board of Trustees" shall mean the duly elected Board of Township Trustees of Chesterfield Township, Fulton County, Ohio.

Board of Zoning Appeals: The words "Board of Zoning Appeals" or "Board" shall mean the Board of Zoning Appeals for Chesterfield Township, Fulton County, Ohio.

Boarding House: A dwelling where meals or lodging and means are provided, for compensation to three (3) or more persons, by pre-arrangement for definite periods of not less than one (1) week. A boarding house is to be distinguished from a hotel, motel, or a convalescent or nursing home.

Building: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattel, or property.

Building Area: The buildable area of a lot is the space remaining after the minimum open space requirements of this resolution have been complied with.

Building Height: The building height is the vertical distance measured from the reference level to the eave.

Building Line: A line established, in general, parallel to the front street line between which no part of a building shall project, except as otherwise provided in this resolution.

Building, Main or Principal: A building in which is conducted the principal use of the lot on which it is situated.

Certificate of Occupancy: A document issued by the Zoning Inspector certifying that the construction of buildings and the use of land is in accordance with the Zoning Resolution and the previously approved application for a zoning permit.

Child Care Center: Any facility whatsoever which cares for one (1) or more children under eighteen (18) years of age and not related to the operator by blood, marriage, adoption or foster care responsibility away from the child's own home, for periods of less than twenty-four (24) hours per day per child. Occasional extended stays may also be provided. Such facilities may be for profit or non-profit.

Clinic: A facility which provides treatment which requires observation and recovery normally lasting one (1) to five (5) hours, for illness, injury, abnormality or pregnancy. Such facilities may also provide examination, diagnosis, ambulatory care and outpatient services, but do not provide overnight care.

Club: An organization or persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit.

Commission (or Planning Commission): Means the Fulton County Regional Planning Commission.

Comprehensive Development Plan (Fulton County, Ohio): This plan establishes the land use goals, objectives, and policies of the Township.

Condominium: An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.

Contractor: A general contractor or builder engaged in the construction or remodeling of either residential or commercial structures. This includes special trades such as heating, air conditioning, painting, plumbing, and roofing. Heavy construction contractors engaged in activities such as paving, highway construction, earth moving, and utility construction are also included.

Custom Work Shop: Means a building or part of a building where goods are produced to special order and sold at retail.

Disabled Vehicles: Any motor vehicle, trailer, recreational vehicle, boat, boat trailer, or a vehicle that is damaged, inoperable, dismantled, dilapidated, or abandoned, without current legally displayed license plates.

District: A portion of Chesterfield Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of this resolution.

Drive-in Establishment: A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle (e.g., restaurants, cleaners, banks, theaters).

Driveway: provides primary access to the property and must be located within the continuous lot frontage.

Dwelling, Multiple: A building portion used or designed as residence for three (3) or more families living independently of each other and doing their own cooking in said building. This definition includes three-family houses, four-family houses and apartment houses, but does not include manufactured home parks.

Dwelling, Row or Terrace: A row of three (3) or more attached one-family dwellings, not more than two (2) stories in height in which each dwelling has its own front entrance and rear entrance.

Dwelling, Single Family: Detached, individual dwelling units, which accommodate one family related by blood, adoption, or marriage; or up to five unrelated individuals living as one housekeeping unit. The type of construction of such units shall conform either to the OBOA, or CABO “One and Two Family Dwelling Code”, or other applicable building code, or be classified as an “Industrialized Unit” under the Ohio Basic Building Code, or conform to Ohio Revised Code 519.212, definitions of permanently sited manufactured housing, as follows:

Permanently Sited Manufactured Housing must:

- a. Be constructed pursuant to the HUD Code (Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.A. 88 stat. 700, 5401 and 5403) after January 1, 1995. It must also have a permanent label or tag attached to it as specified in 42 U.S.C.A. 5415, certifying compliance with all federal construction and safety standards.
- b. Be attached to a permanent frost-free foundation (slab, crawl space foundation or full foundation).
- c. Be connected to appropriate utilities.
- d. Have a length of at least 22 feet and a width of at least 22 feet, as manufactured.
- e. Have at least 900 square feet of living area, or whatever greater square footage is uniformly required by zoning.
- f. Have conventional residential siding (i.e. lap, clapboard, shake, masonry, vertical natural materials), a 6-inch minimum eave overhang, and a minimum “A” roof pitch of 3:12.
- g. Have removed it indicia of mobility (temporary axles, trailer tongue, running lights) upon placement upon its foundation.
- h. Be intended to be assessed and taxed as permanent real estate, not personal property.

Efficiency Unit: An efficiency unit is a dwelling unit consisting of one (1) room exclusive of bathroom, kitchen, hallways, closets, or dining alcove directly off the principal room providing not less than four-hundred and fifty (450) square feet of floor area.

Emergency Shelter: A facility, which provides room and board, protection, counseling and pre-placement screening for abused children or adults for a normal stay of not over thirty (30) days per client. Such facility shall not provide intensive treatment or therapy services.

Erected: The word “erected” includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage and the like, shall be considered a part of erection.

Essential Services: The phrase “essential services” means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electric, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, furnishing and accessories in connection therewith reasonable for furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

Excavating: Excavating shall be the removal of sand, stone, gravel, or fill dirt below the average grade of the surrounding land and/or road grade, whichever shall be highest.

Family: Any number of individuals living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding or rooming house or hotel.

Family Care Facility: A facility licensed or supervised by an appropriate State, Federal or County agency to provide resident services and twenty-four (24) hour supervision to five (5) or fewer persons who are not related to the resident household. Such a facility is headed by agency approved staff and functions as a single housekeeping unit. These individuals are handicapped, aged, disabled, or in need of adult supervision and are provided service and supervision in accordance with their individual needs. This category includes foster or boarding homes for children, group homes, and family homes.

Family Day Care Home: A Child Care Center located in the operator’s own dwelling which receives not over five (5) children including the operator’s own children.

Farm: All the contiguous neighboring or associated land operated as a single unit on which the principal use is farming, carried on directly by the owner/operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees, provided however, that the land is to be considered a farm hereunder, shall include a continuous parcel of five (5) acres or more in area, provided further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, and apiaries, but establishments keeping or operating fur-bearing animals, riding or boarding stables, commercial dog kennels, stone quarries or gravel or sand pits, shall not be considered a farm hereunder unless combined with bona fide farm operations on the same continuous tract of land of not less than twenty (20) acres.

Farm Sales and Service: The use of land, buildings or structures for the sale or repair of equipment and machinery directly associated with the operation of the agricultural industry.

Filling: Shall mean the depositing or dumping of any matter onto, or into the ground, except common household gardening.

Floor Area, Gross: Is the sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior walls or from the centerline of walls separating two (2) buildings. In particular, floor area includes: basement space, elevator shafts or stairwells, floor space for mechanical equipment, penthouses, balconies, mezzanines, enclosed porches and accessory buildings, attic floor space (whether or not floor has been laid) providing structural head room of seven-feet six-inches (7'6"). Floor area shall not include: elevator or stair bulkheads, accessory water tanks or cooling towers, uncovered steps, attic floor space less than five-feet (5') high. Covered, but enclosed portion of porches, terraces or breezeways shall have their floor area computed at fifty percent (50%) of the actual floor area. Uncovered and unenclosed porches, terraces or breezeways shall have their floor area computed at twenty-five percent (25%) of the actual floor area.

Floor Area, Residential: For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior face of the exterior wall. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed or unenclosed porches.

Floor Area, Usable (For the Purposes of Computing Parking): The area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage of processing of merchandise, such as hallways, stairways and elevator shafts, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area". Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Garage, Commercial: Any premises except those described as a private, community or storage garage, available to the public, used principally for the storage of automobiles or motor driven vehicles, for remuneration, hire or sale, where any such vehicle or engine may also be equipped for operation, washed or serviced.

Garage, Community: A garage used for the storage of vehicles of residents of dwelling units on the same or adjacent block or blocks, and providing only incidental services to such vehicles as are stored therein.

Garage, Private: A building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which such building is located and with a capacity of not more than three (3) motor driven vehicles. The foregoing definition shall be construed to permit the storage on any one (1) lot, for the occupants thereof, of not more than one (1) commercial vehicle not exceeding a rated capacity of three-fourths ($\frac{3}{4}$) ton.

Garage, Storage: Any premises except those herein defined as private garage, used exclusively for the storage of self-propelled vehicles, and where such vehicles are not repaired.

Grade: The established grade of the street or sidewalk shall be the elevation of the curb at the mid-point of the front of the lot. The elevation is established by the Chesterfield Township Zoning Inspector.

Group Care Facility: Is a non-secure facility, which provides resident services to six (6) or more individuals of whom one (1) or more are unrelated. These individuals are handicapped, aged, or disabled, are undergoing rehabilitation, and are provided services to meet their needs. This category includes uses licensed or supervised by any Federal, State or County Health/Human Services agency, such as group homes (all ages), halfway houses, resident schools, resident facilities, and foster or boarding homes. Such a facility is headed by agency approved staff and functions as a single housekeeping unit.

Group Care Home: Means any dwelling, building or other place, occupied by one (1) to ten (10) persons, including resident staff, whether operated for profit or not, which provides for a period exceeding twenty-four (24) hours, one (1) or more personal services for persons not related to the owner or administrator by law, blood, marriage or adoption, and not in foster care, who requires such services. The personal assistance, in addition to housing and good services, may include but not be limited to personal assistance with bathing, dressing, housekeeping, adult supervision, emotional security and other related services but not including medical services. Group care homes shall not be deemed to include rooming or boarding homes, group housing, clubs, hotels, emergency shelters and nursing homes.

Group Home: A facility wherein a) the operator is not legally related to the individuals supervised and is licensed by a Federal, State or County agency and wherein: b) one (1) or more individuals is provided with room, board, specialized and distinctive care and supervision in a family environment, or where six (6) or more individuals reside and are provided with room, board, ordinary care and supervision in a family environment.

Hotel: A building occupied or used as a temporary abiding place of individuals or groups of individuals with or without meals, and in which there are more than five (5) sleeping rooms, and in which no provision is made for cooking in any individual room.

Industrialized Unit: means a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self sufficient as a unit or as a 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 or mobile home as defined herein.

Junk: For the purpose of this resolution, the term “junk” shall mean any motor vehicles, machinery, appliances, product, or merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

Junk Yard: The term “junk-yard includes automobile wrecking yards, salvage areas, scrap metal processing facilities, garbage dumps, sanitary landfills, and includes any area of more than two-hundred (200) square feet for the storage, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof, but does not include uses established entirely within enclosed buildings.

Kennel: Any lot or premises on which three (3) or more dogs, four (4) months of age or more, are kept for the purpose of breeding, permanently or temporarily boarded, or for sale.

Kennel, private: Any lot, building or premise on which three (3) or more domestic or exotic pets, being more than four (4) months of age, are kept and belong to the owner of the principal use for the purpose of show, hunting or as pets.

Laboratory: A place devoted to experimental, routine study or basic study such as testing and analytical operation and which manufacturing of product or products, except prototypes, is not performed.

Licensed Collector's Vehicle: A collector's vehicle, other than an agricultural tractor or traction engine, that displays current, valid license tags issued under section 4503.45 of the O.R.C., or a similar type of motor vehicle that displays current, valid license tags issued under substantially equivalent provisions in the laws of other states.

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

Lot: A parcel of land occupied or intended for occupancy by a use permitted in this resolution, including one (1) main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this resolution.

Lot Area: The total horizontal area within the lot lines of a lot, exclusive of the road right-of-way.

Lot, Corner: A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, any two (2) chords of which form an angle of one hundred thirty-five (135) degrees or less. The point of intersection of the tangents described above.

Lot Coverage: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

Lot Depth: The mean horizontal distance from the front lot line to the rear lot line.

Lot, Double Frontage: A lot other than a corner lot, having frontage on two (2) more or less parallel streets. In the case of a two (2) or double frontage lot, one (1) street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front.

Lot Frontage: The front of a lot shall be construed to be the continuous portion nearest the street and contain the entrance to the property. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yard requirements shall be provided as indicated under Yards in this section.

Lot, Interior: A lot other than a corner lot with only one (1) lot line fronting on a street.

Lot Lines: The property lines bounding the lot.

- a. *Front Lot Line:* In the case of an interior lot abutting upon one (1) public or private street, the front lot line shall mean the line separating such lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat and in the request for a zoning compliance permit. (*See Lot, Double Frontage*)

- b. *Rear Lot Line:* Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the Planning Commission shall designate the rear lot line. (*See Lot, Double Frontage*)
- c. *Side Lot Line:* Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- d. *Street or Alley Lot Line:* A lot line separating the lot from the right-of-way of a street or an alley.

Lot of Record: A lot which actually exists in a subdivision plat as shown on the records of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Width: The horizontal distance between the side lot lines, measured at the two (2) points where the building line or setback intersects the side lot lines.

Major Thoroughfare: A main traffic artery designated on the Fulton County Comprehensive Development Plan as a major thoroughfare.

Manufactured Home: A non self-propelled building unit or assembly of closed construction fabricated in an off site facility, and which conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development (HUD) 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. A manufactured home is transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis, designed to be used as a dwelling with or without permanent foundation when connected to required utilities. Calculations used to determine the number of square feet in a structure’s exterior dimensions are measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. (ORC 4501.01) For the purposes of this section, chassis means a steel frame specifically designed and constructed with wheels or running gear and towing tongue installed for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks, or other foundation, connection to utilities and the like.

Manufactured Home Development: A general category of development that includes manufactured home subdivisions and manufactured home parks.

Manufactured Home Subdivision: A subdivision designed and/or intended for the sale of lots for siting manufactured homes.

Mobile Home: A non self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility, built on a permanent movable chassis which is 8 feet or more in width and more than 35 feet in length, which when erected on site is 320 or more square feet, that is transportable in one or more sections and which does not qualify as a manufactured home or industrialized unit.

Motel: A series of attached, semi-detached, or detached rental units containing bedroom, bathroom and closet space wherein each unit has a separate individual entrance leading directly from the outside of the building. No kitchen or cooking facilities are to be provided without the approval of the Planning Commission, with the exception of units for use of the manager and/or caretaker.

Motor Vehicle: Any vehicle propelled or drawn by power other than muscular power.
(Ohio Revised Code 4501.01, Definitions)

Nonconforming Building: A nonconforming building is a building or portion thereof lawfully existing at the effective date of this Resolution or amendments thereto, and which does not conform to the provisions of the resolution in the zoning district in which it is located.

Nonconforming Use: A nonconforming use is a use which lawfully occupied a building or land at the effective date of this Resolution or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

Nursing Home: A facility licensed and regulated by the State of Ohio, which provides lodging and long-term skilled nursing care for aged, chronically ill or convalescent patients. This term does not include hospitals, clinics, or similar institutions.

Nursery Plant Material: In a space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for wholesale or retail sale including products used for gardening or landscaping. The definition of nursery within the meaning of the Resolution does not include any space, building, or structure used for the sale of fruits, vegetables, or Christmas trees.

Nuisance Factor: Is an offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a containing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things such as: a) noise; b) dust; c) smoke; d) odor; e) glare; f) fumes; g) flashes; h) vibration; i) shock waves; j) heat; k) electronic or atomic radiation; l) objectionable effluents; m) noise or congregation of people, particularly at night; n) passing traffic; o) invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.

Occupied: The word “occupied” includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

Off-Street Parking Lot: A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for more than two (2) automobiles.

Open Air Business Uses: Open air business uses not conducted from a wholly enclosed building, if operated for profit, shall include the following uses:

- a. Bicycle, trailer, motor vehicle, boats or home equipment sale or rental service.
- b. Outdoor display and sale of garages, swimming pools, and similar uses.
- c. Retail sale of trees, fruit, vegetables, shrubbery plants, seed, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and equipment.
- d. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children’s amusement park or similar recreation.

Open Front Store: A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter said structure.

Open Storage: All outdoor storage of building materials, sand, gravel, stone, lumber, equipment and other supplies.

Parking Space: An area of not less than nine and one-half (9½) feet wide, by twenty (20) feet long, for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits and being fully accessible for the storage or parking of permitted vehicles.

Personal Services: Any enterprise conducted for gain, which primarily offers services to the public, such as shoe or watch repair, barber shop, beauty shop, beauty parlor or similar activities.

Porch, Enclosed: A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Porch, Open: A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Professional Offices: Use of offices and related spaces for such licensed professional services, as provided by doctors, dentists, lawyers, architects, and engineers or other such activities.

Public Utility: Any person, firm, corporation, municipal department, board of commission duly authorized to furnish and furnishing, under Federal, State, or municipal regulations, to the public, electricity, gas, steam, communication, telegraph, transportation, or water services.

Quarry Excavation: Shall mean any breaking of the ground to hollow out by cutting or digging or removing any soil or rock matter to a depth greater than twelve (12) inches from the surface.

Recycling Center: A building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

Residential Social Service Facility (RSSF): A facility which provides shelter and/or rehabilitation for resident clients who are dependent on others for their basic care and other services due to handicap, age, disability, etc. This term includes group care facilities, emergency shelters, and treatment and recovery facilities; but does not include families, boarding houses or lodging houses, nursing homes, hospitals, child or day care centers, or family day care homes.

Restaurant: An establishment in a building where food and beverages are offered for sale to the public for consumption at tables or counters, either inside or outside the building on a lot.

Rooming House: Is a building or part thereof, other than a hotel, where sleeping accommodations are provided for hire and where meals may be regularly furnished.

Salvage Yard: Any place where two (2) or more motor vehicles, not in running condition, or parts thereof are stored in the open, in a fenced area, or in a partially enclosed building, and are not being restored to operation, or any land used for wrecking or storing of such motor vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition. Salvage yards are licensed by the State of Ohio.

Sand and Gravel Extraction: The extraction, storage, separation, clearing and marketing of sand and gravel.

Self-Serve Storage Facility: A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractor's supplies.

Separate Ownership: Ownership of a parcel of property wherein the owner does not own adjoining vacant property. Ownership of a property may include dual or multiple ownership by a partnership, corporation or other group. Provided, that the owner of any number of contiguous lots of record may have as many of said contiguous lots of record considered as a single lot of record for the purpose of this Resolution as he so elects, and in such case the outside perimeter of said group of lots of record shall constitute the front, rear, and side lot lines thereof.

Setback: The minimum horizontal distance between the front of the building, excluding steps and unenclosed porches and the front lot line or right-of-way line.

Sign: Any device designed to inform or attract the attention of persons not on the premises on which the sign is located.

Soil Removal: Shall mean removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock or similar materials to a depth not greater than twelve (12) inches, except common household gardening and general farm care.

Story: That portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

- a. A "Mezzanine" shall be deemed a full story when it covers more than fifty (50) percent of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.
- b. For the purpose of this Resolution, a basement or cellar shall be counted as a story if over fifty (50) percent of its height is above the level from which the height of the building is measured, or if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same.

Story, Half: The part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half ($\frac{1}{2}$) the floor area of said full story.

Street: A public thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare except an alley.

Structure: Anything constructed or erected which requires permanent location on the ground or attachment to something having such location.

Structural Alteration: Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams, or girders, or any change in the width or number of exits, or any substantial change in the roof.

Structure, Outdoor Advertising: Any structure of any kind of character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign or billboard may be placed, including outdoor advertising statuary.

Telecommunication Tower: Any structure with radio frequency transmission or reception equipment attached that is free standing or is to be connected to a building or other structure; shall meet all of the following conditions:

- a. Constructed October 31, 1996, or after
- b. Owned or principally used by a public utility engaged in the provision of telecommunication service
- c. A freestanding structure or is attached to another building or structure and is higher than the maximum allowable height permitted in the zoning district in which it is located.

Temporary Building and Use: A structure or use permitted by the Zoning Inspector to exist during periods of construction of the main use or for special events, not to exceed twelve (12) months.

Tents: Tents as used in this resolution shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.

Travel Trailer: A vehicular, portable structure built on a chassis, designed to be used for temporary human habitation and for travel and recreational purposes, having a body not exceeding eight (8) feet in width or twenty-eight (28) feet in length.

Use: The purpose of which land or premises of a building thereon is designed, arranged, or intended, or for which it is occupied, or maintained, let, or leased.

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

Warehousing: The primary use of receiving, storage, sale and distribution of manufacturing products and equipment; such storage is usually within wholly enclosed structures or buildings.

Yard: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure.

Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the building line.

Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

**ARTICLE 100-17
REPEAL OF PRIOR RESOLUTION**

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

**ARTICLE 100-18
VESTED RIGHT**

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

**ARTICLE 100-19
ENFORCEMENT, PENALTIES, AND OTHER REMEDIES**

100-19.1 Violations

Any person, firm, or corporation violating any of the provisions of this Resolution shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than one hundred dollars (\$100) for each separate offense.

100-19.2 Public Nuisance Per Se

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

100-19.3 Fines, Imprisonment

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

100-19.4 Each Day a Separate Offense

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

100-19.5 Rights and Remedies are Cumulative

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

**ARTICLE 100-20
SEVERANCE CLAUSE**

100-20.1

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

**ARTICLE 100-21
EFFECTIVE DATE**

100-21.1

Upon certification by the Board of Elections, the resolution shall take immediate effect in Chesterfield Township which voted approval pursuant to the provisions of Chapter 519 of the Ohio Revised Code.

Made and passed by this Board of Township Trustees of Chesterfield Township, Fulton County, Ohio, on this 6th day of December, 1999.

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|--|-------------------------|
| 1. Date of Public Hearing: | December 6 1999 |
| 2. Date of Publication: | November 4, 1999 |
| 3. Date of Adoption by Township Trustees: | December 6, 1999 |
| 4. Date of Adoption by Area Voters: | March 7, 2000 |
| 5. Date and Time Resolution Shall Take Effect: | May 1, 2000 at 12:01 AM |

Tina M. Jones
Township Clerk

**ARTICLE 100-22
EFFECT ON THE ZONING RESOLUTIONS**

If the said "Zoning Resolution" is defeated in a bona fide election, then this defeat unless otherwise specified, will not render invalid any previously existing zoning ordinance and/or resolution for Chesterfield Township, Fulton County, Ohio.